



مؤتمر الحوار الوطني الشامل  
— بالحوار نصنع المستقبل —

**Final Report for the Second Semester of the Working Groups**  
For the period from July 13- August 17, 2013

Submitted to the Final Plenary of the All-Inclusive National Dialogue Conference

**(Issues of National Dimensions, National  
Reconciliation and Transitional Justice Working  
Group)**



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To The Conference's Plenary

**Subject: Final Report of the Second Semester of the Working Group on Issues of National Dimensions, National Reconciliation and Transitional Justice .**

Greetings...

The Working Group on **Issues of National Dimensions, National Reconciliation and Transitional Justice** wishes you all the best and sends you its high regards. The WG is happy to attach, herewith, the final report for the second term of the working groups which were conducted from July 13 - November 13, 2013.

Therefore;

Kindly peruse the report and issue a decision by the conference for the adoption of the decisions contained herein.

Best wishes

Shadha Al-Harazi, Rapporteur

Dr. Abdul-Bari Dogaish, Chair



## Introduction

The Working Group on **Issues of National Dimensions, National Reconciliation and Transitional Justice, represented in the sub-groups** which emanated from the WG commenced the second semester activities Saturday 13/7/2013 by preparing its detailed Workplan for the period from July- August, 2013. The plan aimed mainly at completing the formulation of the constitutional and legal principles and recommendations in order to realize transitional justice and national reconciliation and one that finds solutions for issues of national dimensions based on the following references:

- Yemeni Constitution in force.
- The Scheduled executive mechanism for the GCC Initiative.
- Security Council's Resolutions 2014,2051 on Yemen
- The International Humanitarian Law
- The Rules of Procedures of the NDC
- International human rights conventions
- Lessons learnt from other countries experiences on transitional justice with due consideration to the special nature of the Yemeni situation.
- Agreements by members of the working group
- Any other matter that doesn't conflict with the Islamic Shariya'ah

According to the plans, the sub-groups heard presentations from a number of local and international experts on issues relevant to their mandates. The sub-groups also carried out a number of interviews and meetings in the city of Sana'a. In addition, the sub-groups conducted a number of field visits to relevant ministries and government organizations.

The Sub-Groups also discussed the results of their field visits and studied and analyzed all the documents which were collected including the Constitution and laws in force and perused a number of Arab and foreign countries constitutions and laws in order to benefit from their experiences. For that purpose, it prepared a number of detailed reports. The sub-groups also studied a number of public participation contributions which were received by the working group directly and through the Community Participation Unit. The



Working Group also received a number of files and lists of issues, the solutions of which fall under the mandate of transitional justice.

In a team spirit, the diligent effort made by the Working Group culminated in the following content of this report:–

The WG also discussed and adopted the following concepts:–

**1. Victim**

2. A victim is anyone who has been subjected to harm due to abuse, whether an individual or group or legal persons. Anyone is considered a victim if a member of the family of those subjected to damages and anyone who has faced damages during interference to assist victims or to prevent abuse of a victim. This definition also included all regions subjected to abuse.

**3. Truth telling**

Truth telling is the overall means, actions and research done to identify all abuses, control and identifications of the causes, circumstances, source and surrounding conditions, consequences and identification of the fate of victims, admission and apologies and the identification of perpetrators whether they be organizations, parties and individuals (in line with the mechanisms adopted by a truth and fairness commission); and in a manner that doesn't lead to provocation of vengeance and preserves social order and takes into account during truth telling of the special nature of the impact of abuse on women and children.

**4. Memorialisation**

National memorialisation is a right for future generations and is a duty of the State to learn from the past and to memorialise the victims.

**5. Abuses**

Abuses is gross and systematic attacks on human rights by government institutions or an individual and a group acting on its own or under its



protection without any legal status or authority to do so. These include abuses by armed militias, influential groups, and armed groups. The body which will be set-up by law shall pursue to uncover the truth and reparation for the victims.

#### **6. Accountability:**

Accountability is a set of legal mechanisms and measures provided by the transitional justice law which prevents impunity for all forms of human rights abuses. The body shall be responsible for accountability as defined by the transitional justice law.

#### **7. Institutional Reform**

Institutional reforms are a review of legislations and correction of wrongdoings. It's also a committee not to exceed the powers granted by law to these institutions and officials of those organizations under any justifications and the removal of those responsible from all government institutions

#### **8. National Reconciliation**

National reconciliation is the political and social consensus based on the transitional justice mechanism for a transition from a situation of political conflict to a situation of peace and promotion of democracy. Accordingly, relations between all political parties would emerge with the individuals of society based on justice and relies on the values of tolerance to remove the impacts of past conflicts and abuses.

### **Objectives of the Working Group**

#### **Overall Objectives:**

1. Development of constitutional and legal provisions for the formulation of public policies in a manner that realizes national reconciliation and transitional justice.



2. Identification of the causes of issues of national dimensions and suggests solutions and treatment in the constitution, laws and policies and strong guarantees for sustaining such solutions.

Detailed Objectives:–

1. Identification of previous political conflicts and causes to identify all forms of abuse and transgression which took place during such conflicts.
2. To uncover cases of forced disappearances in a manner that ensures retributions and reparations and call to uncover thru truth and national memorialisation.
3. Identify solutions for human rights abuses which took place between 2007–2011 and ensure truth telling and development of a database.
4. Contribution to the development of foundations for national reconciliations, closure of all files in a manner that doesn't undermine the rights of the victims or conflicts with justice and identification of guarantees for non-repetition.
5. Contributes to reforms of security, military, judicial and media institutions to ensure independence and protection of human rights and freedoms.
6. Identifications of solutions for issues of displacement and displaced persons and consequences at the national level, and preparation of effective and readiness plans to deal with any future displacement.
7. Restitution of private and public properties internally and externally lost due to abuse of power.
8. Review of government policies in anti-terrorism, disclosure of the abuses and the development of elements for an anti- terrorism strategy.
9. Activation of coordination and exchange during implementation between the sub-groups and other working groups on common issues.

**Decisions by the Working Group presented to the Third Plenary:–**



The working group reached consensus on the constitutional and legal provisions and the following decisions:-

### **Issues of National Dimension:-**

#### **Anti-terrorism**

#### **Constitutional and legal provisions:-**

1. Protection of life and sources of life and uphold values of religious and doctrinal tolerances, establishment of a culture of common existence, protection of human rights, public and private freedoms.
2. Promotion of democratic values, freedom, political plurality and acceptance of the other.
3. Abnegation of excesses and extremism and rejection of violent culture and behaviour and confronting terrorist practices within the national law and provisions of the international law.
4. Maintenance of the interest of the Yemeni society and nation and their destiny and provide conditions for comprehensive and sustainable development as well as create a suitable climate for investment in various areas in a manner that will provide protection from poverty and reduces the factors inciting terrorism and practices thereof.
5. Effective contribution, protection of security and peace at the national, regional and international levels and the promotion of means of cooperation and dialogue between us and people and civilizations in a manner that would lead to the protection of mutual interest as well as promotion of human solidarity.
6. Strengthening of social justice, equal citizenship, fairness and equitable solution to social disputes, realization of national partnership in power and wealth and combating poverty and disease.





7. Maintenance of national sovereignty, respect for the privacy of the people of Yemen, especially sensitive issues such as cultural, religious and doctrinal in harmony with human rights.
8. Commitment of the competent government agencies to legal procedures in dealing with terrorism. It's not permissible for any military or security agency to use excessive force outside the law.
9. The State has no right to repatriate any Yemeni citizen to another state under any justification including charges of terrorism. The State shall make every effort to ensure fair trials before national and international Judiciary.
10. The State shall commit, in all actions designed to combat terrorism, to principles of human rights adopted in international conventions and agreement ratified by the country.
11. A cooperation agreement on anti-terrorism shall not be considered in force unless ratified by the legislative authority.
12. Practices of abuse of anti-terrorism resources and use in settling political accounts shall be criminalized.
13. No university, institute or school is to be open unless by a permit for the competent authoritative.
14. Criminalization of the use of Yemeni territories for any purpose that would lend support or assistance to terrorist elements such as recruitment and training of Yemeni or foreign combatant to fight inside the country or abroad.
15. Criminalization of the use of the terrorism to achieve political gains.
16. Absolute criminalization of extra-judicial killing.
17. The State shall commit to the ratification of the international agreement to combat torture, annexes and protocols and harmonization thereof with the national legislation.



18. Criminalization of the formation and establishment of militias or armed groups outside the law.
19. Extraordinary trials are prohibited under all circumstances.
20. Crime and punishment is personal. Hostage taking and arrest of any of the relatives of suspects on any case including terrorism cases shall be criminalized.
21. Commitment to deal with foreign nations, person with no nationality or dual citizens involved in terrorism crimes in accordance with national law.
22. Verification of the legal status of foreign residence to ensure that their files are free from any links to terrorism crimes.
23. Criminalization of any illegal form of foreign military presence inside the Yemeni territories including the use of Yemeni territories by any foreign state for military actions against any internal party or a foreign state or foreign party.
24. Dealing with Any terrorism crime which takes place within Yemeni territories shall be considered a sovereign right that shall not be conceded.
25. Development and formulation of a national anti-terrorism strategy which shall include, in addition to the military, security and intelligence approach, Shariya'ah, political, educational and development aspects – economic and social aspects– as well as cultural media, awareness and education and religious teaching as well as foreign relations and regional and international cooperation.
26. Solution of Arab issues in accordance with fair international resolutions on top of which the Palestinian peoples issue.
27. The need to realize justice, respect of sovereignty and the rights of people to life freely and dignity under balanced and fair international relationships.



Decisions:-

28. The Comprehensive National Dialogue Conference rejects attempts to attach terrorism charges to our Islamic religion and confirms that terrorism has no religion and no nation and holds any one working to involve Islam in this responsible.
29. The government shall support and facilitate the role of human rights organizations and follows-up on the file of the detainees in Guantanamo and the Bagram Airbase and other detention centres and to seek their release whilst taking the appropriate measures to rehabilitate them and integrate them in society.
30. The State shall take the necessary measures such as contacts and communications to benefit from previous successful experiences for the purpose of understanding and containing any of the armed groups on conditions they forsake their violent behaviour to achieve their goals and hand over their weapons by restoring to peace and acceptance of the social structures and integrate in to social structure and, if they wish, join the political process.
31. Care and honour the families of army and security martyrs and popular committees who were killed while performing their national duties in fighting terror.
32. Immediate establishment and organization of special rehabilitation centres for rehabilitation and integration of released detainees from foreign detention centres and those who completed their sentences in terrorism crimes inside the country and in national prisons and detention centres with specialized staff in psycho-support and social sciences and religious leaders needed for dealing with convicts in terrorism crimes and other crimes for the purpose of rehabilitation and reintegration in society on condition that this process is in parallel to the term of detention.



33. Recovery of public and private properties and land looted in the country and outside the country due to abuse of power. (Assets recovery).
34. Nullification of all types of dispositions of public assets by the transitional government.
35. Obligate the State to reacquire looted antiquities, heritage sites and manuscripts as well as those smuggled out of the country and toughen punishments of those responsible.
36. Speedy removal of all adjustments in land appropriated for airports, ports, industrial zones and boundaries.
37. Obligate the State to collect due taxes to the public treasury from all taxpayers and companies who are evading payment of taxes and to hasten the activation of the profit tax law.
38. Ban the issues of any tax exemption decisions by any type of authority.
39. Issuance of a law that regulates all energy contractual transactions to serve the public good and a commitment to toughen penalties if violated.
40. Fair and immediate compensation for the citizens whose land becomes part of land used for public interest.
41. The State shall be obligated to make quick restitution of land taken under political or doctrinal motivated actions or for other purposes by the State and have been managed by the Department of wills and earths in the Ministry of Endowments and Guidance and registered in their records.
42. Cancellation of all monopoly contracts in oil exploitation and related services including the transport of oil derivatives in a manner that achieves public interest.



43. Cancellation of all concessions made to fishing companies which violate the rights of local fishermen and harms the marine environment and activate monitoring of performance of these companies and the prosecution of companies in violation for harming the rights of fisherman and the marine environment.
44. Cancellations of all monopoly contracts made to telecommunication's companies and others; and offer all opportunities in the area through competitive bidding open to all in a manner that preserves the public good.
45. The State shall be obligated to disarm and regain all weapons and military equipment looted or taken during the different conflicts from all parties, groups, political parties and individuals.
46. Completion of the process for addressing the impact of the nationalization law in a fair manner.
47. Cases of looted funds, properties and lands shall not be subject to the status of limitation.
48. The State shall be obligated to remove the injustices done to the people of Tihama, restitution and ending the harm done under a collective reparation scheme and by given the Tihama region special attention in planning in the economic, social, education and services sector and treat them fairly, pay special care to the national, cultural and humanitarian struggle of the Tihama region in a manner that would improve the living conditions of people of Tihama to achieve a real partnership in national power and wealth and addresses grievances they have suffered for decades and continue to do so until now.
49. Within a collective reparation scheme, the governorates of Mareb, Mahara , Socotra and populated island shall be given special attention through spreading education, improvement of the health situations and provide access to public services, improvement of their living stands



and the building of State's institutions and investment in the natural and cultural nature of these government, including care for antiquities and heritage in a manner that realizes national partnership in power and wealth and ensure equitable distribution of economic and social development plans and programs.

50. The State shall be obligated to issue an apology, reparation and fair compensation for those who have been subject to human rights violations during wars and shall commit to addressing the situation of those dismissed or fired from their civilian and military jobs.
51. Restore confidence on the airport and sea port of Aden and restore their sovereign and international status.
52. The State shall commit to address the changes of names made to government buildings, public squares and streets in the southern governorates.
53. The State shall commit to the preservation of the island of Socotra as a naturally protect areas and to prohibit any developments harmful to the environment, vegetation and livestock which contribute to the loss of its characters and to declare that publically.
54. Restoration of the global economic status of the city of Aden, preservation of its historical heritage and antiquities and compensate the city for the damages caused to its landmarks, antiquities, beaches and environment by investment projects which weren't in compliance with the laws in force at the time and required an EIA and the restoration of its historical identity.
55. Referral of all those involved in issuing permits for projects, in contravention of the law in force at the time, and have caused environmental damages or harm to humans by depriving them from enjoying the environment such as filling of the sea, restoration of



access to open spaces and coasts in the cities of Aden, Mukala and Hodeidah.

56. Nullification of all investment agreements in the seas and coasts of Aden, Mukala and Hodeidah which have harmed the environment and violated human rights to live in a sound healthy environment in the South for not being subjected to the environmental law and other legal standards in force at the time.
57. Restoration of wealth looted from the South and cancellation of all investments titles and leases granted to investment projects obtained through fraud, deception and forgery or abuse of power.
58. Hold accountable of all those involved in the taking of the wealth in the south and the rest of Yemen, specifically looted oil, the sea and land granted through abuse of power and to forfeit the titles in favour of the state.

### **Internally Displaced Issues**

59. Issuance of a special law, which shall established an independent national body to deal with cases of internal displacement as result of warts and armed conflicts, other forms of violence or natural disasters. The body shall be given all human and financial resourced needed together with suitable shelters pursuant to law in force at the time for the purpose of providing assistant and protection to the lives and dignity of those affected.
60. Nationalization of the international agreement on displacement in the national legislation.
61. The State shall commit to providing necessary protection to women, children and persons with disabilities during and after armed conflicts and other violent cases as well as exceptional cases in accordance with the international humanitarian law.



62. Alignment between international conventions and national legislations to ensure the rights of women, children and persons with disabilities during armed conflicts, wars, others violent situations and extraordinary situation.
63. The State shall be obligated to perform its obligation towards the return of all displaced people to their homes and to work for providing decent, suitable and safe lives where health, educational, social, economic, services and other needs are met.
64. All parties engaged in an armed conflict shall commit to disclosure of maps of landmines planted by them. The State shall survey conflict regions in Sa'adah, Hajjah, Amran, the central areas, and other areas and to demine them and remove all unexploded remnants of wars in these areas.
65. Immediate and comprehensive commencing of reconstructions programs in areas destroyed by armed conflicts and the activation of reconstruction funds and exercise control over the funds for Sa'adah, Abayn, hajjah and other affected governorates with compensation to those affected by displacement for all moral and material damages.
66. Engage representatives of those affected, civil society and women in reconstruction funds committees.
67. Activation of the control role on the performance of the executive unit for the displaced persons to ensure transparency in its functions and a review of national policies to address internal displacement issue in general. The performance of international agencies and local and regional organizations working with displaced person shall be assessed.

Constitutional and Legal Principles for Transitional Justice and National Reconciliation





### Truth telling

68. Identification and unveiling of truth with respect to abuse of any rights guaranteed by law for all citizens and political organizations and forces without contravening personal rights and due consideration to reconciliation and dignity of all parties.
69. Human rights abuses shall not be subject to the statute of limitation.
70. The law shall identify transitional justice programs in compliance with international human rights standards, the international human rights law and the following principles:–
  - a. Non-permissibility of the use of transitional justice measures arbitrarily including repeated unjustified summons or libel.
  - b. Non-applicability of provisions of the penal code on parties in compliance with the body's measures and decisions.
  - c. 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.
  - d. Realization of the principle of admission and apology by the perpetrators to the victims.
  - e. To appropriately frame transitional justice law and timeliness and to ensure that transitional justice programs consider the core causes of the conflict and address all abuses including economic, social and cultural rights such as loss of intellectual properties or deprivation from its benefits, systemic discrimination and inequality on distribution of wealth, social services, spread of corruption in an equitable and fair manner and through public institutions with trust and integrity.
  - f. Truth telling is a cornerstone of transitional justice and no obstructions shall hinder the process.



- g. Implementation of transitional justice program through an integrated approach that includes all transitional justice mechanisms and measures and covers truth telling, reparation programs, institutional reforms and memorialisation through appropriate planning and intensive consultation with all stakeholders and support for truth commissions during investigation, evidence collection and protection of victims and witnesses.
  - h. Guarantee the rights of the victims
  - i. Guarantee the rights of women, children and minorities
71. Investigation and detection of major abuses of human rights and serious abuses of the International Humanitarian Law. Required measures to ensure that no evades accountability. In the event that any party obstructs any mechanism of actions introduced by the transitional justice law or exhibits lack of cooperation, the party shall be prosecuted. No obstruction shall constitute a hindrance to implementation of this provision with consideration to necessary actions to punish the perpetrators of crimes against the transitional justice commission including the obstruction of the functions of the Commission, deliberate provision of false information, failure to show up before the Commission, abstention from disclosure of secret information or destruction of evidence and or archives.

**Victims:–**

72. Respect for the victims and their interests and ensure their participation in transitional justice programs by ensuring their rights to implement such programs in accordance with the standards identified by the Commission.
73. Implementation of actions that guarantee the safety and dignity of the victims and assist them.



74. Support and encouragement of the witnesses and provision of protection for them.

**Women:–**

75. Development of special measures to ensure equity for women during conflict and disputes and violation and consultations with women to identify their priorities in transitional justice mechanisms.

**Children:–**

76. Establishment of effective equity mechanism for children, protection and strengthening of their rights. Children who have connection to armed groups or forces shall be considered victims and not perpetrators. They shall not be charged with criminal responsibility. During prosecution, they shall be treated in accordance with the International Covenant on Civil and Political Rights, Covenant on the Rights of the Child and United Nations Standard Minimum Rules for the Administration of Juvenile justice.

77. Development of appropriate policies for the rights for children of concern who are victims of flagrant crimes and shall act in the best interest of a child.

**Transitional Justice Body:–**

78. Pursuant to the transitional justice law, an independent high commission to be named the transitional justice commission shall be established. It shall enjoy legal personality and financial and administrative autonomy.

79. All former political conflicts shall be considered part of the history of Yemen. All parties to those conflicts shall be responsible for them. Any persons who have been abused as victims of conflict at any stage



during the different system of governments existing in the previous parts of the country or during the unification system government. The rights of all those affected and became victims of political conflicts which took place in the two parts of the country– North and South are reconfirmed.

The transitional justice commission shall abide by receiving all dossiers of different conflicts and wars between the two former parts of the country, the political conflicts, military coups, civil wars, armed conflicts and to study them through competent staff. It shall investigate those incidents, background, circumstances and accompanying abuses under the partition rule in the South and in the North and under the unity state up to this issuance of this law for the purpose of disclosure of the truth, lessons learnt, address past abuse, apologies, rehabilitation and reparation for the victims and memorialisation of those events in the national memory. All victims of conflicts shall be considered martyrs of the nation in the path to closure of all past dossiers of past conflicts and the achievement of comprehensive national reconciliation.

80. The commission's term of assignment shall be four years renewable once by the legislative authority's decision.
81. The Commission shall consist of at least 11 members and no more than 15 members. It shall reflect at least 30% representation of women, 50% for the South and 50% for the North. The competent authority shall, in accordance with the law, select those who meet the following conditions:
  - a. Yemeni nationals whose ages no less than 35 years.
  - b. Qualification, a university degree with integrity, independent impartiality and experience in the field of work of the commission.
  - c. Shall enjoy trust and honesty and shall not have been indicted of any crime violating honour.



- d. Shall not have been indicted by a judicial judgement of committing violation of human rights or a corruption crime unless acquitted of such a crime.
  - e. Shall be a civilian with no absolute connection to the military or security services.
  - f. Shall not have a relative up to this fourth level or any relations through marriage or mutual interest with any perpetrator of a human rights violation or practitioner.
  - g. The members shall suspend membership in a political party or movement during tenure in the commission.
82. All actions or solutions and anything issued by the commission such as decisions or judgement shall be final, obligatory and shall not be subject to repeal.
83. The commission shall consider human rights violations cases. The commission shall develop a time frame to organize working mechanism and shall process the cases in a manner that would be conducive to establishment of national reconciliation.

### **Reparation and Rehabilitation**

Reparation to victims of abuse is a right guaranteed by law. The state is obliged to provide all forms of sufficient and effective forms of reparation proportionate to the gravity of the abuse and the position of each victim.

84. Reparation is a system based on moral and financial compensation or both. Rehabilitation, restitution and integration. It can be individually or collectively and shall take into account the situation of the elderly, women, children and person of disability.



85. Victims of human rights abuses shall enjoy pursuant to this law, the right to free access to litigation whereby the state shall pay all the costs of the litigation process.

86. Forms of reparation shall be identified in a statement of principles which shall include:–

a. restitution:– restitution of freedom, legal rights, social status, family life return to place of residence, regain employment and restitution of properties.

b. Compensation: – Shall be valued economically and includes:–

1) Physical or mental harm including pain, suffering, emotional disorder.

2) Opportunity loss, including loss of educational opportunities.

3) Physical harm and loss of income including loss of potential income.

4) Damage to reputation and dignity

5) Cost of legal assistance, expert assistance and medical, psychological and social services.

87. Reparation at the personal level and collective reparations that include:–

a. Rehabilitation through truth telling and removal of impact of abuse.

b. Health and psychological rehabilitation.

c. Social reintegration.

d. Settlement of legal status

e. Continuity of vocational education

f. Reparation for material and moral damages



g. Development and rehabilitation programs.

Establishment of a Reparation and Compensation Fund

98. a. The Reparation and Compensation Fund shall be one national fund.

It's not permissible to divide funds.

b. The Reparation and Compensation Fund shall be subject to the Commissions' oversight. It shall also be subject to the controls of relevant control agencies.

c. The reparation function with financial implications shall be sustainable to victims and their families from the Public Authority for the Welfare of Martyrs and Strugglers of the Revolution.

d. The revenues for the Fund shall comprise the following:–

- 1) Annual public budget allocations.
- 2) Gifts, grants and unconditional foreign assistance.
- 3) Unconditional donations from citizens, societies and bodies inside the country and abroad
- 4) Any other resource.

#### **Institutional Reforms:–**

90. Realization of the principle of transparency and compliance with judicial procedures and laws in forces in the transactions of any organs to be established in the future to ensure non-repetition of abuses, respect for human rights and establishment of the state of rule of law.

#### **Prevention of Non-Repetition of Abuses:–**

91. Settlements and guarantee of non-repetition include:–

- a. End to continuous abuses.
- b. Investigations of the incidence and facts and full disclosure of the truth.
- c. Official declaration that includes final and implementable decision that restores dignity and reputation and legal and social rights of a victim and to the persons who are closely connected with them.



- d. Provide an apology including public admission of the facts and responsibility.
  - e. The judiciary shall proceed with judicial procedures against parties responsible for continued abuses.
  - f. Organization of memorialisation celebrations to commemorate and pay tribute to the victims.
  - g. Documentation of all materials and papers of transitional justice, the commission's decision on matters presented to and to maintain them as part of a national memorial archive accessible to all citizens and researchers for perusal and use to serve the interest of future generations.
  - h. Beside symbolic reparations, there shall be health reparations, educational reparations, economic reparations and restoration of all citizenships rights.
92. Organization and promotion of training in human rights and effective control over all relevant organs including the armed and security forces, individual law enforcement officers, prisons and media outlets.

**Forced Disappearance, political conflicts and human rights violations:–**

93. Disclosure of the whereabouts of victims of forced disappearances by all parties who allegedly carried out such acts.
94. We recommend the ratification of the Rome basic charter for the ICC during a period not to exceed the submission period for the transitional justice law.
95. Establishment of a special unit in the Yemeni Research and Studies Centre to carry out objective studies of the Yemeni National Movement, political conflicts, in a manner that would set the record straight with respect to the truth about what actually happened and achieve equity and national memorials. The unit should be supported with needed technical and financial support to enable to carry-out this work.





96. The commission which will be established by the transitional justice law shall commit to study and address all complaints and grievances and issues of citizens, groups and political parties victims of abuse relevant to transitional justice without any discrimination including complaints and grievances which have been filed and relevant to the NDC.
- 97.A. Compel the state to hand over the remains of those executed following a political or criminal trial or without a trial whose remains weren't handed over to their families in the North and the South during the period covered by the law.
- b. Consider all those executed following a political trial or without trials martyrs of the national movement.
98. Compel the state to disclose the truth about the abuses such as torture, killings and forced disappearances in the course of all political conflicts and in all areas for the period covered by the law up to the current time, and to hand over the remains of those who were liquidated to their families and consider them martyrs of the nation and its national movement, and work to close all previous political conflicts.
99. The transitional justice commission shall investigate all incidents and events including killings, detentions and forced disappearances and rehabilitation of the victims in all governorates, grant them fair compensations and eternalize them in the national memory.
100. The state shall work, through relevant stakeholders, to monitor and to collect and analyse all data and statistics of human rights abuses during peace times and during political and armed conflicts and establish an accurate and detailed database for females and males (gender) to assist in healing the abuses.
101. Condemnation of all religious edicts which accuses others of heresy to settle political, sectarian or doctrinal differences issued by different parties in



different stages of history of Yemen and criminalizes the introduction of such edits in the present or the future.

102. Anyone proven through conclusive evidence and beyond any reasonable doubt of having been involved in human rights abuses shall be prohibited from running for a public office or holding any senior public position.

103. Opening of all civilian and military prisons to legally competent agencies to monitor the enforcement of the law and respect for human rights and to close all external extra-judicial prisons.

104. Eternalize women in the national memory in recognition of her distinguished role in all political and social stages.

105. Prohibition of recruitment of children below the legal age and criminalize their exploitation in political conflicts and armed disputes.

106. The government shall speed up actions for reconstructions of the area and private and public buildings affected by wars and armed conflicts in Sa'adah, Hajjah and other areas affected as well as reparations and compensations for properties lost, treatment of the wounded and compensations to the families of martyrs and initiate peace building measures by the state as part of its obligations in Sa'adah and the remaining turbulent or affected governorates.

107. Reconsideration of the provisions of the law on Occupants of Senior Public Posts to ensure that they are subject to accountability and subject to the law and control organizations.

108. Scale-up the establishment of special commission to address land issues in all governorates of the country which are suffering from land problems.

109. The state guarantees the incorporation of principles of social justice in its national legislations.



110. Realization of the legitimate demands and objectives of the change movements and peaceful struggle.
111. Settle the issue of forced dismissed in the civil service and military and security services and the establishment of special commission to consider and address all of these issues.
112. The Commission shall commit to investigate and disclose the truth about any grievance against any group or sect of which material impact is still tangible in a manner that achieves justice, equity and fulfilment of rights.
113. The state shall commit to building, protection and development of infrastructure and reconstruction of institutions destroyed by wars or armed conflicts.
114. Within the framework of collective reparations, the state shall commit to initiate government development, economic, political and social programs and to provide equitable and equal opportunities to the sons of all governorates for enrolment in civilian or military universities, colleges and academies inside the country or abroad, as well as, in the diplomatic corp., ministerial courts, senior public jobs in the state and the public services to ensure a reflection of effective national partnership and fair distribution amongst all sons of the nation in all states institutions and its various authorities; in a manner that doesn't contravene the conditions for filling such posts and in line with the outcomes of the working group on the Southern Question.
115. The transitional justice law shall include the content of Republican Decree No. 140 for the year 2012 and its provisions for the establishment of a truth commission to investigate human rights violations in 2011 and in accordance with the decisions by the Human Rights Council and the Security Council.
116. Consideration of the outcomes of the working group on the Southern Question on transitional justice obligatory for the working group on



- transitional justice as long as they uphold the general principles of transitional justice.
117. Consideration of the outcomes of the working group on the Sa'adah issue relevant to transitional justice obligatory to the working group on transitional justice as long as they uphold the general principles of transitional justice.
118. The state shall commit to condemnation of all abuses of human rights and heresy and incitement edicts and address their impact using a transitional justice approach and mechanisms.
119. Development of policies and special measures to quickly compensate women and children victims of wars and consecutive events of violence and force used by security and military forces.
120. Address all human rights violations and compensate the wounded of the peaceful struggle and families of the civilian and military martyrs in accordance with transitional justice programs and mechanisms.
121. Promotion of the principle of reconciliation and tolerance as a principle of national reconciliation and support and promote any national initiative setting precedence in this respect.
122. Condemnation of road blocking, killings, kidnapping, heavy handed sieges in any area of the country and against any party.
123. Establishment of a government national-level body to address the situation of families of martyrs and to treat the wounded of all parties to the conflict without any exception or discrimination.
124. Uphold the Yemeni characteristics and benefit from the Arab and Islamic heritage in the formulation of the transitional justice law.
125. Criminalization of the establishment of political parties on religious, sectarian or doctrinal grounds.



126. With respect the provision related to self determination, it should be moved to the working groups of the southern question considering its relevance to the shape of the state and the Southern Question.



# Annexes