

Yemen Centre for Transitional Justice & Peace and Justice Initiative submit Position Paper on the Draft Law on Transitional Justice proposed by the Government

(The Hague, 20/03/2012) Today, on Tuesday 20 March, 2012, the Yemen Centre for Transitional Justice (YCTJ) based in Yemen and the Peace and Justice Initiative (PJI) based in the Netherlands submitted to the Yemeni Ministry for Human Rights a Position Paper on the Draft Law on Transitional Justice proposed by the current government.

In their Position Paper, YCTJ and PJI stress on the crucial role of individual prosecutions and criminal trials in the transitional justice process, together with unequivocal commitment to the principle of accountability of those being most responsible for serious human rights violations, an important issue that was ignored in the governmental Draft Law. This goes without saying that there is a general prohibition in international law on the granting of blanket amnesties for international crimes, while the Draft Law's Introduction refers to the controversial Immunity Law issued recently in Yemen granting Ex-President Saleh and his aides immunity from prosecution. Additionally, in omitting to address accountability, the Draft Law conflicts with the transitional justice concept of the United Nations and does not accord with the Security Council Resolution 2014 (2011).

Taking into consideration the cultural particularities of Yemen, the Position Paper provides various ways to ensure accountability for serious human rights violations. The Position Paper stresses on the importance of referring the grave crimes committed in Yemen to the International Criminal Court (ICC) based in The Hague, Netherlands, on an "ad-hoc basis", i.e. without necessarily ratifying the Rome Statute to become a State Party to the ICC. Moreover, YCTJ and PJI suggest involving existing tribal adjudicatory mechanisms in the transitional justice process in Yemen.

Earlier this year, PJI organised a visit to the ICC for Dr. Yasin Al Qubati, President of the YCTJ, where consultation meetings were held with officials from the Office of the Prosecutor (OTP), the Presidency and the Registry.

Background information

Yemen Centre for Transitional Justice (YCTJ)

The YCTJ was founded by Dr Al Qubati, prominent Yemeni university professor and political activities civil society leaders, based in Yemen, Egypt, Switzerland, US, UK, Lebanon and Italy. YCTJ works to deepen respect for human rights in Yemen amid widespread, systemic violations and unreported crimes. The Centre was founded in response to the demands of the Yemeni people to strengthen local and international roles in combating impunity, and achieving justice for all and promoting prospects of peace and democratic reconciliation in Yemen.

Peace and Justice Initiative (PJI)

The Peace and Justice Initiative is an international NGO, registered in the Netherlands. It comprises a world-wide network of international criminal law professionals. Its legal, investigative and military experts have experience of conducting trials on charges of genocide, war crimes and crimes against humanity in the whole spectrum of international and mixed courts and tribunals. The Peace and Justice Initiative provides expert legal assistance for the drafting, amendment and adoption of national legislation under which crimes against humanity, genocide and war crimes can be prosecuted. It has recently advised the Attorney General of Ghana and the Federal Ministry of Justice of Nigeria on their respective draft legislation implementing the Statute of the International Criminal Court. The Peace and Justice Initiative also provides capacity building for all relevant judicial and legal actors involved in investigating, prosecuting, defending and adjudicating cases on charges of crimes against humanity, war crimes and genocide.

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