

Mandate of the Special Rapporteur on the independence of judges and lawyers

Ref.: OL OTH 14/2026
(Please use this reference in your reply)

25 February 2026

Dear Mr. Sharaf,

I have the honour to address you in my capacity as Special Rapporteur on the independence of judges and lawyers, pursuant to Human Rights Council resolution 53/12.

We are independent human rights experts appointed and mandated by the United Nations Human Rights Council to report and advise on human rights issues from a thematic or country-specific perspective. We are part of the special procedures system of the United Nations, which has 59 thematic and country mandates on a broad range of human rights issues. We are sending this letter under the communications procedure of the Special Procedures of the United Nations Human Rights Council to seek clarification on information we have received. Special Procedures mechanisms can intervene directly with Governments and other stakeholders (including companies) on allegations of abuses of human rights that come within their mandates by means of letters, which include urgent appeals, allegation letters, and other communications. The intervention may relate to a human rights violation that has already occurred, is ongoing, or which has a high risk of occurring. The process involves sending a letter to the concerned actors identifying the facts of the allegation, applicable international human rights norms and standards, the concerns and questions of the mandate-holder(s), and a request for follow-up action. Communications may deal with individual cases, general patterns and trends of human rights violations, cases affecting a particular group or community, or the content of draft or existing legislation, policy or practice considered not to be fully compatible with international human rights standards.

I would like to bring to your attention information I have received concerning amendments approved on 12 September 2024 to the Judicial Authority Law No. (1) of 1991 by the *de facto* House of Representatives in Sana'a, as well as their implementation through Decision No. 48 of 2025 of 5 November 2025. A careful assessment of these amendments raises significant concerns regarding their compatibility with human rights law, recalling that, in addition to its obligations under international humanitarian law, the Ansar Allah movement, as the *de facto* authority in the territory concerned, is responsible for ensuring the human rights of individuals under its effective control.

Recalling international human rights standards related to the right to a fair trial, I would like to offer the following analysis and observations regarding the compatibility of these amendments, with international human rights law obligations binding on Yemen. I recall that Yemen ratified the International Covenant on Civil and Political Rights (ICCPR) on 9 February 1987. I also note that many portions of the Universal Declaration of Human Rights (UDHR), including its provisions relating to the right to a fair trial, have become binding customary law.

Ansar Allah movement

The ICCPR and UDHR include international guarantees on the right to a fair trial and the independence of the judiciary, which require States to protect judges and prosecutors from improper interference and to ensure that they are able to carry out their functions without undue pressure.

This letter is not intended to provide an exhaustive assessment of all legislative amendments adopted. Rather, I focus on those amendments that appear to be incompatible with international human rights standards related to the independence of the judiciary, the right to a fair trial, and the free and independent exercise of the legal profession.

Context

On 11 September 2024, in Sana'a, the de facto House of Representatives approved amendments to the Judicial Authority Law No. (1) of 1991. The amendments reportedly affected more than a dozen provisions of the law, including articles 8, 35, 92, 93, 94, 95, 96, 97, 104/7, 111, 114, 115, and 122. The amendments were subsequently approved on 12 September 2024.

Among the amendments, certain provisions expanded the authority of the head of the Supreme Political Council to appoint members to the Supreme Judicial Council, including professors and scholars of Islamic law holding *ijazah*¹, without nomination by the Supreme Judicial Council. Other amendments introduced disciplinary measures granting judges the power to prohibit lawyers from practicing before courts for a period of six months to one year on grounds that the lawyer had “misled justice,” “obstructed legal proceedings,” or submitted “malicious defenses.”

The amendments also modified Article 57 of the Judicial Authority Law, expanding the authority of the President of the Republic of Yemen to appoint individuals to positions within the judicial authority from outside its existing membership for a period of three years. Under the amended provision, such appointees may be selected from among professors of Sharia and Law at Yemeni universities or Islamic Sharia scholars holding academic qualifications in jurisprudence, without the requirement of prior graduation from the High Judicial Institute or nomination by the Supreme Judicial Council. Prior to the amendment, initial appointment to the judicial authority required graduation from the High Judicial Institute in addition to holding a recognized university degree in Law or Sharia and Law.

On 5 November 2025, the Chief of the Judicial Inspection Authority in Sana'a issued Decision No. 48 of 2025 concerning the distribution of graduates from the so-called “First Qualifying Course for Sharia Scholars” to courts for the purpose of judicial training. The decision reportedly allocated 83 individuals, all male, to train in 29 courts across nine governorates under the control of the de facto authorities, including Amanat Al-Asimah, Sana'a, Sa'dah, Amran, Hajjah, Ibb, Taiz, Dhamar, and Al-Hudaydah.

According to information received, these legislative amendments and their subsequent implementation occurred in the absence of meaningful consultation with

¹ *Ijazah* is an Arabic term for a license authorizing its holder to transmit a certain text or subject, which is issued by someone already possessing such authority. It is particularly associated with transmission of Islamic religious knowledge.

judicial institutions, legal professionals, or bar associations. They have reportedly generated significant concern among judges, lawyers, and legal experts, who have warned that the introduction of individuals lacking formal judicial training, combined with expanded executive influence over judicial appointments and disciplinary powers affecting lawyers, may adversely affect the independence, competence, and impartiality of the judiciary in areas under the control of the de facto authorities.

Executive Control over Judicial Appointments

Article 14 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Yemen on 9 February 1987, guarantees the right of every person to have their case heard by a competent, independent, and impartial tribunal established by law. International standards on judicial independence require that the judiciary be free from political influence or interference by the executive or legislative branches, and that judges be appointed on the basis of objective criteria related to competence, integrity, and qualifications.²

In this regard, the amendments to the Judicial Authority Law No. (1) of 1991 significantly weaken the institutional safeguards designed to protect judicial independence and thus run contrary to international human rights standards on the matter. In particular, the amended provisions granting the head of the Supreme Political Council the authority to appoint members to the Supreme Judicial Council, including professors and scholars of Islamic law holding *ijazah*, without nomination by the Supreme Judicial Council itself, appear to place decisive control over judicial governance in the hands of the executive authority. Such arrangements risk undermining the autonomy of the Supreme Judicial Council as the body responsible for safeguarding the independence of the judiciary.

The amendment to article 57, which allows the President of the Republic of Yemen to appoint individuals from outside the judiciary to judicial positions for a period of three years, also runs afoul of these standards. The removal of the requirement that judicial appointees be graduates of the High Judicial Institute, combined with the absence of nomination by judicial bodies, raises serious questions regarding both the competence and independence of such appointees. As emphasized in general comment No. 32, the requirement that tribunals be “competent” is an essential element of the right to a fair trial and is closely linked to judicial independence, as inadequate professional qualifications may compromise the proper application of the law.³

The implementation of these amendments through decision No. 48 of 2025, which allocated 83 individuals who completed the so-called “First Qualifying Course for Sharia Scholars” to courts across several governorates, also run counter to international standards since the placement of individuals who have not undergone formal judicial training within the court system risks eroding public confidence in the judiciary and may result in inconsistent or arbitrary decision-making.

² Basic Principles on the Independence of the Judiciary, principle 10, A/HRC/44/47/ADD.2 (2 June 2020), para. 104, A/HRC/11/41 (24 March 2009), para. 27, A/HRC/50/36/ADD.1 (11 May 2022), para. 112.

³ CCPR/C/GC/32 (23 Aug. 2007), para. 19

Disciplinary Proceedings against Lawyers

The amendments to the Judicial Authority Law No. (1) of 1991 also introduce provisions that significantly alter the framework governing disciplinary proceedings against lawyers, in a manner that appears incompatible with international human rights standards. In particular, the amended provisions empower judges to issue decisions prohibiting lawyers from practicing before courts for a period of six months to one year where they are deemed to have “misled justice,” “obstructed legal proceedings,” or submitted “malicious defenses.”

Under international standards, disciplinary proceedings against lawyers must be conducted by an independent and impartial body, in accordance with fair procedure and subject to judicial review. The United Nations Basic Principles on the Role of Lawyers provide that lawyers shall not suffer or be threatened with sanctions for any action taken in accordance with recognized professional duties, standards, and ethics, and that disciplinary proceedings shall be brought before an impartial disciplinary authority or court, with the right to a fair hearing and review.⁴

In this regard, the conferral of far-reaching disciplinary powers on judges who are simultaneously presiding over cases in which the affected lawyers appear raises serious concerns regarding conflicts of interest, lack of impartiality, and retaliation against lawyers for their legitimate exercise of their professional functions. While judges must have the discretion to ensure propriety in the proceedings over which they preside, allowing judges to directly impose years-long professional sanctions on lawyers for their conduct in specific proceedings risks undermining the independence of the legal profession and may deter lawyers from providing robust and effective legal representation, particularly in sensitive or politically charged cases.

Moreover, the grounds for imposing such sanctions, including “misleading justice,” “obstructing legal proceedings,” and “malicious defenses,” are formulated in vague and subjective terms. The absence of clear definitions or objective criteria governing these concepts creates a risk of arbitrary or discriminatory application, contrary to the principle of legal certainty and the requirements of due process. As emphasized by international human rights standards, disciplinary measures must be prescribed by law with sufficient precision to enable lawyers to foresee the consequences of their professional conduct.

These observations highlight the need for any reforms to the statutory framework governing the judiciary and the legal profession in areas under the control of the de facto authorities to be carefully considered and implemented in a manner that respects and upholds international human rights standards concerning the independence of the judiciary, the right to a fair trial, and the independence of lawyers.

In addition, I recall that where the Ansar Allah movement engages in actions that are unrelated to the conflict and are not direct consequences of it, the governing legal framework should be international human rights law. In practice, this means that the Ansar Allah movement is legally bound to respect the right to fair trial and other

⁴ Basic Principles on the Role of Lawyers, principles 27-29.

internationally recognised human rights, and these rights should be protected without discrimination on any of the grounds prohibited by international law.

I recommend repeal of the amendments to the Judicial Authority Law No. (1) of 1991, and the implementation measures, including Decision No. 48 of 2025, as they do not comply with Yemen's international human rights obligations. Any changes to the legal and judicial framework must not infringe upon these fundamental human rights and freedoms.

In a spirit of cooperation and dialogue, and in line with my mandate as provided by the Human Rights Council to seek clarification on cases brought to my attention, I would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned analysis.
2. Please explain how the amendments to the Judicial Authority Law No. (1) of 1991 and Decision No. 48 of 2025 comply with Yemen's obligations under international law, in particular the principles and standards protecting the independence of the judiciary, judicial competence, and fair trial guarantees, as enshrined in the ICCPR and general comment No. 32.
3. Please provide information on the measures taken to ensure that judicial appointments are made on the basis of objective criteria, including competence, integrity, and qualifications, and that the executive authority's role does not compromise the independence and impartiality of the judiciary.
4. Please indicate what safeguards are in place to guarantee that disciplinary proceedings against lawyers are conducted by an independent and impartial body, and that lawyers are not subject to arbitrary or politically motivated sanctions, in line with the Basic Principles on the Role of Lawyers.
5. Please explain any steps taken to review or amend the existing framework governing judicial appointments, disciplinary powers over lawyers, and court procedures to bring them into compliance with international human rights standards, and to prevent any adverse impact on the independence of the judiciary or the right to a fair trial.

This communication, as a comment on pending or recently adopted legislation, regulations or policies, and any response received will be made public via the communications reporting [website](#) after 48 hours. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

I would like to underline that this letter addressed to the *de facto* authorities in the concerned region of Yemen does not in any way imply expression of any opinion concerning the legal status of any country, territory, city or area, or of its authorities.

Kindly note that a copy of the letter is transmitted to the Government of Yemen.

Please accept the assurances of my highest consideration.

Margaret Satterthwaite
Special Rapporteur on the independence of judges and lawyers