



ISSN Print: 2541-5298
ISSN Online: 2541-6464

SRIWIJAYA Law Review

Editorial Office: Faculty of Law, Sriwijaya University
Jalan Srijaya Negara, Palembang, South Sumatra 30139, Indonesia.
Phone: +62711-580063 Fax: +62711-581179
E-mail: sriwijalayalawreview@unsri.ac.id | sriwijalayalawreview@gmail.com
Website: <http://journal.fh.unsri.ac.id/index.php/sriwijalayalawreview>

Non-Adherence to Human Rights and Humanitarian Laws in the Conduct of Armed Conflict in Yemen

Mohammed Salem Alqahtani,^{a*} Rohaida Nordin,^a and Faridah Jalil^a

^{a*} Faculty of Law, Universiti Kebangsaan Malaysia (UKM), Malaysia. Corresponding Author Mohammed Salem Alqahtani, e-mail: mohd_4845@hotmail.com

Article	Abstract
<p>Keywords: Armed conflict; Humanitarian values; Human rights; Yemen.</p> <p>Article History Received: Okt 10, 2021; Reviewed: Jan 17, 2022; Accepted: Jan 30, 2022; Published: Jan 31, 2022.</p> <p>DOI: 10.28946/slrev.Vol6.Iss1. 1459.pp143-162</p>	<p>To protect the properties, lives, and dignity of human persons worldwide, the International Humanitarian Law seeks to uphold and promote Human Rights Law and other international frameworks regulating the rights of civilians and parties to armed conflict. The conduct of parties to the armed conflict who have grossly violated the combined provisions of International Human Rights Law and the International Humanitarian Law resulted in the persistence of armed conflict and warfare in Yemen, thereby crossing every access road to humanitarian rights and privileges. The researchers adopt the doctrinal methodology to investigate the status of warfare in Yemen, the provisions of the law on International Human Rights and Humanitarian Law, and the extent to which the parties to the armed conflict in Yemen break such laws. The International Humanitarian Law and the International Human Rights Law regulate the conduct of actors and parties in the armed conflict both in Yemen and the world at large. The finding of this study demonstrates that all the participants in the conflict in Yemen violate the International Humanitarian Law. Therefore, they are accountable for such violations. The research recommends strict adherence and compliance to both the International Human Rights Law and the Humanitarian Law throughout the armed conflict in Yemen to have lasting peace. Furthermore, accountability for violations committed should be identified, and all actors in the armed conflict should be punished accordingly.</p>

©2022; This is an Open Access Research distributed under the term of the Creative Commons Attribution License (<https://creativecommons.org/licenses/by/4.0>), which permits unrestricted use, distribution, and reproduction in any medium, provided the original works is properly cited.

INTRODUCTION

Over the years, following the out surge of armed conflict in Yemen, which has been considered the highest country in the world to record incessant and gross cases of human rights violations

and humanitarian crises, which left behind 4.3 million in dire need of means of livelihood.¹ With the increased number of victims who have run away from their homes since the conflict kicked off, about 20 million people are suffering from food insecurity. At the same time, a staggering 7.4 million are being risked to famine, and approximately 1 million returnees and 3.3 million remain displaced.² This is following the armed conflict that sometimes escalated in March 2015, thereby creating rooms for humanitarian actors and human rights activists around the globe to raise requisitions, criticisms and recommendations on policies and programs that will help in curtailing the menace that is currently ravaging humanity in Yemen.³ Hence, preserving and respecting humanitarian values and human rights in the conduct of warfare in Yemen become necessary. Human rights and standards give rise to legal obligations which are valid in every situation, including humanitarian crises.⁴

Therefore, humanitarian values and human rights during armed conflict and the extent to which the armed conflict parties in Yemen are violating the international humanitarian law is the objective this paper seeks to investigate the concept of warfare in Yemen. Therefore, for the objectives of this study to be achieved, the researchers employ doctrinal legal research as its methodology. The relationship between International Humanitarian Law and International Human Rights Law is quite analogous; it is thus imminent to put this correspondence in its doctrinal and legal context to correctly understand its application in practical aspects to situations of armed conflict. In order to accomplish this task, this study examines rights that are guaranteed and protected during armed conflict; discusses the relationship between International Humanitarian Law and Human Rights Law; identifies the treaties that regulate humanitarian values during armed conflict. It further examines how The parties are violating International Humanitarian Law and International Human Rights Law to armed conflict in Yemen. Lastly, it identifies whether the Yemen armed conflict parties adhere to the engagement rules when armed conflict occurs.

RESEARCH METHODS

The methodology employs in this research work is a doctrinal method. A doctrinal methodology is a black-letter approach to legal research that is purely theoretical. It is used to analyse Non-Adherence to Human Rights and Humanitarian Laws in the Conduct of Armed Conflict in Yemen. In doing so, both primary and secondary sources of data such as Conventions, Treaties, textbooks, journals, judicial authorities, unpublished dissertations/thesis, articles from newspapers and magazines are utilised to achieve the study's objectives.

ANALYSIS AND DISCUSSION

Human Rights During Armed Conflict

As observed, human rights are likely to be abused during an armed conflict over the years. The International Human Rights Law is a set of international rules to ensure the protection and

¹ Amnesty International, "Yemen: US-Made Bomb Used in Deadly Air Strike on Civilians," Press release, 2019, <https://www.amnesty.org/en/latest/news/2019/09/yemen-us-made-bomb-used-in-deadly-air-strike-on-civilians/>.

² International.

³ "Children Affected by Armed Conflict: UNICEF Actions," New York, 2002.

⁴ Machel Graca, "Report on the Impact of Armed Conflict" (Palgrave, New York, 2018).

promotion of all people's human rights.⁵ These rights are indivisible, interdependent and interrelated and are deep-rooted in people irrespective of ethnicity, religion, nationality, race, colour, language, sex, geographical location, or any other status.⁶ They are often expressed and assured by law, and they are established and designed in the context of international law of customary, treaties, fundamental principles and soft law.⁷ The International Human Rights Law regulates States' obligations to react in a particular way or avoid specific actions to protect and safeguard groups of people's fundamental human rights and basic freedoms.⁸

This, in essence, paves the way for conflicting parties' actions to be restricted by ensuring the protection and humane treatment of a person who does not participate or who no longer participates in hostilities after the promulgation of the International Human Right Law thereafter.⁹ International Human Rights Law bans cruel treatment or torture, establishes rights for those facing criminal charges, outlaws discrimination, and includes rules for the protection of children and women and the protection of the lives and dignity of individuals. In addition, the conduct of hostilities, combatant and prisoner of war status is dealt with by the human rights law.

The International Human Rights Law is the principal law that regulates and coordinates all the activities of parties, whether state or non-state actors, during the war and situations of occupation.¹⁰ Its application is unaffected by the body of legislation that governs lethal force.¹¹ This framework is also referred to as the *jus ad bellum*, and is enshrined in the UN Charter. It governs the circumstances in which force may be used.¹² For instance, it applies in self-defence cases and under UN Security Council authorisation. In as much as there is an armed conflict, the International Human Rights Law applies to all the parties under *jus ad bellum* principles regardless of whether a side was legally justified in deploying force or not.

Therefore, to respect and preserve human rights during armed conflict, to distinguish between combatants and civilians, and between military objects and civilian objects becomes necessary by the parties to an armed conflict at all times.¹³ More so, if there is an anticipation of the launch of an attack that may cause damage to civilian properties, injury to civilians, or incidental loss of civilian lives that is excessive concerning the direct military advantage expected, there should be stoppage of such attack. Furthermore, to spare the lives and properties of civilians either before or during an attack, the duty to take precautions to become

⁵ "Human Rights and International Humanitarian Law," *The European Journal of International Law*, 2010.

⁶ A. P. V Rogers, *Law as the Battlefield*, 2nd ed. (Manchester: Manchester University Press, 2004).

⁷ "Human Rights and International Humanitarian Law," 2010.

⁸ Jamsheed Ahmed Sayed, "The International Legal Protection Of Human Rights In Armed Conflict" 3, no. 7 (2017).

⁹ Ian Brownlie, *Principles of Public International Law*, 6th ed. (Oxford University Press, 2003).

¹⁰ Bruscoli Francesco, "The Rights of Individuals in Times of Armed Conflict," *International Journal of Human Rights* 6 (2002).

¹¹ Rachel Brett, "Non-Governmental Human Rights Organisations and International Humanitarian Law," *International Review of the Red Cross*, 1998.

¹² Dormann Knut, *The Legal Situation of 'Unlawful/Unprivileged Combatants*, 2003.

¹³ Saulnier Françoise B, *Beyond the Limits of Human Rights. MSF London: Lecture at County Hall*, 2004.

imminent and the prohibition of indiscriminate attacks, as well as the prohibition of indiscriminate attacks and the prohibition against inflicting needless pain or injury.¹⁴

Another Rule regulating armed conflict is the Geneva Conventions (1949) and their 2 Additional Protocols (1977) that contains rules and regulations on International Humanitarian Law during internal and international armed conflict.¹⁵ The Convention relating to the Protection of Civilian Persons in Time of War is the 4th Geneva Convention which contains a series of acts that must be refrained from by the parties in all situations. Acts that are seen as violating the most basic human rights, such as torture and physical or moral compulsion, violence that endangers life, and failure to comply with many due process rights, are among them. The Convention also forbids the use of human shields in the strongest terms. Unless certain strict conditions are met, it also provides there may not be forcing of civilians to work for an occupying power.¹⁶ The Additional Protocols to the Geneva Conventions that the Diplomatic Conference adopted is also essential in dealing with matters relating to human rights during armed conflict.¹⁷

Furthermore, Article 2, which is relatively related to the Geneva Conventions 1949, declares that “in addition to the provisions which shall be implemented in peacetime, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognised by one of them. The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.” Additionally, the situations covered by Article 2 were extended by Protocol I to the Geneva Conventions 1977 stating that the situations to which the Protocol applies “include armed conflicts in which peoples are fighting against colonial domination and alien occupation and racist regimes in the exercise of their right of self-determination”. The centre of International Humanitarian Law is the Protection of Civilians’ human rights during armed conflict and also form a core area of International Criminal Law and International Human Rights.¹⁸ For the purpose of protection, assigning accountabilities to and setting legal constraints on the conflict parties, and reducing the impact of conflict on them, these standards and laws aim to shield civilians’ human rights from abuse during times of war. Abuses, nevertheless, have continued in major as well as low-intensity conflicts.¹⁹

¹⁴ United Nations, “The Human Rights Based Approach to Development Cooperation: Towards a Common Understanding Among UN Agencies,” Interagency Workshop on Human Rights Based Approach, Stamford, Connecticut, 2003.

¹⁵ Marta Santos Pais, “A Human Rights Conceptual Framework for UNICEF. Florence,” UNICEF International Child Development Centre, 1999.

¹⁶ Article 51 of the Geneva Convention 1949.

¹⁷ Article 51 of the Geneva Convention 1949.

¹⁸ IASC International Humanitarian, “Human Rights and Refugee Law in the Context of Armed Conflict,” Geneva, 2002.

¹⁹ Forsythe David, *Human Rights in International Relations* (Cambridge: CambridgeUniversity Press, 2000).

The Relation Between International Humanitarian Law and International Human Rights Law

The continuing special interrogatories asked in recent times is whether human rights continue to be respected and exercised during armed conflict.²⁰ In an attempt to answer this question, it is worthy to note that as adopted by the Commission on Human Rights (CHR), Human Rights Council (HRC), the Security Council (SC), and the General Assembly (GA), several country-specific resolutions, individually taken as well as collectively, suggest to the general understanding that Human Rights Law applies in times of armed conflict. The titles of resolutions approved in the context of armed conflict often explicitly refer to such an understanding.²¹ For example, A/HRC/RES/12/5 of the Human Rights Commission is a resolution entitled 'Civilians human rights protection in armed conflict', speaks for itself. Therefore, States' recent behaviour demonstrates their understanding of the applicability of Human Rights Law in times of armed conflict. As a result, during armed conflict, Human Rights Law and related International Humanitarian Law or Instruments continue to apply.²²

Treaties Regulating Humanitarian Values During Armed Conflict

To limit the effects of armed conflict, humanitarian values are designed to contain a set of rules that seeks to curtail the conflicts for humanitarian reasons.²³ It is for the purpose of protecting people who are not or are no longer involved in hostilities and limiting the tools and tactics of combat. Its application is restricted to armed conflict circumstances.²⁴ International Humanitarian law is a subset of human rights legislation explicitly created for use in times of armed conflict. Some of its provisions, particularly the rules on the use of weapons and the conduct of conflicts, have no counterparts in human rights legislation. International Humanitarian Law provides the manner in which force may be used and enforced during armed conflict, taking the human rights of the persons (civilians) into account. This is distinguished from the validity of the use of force.²⁵

The principles regulating humanitarian values during armed conflict include:²⁶

- 1) Protection, respect, and humanely treatment of people who do not participate or who no longer participate in hostilities. Without discrimination, each person shall be given appropriate care.
- 2) Humanely treatment of persons with limited freedom and detained warriors. Guaranteed protection against all acts of violence, specifically torture and where they are put on trial, access to regular judicial procedures shall be guaranteed as it is their fundamental right.
- 3) There is a limitation to the right of armed conflict's parties to choose methods or means of

²⁰ Freeman M, *Human Rights* (Cambridge: Polity Press, 2002).

²¹ Heintze Hans-Joachim, *On the Relationship between Human Rights Law Protection and International Humanitarian Law*, 2004.

²² Dugard John, *Bridging the Gap between Human Rights and Humanitarian Law: The Punishment of Offenders*, 1998.

²³ Lubell Noam, "Challenges in Applying Human Rights Law to Armed Conflict," *International Review of the Red Cross* 87 (2015).

²⁴ International Committee of the Red Cross, "International Humanitarian Law and the Challenges of Contemporary Armed Conflicts," 2018.

²⁵ Nicholas Owen, *Human Rights, Human Wrongs (The Oxford Amnesty Lectures)* (Oxford: Oxford University Press, 2001).

²⁶ David Rieff, "A Bed for the Night: Humanitarianism in Crisis. New York: Simon and Schuster," 2002.

warfare. No infliction of unnecessary suffering and superfluous injury. 4)The civilian population and civilian objects shall be distinguished separately from the military objectives at all times by the Armed forces in order to spare the civilian population. The civilian population or individual civilians or civilian objects shall not be the military attacks' target.

From the points above, one can deduce that two areas are covered by the International Humanitarian Law: the means and the methods of combat and the protection of persons; and restrictions to the conflicts. Hence, the International Humanitarian Law finds its sources in treaties and in customary international law. The framework regulating humanitarian values include:²⁷ 1)The Hague Regulations respecting the Laws and Customs of War on Land 1907. 2)The Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field 1929; 3)The Geneva Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea 1949; 4)The Geneva Convention (III) relative to the Treatment of Prisoners of War 1949; 5)The Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War 1949; 6)The Protocol Additional to the Geneva Conventions and relating to the Protection of Victims of International Armed Conflicts (Protocol I) 1977, and 7)The Protocol Additional to the Geneva Conventions and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) 1977.

The application of humanitarian values/laws applies in connection to the times of armed conflict. Taking into consideration the special circumstances of warfare, the provisions of the Humanitarian values are taken into account. They are not being nullified under any circumstances and for whatever reason.²⁸ They usually use "across the front line," that the military must adhere to humanitarian law and value in handling the armed group, but not in their relationships with their citizens.²⁹

Furthermore, in general, the requirement of protection of the civilian population is from all forms of hazards arising from military operations as contained in the provisions of the humanitarian law and values. However, some groups among the population, such as old aged persons, children, persons with disabilities, women, and displaced people, have specific needs and are entitled to special attention.³⁰ Civilians can also expect adequate care and respect. However, the problem faced by humanitarian actors at present is the access of all the victims of an armed conflict.³¹ Even though the number of humanitarian organisations over the years has increased dramatically, humanitarian access is inherent and necessary and more coordination and negotiation thereof. Additionally, the blurry lines between political, military, and

²⁷ Omaar Rakiya and Alex de Waal, "Humanitarianism Unbound," *African Rights Discussion Paper, African Rights* 5 (1994): 1–35.

²⁸ O'Donnell Daniel, "Trends in the Application of International Humanitarian Law," *United Nations Human Rights Mechanisms*, 1998.

²⁹ Kracht Uwe, *Human Rights and Humanitarian Law and Principles in Emergencies: An Overview of Concepts and Issues, Background Document* (New York: UNICEF, 1999).

³⁰ Robert Kolb, "The Relationship between International Humanitarian Law and Human Rights Law: A Brief History of the 1948 Universal Declaration of Human Rights and the 1949 Geneva Conventions," *International Review of the Red Cross* 38, no. 324 (1998): 409–19, <https://doi.org/10.1017/s002086040009121x>.

³¹ Louise Doswald-Beck, "International Humanitarian Law and Human Rights Law," 2018, <https://doi.org/10.1017/s0020860400071539>.

humanitarian operations have continuously become miserable.³² This implies that where access to humanitarian values are perceived if one or more armed conflict's parties or parts of the population are actors as instruments of a political agenda, there can be difficulty or impossibility of access to those in need. Hence, due to the blurred lines discussed earlier, humanitarian workers themselves are at a higher risk of becoming targets of assault.³³

The question then goes thus: what can humanitarian actors do to satisfy the needs of the demanding population? Moreover, the response is that they are permitted to provide their services under International Humanitarian Law. Furthermore, the issue of humanitarian actors' access becomes significant when the state refuses or is unable to completely fulfil its legal obligation to provide the basic needs of affected populations during times of armed conflict.³⁴ In as much as the principles of non-discrimination, impartiality, and humanity are respected, disaster aid cannot be considered foreign meddling in the receiving state's internal affairs.³⁵

Violations of International Humanitarian Law and Human Right Law in Yemen

Unlawful Airstrike

According to the Yemen Data Project, since the kick-off of the war sometime in 2015, more than 20,100 air-attacks have been conducted on Yemen by the Saudi-led coalition.³⁶ Averagely 12 attacks daily have destroyed public space and properties, including markets, farms, detention centres, hospitals, bridges, school buses, factories, and mosques. Multiple airstrikes were reported to be carried out on a Houthi detention centre by the Saudi-led coalition, where at least 200 people were killed and wounded in August 2019 only, even though it was the single inhumane and deadliest one since the eruption of the conflict sometimes in 2015.³⁷ Additionally, since 2018, Saudi-led coalition naval forces launched at least five deadly attacks on Yemeni fishing boats, where some Yemeni fishermen were killed, including seven young persons.³⁸

Indiscriminate Artillery Attacks

As part of the warfare, cities like Hodeida and Taizz in Yemen witnessed war actions such as the continuous firing of artillery indiscriminately by the Houthi forces and the launching of indiscriminate ballistic missiles into Saudi Arabia including Riyadh's international airport.³⁹ Furthermore, throughout 2018, the "list of shame", which is the UN Secretary General's annual list published in July 2018 for violations against children in armed conflict, contains in detail

³² Yildiz Kerim and Brea Susan, *International Humanitarian Law and Post-Conflict Mechanisms* (London: Routledge, 2010).

³³ Yves Sandoz, "The International Committee of the Red Cross as Guardian of International Humanitarian Law," ICRC, 1998, <https://www.icrc.org/en/doc/resources/documents/misc/about-the-icrc-311298.htm>.

³⁴ ICRC, "International Law on the Conduct of Hostilities: Overview," 2010, <https://www.icrc.org/en/doc/war-and-law/conduct-hostilities/overview-conduct-of-hostilities.htm#:~:text=International law on the conduct of hostilities regulates and limits, human suffering%2C particularly among civilians.>

³⁵ Felix Schwendimann, "The Legal Framework of Humanitarian Access in Armed Conflict" 93, no. 884 (2018).

³⁶ Darcy James, "Human Rights and Humanitarian Action : A Review of the Issues," *Human Rights*, 2019.

³⁷ Doswald-Beck, "International Humanitarian Law and Human Rights Law."

³⁸ Presentation by Gareth Evans at a meeting organised by the One World Trust on the responsibility to protect, 15 (2018).

³⁹ Human Rights Watch World Report (2020).

that 398 children were injured or murdered by the Houthis, Saudi-led coalition damaged or killed 729 kids. The Yemeni government's forces caused 58 child casualties.⁴⁰

Child Soldiers

Since the commencement of the warfare in Yemen, child soldiers, including some below age 15, have been recruited by all parties. In 2019 only, out of 3034 under-age forced to take arms in the Yemen war, 64% (1940) were forcefully employed by the Houthis as reported by UN Group in 2019 by the Eminent International and Regional Experts on Yemen.⁴¹

Warfare on Landmines

In Hodeidah and Taizz, at least 140 civilians, 19 children inclusive were reported to have been killed by landmines in just January 2018. Planted landmines buried in farmland, roads, villages, and water reservoirs defer civilians from going about their everyday lives' pursuit, especially those whose route of business is around the areas as mentioned earlier, like farmers whose clean water supply and crops were affected. Inadequate training, misinformation, and poor coordination fail short of the law's requirement on International Mine Action Standards (IMAS) for the demining efforts.⁴² Additionally, civilians and their livelihoods were harmed by planted landmines across Yemen, and forces have been utilising anti-vehicle mines, explosive improvised weapons, and antipersonnel mines along Yemen's western coast, causing injuries even deaths of hundreds of civilian deaths, an action by the Houthi. The aid providers have also impeded reaching the vulnerable target communities.⁴³

Arbitrary Detentions, Torture, and Enforced Disappearances

All the actors or armed conflict's parties, i.e. Saudi Arabia, the UAE, the Houthi forces, the Yemeni government, and several the United Arab Emirates and Saudi-backed Yemeni armed groups, have arbitrarily abducted and held people captive, including children, detainees were sexually abused and kept in deplorable conditions and kidnapped or forcibly cause the disappearance of people perceived to be security threats or political opponents.⁴⁴ The United Nations Group of Eminent Experts on Yemen reported that the United Arab Emirates and the country (United Arab Emirates) backed military engaged in indiscriminate arbitrary arrest and torture, including detention and sexual abuse in facilities under their control. Armed militants who are suspected to be members of Al-Qaeda and ISIL are said to be the detainees subjected to such abuse. The Mothers of Abductees Association further reported that around 3,478 disappearance incidents were recorded, and nothing less than hundred and twenty-eight of those kidnapped had been murdered.⁴⁵

⁴⁰ Francesco, "The Rights of Individuals in Times of Armed Conflict."

⁴¹ Barry E Carter, Phillip R Trimble, and Et Al, "International Law" (4th Aspen Publishers, 2019).

⁴² Brown Chris, *Sovereignty, Rights and Justice: International Political Theory Today*. Cambridge, ed. Polity Press (Cambridge, 2018).

⁴³ Edgell A.G. 'Nigeria/Biafra', in M. Davis (ed.), "Civil Wars and Politics of International Relief – Africa, South Asia and the Caribbean" (New York: Praeger Publishers Inc., 2018).

⁴⁴ Santos Pais Marta, *A Human Rights Conceptual Framework for UNICEF*, 2019.

⁴⁵ Thurer Daniel, "International Humanitarian Law," *International Review of the Red Cross*, 2019.

Civil Society Attacks

Minority groups, academicians, journalists, politicians, students, and the Baha'i faith members who are not actors in the conflict are subject to harassment and prosecution without legal basis by the Houthis.⁴⁶ At the same time, fuel tankers were delayed and diverted, critical ports were closed, and the coalition forces stopped the delivery of goods from entering Houthi-controlled seaports. Fuel needed to pump water to homes and power generators to hospitals was blocked. Since May 2017, restrictions have been placed on utilising UN flights to parts of Yemen controlled by the Houthis on organisations of human rights mandate and many journalists and Human Rights Watch by the Saudi-led coalition. Since August 2016, the Sana'a International Airport was inactive and closed by the coalition.⁴⁷

Violence against Women

Torture and sexual violence have been faced by women also during detention in as much as Men.⁴⁸ According to the UN report, 12 sexual violence cases were committed on a 17-year-old boy in September. Six men and five women were verified. Sexual abuse victims in Yemen face many stigmas, so much underreporting is going on. According to the United Nations Population Fund, there has been an increase in violence against women, and about 63% of women have experienced such acts since the escalation of the conflict.⁴⁹

Attacks on Migrants

Yemen is located between the Red Sea and the Gulf of Aden. It has long served as a significant transit point for African migrants looking for work and greener pastures in Saudi Arabia.⁵⁰ It was reported that sometimes in August 2018, authorities in Yemen apprehended a network of smugglers, traffickers who abduct, unlawfully arrest and maltreat migrants from Ethiopia and extort money from them when they arrive.⁵¹ As a result of the conflicts between Houthi forces and coalition-aligned organisations, migrants who managed to escape from capture and imprisonment by Yemeni traffickers are frequently delayed. Migrants have also been detained, abused, and deported by The Houthis and forces aligned with the Yemeni government. Between May 2017 and March 2019, about 260,000 Ethiopians were deported to Ethiopia from Saudi Arabia, on average, 10,000 per month.⁵²

These air attacks are unlawful because they violate 1949 4th Geneva Conventions (GC) (Penal Procedure) Article 71 and Articles 48 and 51 of Protocol I of 1977, which respectfully safeguard the civilian population. Further, these attacks that failed to meet the legal requirements violate the Hague Convention (HC) commitments; Article two of the Regulations of Hague for the cultural property protection in case of Armed Conflict, the GC most

⁴⁶ Todorov Tzvetan, "Human Rights and Humanitarian Values in Armed Conflict," 2019.

⁴⁷ Kracht Uwe, *Human Rights and Humanitarian Law and Principles in Emergencies: An Overview of Concepts and Issues*, 2018.

⁴⁸ Aryeh Neier, *War Crimes: Brutality, Genocide, Terror, and the Struggle for Justice* (New York: Times Books, 2018).

⁴⁹ "Human Rights and International Humanitarian Law," *The European Journal of International Law*, 2019.

⁵⁰ Sayed, "The International Legal Protection Of Human Rights In Armed Conflict."

⁵¹ Harris David, Moeckli Daniel, and Shah Sangeeta, *Sivakumaran, Sandesh. International Human Rights Law* (Oxford: Oxford University Press, 2018).

⁵² Rieff D, "Humanitarianism in Crisis in the World Today" (New York, 2020).

importantly Article 13 (1) of Protocol II, and The Declaration of UNESCO on the Cultural Heritage Destruction. According to the International Criminal Tribunal for the Former Yugoslavia, violating these essential commitments is a war crime, and their destruction may even amount to crimes against humanity in some instances.⁵³ Additionally, the recruitments of child soldiers violate Article 8 of the Rome Statute of the International Criminal Court, which makes conscripting, enrolling, or utilising minors under the age of fifteen in hostilities a war crime.

The Level of Breaches in Yemen's Armed Conflict

Generally speaking, snipers, indiscriminate shelling, land mines, airstrikes, and a wide range of abuses, including sexual and gender-based violence, torture, arbitrary killing and detention, are the instances of humanitarian law violation in Yemen highlighted above.⁵⁴ To begin with, the majority of the civilian casualties that are documented are caused by coalition airstrikes. In the past three years, such airstrikes have hit markets, civilian boats, detention facilities, funerals, weddings, medical facilities, and residential areas, without any form of regard to civilians who are not actors to the hostilities as required by the International Humanitarian Law.⁵⁵ Also, despite the fact that cultural, religious, educational, and medical sites and facilities are accorded special protection under International Humanitarian Law,⁵⁶ many of such sites and facilities have been destroyed or damaged by coalition air attacks throughout the conflict.⁵⁷ Furthermore, because of the attacks and the use of blockades, humanitarian packages such as medicine, food, and other important aids are prevented from getting to the people. The report finds evidence that starvation may be used as a method of warfare by the warring parties. This extensively violates humanitarian law by armed conflict parties.⁵⁸

Civilians were also hit by snipers and shelling from the forces of the Houthi-Saleh and others involved in the conflict while in their homes, just outside their homes, on their way to purchase food, travel to seek medical attention, deliver critical supplies, and fetch water at local wells. Victims included women and children.⁵⁹ This is indeed a significant violation of international humanitarian law that provides that persons/civilians not engaging in hostilities are safeguarded and treated humanely and not killed during the armed conflict.⁶⁰

⁵³ Benjamin Passey, "The Destruction of Cultural Heritage in the Yemen Conflict: Legal Implications and State Responsibility," *Brigham Young University Prelaw Review* 32, no. 1 (2018): 5, <https://scholarsarchive.byu.edu/byuplr/vol32/iss1/4>.

⁵⁴ Waseem A. Qureshi, "The Crisis in Yemen: Armed Conflict and International Law," 45 *N.C. J. INT'L L. & COM. REG* 227 (2020).

⁵⁵ Maggie Michael and Maad Al Zikry, "Hidden Toll of US Drone Strikes in Yemen: Nearly a Third of Deaths Are Civilians, Not Al-Qaida," *Military Times* 14 (2016).

⁵⁶ Article 2 Hague Regulations for the protection cultural of property in the event of Armed Conflict, Geneva Convention particularly Protocol II, Article 13(1) and United Nations Educational, Scientific and Cultural Organization (UNESCO) Declaration on the Destruction of Cultural Heritage.

⁵⁷ Saudi Arabia, "UAE Gave US Arms to Al-Qaeda-Linked Groups: Report," AL-Jazeera, 2019.

⁵⁸ U.N. Sec. Council, Final Rep. of the Panel of Experts on Yemen.

⁵⁹ Saudi Press Agency, "Statement of Command of Coalition to Support Legitimacy in Yemen," 2016.

⁶⁰ Articles 3 & 4 of the Geneva Convention IV of 1949; Article 50 of the Additional Protocol I to the 1949 Conventions and see Yemen: Coalition Blockade Imperils Civilians, HUM. RTS. WATCH (7 December, 2017).

In the same vein, restrictions on humanitarian access by the parties to the armed conflict remained a significant source of suppression in Yemen. Hence, international humanitarian law allows and facilitates swift and unhindered delivery of humanitarian aid, such as food, medicine, and other necessities of life.⁶¹ Furthermore, before the armed conflict, nearly 90% of Yemen's fuel, medical supplies, and food were imported. The civilian population has suffered extensive and severe effects as a result of these de facto blockades, especially in the control areas of real authorities. This practice equally violates international humanitarian law.

International Humanitarian Law provisions continued to be violated with committed impunity by the actors in the armed conflict in Yemen.⁶² They are reported to have launched indiscriminate attacks on Dhale', Hajjah, Aden, and Ta'iz, shelling residential areas. These attacks led to civilian casualties on several occasions. Houthis forces claimed to have attacked the oil facilities of Aramco in Abqaiq, Eastern Province of the kingdom of Saudi Arabia, through drone-powered missiles, which halted the company production for months, cutting down the oil production country by approximately half.⁶³ On 23 June 2015, and again in September 2019, other attacks were reported in Abha airport car park in the southwestern part of the country, claiming 22 civilian lives.

Another case of gross violation of the International Humanitarian Law in Yemen is manifested when there were heavy fights over Aden in 2015 where unarmed citizens were caught in the middle of the conflict between President Hadi's loyal military and the Security Belt. Both of them used strategies that were believed to disobey an indiscriminate attack.⁶⁴ Thus, the explosive ordnance with wide-area effects, such as mortars, were indiscriminately fired into civilian homes contested or controlled by both forces, injuring and killing unarmed people.⁶⁵ Furthermore, areas contested or controlled by Houthi forces and their allies were bombed by Coalition aircraft, sometimes in revenge for cross-border attacks launched by Houthi. Hundreds of civilians were injured and killed by the bombings. Another mortar attack in Dhale on an internally displaced civilians' camp in October 2015 also resulted in civilian fatalities.⁶⁶

Violations by State Parties

The ill-treatment and unlawful incarceration across the country and torture in specific facilities is another gross breach of International Humanitarian Law that state parties cause.⁶⁷ It was also reported that both Saudi Coalition forces and Houthis use unregistered detention facilities in an obvious and illegal attempt to keep captives out of the reach of the law.⁶⁸ Victims such as women and children are open to other acts of serious sexual assault like rape, targeting vulnerable populations, such as internally displaced persons, foreigners, and other vulnerable

⁶¹ Article 23 of the Geneva Convention IV of 1949.

⁶² Faisal Edroos, "Saudi Easing of Yemen Siege 'No Cause for Celebration,'" AL-JAZEERA, 2017.

⁶³ U.N. Office for the Coordination of Humanitarian Affairs [OCHA], Yemen (2019).

⁶⁴ Yara B ayoumy, "Exclusive: Civil War Costs Yemen \$14 Billion in Damage and Economic Losses – Report," Reuters, 2020.

⁶⁵ Yemen's Website, "Yemen's Economic Outlook - October 2017," The World Bank, 2017.

⁶⁶ Stephanie Nebehay, "World Has Just Months to Stop Starvation in Yemen, Somalia: Red Cross," 2019.

⁶⁷ Beverley Milton-Edwards, "Yemen: Ceasefires and Lost Opportunities," Brookings Inst, 2018.

⁶⁸ Michael R. Gordon Eric Schmitt, "Tensions Flare Between Iraq and Saudi Arabia in U.S. Coalition," N.Y. TIMES, 2017.

populations. Hence, the Yemenis' government and its allies are responsible for violations of International Humanitarian Law.⁶⁹ Access to a judicial procedure is severely limited; few people held in areas controlled by the de facto government had reported being taken before tribunals where basic due process principles, such as the right to legal representation, were violated.⁷⁰

Violations by Non-state Parties

Violations involving child soldiers have been uncovered, with several juvenile soldiers (estimated to be 30% of Yemeni combatants) being recruited by armed organisations in Yemen, mainly screening cars and operating checkpoints.⁷¹ Even though the formal age for joining the army in Yemen is 18 and declarations by the Yemeni army and Abdul Malek al-Houthi that juvenile soldiers would no longer be recruited.⁷² According to the UN, the Houthis are responsible for 72 per cent of all proven cases of child soldiers, and armed groups are bribing young recruits with money and regular food.⁷³

Since 2015, the Saudi-led coalition forces have attacked valuable cultural heritage sites in Yemen, including over 12,000 objects in Dhamar museum, citing the necessity to safeguard cultural and spiritual locations.⁷⁴ The airstrikes have caused extensive, even irreparable, damage to the old city of Sana'a, Marib Dam, among others.⁷⁵ Because it is a signatory to the 1949 Geneva Convention, Article 52 of Protocol I of the 1977 Convention, the 1954 Hague Convention, and its two protocols, the Coalition forces have a commitment to protect and conserve cultural heritage during any conflict under international law.⁷⁶

It is worth noting that there are some circumstances in which intentional damage to cultural heritage is justified during armed conflicts.⁷⁷ The prohibition of hostile use, inadvertent collateral damage, or part of indiscriminate firing at large areas are all examples of these instances described in several international treaties on the conduct of war. In addition, "military necessity" can be used as a justification for attacks against cultural assets, according to international law.⁷⁸ Based on the official reports of a number of strikes provided by Muhamad Al-Sayani,⁷⁹ Fifty-nine cultural sites have been destroyed or damaged by Saudi airstrikes since

⁶⁹ Philippe Sands et Al, "The Lawfulness of the Authorisation by the United Kingdom of Weapons and Related Items for Export to Saudi Arabia in the Context of Saudi Arabia's Military Intervention in Yemen," Amnesty Intl, 2019.

⁷⁰ Noah Browning, *Interview-Yemen Combatants Not Ready for Talks, Says Neighbour Oman*, 2018.

⁷¹ Ben Smith, "Yemen at War: Briefing Paper," no. April (2017): 35.

⁷² Charlene Rodrigues and Mohammed Al-Qalisi, "Yemen Crisis: Meet the Child Soldiers Who Have Forsaken Books for Kalashnikovs," Independent, 2015.

⁷³ Smith, "Yemen at War: Briefing Paper."

⁷⁴ Lamy Khalidi, "Yemeni Heritage, Saudi Vandalism," New York Times, n.d., <https://www.nytimes.com/2015/06/27/opinion/yemeni-heritage-saudi-vandalism.html>.

⁷⁵ Passey, "The Destruction of Cultural Heritage in the Yemen Conflict: Legal Implications and State Responsibility."

⁷⁶ Articles 1 & 2 of the First Protocol to the Convention for the Protection of Cultural Property in the Event of Armed Conflict 1954 and Articles 5 & 6 of the Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict 1999.

⁷⁷ UNESCO, "Convention for the Protection of Cultural Property in the Event of Armed Conflict," 1954, <https://en.unesco.org/protecting-heritage/convention-and-protocols/1954-convention>.

⁷⁸ UNESCO.

⁷⁹ Director of the Yemeni General Organization of Antiquities.

joining the Yemen conflict in 2015.⁸⁰ However, according to UN Report, none of these criteria is met by 90% of the attacks by Saudi Arabia.⁸¹

Furthermore, while some restrictions on certain rights may be necessary during times of war or an officially declared public emergency "threatening the nation's life," any reduction in rights during such times must be exceptional and temporary and limited to the extent strictly required by the exigencies of the situation.⁸² Even during a public emergency, the prohibition on secret detention, the right to a fair trial, certain fundamental rights such as the right to life and the right to be free from torture and other forms of ill-treatment, and the obligation to ensure judicial review of the lawfulness of detention must all be respected. Hence, the reverse is the case in Yemen.⁸³

Military objectives are subjected to attack if used for military purposes or if military objectives located on or within the bridges, roads, and Civil airports are civilian objects that become military objectives. Even at that, the proportionality criterion applies compels warring parties to assess the short- and long-term harm to civilians against the military advantage gained.⁸⁴ All means of minimising the effects on civilians by the party to the conflict must be taken into consideration. There should not be an attack if the expected civilian harm outweighs the definite military advantage. Therefore, the inability to respect and uphold this provision of the law impinges international humanitarian law.⁸⁵

It follows, therefore, that the International Humanitarian Law forbids derogation and/or arbitrary life deprivation.⁸⁶ Armed forces of any kind shall use lethal force only when necessary and commensurate to the legal goal to be attained.⁸⁷ Also, Firearms should only be used in defending oneself or in defending others against imminent death threat or severe injury; in preventing a specifically barbaric crime involving serious life-threatening move; or in arresting any individual presenting such a serious threat and who is resisting engagements to desist from such, or to fend off the escape of that individual.⁸⁸ Even in these situations, heavy weapons should only be used when these objectives are not achieved by less sufficient means, with the employment of firearms only when it becomes solely unavoidable to ensure the protection of lives.⁸⁹

⁸⁰ Passey, "The Destruction of Cultural Heritage in the Yemen Conflict: Legal Implications and State Responsibility."

⁸¹ Rep. of the Panel of Experts on Yemen, transmitted by Letter Dated 27 January 2017 from the Panel of Experts Established Under Resolution 2140 (2014) Concerning the Situation in Yemen addressed to the President of the Security Council. Doc S/2017/81 (2017).

⁸² Ripoll Gallardo A, Ragazzoni L, and Della Corte F, "Yemen, an Unprecedented Humanitarian Crisis," *BMJ*, 2019.

⁸³ Peter Foster, Louisa Loveluck & Almgidat Mojalli. The UK 'Will Support Saudi-led Assault on Yemeni Rebels – But Not Engaging in Combat.

⁸⁴ "United Nations Office for the Coordination of Humanitarian Affairs Yemen," year in review, 2019.

⁸⁵ Dyer O, "MSF Hospital Is Destroyed in Yemen Airstrikes," *BMJ Law Journal*, 2019.

⁸⁶ Black I, "Saudi Arabia Sees Yemen Intervention as Defence of 'Backyard,'" *The Guardian*, 2018.

⁸⁷ Peter Salisbury, "Yemen: Stemming the Rise of a Chaos State," *The Royal Institute of International Affairs, Middle East and North Africa Programme*, 2016.

⁸⁸ Médecins Sans Frontières. "MSF Treats Over 40 Wounded Following Deadly Airstrike on Marketplace in Yemen" (2017).

⁸⁹ Alba Ripoll Gallardo, "Yemen's Unprecedented Humanitarian Crisis: Implications for International Humanitarian Law," *The Geneva Convention, and the Future of Global Health Security*, 2018.

Breach of these international laws by non-State actors (e.g. militias, bandit) acting with the backing of or as of Yemeni authority agents are also the responsibility of the Yemeni state,⁹⁰ which has a international legal commitment to the protection of life from threats presented by others, involving the establishment of effective criminal justice response systems.⁹¹ The reverse, however, is the situation in Yemen because innocent civilians are killed during the armed conflict without any legal justification despite not being a party to the hostilities and without posing a threat to the life and national security of the country in whatever kind. The Yemeni's government has not also exercised due diligence in protecting the life and properties of the citizenry, thereby violating the international humanitarian law during armed conflict.⁹²

Worthy to point out is the fact that, under IH Law, it is illegal to kill the unarmed person and anybody who does not take (or has stopped responsible) active role in warfare, involving armed forces members who have surrendered or are otherwise hors de combat.⁹³ If committed as part of a widespread or systematic attack against any civilian population with knowledge of the attack, such action constitutes a major war crime and, as a result, a crime against humanity. Regularly, either Houthi or Saudi Coalition forces kill civilians and those who have surrendered, violating International Humanitarian Law in the Yemeni War.⁹⁴

Therefore, the obligations under the Hague Regulations, Hague Convention, Scientific and Cultural Organization (UNESCO) Declaration on the Destruction of Cultural Heritage, Geneva Convention and United Nations Educational, are breached by those attacks by the Saudi-led coalition forces and other actors to the armed conflict in Yemen that failed to meet the legal requirements of those Rules and conventions. According to the International Criminal Tribunal for the Former Yugoslavia, violating these essential commitments is a war crime, and their destruction may even amount to crimes against humanity in some instances.⁹⁵

The Extent of Adherence to International Laws in Yemen

Throughout the period of the conflict, applying the rules of both the IH Law and IHR Law to cases of Yemen's armed conflict has brought about varieties of interrogatories about the execution of the unique protections given by the two bodies of law. Confusion about the obligations of a conflict's parties, the standards to be applied, the extent of these obligations and the beneficiaries of these protections is manifest due to the concurrent application of both Laws.⁹⁶

Universally, people worldwide, irrespective of their religion, language, place of residence, sex, colour, nationality, ethnic origin, or any other status, are bound to enjoy their human rights, which are intrinsic in all human beings. Legal norms, customary international law in the form of fundamentals, treaties, and other sources of international law usually express and

⁹⁰ Samar Kadi, "Humanitarian Workers in Yemen in the Crossfire," *The Arab Weekly*, 2020.

⁹¹ Osler W, "Aequanimitas" (London: Mc Graw - Hill Book Company, n.d.).

⁹² Thrall AT, Glaser J. "The U.S. Should Stop Supporting the War in Yemen: Commentary." Cato Institute.

⁹³ Georg Nolte, "Intervention by Invitation," *Max Planck Encyclopaedia of Public International Law*, 2010.

⁹⁴ Stefan Talmon, *Recognition of Governments in International Law*, 2017.

⁹⁵ Passey, "The Destruction of Cultural Heritage in the Yemen Conflict: Legal Implications and State Responsibility."

⁹⁶ Owen, *Human Rights, Human Wrongs (The Oxford Amnesty Lectures)*.

guarantee them. All of these rights are intertwined, interdependent, and inseparable.⁹⁷ The duties of States to take actions in specific ways or abstain from certain deeds during armed conflicts are regulated by the International Human Rights Law to protect and promote the human rights and fundamental freedoms of groups or individuals, particularly the civilian populace. Human rights include both obligations and rights. States have an inherent responsibility to safeguard, honour and fulfil human rights in accordance with international law.⁹⁸ The duty to honour connotes that States must desist from reducing the enjoyment of human rights or interfering with them. The duty to protect entails states to save groups and individuals from human rights abuses. The duty to fulfil interprets as taking positive actions by States to enhance human rights enjoyment. We all are entitled to human rights as individuals. Respect for human rights is reciprocal. Each of us should also respect the human rights of others.⁹⁹

The use of violence in armed conflicts is regulated by the International Humanitarian Law to spare those who no longer directly take part in hostilities or who do not take part at all while enhancing violence to the amount required to damage the enemy's military might. In managing the treatment of people impacted by war in other ways and limiting the violence, International Humanitarian Law maintains a balance between military necessity and humanity. It is worth noting that there are apparent differences between International Humanitarian Law and International Human Rights law rules. Both are designed to protect individuals in like manners, and similarity in their substance is uncanny.¹⁰⁰

From the discussions above, it can be argued that parties to armed conflict have refused to adhere to the rules of engagements highlighted above. These can be seen from the activities of the armed conflict parties in Yemen that grossly violated the rules of engagement during the armed conflict in Yemen, such as indiscriminate strikes, shelling civilian neighbourhoods in Dhale', Hajjah, Aden, and Ta'iz.¹⁰¹

Furthermore, it was observed that explosive weapons that have wide-area effects were indiscriminately fired into residential neighbourhoods contested or controlled by opposing forces, injuring and killing civilians.¹⁰² Additionally, areas under the control of Houthi forces and their allies were bombed by Coalition aircraft, sometimes in revenge for cross-border attacks launched by Houthi. Hundreds of civilians were injured and killed by the bombings. It is equally noted that parties to the armed conflict in Yemen treated those who were poorly arrested and arbitrarily detented rivals or civilians. At the same time, in some detention centres, the detainees were tortured.¹⁰³ Both Saudi Coalition forces and the Houthis are said to be

⁹⁷ Passey, "The Destruction of Cultural Heritage in the Yemen Conflict: Legal Implications and State Responsibility."

⁹⁸ Rodrigues and Al-Qalisi, "Yemen Crisis: Meet the Child Soldiers Who Have Forsaken Books for Kalashnikovs."

⁹⁹ Brownlie, *Principles of Public International Law*.

¹⁰⁰ Kerim and Susan, *International Humanitarian Law and Post-Conflict Mechanisms*.

¹⁰¹ Edroos, "Saudi Easing of Yemen Siege 'No Cause for Celebration.'" U.N. Office for the Coordination of Humanitarian Affairs [OCHA], Yemen (2019).

¹⁰² Yemen's Website, "Yemen's Economic Outlook - October 2017."

¹⁰³ Milton-Edwards, "Yemen: Ceasefires and Lost Opportunities."

employing unregistered detention facilities in an evident and illegal attempt to keep captives out of the reach of the law.¹⁰⁴

CONCLUSION

The International Humanitarian Law and the International Human Rights Law regulate the conduct of actors and parties in the armed conflict both in Yemen and the world at large. The finding of this study shows that all the parties to the conflict in Yemen violate the International Humanitarian Law, thereby making the government and the actors accountable for such violation. Continued attacks and bombs on civilian infrastructures and indiscriminate attacks injuring and killing hundreds of civilians by the coalition led by the UAE and Saudi Arabia, which funded the government in Yemeni (internationally recognised). Furthermore, the use of illegal detention, abductions, torture and other inhumane treatment by the parties to the armed conflict violates freedom of expression. Journalists, Human Rights Activists and civilians are the targets vulnerable to such acts. With impunity, women and young girls were continuously sexually assaulted.

The disproportionate impact continued to have an effect on the civilians. Migrants' rights were violated, and do several death sentences were adjudged, and dozen were executed without strict observance to judicial procedure or Rule of Law. Thus, the overall aim is to minimise the pain induced by warfare to mitigate its effects and ensure that the fundamental human rights of civilians and the armed dissident groups who have surrendered are protected and respected during the armed conflict. This is the core value of the International Humanitarian Law and International Human Rights Law. Therefore, the government of Yemen and the parties to the armed conflict must observe and ensure the strict adherence and compliance to the international rules and guidelines during armed conflict, especially the Geneva Convention and their Additional Protocols, the International Human Rights Law and the International Humanitarian Law took into effect the rights which will not be abrogated for whatever reason and circumstances. Therefore, a balance must be struck between the demands of warfare "military necessity during armed conflict" on the one hand and the laws of humanity and human rights on the other hand. This is because preserving and respecting humanitarian law will go a long way in ensuring a stable and peaceful society.

The paper finally recommends that there should be strict compliance and observance of the Additional Protocols of 1977 and its original Geneva Convention of 1949, the International Human Rights Law and the International Humanitarian Law in Yemen. It will provide a framework on humanitarian rights and values, particularly the provisions on protection and respecting the rights of persons not engaging in the act of hostilities or those who do not take part any longer in acts of hostilities. Furthermore, the vulnerable civilians must be protected against any effect of armed conflict. Those who suffer the acts of hostilities must be aided and cared for without any form of discrimination whatsoever. Furthermore, both state and non-state parties and actors must protect against child abduction and abuse, rape, and massive destruction of lives and properties. Hence, there should be peaceful co-existence, fair trade, provision of health facilities, food, infrastructures and security of the citizenry's lives.

¹⁰⁴ Schmitt, "Tensions Flare Between Iraq and Saudi Arabia in U.S. Coalition."

REFERENCES

- Ahmed Sayed. "The International legal Protection of Human Rights in Armed Conflict" (2017).
- Alba Ripoll Gallardo. "Yemen's Unprecedented Humanitarian Crisis: Implications for International Humanitarian Law", *the Geneva Convention, and the Future of Global Health Security* (2018).
- Alston, Philip; Goodman, Ryan. *International Human Rights*, Oxford: Oxford University Press (2018).
- Amnesty International. "Yemen: Huthi-run court sentences 30 political opposition figures to death following sham trial" (Press release, 9 July 2019), retrieved from <https://www.amnesty.org/en/latest/news/2019/07/yemen-huthi-run-court-sentences-30-political-opposition-figures-to-death-following-sham-trial/>.
- Amnesty International, Yemen: "US-made bomb used in deadly air strike on civilians" (Press release, 26 September 2019), retrieved from <https://www.amnesty.org/en/latest/news/2019/09/yemen-us-made-bomb-used-in-deadly-air-strike-on-civilians/>
- Aryeh Neier. *War Crimes: Brutality, Genocide, Terror, and the Struggle for justice*, *New York: Times Books* (2018).
- Ben Smith. "Yemen At War", 2017. <https://researchbriefings.files.parliament.uk/documents/CBP-7184/CBP-7184.pdf>.
- Beverly Milton-Edwards. "Yemen: Ceasefires and Lost Opportunities." *Brookings Inst* (2018).
- Black I. "Saudi Arabia sees Yemen intervention as defence of backyard." *The Guardian* (2018).
- Brett, Rachel. "Non-Governmental Human Rights Organisations and International Humanitarian Law." *International Review of the Red Cross* (1998).
- Brown, Chris. *Sovereignty, Rights and Justice: International Political Theory Today* Cambridge: Polity Press (2018).
- Bruscoli, Francesco. "The Rights of Individuals in Times of Armed Conflict", *International Journal of Human Rights* 6 (2020).
- Carter, Barry E. Trimble, Phillip R. et al. *International Law*. 4th Aspen Publishers (2019).
- Darcy, James. *Human Rights and Humanitarian Action: A Review of the Issues*. (2019).
- Dormann, Knut. "The Legal Situation of 'Unlawful/unprivileged Combatants'" (2003).
- Doswald-Beck Louise. "International Humanitarian Law and Human Rights Law" (2018).
- Dugard, John. "Bridging the Gap between Human Rights and Humanitarian Law: The Punishment of offenders" (1998).
- Dyer O. "MSF hospital is destroyed in Yemen airstrikes" *BMJ Law Journal* (2019).
- Edgell, A.G. 'Nigeria/Biafra', in M. Davis (ed.), *Civil Wars and Politics of International Relief – Africa, South Asia and the Caribbean*. New York: Praeger Publishers Inc. (2018).
- Faisal Edroos. "Saudi Easing of Yemen Siege 'No Cause for Celebration" *AL-JAZEERA* (Nov. 22, 2017).

- Felix Schwendimann. "The legal framework of humanitarian access in armed conflict", Volume 93 Number 884 December (2018).
- Forsythe, David. *Human Rights in International Relations*. Cambridge: Cambridge University Press (2000).
- Freeman, M. *Human Rights*. Cambridge: Polity Press (2002).
- Georg Nolte. "Intervention by Invitation." *Max Planck Encyclopedia of Public International Law* (2010).
- Harris, David; Moeckli, Daniel; Shah, Sangeeta; Sivakumaran, Sandesh. *International Human Rights Law*, Oxford: Oxford University Press, (2018).
- Heintze, Hans-Joachim. "On the Relationship between Human Rights Law Protection and International Humanitarian Law." (2004).
- Henckarts J. M, (et al). *Customary International Humanitarian Law, Vol. 1* Cambridge University Press (2005).
- Human rights and international Humanitarian law, *The European Journal of international law*, (2019).
- Human Rights Watch World Report (2020).
- Ian Brownlie. *Principles of Public International Law*, 6th Ed. Oxford University Press, (2003).
- IASC *International Humanitarian, Human Rights and Refugee Law in the Context of Armed Conflict*. Geneva (2002).
- International Committee of the Red Cross, *International Humanitarian Law and the challenges of contemporary armed conflicts*, (2018).
- Jamsheed Ahmed Sayed. "The International Legal Protection Of Human Rights In Armed Conflict" Volume: 3 Issue : 7, (2017).
- Kolb, Robert. "The Relationship between International Humanitarian Law and Human Rights Law." (1998).
- Kracht, Uwe. "Human Rights and Humanitarian Law and Principles in Emergencies: An Overview of Concepts and Issues." (2018).
- Lamya Khalidi. "Yemeni Heritage, Saudi Vandalism." *New York Times* (26 June, 2016), <https://www.nytimes.com/2015/06/27/opinion/yemeni-heritage-saudi-vandalism.html>.
- Lin Cotterrell. Research Officer in the Humanitarian Policy Group at the Overseas Development Institute. (2019).
- Lubell, Noam. "Challenges in Applying Human Rights Law to Armed Conflict." *International Review of the Red Cross*, Volume 87 (2015).
- Machel Graca. "Report on the Impact of Armed conflict." *Palgrave, New York* (2018).
- Maggie Michael & Maad Al Zikry. "Hidden Toll of US Drone Strikes in Yemen: Nearly a Third of Deaths Are Civilians Not Al-Qaida." *Military Times* (14 November, 2018).
- Médecins Sans Frontières. "MSF Treats Over 40 Wounded Following Deadly Airstrike on Marketplace in Yemen" (2017).
- Michael R. Gordon & Eric Schmitt. "Tensions Flare Between Iraq and Saudi Arabia in U.S. Coalition." *N.Y. TIMES* (2017).

- M. Davis (ed.), "Civil Wars and Politics of International Relief – Africa, South Asia and the Caribbean" (New York: Praeger Publishers Inc., 2018).
- Nicholas Owen. *Human Rights, Human Wrongs (The Oxford Amnesty Lectures)* Oxford: Oxford University Press, 2001.
- Noah Browning. "Interview-Yemen Combatants Not Ready for Talks, Says Neighbour Oman" (2018).
- O'Donnell, Daniel. "Trends in the Application of International Humanitarian Law" *United Nations Human Rights Mechanisms* (1998).
- Omaar, Rakiya and de Waal, Alex. "Humanitarianism Unbound." *African Rights Discussion Paper*, African Rights 5: (1994) 1-35.
- Osler W. *Aequanimitas*. London: McGraw-Hill Book Company.
- Passey, Benjamin. "The Destruction of Cultural Heritage in the Yemen Conflict: Legal Implications and State Responsibility." *Brigham Young University Prelaw Review*: Vol. 32(4), pp. 1-22, (2018).
- Peter Foster, Louisa Loveluck & Almigdad Mojalli. "UK 'Will Support Saudi-led Assault on Yemeni Rebels – But Not Engaging in Combat'".
- Philippe Sands et al. "The Lawfulness of the Authorisation by the United Kingdom of Weapons and Related Items for Export to Saudi Arabia in the Context of Saudi Arabia's Military Intervention in Yemen." *AMNESTY INTL* (2019).
- Presentation by Gareth Evans at a meeting organised by the One World Trust on the responsibility to protect, 15 (2018).
- Press Release, Saudi Press Agency. "Statement of Command of Coalition to Support Legitimacy in Yemen." (29 July, 2016).
- Ratner, Steven R.; Abrams, Jason S.; Bischoff, James L. *Accountability for Human Rights Atrocities in International Law: Beyond the Nuremberg Legacy*, Oxford: Oxford University Press, (2019).
- Rep. of the Panel of Experts on Yemen, transmitted by Letter Dated 27 January 2017 from the Panel of Experts Established Pursuant to Resolution 2140 (2014) Concerning the Situation in Yemen addressed to the President of the Security Council. Doc S/2017/81 (2017).
- Rieff, D. *Humanitarianism in Crisis in the world today*. New York (2020).
- Ripoll Gallardo A, Ragazzoni L, Della Corte F. "Yemen, an unprecedented humanitarian crisis." *BMJ* (2019).
- Rogers, A. P. V. *Law as the Battlefield*, 2nd Edition, Manchester University Press, Manchester, (2004).
- Salisbury P. "Yemen: Stemming the Rise of a Chaos State". *The Royal Institute of International Affairs, Middle East and North Africa Programme*.
- Samar Kadi. "Humanitarian workers in Yemen in the crossfire" *The Arab Weekly*. (2020)
- Santos Pais. "Marta A Human Rights Conceptual Framework for UNICEF" (2019).
- Saudi Arabia. "UAE Gave US Arms to al-Qaeda-Linked Groups: Report", *AL-Jazeera* (5 February, 2019).

- Saulnier, Françoise B. "Beyond the Limits of Human Rights. MSF London: Lecture at County Hall" (2004).
- Stefan Talmon. "Recognition of Governments in International Law" 149 (2017).
- Steiner, Henry. 'The International Protection of Human Rights', In Evans Malcom (ed.), *International Law*, 3rd edition, Oxford: Oxford University Press, 2019.
- Stephanie Nebehay. "World Has Just Months to Stop Starvation in Yemen, Somalia: Red Cross" (2019).
- Thurer Daniel. "International Humanitarian Law." *International Review of the Red Cross* (2019).
- Thrall AT, Glaser J. "The U.S. Should Stop Supporting the War in Yemen: Commentary." Cato Institute.
- Todorov, Tzvetan. "Human rights and humanitarian values in armed conflict" (2019).
- U.N. Office for the Coordination of Humanitarian Affairs [OCHA], Yemen (2019).
- U.N. Sec. Council, Final Rep. of the Panel of Experts on Yemen.
- UN The Human Rights Based Approach to Development Cooperation: Towards a Common Understanding Among UN Agencies. Interagency Workshop on Human Rights Based Approach, Stamford, Connecticut (2003).
- UNESCO Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954).
- United Nations Office for the Coordination of Humanitarian Affairs Yemen: year in review (2019).
- Waseem A. Qureshi. "The Crisis in Yemen: Armed Conflict and International Law". 45 *N.C. J. Int'l l. & Com. Reg.* 227 (2020).
- Y. Sandoz. "The International Committee for the Red Cross as guardian of international humanitarian law"
- Yara Bayoumy. "Exclusive: Civil War Costs Yemen \$14 Billion in Damage and Economic Losses" – Report, *Reuters* (2020).
- Yemen: Coalition Blockade Imperils Civilians, HUM. RTS. Watch (7 December, 2017)
- Yemen crisis: Meet the child soldiers who have forsaken books for Kalashnikovs, Independent, 19 April 2015.
- Yemen's Economic Outlook- October 2017, World Bank.
- Yildiz Kerim. Breau, Susan, *International Humanitarian Law and Post-Conflict Mechanisms*, London: Routledge, 2010.