



Housing and Land Rights Network
— HABITAT INTERNATIONAL COALITION

Counting on Justice

A Reckoning of Land Rights Violations and Their Consequences
toward Reparations for Victims in Yemen



Housing and Land Rights Network
HABITAT INTERNATIONAL COALITION

**HLRN Coordination Office and
Middle East/North Africa Program:**

4 Sulaiman Abaza Street, Office 7 • Muhandisin, Cairo EGYPT

Tel./Fax: +20 (0)2 3762–8617 • E-mail: hlrn@hlrn.org / hic-mena@hic-mena.org /

HLRN Websites: www.hlrn.org / www.hic-mena.org

UN Liaison Office:

15, Rue des Savoises • 1205 Geneva SWITZERLAND

Tel./Fax: +41 (0)79 503–1485 • E-mail: hlrn@hlrn.org

Title: *Counting on Justice: A Reckoning of Land Rights Violations and Their Consequences toward Reparations for Victims in Yemen*

Printed in Egypt by the Housing and Land Rights Network

Cover: Shahara Bridge in northern Yemen built to repel Turkish invaders 200 years ago. Legend has it that locals can remove the bridge in a few minutes in case of imminent danger. Source: Eric Lafforgue, flickr ([@Eric Lafforgue](https://www.flickr.com/photos/ericlafforgue/))

Contributors: Housing and Land Rights Network - Habitat International Coalition in partnership with the Social Democratic Forum – Yemen. Written and edited by Nabil Abdel Hafidh, Maha Awad, Joseph Schechla, Ahmed Mansour Ismail, Awad Ahmed Muhammad. Assistant Team: Tawfiq al-Sha`bi, Rana Ghanem, Mukhtar al-Wafi.

Copyright © 2021 Housing and Land Rights Network

Made possible with support from:



Table of Contents

Introduction	1
Methodology	3
The Cases	7
<i>Aden Governorate</i>	7
Case 1: `Abd ul-Wahid `Ali Muqbil Fari`a	7
Case 2: `Abd ul-Rahim al-Dawrin family.....	8
Case 3: Heirs of `Ali Salih Isma`il (al-Qatabi	8
Case 4: Kamal `Abd ul-Rahman Shukri and his brothers.....	8
Case 5: Eng. Husain Talib al-Amudi (in-depth survey)	9
<i>Ta`iz Governorate</i>	10
Case 1: Land adjacent to the old Ta`iz Airport	10
Case 2: Muhammad Ahmed `Abadi al-Nazari's land in al-Rawda.....	10
Case 3: State lands on Jabal al-Ja`sha	11
Case 4: Al-Hawban area below the Sofitel Hotel, Salh District	12
Case 5: Lands adjacent to the new Ta`iz Airport in al-Jund	12
Case 6: Citizens' lands adjacent to al-Hawban Park	12
Case 7: Citizen Muhammad Tarbush (in-depth survey).....	13
<i>Al-Hudayda Governorate</i>	14
Case 1: Lands of the village of al-Jumisha.....	15
Case 2: Tihama farmers.....	16
Case 3: The Hasan Abkar family	16
Case 4: Al-Hudayda Airport expansion	16
Case 5: Osama Muhammad Qasim's land in al-Hudayda City	16
Case 6: Heirs of al-Hammadi Farm (in-depth survey)	17
Conclusion	17
Toward a National Land Observatory	19
Endnotes	21

Introduction

With an eye to deeper historical roots of land-based conflicts in Yemen, this study explores housing, land and property (HLP) rights and their violations and the role they have played in consolidating the system of patronage and nepotism during the 22-year presidency of 'Ali 'Abdullah Sālih. After his regime was toppled in the popular 2012 uprising, rage at related violations over the decades also led to the Houthi Rebellion, the resulting civil war and protracted crisis. However, violations of land rights also have grounded restorative efforts of the National Dialogue and formed the subject of one of the main transitional-justice committees that emerged from it. Despite domestic civil and international support for proposed transitional-justice processes,¹ remedies have remained elusive amid mounting violations and their impoverishing and displacing consequences throughout the Rebellion and ensuing internationalized conflict.

Housing and Land Rights Network (HLRN) undertook research into the consequences of these violations with support from the United States Institute of Peace in 2015, just before the Houthi siege of the Yemeni capital, Sana'a, and subsequent war. HLRN sought to quantify losses, costs and damages arising from the land grabbing and related violations under the Salih regime in three key locations as examples of efforts needed to ensure reparation for victims,² an indispensable pillar of transition justice. The violent conflict severely complicated the field research and conduct of surveys, delaying efforts and making certain locations either inaccessible or subject to grave security risks.

The original focus was on the three locations of Aden, al-Hudayda and Sa'ada. The last of these was the home ground of the Houthi Movement and, despite its heightened relevance to land grabbing as a major causal factor of the ongoing conflict, field operations in that region became impossible. Ultimately, HLRN and local Social Democratic Forum partners opted to replace al-Sa'ada with Ta'iz, another region greatly affected by the war and accompanying housing, land and property rights violations.

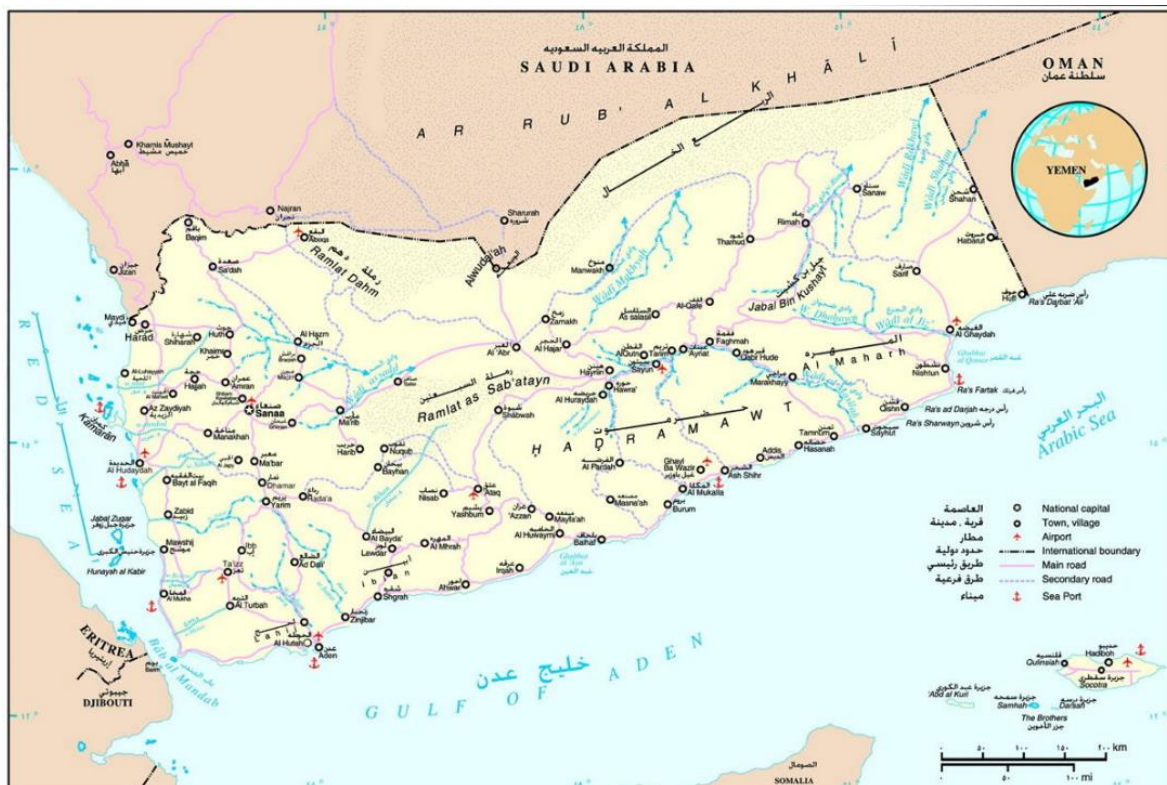


Figure 1: Map of the Republic of Yemen. Source: gawla.com

In the meantime, the project and its intended contribution to transitional justice faced new and additional difficulties, including:

- The looting of HLP in the areas controlled by the Houthis group, the most important of which are the governorates of al-Hudayda, `Ibb, and Sana'a, and some of the areas under their control from Ta'iz governorate.
- Looting of HLP by new gangs generated by the ongoing war between factions that were established to support legitimacy, as in the governorate of Aden and Ta'iz.
- Internal displacement of some four million citizens from conflict areas.
- The Houthis' unique tactic of laying mines in the areas they enter, then withdrawing and leaving boobytrapped houses and agricultural lands without corresponding maps, preventing citizens' safe return to their HLP.
- Many civilian homes in all governorates subjected to indiscriminate bombardment from all sides of the conflict, which increased the number of civilian casualties - human losses - as well as the destruction of many innocent citizens' homes and sources of livelihood.
- The Houthis' systematic bombing of opponents' homes.

Nonetheless, HLRN and its local partners continued the effort. Meanwhile, those land-related crimes were still being committed by influential people and militias with armed force, continuing the pattern of land-based conflicts in Yemen over decades. Such circumstances only reinforced the need for remedies envisioned in the National Dialogue and the remedial transitional justice processes, especially reparation of victims and national reconciliation.

In order to achieve these goals, the project sought to answer a set of fundamental questions, the answers to which form the cornerstone of this contribution to the conflict-resolution processes in Yemen, as well as other cases in the Middle East and North Africa region. These questions include:

1. How can land be considered a major factor in the conflict, transitional justice process and peace building?
2. How can a post-conflict government address the issue of land recovery as part of the transitional justice process, and whether this goal is feasible?
3. What international standards can guide the transitional justice process to ensure lasting results based on human rights principles?
4. What are the methodologies and formulas that can be used to calculate losses and reparations entitlements for land violations, whether by confiscation, destruction or forced eviction?
5. What strategic recommendations can be made regarding land issues to avoid future conflicts?
6. More specifically, what shortcomings in legislation, the judiciary or the executive authority contribute to the plundering of lands and properties, and how can these be corrected?

Transitional justice: When considering restitution and reparation processes, we find that, historically, juridical strategies have provided remarkably fewer reparations than the administrative processes. These administrative remedies have involved a variety of institutions and methods, ranging from corporations paying compensation to institutions in the name of holocaust victims,¹ and including the UN's Iraq Conciliation Commission, paying out directly to affected parties. Some processes have been local and focused on reconciling the pain, suffering, loss and costs to victims in a single country, such as the South African Truth and Reconciliation Commission and the Moroccan Equity and Reconciliation Commission (*Instance Équité et Réconciliation* [IER]), even though that has not delivered "reparations" in the legal sense. Cumulative experience has developed five principle transitional justice mechanisms (trials, truth commissions, amnesty, lustrations, or reparations).

Theoretically, complete transitional justice involves five processes, although in no rigidly prescribed order:

1. Remembrance, documentation and acknowledgement of the pain, suffering, loss, motivations, etc., in order to reconstruct the broken past to determine the duties and violations (including breaches and crimes), especially with an eye to procedures and standards of evidence sufficient for adjudication;
2. Dialogue and reconciliation between and among parties involved in an effort to uphold the other efforts of transitional justice;
3. Prosecution of the duty holders to ascertain personal liability, state obligation, state liability, state responsibility, war crimes, crimes against humanity, etc.;
4. Reform of abusive institutions;
5. Reparation, according to the seven elements defined in the corresponding UN General Assembly resolution.¹

Methodology

The research relied on three main approaches. The first involved training the research team on the normative framework and methodology. The second was documentary research, and the third required the case-specific valuations and consultation with victims in the field research. The documentary research included analysis of a range of material available from conspicuous sources including land records, court records, planning documents, policy data, and other relevant academic, governmental, and non-governmental research, as well as parliamentary investigation reports.

As for the field-research methodology, it was carried out by 15 local researchers (five individuals in each of the targeted governorates) and relied on collecting primary data in each of the governorates. The principal research instrument was a Violation Impact-assessment tool (VIAT) that provides a battery of questions to enable calculation of the actual values of damages, forced evictions, expropriation, destruction of land and housing, among other costs that correspond to the entitlements provided in UN

Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law. This methodology has been used successfully by HLRN and partners in Cameroon, Democratic Republic of Congo, Egypt, Palestine, Uganda, Zambia and Zimbabwe, with notable judicial outcomes also in India and Kenya.

Each of the three research teams presented five cases of land and property violations, choosing the examples most-illustrative of the types of land grabbing in the governorate. Then, from each region, they selected one case study on which to apply the VIAT, meeting three criteria: accessibility, cooperation of the affected parties and potential for informing the transitional justice processes, in particular, reparation.

Chapter One provides the legal and historic context of land tenure and property rights in Yemen. A variety of tenure types is recognized in Yemen's Constitution and law, including property ownership, protected as a right. However, such legal fact remains theoretical. The attack on lands and its unlawful control by influential people in the state, tribe, military leaders or others have become a matter of great concern to all citizens, traders and investors. The courts are littered with disputes of this kind, but adjudication does not always result in remedy.

The constitution also protects public properties, and the state and all individuals in society are obliged to protect and maintain them from tampering, sabotage or theft. Any misuse of public funds or assets is considered a criminal act against society subject to punishment under the Penal Code.

The right to enjoy land and housing possession and ownership derives from a set of legal, moral and social standards. Institutions and law upholding secure tenure relationships links the state to its citizens. The framework of legislation, laws and customs regulate acquisition, use, exchange and other disposal of real property. The implementation of these norms is undertaken by relevant institutional bodies, including the Ministry of Housing and Urban Planning, the Ministry of Public Works and Urban Development and the State Lands and Real Estate Authority.

As Yemen is a state party to international human rights treaties, including the Covenant on Economic, Social and Cultural Rights, it is obliged to respect, protect and fulfill guaranteed human rights. However, evidence indicates the violation of those laws, customs and traditions, the reign of chaos and theft of public and private lands by abuse of power of the authority of government, military and the tribe. The fog of war, lawlessness and the inability of public institutions of governance to operate effectively has not only deteriorated the citizens' relationship to the Yemeni state, but also rent the very social fabric.

The historical extension of conflicts over land and housing, and attempts to redress the damage have a historic dimension in Yemen, especially in the southern regions, where intermittent attempts to implement solutions to these issues, including after unity and after the People's Revolution in 2011, included the outcomes of the National Dialogue. However, all attempts have failed or remain incomplete for many reasons that have emerged through this study.

Land disputes in Yemen have historical antecedents in Ottoman and British colonialism, as well as local relations among tribes and dynasties. Yemen lost much of its territory with the Saudi Kingdom's conquest and annexation of its northern provinces of Asir, Jizan and Najran in 1934. Since independence from Britain in 1967, land and housing issues in the southern Yemeni governorates underwent political, economic, social and cultural transformation with the nationalization of private housing and other properties with adoption of the Nationalization and Ownership Law (1978–1982).

The sequence of events after the unity between the North and South in 1990 was marked by the Civil War of 1994 and its aftermath, during which factors and circumstances accelerated violations of land rights. The domination of the conservative North saw vengeful looting and appropriation of public and private property, land and real estate that are directly related to the problem of the study. However, these acts were not only limited to exclusion and violations against southern citizens. Corruption in land across Yemen, especially in the provinces of al-Hudayda and Aden, also formed a main factor in the outbreak of the popular revolution and the overthrow of the former Yemeni president. The problem has been so severe in the southern region that it has sparked a resurgence of the secession movement there.

By 2007, popular protests in southern Yemen responded to the dispossession, and that was followed by the Basura - Hilal parliamentary committee's fact-finding mission to the governorates of Ta'iz, Aden, Lahj, al-Dhala'a and Abyan. The 500-page parliamentary report documented lands stolen in the South, and recommended that then-President Sālih choose between patronizing the loyal 15 accomplices in the wave of land grabs, or seek legitimacy instead with the 22 million citizens of Yemen. He chose the former.

The parliamentary study did not disclose the culprits' names, nor have any of those figures been tried. However, in 2012, after Sālih's fall, parts of that report were leaked to reveal the looting of 1,357 houses and 63 government properties in Aden alone. The South Yemen land confiscations alone are reported to amount to a land area the size of the entire neighboring country of Bahrain. A subsequent 2010 parliamentary report warned that unlawful land acquisition would spawn new unrest in Yemen and threaten social peace for years to come.³

Efforts at addressing land issues were renewed after the uprising and fall of the Salih government in 2011. A wide range of actors in Yemen have recognized the importance of addressing the legacy of human rights violations, not least the dispossession of citizens' land and housing. The Comprehensive National Dialogue Conference represented a starting point for remedial processes, and the Technical Committee of the National Dialogue Conference presented a 20-point proposal that included the pursuit of justice for those effected. The interim Yemeni President `Abd Rabbuh Mansur Hadi then issued Decision No. 2/2013, in January 2013, creating two committees to address the issue of land and staff dismissals in the south, as well as Decision No. 6/2014, in February 2014, establishing a committee to address the land takings in al-Hudayda Governorate.

The Committee on Land Issues began its work by organizing its internal affairs and distributed forms to collect citizens' complaints and grievances, which were received in the thousands. Studying and investigating these cases, the Committee decided to concentrate on four emerging issues:

1. Lands disbursed by the state to individuals with an area exceeding what the individual needs to build a personal home.
2. Lands disbursed by the state to individuals (military and civilian) as compensation, but they were not able to obtain it.
3. Lands seized in Aden, where ownership was transferred to the parties other than the owners.
4. Lands released by the state to members of the armed forces during the period 1990–1994, which were seized and disbursed to others following the events of the 1994 war.

Reparation: In order to promote justice, international law establishes norms for adequate, effective and prompt reparation to redress gross violations of international human rights law or serious breaches of international humanitarian law. Reparation should be proportional to the gravity of the violations and the harm suffered. In accordance with its domestic laws and international legal obligations, States are obliged to provide reparation to victims for acts or omissions resulting in such violations that can be attributed to the State. In cases where any entity is found liable for reparation to a victim, such party should provide reparation to the victim or compensate the State if the State has already provided reparation to the victim. Reparation includes the following forms of redress: restitution, compensation, rehabilitation, return (for refugees and IDPs), resettlement to an agreed-upon alternative dwelling (if return to the original one is physically impossible), satisfaction and guarantees of nonrepetition. No single one of the seven elements of reparation can substitute for another form. These include:

- Restitution
 - Return
 - Resettlement
 - Rehabilitation
- Compensation (for losses impossible to restore)
- Guarantees of nonrepetition and
- Satisfaction.

By October 2013, the Committee recommended:

1. Excess land confiscated from the persons to whom it was allocated (numbering 366 persons), and they shall have space as much as needed to build a personal residence and as determined by the terms of this decision.
2. All individuals (military and civilians) to whom lands were to be disbursed as compensation shall obtain them.
3. Ownership of the lands under the lease system in Aden shall be transferred to the homeowners, and ownership contracts shall be issued in place of the previous lease contracts.
4. The disbursement of the lands of listed members of the armed forces during 1990–1994 AD, for whom lands were identified in the approved plans for the Bir Fadhl regions (11,157 persons), will receive lands as a substitute for the lands that were seized after the 1994 war.

These recommendations came with a warning to all official and non-official bodies and natural persons against transacting in the land and buildings acquired since 1990 for the purpose of housing with excessive lots, and investment lands in which projects have not been implemented. The Committee had focused in its work on the lands subject to claim, but did not yet address the issue of looting and appropriation of houses and other properties, which left those violations still subject to investigation and transitional justice.

The interim president accepted the Committee's recommendations in Presidential Decree No. 63/2013, and Republican Decree 253/2013 established the Compensation Fund, backed by agreement with the State of Qatar. The first instalment to the Fund was for US\$200 million, but only \$2 million were disbursed to the claimants. The rest remained in the Central Bank at the time of the Houthi seizure of the capital.

Qatar had pledged a further \$50 million, and several other donor countries had promised to contribute. However, with the war, both the Compensation Fund and other transition processes have ceased to function.

Nonetheless, the political decision to adopt reparation among the processes of transitional justice remains important as an incentive to support efforts to intensify awareness of official institutions, civil society organizations, social forces and even political parties among the circles of society to create a new post-conflict Yemen with the transitional justice approach toward reparation of victims and national reconciliation.

The Cases

The research focused on the three regions of Aden, al-Hudayda and Ta'iz, which witnessed most cases of HLP rights violations so far, profiling five illustrative incidents of looting and seizure of land and property. Within each region, researchers applied the full VIAT to quantify the values at stake. While these inquiries provide a snapshot of the costs, losses and damages incurred at the time, readers are reminded that each violation continues to accrue values until remedy, involving reparations as provided in the minimum standards of international law.

Aden Governorate

During 1990–2010 in the City of Aden and throughout the governorate, as well as the subsequent rebellion and war, looting and seizure of private and public land and property compounded the suffering, oppression and injustice suffered by the victims. These practices, by force or forgery, have been means by which influential figures misused authority to legitimize their illegal actions. The five cases from Aden demonstrate the patterns of violations:

Case 1: `Abd ul-Wahid `Ali Muqbil Fari`a

The family of Mr. `Abd ul-Wahid `Ali Muqbil Fari`a, a resident of the Hashid area of Mansura District, consists of his mother, his brother, his wife and daughters. Mr. `Ali acquired land in Buraq Hashid No. 1 from the Ministry of Housing in 1992 to build a family home. The civil war in 1994 saw adherents of the victorious party, the General People's Congress (GPC), take predatory advantage of the circumstances. One of them called Nasir Muhammad al-Mihdhar, along with a group of Somali mercenaries, raided his house when he was alone, and shot him. He managed to escape through the back door, but the perpetrators looted all contents. Then al-Mihdhar took over the house and annexed it to two adjacent homes. When Mr. `Ali informed the police, the criminal investigation and the prosecution to investigate, the authorities arrested and interrogated both al-Mihdhar and his son.

However, after a few days, the suspects were released and again broke into and squatted in the victim's house, preventing the return of its rightful owners. Despite the follow-up with all the concerned authorities in the Police Directorate, they ignored Mr. `Ali's case as a consequence of the 1994 war's outcome and shift of power. The perpetrators then sold the property to an influential person from al Dhali', a governorate created after Yemen's reunification. The new owner, in turn, demolished the house and built a two-storey home on its ruins.

Despite Mr. `Ali's voluminous documentation affirming his ownership of the property, head of the Committee to Follow-up and Evaluate Negative Social Phenomena that Affect Social Peace, National Unity and Development, the Ministry of Local Administration officer assigned to investigate grievances, and the chair of the Committee Dealing with Land Issues, the case has no resolution.

Case 2: `Abd ul-Rahim al-Dawrin family

Ilham al-Dawrin, representing the heirs of the late `Abd ul-Rahim al-Dawrin, received only mistreatment from Aden Governor Wahid `Ali Rashid, one of the most famous land robbers, the director of Public Security and Commander of Central Security in the city and the director of the General Land Authority, during the course of her struggle to defend their case. The family has had 9,627,625 m² of lands expropriated since 1994 by `Abdullah al-Saqqaf, a wealthy and influential investor close to the Islah Party. The Dawrins' ownership documents include some dating back to the British rule in the district, which is still known as "the al-Dawrin Quarter." Despite the documents in al-Dawrins' possession and corroborating reports submitted by the Legal Affairs of the Diwan, the governor of Aden, a loyalist of the Islah Party, ignored the case and declined to interrupt the attacks on the family's property, and the director of public security threatened the Dawrin's family with arrest if they obstructed implementation of the project.

Case 3: Heirs of `Ali Salih Isma`il (al-Qatabi)

The heirs of `Ali Salih Isma`il (al-Qatabi) have been the well-documented owners of a residential compound since the British colonial era. Ahmad `Ali Salih al-Qatabi describes the looting and seizure of their land and property after the war in 1994 by an officer of the Political Security Service. The Political Security Service stormed the property on the pretext that it belonged to the Yemeni Socialist Party. When Ahmad's father, Muhammad, went to the Political Security Service to raise the matter, a commander, named `Abd ul-Salam, held him for three days, during which he tried to force the father to sign a waiver of the property to `Abd ul-Salam. When the owner refused, `Abd ul-Salam seized the property under guard. Muhammad did not file a complaint with the judiciary because he found himself weak in the face of Abd al-Salam's influence, and Muhammad later died and was unable to retrieve the property. Even after `Abd ul-Salam also died, the Political Security Service kept guarding the property.

After the outbreak of the 2015 war the guard fled, and an armed resistance group stormed the property on the pretext that it was affiliated to an adversarial security force. This time, the owner, Ahmad, was able to thwart the invaders with support of neighbors and was able to confirm his inheritance and ownership of the land and property. However, it still remains subject to repeated threats of intrusion and seizure. Therefore, the benefit and use of the land and property continues to be denied.

Case 4: Kamal `Abd ul-Rahman Shukri and his brothers

`Abd ul-Rahman Shukri is former undersecretary of the Ministry of Housing and represents the family in the dispute over ownership of the house of Kamal `Abd ul-Rahman Shukri and his brothers. After the 1994 war, the family was expelled from home, a villa located in the Khawr Maksar area and inherited by Kamal Shukri's children. The building was previously rented to the British Embassy (later, consulate after reunification). The former Minister of Justice `Abdullah Ghanim ordered the family's expulsion under police enforcement with the objective of benefitting the former minister's relative, the director general of the oil company.

The claimants of the property filed a petition with the Sira Court, claiming that the Shell Oil Co. owned the house and that it was nationalized in 1969 and not subject to compensation. Meanwhile, the Khawr Maksar police brutally arrested `Abd ul-Rahman's (now-late) brother `Ali bin `Ali Shukri, uncle Rashid al-Hariri, his brother-in-law and nephew, detaining them for days in the Khawr Maksar.

This case involves lengthy and costly legal processes, reaching the Supreme Court. Presenting fake documents to the court, Aden Police Director Muhammad Salih Tariq broke into the house and looted the building and all the furniture and equipment belonging to the Shukri brothers. The case reflects a complex maze of political influence, corruption and failure in the administration of justice, ultimately leading to mounting costs, losses and damages incurred by the Shukri family.

Case 5: Eng. Husain Talib al-Amudi (in-depth survey)

Engineer Husain Talib al-Amudi (the head of a family consisting of a wife and 4 children), owns a plot of land—a large and spacious courtyard in which he lives with his family—located at the entrance to the presidential palace in Aden, which connects to tourist and cultural sites in a flourishing quarter of the city. Sheikh `Abdullah bin Husain al-Ahmar, of the most-influential al-Ahmar tribe, decided at the beginning of 2000 to seize the land belonging to Mr. al-`Amudi, and removed the wall that demarcated the land. Sheikh `Abdullah proceeded to build a mosque in his name, shops, and student housing on the site.

Over three years (2000–03), Eng. Hussain resorted to the police and the prosecution, as well as to the judicial courts, and submitted several complaints to government agencies, but found no redress. The aggressors did not respond to any summons to appear before the police, the prosecution or the court.

Rather, the attacks against Mr. Hussain's house increased, causing the structure to crack and become uninhabitable. It became impossible to open the windows of the house, due to the noise and dust from construction of student housing belonging to the nearby mosque. Meanwhile, the perpetrator used all forms of provocation and bullying against the family, his guards shooting randomly at every visit of Sheikh Abdullah al-Ahmar to the mosque.

Eng. Hussain then resorted to mediation of some tribal sheikhs, and a number of sheikhs actually intervened. He eventually obtained recognition and written guidance from Sheikh Abdullah al-Ahmar in 2003, to compensate him for the land. He sent a letter to then Governor of Aden Taha Ghanim, who in turn refused to implement it, justifying that the signature of Sheikh Abdullah Al-Ahmar was not authentic. Due to all these circumstances, pressures, abuse and losses, Eng. Hussain fell into a serious health crisis, because of which the victim's family was forced to surrender and sell their home to cover his medical expenses.

At that time, the group of the influential Sheikh Abdullah Al-Ahmar presented an offer of 5,000,000 riyals to buy the house, despite their knowledge that the house was worth five times that. Hussain al-Amudi refused, but, in 2008, due to his health conditions, he was forced to sell the house to a family from Shabwa Governorate for 8,000,000 riyals. He and his sons went out looking for temporary housing, and the family continued to suffer from the high costs of renting housing and moving from one area to another for a period of five years and five months over 2008–13, during which time costs amounted to a total amount of 2,390,000 riyals. The victim's condition deteriorated significantly, his medical cost being covered with the remaining funds from the sale of his house, until Eng. Hussain died in 2011.

The quantification of losses, costs and damages in this case enumerate in detail those values related to material and nonmaterial consequences, including:

Expense and overhead	Collectibles, devices and assets
Legal and administrative costs	Access to water
Economic assets	Access to food
Land and house	Transportation and transportation cost

Changes in standard of living
Social assets
Health status

Inheritance status
Social cohesion

Ta'iz Governorate

The problems and losses from land disputes in Ta'iz are among the most-important issues in Yemen that pose a real dilemma that has been steadily growing and has been increasing frighteningly in the city for years. This problem in Ta'iz is both old and new. This deep and complex problem requires great effort, but this section addresses only some illustrative examples and specific facts.

The process of appropriating land and private spaces belonging to citizens or the state endowments and other lands by prominent and influential figures, especially military and security leaders, is increasing. This reality is not hidden from anyone. It involves many interlinked parties, starting with the leadership of the supreme authority, the military and security leaders, persons with money and tribal influence. They seek to conceal the illegitimacy of their actions by manipulating the judiciary and official bodies.

A large proportion of land in Ta'iz City is owned by Islamic endowments (*awqaf*) or state lands and real estate. This is one of the situations that powerful people are able to exploit in order to seize large areas of land and hills. Thereafter, they falsify usufruct contracts, in order to legitimize the actions of the appropriation.

The phenomenon of land grabbing is one of the biggest problems prevailing in Ta'iz and is a major source of armed conflicts that result in dead and wounded victims. During 2012–13, 70% of killings and injuries were caused by land disputes, according to a source in the governorate's police department.

Case 1: Land adjacent to the old Ta'iz Airport

The first case involves lands adjacent to the camp belonging to the 35th Brigade in the Old Airport area. The commander of Camp Khalid, named Salih Ali al-Dhannin who abuse his official functions , seized large areas of citizens' property and state property in the area of the Old Ta'iz Airport while he was leading the camp. The area is estimated at more than 21,000 square meters. Al-Dhanni managed to obtain a contract issued for him by the State Lands and Real Estate Office, as if he were a tenant from the State Lands Authority, which is not the case. Rather, the state land and real estate law does not apply to citizens' property, and the land in question is agricultural land belonging to citizens. However, by virtue of al-Dhanni's military position and his proximity to government departments, he succeeded in seizing the land and distributed some of it to his associates, rendering them loyal to him for his "kindness."

Case 2: Muhammad Ahmed `Abadi al-Nazari's land in al-Rawda

Muhammad Ahmed `Abadi al-Nazari owned a plot of land estimated at 567 m² in al-Rawda area of central Ta'iz Governorate, which was seized by Fouad Ali Muhammad Ghalis, a person close to Hammud al-Sufi, a former governor of Ta'iz. During the administration of the Governor Hammud al-Sufi in October 2009, Ghalis demolished the plot's border fence, violently seized the land and developed it, while also disposing of part of it. The owner resorted to the competent prosecution of the Eastern Court in Ta'iz, filing a lawsuit to prevent exposure, prevent aggression under the provisions of the Code of Criminal Procedure and the Civil Code, and issue a cease-and-desist order against the aggressor. However, the perpetrator refused the orders of the prosecution and the court.

Meanwhile, the security could not stop or arrest him, because of the protection by the governor. Rather, one of the directors of the police stations said explicitly that he could not do anything for him.

After that, the matter escalated in the media, and human rights defenders at that time, including the Ta'iz Team Hood Organization, took over the provision of legal assistance to the owner of the land. The Public Prosecution issued an indictment, and the case was transferred to the East Ta'iz Court. After more than 10 court sessions without the accused appearing, Public Prosecution failed in its duty under the Code of Criminal Procedure, and he remained a fugitive, evading justice as so many influential persons, authority holders, military commanders and corrupt officials do. This case shows the weakness of the judicial system and its inability to protect the right to property.



Figure 2: A pro-government fighter walks in front of a mosque destroyed during fighting between pro-government forces and the Houthis militia in the Al-Sarari district of Taiz governorate, July 28, 2016. Source: Anis Mahyub/Reuters.

Case 3: State lands on Jabal al-Ja'sha

One of the influential officers in the Air Defense Command and military leaders affiliated with the 22nd Brigade of the Republican Guard seized a large area of public land estimated at 142,000 m² on the top of Ja'sha Mountain, located in the east of the city. This process took place from 2000 until 2007, after which the culprits concluded illegal contracts from the State Lands and Real Estate Office during 2010 and 2012. They then sold this public land at huge sums for large commercial housing.

Yemen's Constitution and laws prohibit the possession of large areas of public land. Every citizen is limited to only 50.292 m² of public land, except for the provision of large areas for public investment purposes. The investigation confirmed that the entire area has come under the control of influential people and military leaders, while the citizens are powerless to seek remedy from the judiciary. Witnesses recounted how influential officials and military personnel have obtained lease contracts in their names through direct orders from the President of the Republic or one of the senior figures of the regime, which shows the systematic practices of grabbing the public land, without consideration of the rule of law.

Case 4: Al-Hawban area below the Sofitel Hotel, Salh District

`Abd ul-`Aziz Muqbil al-Maliki, a resident of the Sabir area, owned a large piece of land in the al-Hawban area below the Sofitel Hotel, Salh District, Ta`iz Governorate. Officers and personnel of the 22nd Republican Guard Brigade seized the land by force in 2013, taking advantage of their kinship with the commander of the 22nd Guard Brigade Republican and senior military leaders in the Republican Palace. The owner went to the East Ta`iz Prosecution and also filed a lawsuit before the East Ta`iz Court. He tried all the legal and judicial means to retrieve his property, but this did not stop the continuation of the seizure and construction in his property.

Case 5: Lands adjacent to the new Ta`iz Airport in al-Jund

Local government authorities seized 3,240,000 m² of citizens' lands in the al-Jind area, al-Ta'iziyya Directorate on the pretext of expanding the new Ta`iz International Airport during 2009–13. Most of the property is agricultural land belonging to the citizens of the nearby villages of al-Jund, in which hundreds of families live in 400 old and modern dwellings. The confiscated land contains 40 water wells, dozens of shops, and the villagers depend on the agriculture for their livelihood. The authority used force to compel the people to give up their lands and properties, and began to fence this space despite the people's refusal to leave their homes or give up their lands. Local authorities prevented any gainful activity in the citizens' land and sent military personnel with armored vehicles to arrest and imprison dozens of citizens. They forced the villagers to give up claims against which they would be compensated. The media and some human rights organizations intervened to defend the detainees and submitted complaints to the prosecution, demanding their release. Following this, again the Governor Hammud al-Sufi, whose name is mentioned in several cases of land grabbing, also intervened to force the citizens to give up their lands, despite the people organizing sit-ins, protesting the abuses against them.

The people rejected the low compensation offered and formed a committee of parliamentarians to investigate the facts that visited the governorate and review the citizens' grievances and support their right to fair compensation. TV channels, websites and newspapers discussed the issue and the case became a public issue, but to no remedial outcome.

Case 6: Citizens' lands adjacent to al-Hawban Park

This is a case in which an investor seized citizens' lands and the lands of al-Hawban Park with the complicity and participation of government leaders, the so-called "consumer issue" and the people of al-Batra al-Jundiyya village in 2012, where leaders in the state and governorate seized large areas of al-Ta'awun Park in al-Hawban, the property of the Batra family, and other citizens. They granted the investor Kardaws al-Tamimi an area estimated at 25,000 m² to build a commercial complex, although the citizens were not compensated for their property.

The people rejected what the authorities had done and prevented any actions of the investor in their lands until they were compensated. The authority intervened with military force of the Republican Guard and the security, and enabled the investor to build by force of arms. Citizens' homes were targeted with weapons, the sons of parliamentarian `Abd ul-Hamid al-Batra were prosecuted and some of the people were imprisoned.

Case 7: Citizen Muhammad Tarbush (in-depth survey)

The citizen Muhammad Tarbush in Ta'iz Governorate owns a 2,100 m² plot of land outside the jurisdiction of the city, in the Harran region, west of Ta'iz. It was an empty, uninhabited area, with no basic services or facilities. Its price was estimated at US\$18,000 at the exchange rate of that time.

After purchasing it, Tarbush settled the land and erected a small demarcation fence that cost the equivalent of US\$2,000, in addition to the cost of legal fees and procedures for registering property in court, for the extraction of land documents, which amounted US\$1,000, plus the cost of documentation, at US\$200, and transportation (US\$150). Thus, Tarbush spent the equivalent of US\$21,350 dollars for the purchase, settlement and official documentation of all the land documents related to the purchase.

With Tarbush's improvements, the value of the land increased to more than US\$50,000, according to estimates as of 2004. He began to think that he would sell part of the land and use the proceeds for construction. However, after the land became of economic and investment value, the land gangs led by the so-called Fawaz `Abdu Ghalib began to extend their influence over the area, including a piece of citizen Muhammad Tarbush's land. The gangs grabbed the land, claiming that it was the subject of a dispute, and prevented him from selling part of the land. Tarbush faced two options: (1) either give up part of the land to them in exchange for the gangs to stop harassing him and to protect him from any other gangs, or (2) to sell them all of the land at a very cheap price.

Citizen Tarbush began a long journey through government agencies to seek justice and protection to recover his land. He submitted reports to the police, the local council, and the governor, and paid huge sums of money to security personnel from the police who were to inspect the situation on the ground, and attempt to arrest members of those armed gangs. However, Tarbush discovered that, after detaining the gang members, the security released them on the same day, based on orders from influential people in the state. He discovered that the gangs are working in the pay of those influential people to protect them.

Tarbush resorted to the local council and reported to the governor after legal consultations with lawyers in order to obtain official orders. He incurred considerable expenses to obtain those official decisions to enable him to claim his land, but these papers did not do him justice, nor protect him from land mafia with their strong ties to influential people in the country. The landowner found it hard to describe the torment he suffered for ten years (2004–14) due to the rampant corruption that afflicts authorities in Yemen from the highest to the lowest.

Mr. Tarbush also sought remedy through traditional means by entreating tribal sheikhs and dignitaries in the region. But he found that some sheikhs offered that he sell them the land to be under their protection, and some of them asked him for exorbitant sums in exchange for intervening as mediators. Ultimately, one of the military leaders from that area communicated with him and offered to help him recover the land, and asked the citizen Tarbush to meet him under the pretext of meeting one of the influential people who would provide protection. The commander then took Tarbush to a deserted area, where it was revealed that the military commander was actually protecting that gang that was harassing him. The commander then threatened Tarbush with an ultimatum either to sign a waiver giving him about a third of the land, or perish in that deserted area.

After Tarbush had incurred more than US\$10,000 in expenses, not to mention the expenditure of time, effort, and enduring harm to health and psychological wellbeing. He underwent the loss of his land that,

by 2016, was worth nearly US\$80,000. By then, the area of Tarbush's land had become one of the areas most affected by the fierce war between the National Army and the Houthi forces, which forced the citizen Tarbush to distance his family from the confrontations of the war and migrate, like many affected families, to the countryside.

Among the most important elements in this story is the assessment of the negative effects resulting from the looting of the land of the citizen Muhammad Tarbush. By applying the VIAT, the study quantified the values at stake, including those related to economic assets, land, infrastructure, advocacy costs, civil assets spent and lost, including the legitimacy of local authorities and government agents, as a result of this case.

Al-Hudayda Governorate

Al-Hudayda is one of the governorates most subject to looting and seizure of lands and properties, whether public or private, by influential people who rely on force and abuse of power and authority to dispossess fellow citizens. Land and property seizure by official bodies in the state typically fall under several justifications and in the name of public purpose, e.g., development of the airport grounds, the port and others. As a consequence, hundreds of villagers in al-Hudayda cannot approach their lands or cultivate them to earn their living, after powerful individuals and the military seized them in stages. The victims are left to fight their battle against the powerful and the military through protests and confrontations, sometimes after the failure of the executive authority, the Parliament or the judiciary to deliver justice and restore their lands.

All attempts to restore lands are broken on the anvil of impunity granted to those who now occupy them, especially since some of them are holders of high positions in the state, and the security services are reluctant or unable to confront armed soldiers and rebel against their leaders. Remedy is impeded also by the conflicting responsibilities of the departments concerned with the registration and sale of land, and the absence of a political decision and will to end this crisis, which deepened after the 2011 revolution. The problem is exacerbated also by the slowness of litigation procedures, and the interference of influential personalities preventing farmers from recovering their lands.

The issue of the looting of al-Hudayda lands dates back to the prosperity phase of al-Hudayda in the 1980s and the flow of investments, when the ruling military and civil forces at the time seized large landholdings. Then, al-Hudayda, including the Tihama and al-Jamisha lands, became the most-prominent subjects of corruption in land administration. This, in turn, has contributed significantly to the outbreak of fighting among the citizens and the political class, due to the President Salih regime's mismanagement of the wealth and natural resources of the south. This abuse of power is the main reason igniting the popular revolution in all parts of Yemen, which the south of Yemen started four years prior to 2011, in protest against the deteriorating living conditions and discrimination against them by the president's regime, culminating in 90% of Yemen's wealth falling into the hands of less than one-fifth of the Yemeni people.

Among the popular resistance emerging in al-Hudayda has been the formation of a political and social movement known as the “Tihami movement,” which articulated its opposition around the issue of land looting. That movement calls for a just solution to the “Tihama issue.” Analysts warned this could lead to a territorial dispute, given that most of the influential people taking Tihama lands belong to other governorates such as Sana'a, Abyan, Dhamar, Marib and al-Dhali'. Many fear that this peaceful movement would turn into a political movement with secessionist goals, as happened with the Southern Movement in the southern governorates, which transformed its demands from human rights claims to a call for secession and the formation of an independent state.



Figure 3: Demonstrations by the Revolutionary Youth Council in al-Hudayda Governorate. Source: Hudaydah News.

Case 1: Lands of the village of al-Jumisha

Al-Jumisha village has an estimated land area of 1,300,000 m² divided into two parts, more than a third of which is the property of citizens (361,547 m²) and two thirds state-owned land (980,100 m²) leased to farmers. In February 2013, a group of soldiers and officers from the Airship Battalion of the former Republican Guard's Tenth Brigade violently seized the land of al-Jamisha, victimizing about 64 families. Although most of the lands are agricultural, some village residents report that their lives had become like hell. Most of the residents were made landless and jobless, despite the fact that they have land-use contracts from the Presidency of the Republic as well as from the Ministry of Defense and the local authority.

The encroachments of the Tenth Brigade did not stop there. On 28 January 2014, a battalion of the Brigade stormed the al-Hudayda governorate building and commandeered it for hours, before Central Security forces intervened to force them out through confrontations that resulted in casualties. The reasons for the storming, according to the governor of al-Hudayda, were due to his refusal to sign the handover report for the sanctuary of drinking-water wells to be transformed into a residential city for soldiers. That would have conflicted with the prime minister's Decision 217 of 2010 not to dispose of that land and demarcate its borders and area. Abdullah Bafayyad, director of land, had ordered the battalion to hand over the water wells, and the governor ordered his arrest. The local authority went on a two-day comprehensive

strike across all departments in protest against the assault and demanded the Presidency of the Republic to expel the brigade from the province, but to no avail.

Case 2: Tihama farmers

The indigenous Tihama people have been forcibly evicted from their homes and lands, and the farmers turned into agricultural workers for the owners of large farms. After the 1994 war, influential people in the former Salih regime seized the lands of the Tihama by force of arms. For example, 400,000 m² of agricultural land of al-Mujahasa and 200,000 m² of the Yawrah area in the district of Zabid were seized in this way. The systematic and continuous displacement of farmers from their lands and homes there, and in other cases of looting from military figures from Sana'a, led to the outbreak of many popular protests by the people of Tihama in 2010 against these crimes and the destruction of the historical character of the city of Zabid. The military suppressed these actions, killing numerous citizens and victims of land looting.

In 2011, the Tihami Movement was formed, and the Tihami Land Workers Movement Association formed to defend the plundered Tihami lands. With the outbreak of war between the forces of the legitimate government of President Hadi, backed by the Arab coalition, and the Houthi militias, the Tihama region was, once again, looted by Houthi militias and distributed among the Houthi partisans.

Case 3: The Hasan Abkar family

Hasan Abkar (40), from al-Hudayda Governorate, supports a family consisting of a group of sons. He owns agricultural land with an area of 12,600 m² and works with some of his family members in agriculture and herding livestock. In early 2013, soldiers from the 10th Brigade Balloon Battalion of the Republican Guard looted his agricultural land, and then demolished the watering and irrigation network, which he used to irrigate crops year-round, the only source of livelihood for the family. Now, he is unemployed and feels that he risks becoming a beggar.

Case 4: Al-Hudayda Airport expansion

In 2011, troops and officers of the 67th Aviation Brigade, the 130th Air Defense Brigade, and a battalion of the Republican Guard seized the lands belonging to the airport grounds of 1,400 m², which is the area allowed internationally to protect the landing and take-off of aircraft. During the crisis of ensuing protests, President Salih issued a decree in August 2012 to form a fact-finding committee to determine the airport wall, remove construction, and investigate those involved in the looting and their collaborators from the centers of influence and silent accomplices. Nonetheless, the lands remained seized.

The airport land remains a hangover of the previous regime, and it has become more and more complicated with the passage of time. Specialists in the General Authority of Civil Aviation assert that the International Aviation Organization imposes general safety conditions requiring that the airport grounds be not less than 1,400 m². However, due to the attacks on al-Hudayda airport, lands have reduced the area to only 400 m². The continuing situation risks closure of al-Hudayda airport for safety reasons.

Case 5: Osama Muhammad Qasim's land in al-Hudayda City

Osama Muhammad Qasim owns a plot of land in Sana'a Street, in al-Hudayda City under a state ownership contract. His private property has been seized under circumstances similar to those cited above, with no remedy to date.

Case 6: Heirs of al-Hammadi Farm (in-depth survey)

The case of the heirs of the late `Abdullah Sa`id Ahmed al-Hammadi is one of the most-egregious instances of systematic corruption in the looting of private lands. This example is one that cannot be treated with mere monetary compensation, without calculating the damages and economic and social losses incurred by the victim's family in the face of tyranny and corruption of those responsible for destroying the rule of law.

The land and farm of al-Hammadi, located on the area of al-Hudayda Airport, has an area of 4,650 m² south of Sana'a Street. It contains a farm and its accessories such as tools, pumps, wells, buildings, trees, a school, a mosque, and a residential building. No fewer than 66 documents confirm the authenticity of the ownership claims of the late Mr. al-Hammadi and his heirs.

The highest competent authorities confirmed the validity and eligibility of the heirs' claim for compensation beyond the inadequate pay-off approved. But in 2003, the General Authority of Civil Aviation and Meteorology seized al-Hammadi Farm for public purpose, in order to expand the airport grounds. It is famously included among the cases cited in the 2010 parliamentary report.

In this case, Air Force Commander Ahmad al-Sanhani and Police Commander Ahmad Miftah used their powers to force the people out of the area around the airport. The al-Hammadi heirs remain dispossessed with grievances against government agencies for 19 years (2003–present), despite the prominence of this case and the standing parliamentary call for reparations in this case within six months.

In the base year 2003, al-Hammadis' losses already amounted to US\$867,477, while increased by over US\$2.5 million in 2016. The family has not received any compensation for the confiscation of their land, despite the directives by the Presidency of the Republic at the time of forming the transitional-justice Committee Dealing with Land Issues in 2011. Nonetheless, some other dispossessed landholders nearby did obtain compensation from the Civil Aviation Authority, because of their connections and personal interests with high-ranking military officers.

This case involves serial violations, first under the Salih regime, and then in the war context by leaders of the 67th Aviation Brigade, the 30th Air Defense Brigade and Brigade 211, who have divided the spoils of nearly 7,000,000 m² as of 2013 alone. The VIAT application recorded a set of heavy losses that should be taken into account in the post-conflict stage. These include the findings concerning economic, social and civil assets, including the valuation of:

- Economic assets
- Land
- Infrastructure and services
- Wells and water sources
- Trees and agricultural crops of financial value
- Other costs resulting from the land-acquisition process
- Compensation for values lost over the time of the perpetrators' use of the land and property.

Conclusion

These emblematic cases have taken place amid the deterioration of land administration in Yemen, in general, and the systemic corruption and rampant looting of lands and property, in particular. They reveal

the severity and complexity of these violations that, as the earlier parliamentary report warned, “would spawn new unrest in Yemen and threaten social peace for years to come.” While that is already happening, the remedy to these deteriorating conditions may be found in the principles of transitional justice, which provide a framework for restoring longer-term peace and stability in Yemen by addressing the root causes of the conflict, whether in the south or the north.

Of the transitional-justice processes cited above, some are contentious and may endure over years and even decades. However, agreement among parties may be most attainable around the goals of reparations for victims and national reconciliation. And, indeed, the latter is not attainable without the former. The reparation framework provided in international law embodies the norms and lessons of ages, particularly that remedy is not limited to the disbursement of some partial financial compensation to some victims. It requires an approach that builds social stability and removes the root causes of land conflicts, in addition to restoring the lives of the victims after so much loss and suffering. For this to happen, it is necessary to document and calculate the costs, losses and damage, both material and intangible, to investigate and address those grave violations that amount to war crimes by the parties to the conflict. From this perspective, the study concludes with a set of findings and recommendations as follows:

- In general, the mechanisms of justice need to be harmonized in an integrated system that guarantees accountability, truth-telling, institutional reform, and reparation, in order to end the suffering of ordinary citizens who lack protection of the rule of law.
- The goals of reparation programs should be achieved with development programs, following an approach that ensures an effective and influential role of victims in the design and implementation of transitional-justice processes, while recognizing that they are holders of rights subjected to violations, and its information is derived from their rights and needs in restoring their dignity, and rebuilding their lives by special social and economic measures.
- One of the reasons for the aggravation of the land problem is the defect in legislation, especially with regard to the management of public lands by state institutions, and the granting of contracts for private use of public lands under lease.
- The control of the tribe over the governance in the state is one of the main reasons for the influential among them to loot the lands and properties of citizens, and the state bears an obligation to prevent and prioritize reparations to victims for these violations.
- The regime of former President Salih appropriated lands of Aden, Ta`iz and al-Hudayda and redistributed them to cronies and as a means of gaining the loyalty of some personalities who were politically important to him. This was a major reason for the establishment of the Southern Movement in and around Aden and other regions of southern Yemen, as well as the Tihama Movement in al-Hudayda Governorate. These illicit appropriations must be reversed in favor of the rightful tenure holders.
- With the passage of time, the problem and its remedy become even more complicated and difficult, so that compensation becomes prohibitively exorbitant with losses accumulating until remedy is done, as well as the ever-increasing number of victims and the complexity of cases. Remedy and reparations are a matter of urgency, in order to avoid mounting costs over time.

Addressing the losses, costs and damage to victims, as well as the root causes of conflict throughout Yemen makes the outcomes of the National Dialogue until 2015 even more valid today. Meeting the challenge of defining and implementing a comprehensive strategic vision to achieve justice as a participatory national project in Yemen is a matter of great urgency.

The processes of justice in general in Yemen face many challenges, including entrenched tribal custom and self-serving interpretations of Islamic values, in addition to filling gaps in the public sphere of state institutions, including the lack of independence of the judiciary. Therefore, achieving justice in the issues of land management and its communities of Yemenis, for whom land represents the main element of life and livelihoods, and land is an indispensable component of the Yemeni national existence, indispensable to both collective identity from time immemorial, as well as forming the main permanent natural asset and one of the indispensable criteria of the present and future Yemeni state.

Finally, in formulating the normative framework for such remedies, the study explores also the various forms of justice from world literature and social thought. Among the choices among the types of justice at hand—namely, distributive, procedural, retributive and restorative—the last of these, also known as corrective justice, promises to be the most effective at achieving the priority objectives of reparation for victims and national reconciliation in the context of transitional justice.

In this pursuit, quantifying the losses, costs, and damages incurred in acts of abuse allows ensuring fairness and justice for victims as a priority. These include the unresolved conflicts since the 1994 war of unification, the events that led to the uprising of 2011, but also and the ensuing conflict, especially since 2015. In any case of transitional justice, the people must decide the starting point for reparations and reconciliation.

Toward a National Land Observatory

Because of the failure of political, religious, tribal and judicial institutions to implement justice in Yemen, civil society organizations have a major role to play in developing and popularizing the vision of restorative justice beyond politics, tribe, sect and private interest. Yemeni civil society also can support needed peacebuilding at the level of local communities, and allow them to produce vital knowledge and data on an equal footing with others to advise the mechanisms needed, including the successors to the National Dialogue committees, to achieve substantive peace throughout Yemen.

One of the foreseeable civilian mechanisms under consideration is a National Land Observatory, managed by neutral, impartial and nonpartisan parties from civil society. It is a mechanism that acts as an objective and unbiased resource to promote transparent, inclusive and evidence-based decision-making regarding the country's land resources. As is clear from the name, the Observatory's purpose and function are to collect and manage all relevant data and information about the land and the events around it, including but not limited to land restitution, as a public service. Most importantly, it should serve as a comprehensive unifying body, assisting the land communities in the debate on pressing questions related to land tenure and use in the country.

Such a National Land Observatory (NLO) would be an affirmation of the fact that land is a national issue and should be managed collectively. It would consider and embrace the diversity of perspectives generally concerned with the issue of land, in processes that bring together individuals, civil society, institutions, corporations, and state agencies (central and local), for collaborative innovation.

A national observatory can also serve as a mechanism in response to the information needs of a variety of stakeholders, with common national interests, requiring documentation, reporting and clarification of land issues, to serve as documented information at the heart of the decision-making process. Therefore, a civil-society-driven NLO is a structure for data collection, storage, and management, as well as for the production, analysis and retrieval of new information and knowledge.

With a view to the broad experience of land observatories around the world, the civil society-driven NLO would discharge the following functions:

- Establish a central specialized brainstorming pool or advisory group on land laws and policies;
- Involve civil society in land action as a counterweight to vested interests, particularly politicians and political parties; sectarian, tribal, or gender bias; as well as the military, militias and other parties that use the means of force and violence;
- Provide the necessary training on normative and operational (technical) topics;
- Facilitate the participation of interested academics, NGOs, and under-represented citizen groups to join in meaningful consultations on issues related to land and its administration;
- Operate a complaints/dispute resolution mechanism as “alternative justice” to proffer quasi-judicial decisions and advice;
- Regularly liaise with the official institutions responsible for the administration of justice, including other alternative justice systems, alternative dispute resolution and formal civil and criminal justice (to ensure compliance with national law).

Such an ambitious project will require a serious effort to recruit and coordinate the best available, complementary capabilities and expertise from across the national landscape and diaspora. This may require the NLO to have a legal or constitutional status, as in the case of national human rights institutions (NHRIs) based on the Paris Principles.⁴ Alternatively, it could function as a specialized branch of an NHRI, or any other transitional justice organ with specific terms of reference related to the issue of land, natural resources, human rights related to habitat.

These principles and proposals, informed by the evidence such as that gathered in this study, offer hope that a process toward a restorative vision will begin on solid ground to address the land of Yemen and its people.

The participants and authors of this study are counting on it.

Endnotes

- ¹ Typically involving: (1) preservation of memory, victims' testimonies and other evidence; (2) prosecution or other adjudication of perpetrators; (3) reparation of victims; (4) institutional and legal reform; and (5) national reconciliation.
- ² Including seven entitlements: (1) restitution, which involves (2) return and (3) resettlement, as appropriate, (4) rehabilitation; (5) compensation for values impossible to be restored; (6) guarantees of non-repetition; and (7) victims' satisfaction that justice has been done. See "Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law," A/RES/60/147, 21 March 2006, http://www.hlrn.org/img/documents/A_RES_60_147_remedy_reparation_en.pdf.
- ³ "Yemen: (Hilal-Bāsra) Report the Names of Land Grabbers" ("اليمن: تقرير (هلال - باصرة) أسماء ناهبي الأراضي") [Arabic], *HIC-MENA News* (1 May 2012), at: <http://www.hic-mena.org/news.php?id=pG9taQ==>.
- ⁴ Principles relating to the Status of National Institutions (The Paris Principles), adopted by UN General Assembly resolution A/RES/48/134, 20 December 1993, <https://www.ohchr.org/en/professionalinterest/pages/statusofnationalinstitutions.aspx>.