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#Breaking_The_Mold

Arab Civil Society Actors and their Quest to Influence Policy-Making

Country: Yemen

Case Study

The Role of Civil Campaigns in Advocating Victims of Arbitrary Arrests and Enforced Disappearances in Yemen

| Studies & Economic Media Center |

EXECUTIVE SUMMARY:

The present report answers critical questions about what role Yemeni civil society organizations have played in implementing civil campaigns to advocate victims of arbitrary arrests and enforced disappearances before the war in Yemen, the profits they have achieved in changing public policies in favor of human rights, the ability to maintain their human right role facing the largest wave of arrests and kidnappings left by the war, in addition to the mechanisms and strategies that they adopted to advocate, release and compensate the victims, and hold perpetrators accountable in accordance with local and international charters. The report also clarifies the organizations' handling of this issue, the methodologies in the campaigns to advocate the victims, and the failures and successes they have achieved through the following:

- Networking methodology: Due to the circumstances of the war, the Yemeni human rights organizations were unable to network with each other to implement effective campaigns to advocate victims and only employed their expertise by networking with international human rights organizations that they had acquired before the war to mobilize international public opinion (issuing statements and reports and organizing joint activities). The victims' issue has been at the forefront of any peace consultations held by the United Nations between the conflicting parties.
- Adopting a strategy of legal cases in the country and abroad to put pressure on the conflicting parties to respect the victims' rights according to the Yemeni Law, International Humanitarian Law and international agreements and treaties to which Yemen is a party.

- Drafting shadow reports for the two conflicting parties' reports as a tool for accountability and monitoring of violations that they commit against the victims of arrests and kidnappings in Yemen.
- Adopting some organizations' professional media strategy (the Abductees' Mothers Association and the Yemeni Journalists Syndicate), which requires resorting to media institutions to make their media plans and generate public opinion in support of their campaigns advocating of victims.
- Relying on issuing periodic reports by most advocacy organizations to monitor cases and conditions of detention, the nature of violations, and organize protests, especially during human rights events (World Press Freedom Day and International Day of The Victims of Enforced Disappearances), in addition to media activities and e-campaigns on social media platforms.
- Lack of a proactive methodology in the organizations' campaigns which requires not presenting the campaign messages to the public opinion through condemnation and protest, resorting to alternatives to end the violations, as victims' advocacy campaigns constitute a meaningful pleading to launch a public debate about this tragedy and gain a greater mobilization to interact with any alternative solutions to mitigate its repercussions, forcing the United Nations and international human rights organizations to exert stronger pressure on the conflicting parties to change their repressive policies and respect international charters. This is consistent with an assessment by Partners Yemen's¹ team that states, "many organizations

¹ "A team affiliated with Partners International for Democratic Change in the program of community participation, dialogue and advocacy for the rehabilitation of civil society organizations in Yemen in 2013.

do not have a clear advocacy strategy due to the lack of a comprehensible agenda for them that includes problems and solutions².

- Lack of parallel advocacy strategies in the victim advocacy campaigns, whereby each campaign it implements aims to mobilize the components of society (opinion leaders, youth, women, parties, unions, etc.) to create strong community support for victims instead of limiting their efforts to networking with human rights organizations abroad and gain the support of external public opinion and ignore internal public opinion concerned with this humanitarian issue.

REPORT METHODOLOGY

- The historical method was adopted to review relevant studies and reports and document the historical role of the Yemeni human rights organizations' campaigns before the war and their effects in changing policies, in favor of advocating detention's victims as a significant background that illustrates the organizations' experience in the field of human rights advocacy and approach to their efforts during the war that left the largest wave of arrests and kidnappings against civilians, which Yemen has never seen before in all of its previous wars.
- Communicating and visiting some human rights organizations in the war aims to collect information about the methodology and strategies adopted in managing their campaigns, assessing their capabilities, and identifying the extent of civil society interaction with them in forming a pressure coalition against the conflicting parties the victims.

BACKGROUND

ESTABLISHMENT AND TRANSFORMATION PHASE 1990-2011:

The crimes of arbitrary arrests and enforced disappearances appeared in Yemen during the wars and political transformations that the country witnessed half a century ago³. Since their emergence in their contemporary form in 1990, civil society organizations' participation in Yemen has remained symbolic in realizing the desired developmental and political change. They are completely absent from the human rights scene, the defense and advocacy of the arrested and disappeared victims. The reconciliation initiatives ignored the victims after the 1994 war, while the visit of the delegation of the High Commissioner for Human Rights to Sanaa and Aden in 1998 represented the first move for this issue, as it submitted a report to the Yemeni government indicating that "the international list contains only 160 names, and that many relatives of the missing did not know about the visit, and that the issue is being negotiated between the government and the international organization"⁴.

The Yemeni human rights movement actually began advocating its demands when the national context witnessed an intense political conflict between the authority and the opposition due to the first Saada war in 2004 and the fierce rivalry in the 2006 presidential elections between former President Ali Abdullah Saleh and his strong rival, Faisal bin Shamlan, the candidate of the opposition Joint Meeting Parties, in which the margin of freedom of expression expanded and public debate revived on all issues, including the issue of victims of arrests and kidnappings. A study released in 2006 indicates the existence of "64 non-government



organizations in the field of human rights, of which 5% work in defense of human rights, and almost 3.3% of them work in human rights violations, providing legal aid and defending prisoners of conscience, press freedoms, the missing and the forcibly disappeared, at a rate of 1.7% each of them⁵.

Furthermore, the Yemeni Coalition for Monitoring Human Rights Violations launched a bold human rights initiative in 2007 by publishing "a long list of names of those forcibly disappeared following the 1994 war, the failed Nasserite coup in 1978 and the Saada wars between 2004 and 2006, and it submitted to the High Commissioner for Human Rights"⁶.

In cooperation with the British organization, Reprieve, the Hood organization held an international conference in Sanaa in 2008 concerning the Yemeni detainees at Guantanamo, calling for the activation of the victim advocacy mechanism to force the government to choose its representatives in the committee to visit detainees, follow up with the United States government to release them, participate in the protests of their families in front of the United States embassy, wear the orange clothes worn by the detainees at the Guantanamo base, and publicize their case in the media⁷.

The Journalists Syndicate launched a network and communication campaign⁸ within the "Freedom of the Press Advocacy Network Project in 2009"⁹. It succeeded in forcing the authorities to release two journalists as a result of the diversification of advocacy mechanisms (intense media pressure, a strategy of filing lawsuits, and networking with local and international human rights organizations), which was followed by human rights organizations' declaration of the "Six Ramadan" coalition on the International Day of the Disappeared, and the implementation of dozens of protest in Sanaa and Aden to support the detainees due to the Saada wars and the protests of the peaceful southern movement. Despite their simplicity and limited impact, these methods formed the first nucleus for the transformation of human rights organizations towards developing their capabilities in civil campaigns.

2 *Partners Yemen for Democratic Change is an Enhancing Community Participation in Dialogue and Advocacy Program, April 2013*

3 * *The civil war in the north of the country between 1962 and 1967 after the September 26 revolution, through the political conflicts in the south after its independence from Britain in 1967, the wars of the central regions and the summer war of 1994 after unity, and the six wars of Saada between the years 2004 and 2009 between government forces and The Houthis movement, down to the most dangerous and hideous wave of arrests in Yemen due to the recent war that is still going since 2014.*

4 <http://www.legal-agenda.com/article.php?id=373>

5 <http://adengd.net/news/278254>

6 <https://muradsubay-com.cdn.ampproject.org/>

7 <https://www.alkarama.org>

8 * *A campaign carried out by the Yemeni Journalists Syndicate in cooperation with the International Federation of Journalists to build a coalition network of active partners and make a change in the means of influence to advocate for its members' causes.*

9 <https://www.almasdaronline.com/article/2958>

MATURITY PHASE 2011-2014:

The human rights voice in support of victims rose during the transitional period after the case became complicated following the arrest of hundreds of youths of the February 11, 2011 revolution¹⁰. A group of youth organizations and components carried out media and e-campaigns to support them. In 2012, the establishment of the Yemeni Association for the Families of the Disappeared was announced to present their case at the National Dialogue Conference and demand the disclosure of their fate and the trial of those responsible for their arrest. Seminars, protests and the "Walls Remember Their Faces" campaign were organized to advocate the victims, in coordination with artists to paint their pictures on public walls in Sanaa. It got the interaction of the human rights circles, the media and the masses.

In 2012, a coalition of 60 organizations managed to persuade the government in establishing a national committee to investigate human rights violations in 2013, releasing some detainees, and ratify Yemen's accession to the International Convention for the Protection of All Persons from Enforced Disappearance and the convention to establish the International Criminal Court, directing "government agencies to complete the legal procedures to ratify the two agreements, issuing Resolution No. 48 in 2013 to prepare a draft law on "Missing and Forcibly Disappeared People"¹¹, which created a glimmer of hope for hundreds of families had it not been for the Parliament's failure to ratify the government's decision due to the fear of the parliamentary blocs of powerful party leaders' involvement in the crimes of enforced disappearance.

The human rights movement succeeded in including the victims' issue within the 31 points presented to the dialogue conference, and "Government Resolution No. 185 was issued in 2013 approving the implementation of the points and the release of detainees, revealing the fate of the disappeared and compensating them, including the victims of the 1994 war, the Saada war and the peaceful southern movement"¹². The Ministry of Human Rights appealed through the media to detainees' families to provide them with information about them. For the first time, human rights organizations and the Ministry worked to amend national legislation in accordance with international human rights conventions signed by Yemen and implement joint activities to advocate victims, protested in the presence of the Minister of Human Rights in front of the Central Prison in the capital, Sanaa, and succeeded in releasing 17 of the 2011 events detainees under the directions of the President of the Republic¹³.

Had it not been for the ongoing war since 2014 between the Houthis¹⁴ and Yemeni government forces, Yemeni human rights organizations would have set an example for emerging democracies. It is not due to their campaigns' success to release hundreds of detainees but rather with their participation to the authorities in enacting a transitional justice law to compensate victims of violations.

10 * Within the Arab Spring revolutions that ousted former President Saleh and inaugurated his current Vice President Hadi according to the Gulf initiative.

11 National Report Submitted in Accordance with Paragraph 5 of the Annex to Human Rights Council Resolution in Yemen, Human Rights Council, Eighteenth Session, Geneva January - February 2014, p. 12.

12 *ibid*

13 *ibid*

14 * An armed religious group that turned with the force of arms against the legitimate government and caused the outbreak of a violent war since 2014, and it is accused of receiving support from Iran.

PROBLEM FRAMING

A press release issued in 2018 by the Rassd Coalition¹⁵ revealed that there have been 3,500 cases of enforced disappearance since the outbreak of the war in Yemen, while local and international human rights organizations reports accuse the conflicting parties of committing grave violations and unlawfully arresting thousands of civilian victims without proving their involvement in the war. A report by the SAM Organization for Rights and Freedoms issued in 2016 monitored "almost 208 illegal prisons for the conflicting parties. The Houthi group acquired 70% of them, as detainees in their prisons are exposed to horrible types of psychological and physical torture". The war also disrupted the security and judicial services in the country. After targeting some of them, it forced human rights organizations to form secret teams to monitor violations in an insecure and complicated environment. The cessation of government support and the shifting of donor funding towards relief and humanitarian work imposed another challenge to the ability of human rights organizations to network and diversify mechanisms and means to ensure the success of their campaigns in marshaling and mobilizing in support of victims and pressuring the conflicting parties to stop their crimes according to the principles of international and humanitarian law, as they involve tragedies that are the burden of the victims' families.

ADVOCACY CAMPAIGN STRATEGIES

The report sheds light on the campaigns of the "Abductees Mothers Association"¹⁶ as an organization that was established during the war by the families of detainees and abductees and was at the forefront of defending and advocating civilian victims, in addition to the Yemeni Journalists Syndicate that took on the defense and advocated dozens of its affiliates who were victims of violations of media freedoms, who were exposed to arrest and kidnapping because of their media activities.

CAMPAIGNS OF THE ABDUCTEES MOTHERS ASSOCIATION

- Arranging "129 protests in the areas of the Houthi group and 20 in the temporary capital of Aden"¹⁷, in addition to several protests in front of the headquarters of the United Nations offices.
- Conducting 52 meetings with international and media figures, representatives of the International Red Cross and the Commission for Human Rights, publishing 88 press releases in various media platforms according to its second report in 2017, coordinating with those means to cover their activities and meeting with the families of the victims to publicize their suffering and produce video flashes to advocate for their cause.
- Sending "40 human rights and official messages"¹⁸ to the official authorities and local and international human rights organizations to fulfill their role in releasing detainees and disappeared persons in Yemen, as they are civilians not involved in the war, dealing with their case as a humanitarian, not a political, issue.
- Holding local and international seminars and events to introduce the issue of detainees and "participating in the United Nations' symposium in cooperation with the government mission in the United Nations and the Yemeni American bloc"¹⁹.

15 * The Yemeni Coalition for Monitoring Human Rights Violations (Rassd Coalition) was established in 2015 under License No. 240 and includes several human rights organizations in Yemen.

16 * The association was established in 2016 at the gates of the prisons of the capital, Sanaa, after the mothers and wives of the kidnapped were acquainted with their demands for their release, and their exposure to physical and verbal attacks by Houthi gunmen.

17 A human rights report issued by the Abductees' Mothers Association (When death becomes a wish) issued in October 2018.

18 <https://yemenshabab.net/locales/32804>

19 <https://alasilahonline.com/today/4820>

- Issuing reports documenting the victim's detention's conditions and case, methods of torture against them and their families' periodic visits to provide them with psychological support.
- Organizing e-campaigns on social media to support victims (the #My_Child's_Freedom_Comes_first campaign (#حرية_ولدي_أولاً), the #Free_Our_Families campaign (#أخرجو_عائلاتنا), and the campaign against torture in Houthi prisons), as well as designing posters and slogans aimed at introducing their cases.

CAMPAIGNS OF THE YEMENI JOURNALISTS SYNDICATE:^{20*}



- Issuing periodic reports to monitor violations of Yemen's media freedoms, documenting the arrest victims, and calling on international organizations interested in their release.
- Arranging protests with the families of journalists after their arrest in the capital, Sanaa, in 2015, which stopped due to their brutal targeting, and seasonal protests in government-controlled areas on the World Press Freedom Day, most notably in 2018, with the participation of some local organizations.
- Organizing events in front of international human rights forums in coordination with interested organizations and similar unions and issuing joint press releases.
- Carrying out periodic media and e-campaigns, especially when victims are exposed to more violations.

HUMAN RIGHTS ORGANIZATIONS' INTERACTION WITH THE CAMPAIGNS

Legal activists launched volunteer initiatives in both Sanaa and Aden to defend the victims in response to their families' pleas, and the strategy of filing legal claims to advocate the victims put pressure on the kidnapers to either refer them to the judiciary or release the abductees. An Aden human rights report revealed "the illegal situation of security forces backed by the United Arab Emirates and their violations of national and international laws and the results of their efforts and the obstacles that prevented the victims from being released"²¹. According to some press releases, the head of the initiative in Sanaa, lawyer Abdul Basit Ghazi, was also arrested while participating with the detainees' families in a protest in front of the criminal investigation headquarters.

However, the Yemeni human rights organizations took a unilateral path to advocate victims that lack institutional networking among them and the effective participation in managing and financing the Association and the Syndicate campaigns instead of their symbolic participation in the protests that were similar in general, and issuing reports to monitor violations, press releases, and participating in local and international human rights activities, as the only means of advocating for victims.

INFLUENTIAL TRANSFORMATIONS IN THE TRAJECTORY OF VICTIM ADVOCACY CAMPAIGNS

The war led to the collapse of state institutions and the sovereignty of the logic of power instead of the logic of law, targeting human rights organizations, and the Houthi group's creation of the "hostage regime" policy that releases the detainees in exchange for a ransom, as well as the insecurity in government areas and the emergence of armed groups exercising detention outside their control. These internal policy transformations have negatively affected the trajectory of victim advocacy campaigns and forced the Yemeni human rights organizations to network with international organizations to organize their campaigns through pleading strategies, submit complaints, participate in meetings and launch humanitarian appeals condemning the United Nations' disregard for the grave crimes against the detainees, as they organized their e-campaigns through local, regional and international media and social media platforms, taking advantage of international concern about the worsening humanitarian situation and the failure of the military solution in Yemen. It has achieved fundamental transformations and imposed detainees' issue among the priorities of the United Nations agenda and put pressure on the conflicting parties to amend their repressive policies, as the legitimate government formed a national committee to monitor violations. At the same time, the Houthi group revealed some detainees' fate and disappeared and allowed their visits.

RESULTS

- The Association's campaigns, the Syndicate, and the efforts of local and international human rights organizations succeeded in forcing the two conflicting parties to sign an agreement in the Sweden consultations in 2018^{22*} that requires the unconditional release of the victims.
- The campaigns contributed to the release of some victims through prisoner exchanges under the auspices of the International Red Cross and the disclosure of the fate of others from time to time.
- The "Kidnapped Mothers Association" campaigns" succeeded in releasing 60 detainees from the United Arab Emirates backed-Security Belt Forces in the temporary capital of Aden.
- The advocacy campaign for the journalist Al-Gebeihy succeeded in releasing him due to the great human rights interaction, internally and externally, rejecting the unfair death sentence imposed by a court affiliated with the Houthi group.

²⁰ * The Syndicate closed its central headquarters in the capital, Sanaa, because of the targeting, arrest, and abduction of many journalists by the Houthi group, and the incitement of its leader in a televised speech against them, considering them more dangerous than their enemy fighters on the fronts.

²¹ <http://ncsp-aden.com/12/2016/prisonreports>

²² * Some human rights organizations provided lists of thousands of victims' names, and a permanent mechanism was signed between the two parties to the conflict to release them on January 2019, 15, and the Houthi group has not implemented the terms of the agreement, according to the legitimate government accusations.

CONCLUSION

Three lessons can be learned to address the weaknesses that accompanied the campaigns, which we summarize as follows:

OBJECTIVE WEAKNESSES:

- The spread of human rights illiteracy and war conditions prevented active participation in the advocacy campaigns for victims. At the same time, most of the social, political, and cultural components were unaware of the importance of these campaigns' impact, in addition to the lack of confidence of some victims' families in the usefulness of the campaigns after the Houthi attacks on their activities and intimidation to accept the policy of extortion by paying a ransom to release their relatives.

INSTITUTIONAL WEAKNESSES:

- The activity of human rights organizations in Yemen is relatively recent, its institutional capabilities are limited, and it has long-term goals without the means to achieve them, which caused their inability to invest their limited expertise in networking before the war and unify their efforts in combating the crimes of arrests and disappearances during the war to ensure the impact of their campaigns on mobilization, marshalling and pressure to release the victims, as well as the organizations' lack of a clear plan that strengthens their organizational frameworks in managing advocacy campaigns to achieve progress and independence in their performance away from the stakes of the conflicting parties that have mostly emerged from them as an institutional necessity, not only to influence decision-makers and advocate victims, but because of its importance as a method for dealing with many national and societal issues, and gaining support for it, formulating and applying it in a democratic way that guarantees collective participation by financing and managing advocacy campaigns.

SUBJECTIVE WEAKNESSES:

- Many civil society organizations in Yemen suffer from dysfunctional organizational structures and the absence of strategic planning. This is due to a subjective factor represented in the paternalism and personalization of their successes and failures and the weakness of their democratic practices.



BREAKING THE MOLD PROJECT

In mid-2018, the "Civil Society Actors and Policymaking in the Arab World" program at IFI, with the support of Open Society Foundations, launched the second round of its extended research project "Arab Civil Society Actors and their Quest to Influence Policy-Making". This project mapped and analyzed the attempts of Arab civil society, in all its orientations, structures, and differences, to influence public policy across a variety of domains. This research produced 92 case studies outlining the role of civil society in impacting political, social, economic, gender, educational, health-related, and environmental policies in ten Arab countries: Lebanon, Syria, Palestine, Jordan, Egypt, Morocco, Tunisia, Yemen, and the Arab Gulf.

Over two dozen researchers and research groups from the above countries participated in this project, which was conducted over a year and a half. The results were reviewed by an advisory committee for methodology to ensure alignment with the project's goals, and were presented by the researchers in various themed sessions over the course of the two days.

THE CIVIL SOCIETY ACTORS AND POLICY-MAKING PROGRAM

at the Issam Fares Institute for Public Policy and International Affairs at AUB, examines the role that civil society actors play in shaping and making policy. Specifically, the program focuses on the following aspects: how civil society actors organize themselves into advocacy coalitions; how policy networks are formed to influence policy processes and outcomes; and how policy research institutes contribute their research into policy. The program also explores the media's expanding role, which some claim has catalyzed the Uprisings throughout the region.


THE ISSAM FARES INSTITUTE FOR PUBLIC POLICY AND INTERNATIONAL AFFAIRS AT THE AMERICAN UNIVERSITY OF BEIRUT

The Issam Fares Institute for Public Policy and International Affairs at the American University of Beirut (AUB Policy Institute) is an independent, research-based, policy-oriented institute. Inaugurated in 2006, the Institute aims to harness, develop, and initiate policy relevant research in the Arab region. We are committed to expanding and deepening policy-relevant knowledge production in and about the Arab region; and to creating a space for the interdisciplinary exchange of ideas among researchers, civil society and policy-makers.


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