

CICR

Pathways to accountability for starvation crimes in Yemen / Laura Graham

Document type:	Article
Title:	Pathways to accountability for starvation crimes in Yemen
Author zone:	Laura Graham
Host item entries:	Case Western Reserve Journal of International Law,
Languages:	English
	Source : https://scholarlycommons.law.case.edu/jil/vol53/iss1/14 (last accessed on 25.05.2021)
Abstract:	<p>This Note argues that perpetrators who use starvation as a method of warfare in Yemen's Civil War should be held accountable. Two primary pathways to accountability are advanced. First, this Note argues that the U.N. Security Council should authorize an ad-hoc tribunal with a mandate to prosecute individuals responsible for starvation crimes in Yemen. Second, this Note argues that the international community should refer violations of international humanitarian law to the International Court of Justice to bring accountability to State actors that have used starvation as a method of warfare in Yemen. Part I examines the crisis in Yemen, including an exploration of the pre-famine conditions prior to the war in 2015, and the worst periods of food-insecurity throughout the past four years. Part II addresses the legal concept of starvation and analyzes the elements of the crime, requisite mens rea, evidentiary standard, and modes of liability for perpetrators. Part III presents the evidence of destruction of objects indispensable to survival and intentional starvation of civilians in Sana'a, Ta'izz, Tihama governate, the Red Sea Coast fishing villages, and the port of Hudaydah. Part IV presents a legal analysis of the crimes committed in Yemen and lays out the options for accountability mechanisms. Finally, the conclusion advocates for garnering political support among members of the U.N. Security Council to authorize an ad-hoc tribunal with a mandate to prosecute perpetrators of starvation crimes in Yemen, as well as an additional pathway at the International Court of Justice to bring accountability to State actors for violations of international humanitarian law.</p>
Authors:	Graham, Laura
Keyword in English:	FAMINE IHL (INTERNATIONAL HUMANITARIAN LAW) INTERNATIONAL CRIMINAL LAW WAR CRIME CRIME AGAINST HUMANITY YEMEN MILITARY TARGET BLOCKADE RESPONSIBILITY/LIABILITY
Keyword in French:	FAMINE DIH DROIT INTERNATIONAL PENAL CRIME DE GUERRE CRIME CONTRE L'HUMANITE YEMEN OBJECTIF MILITAIRE BLOCUS RESPONSABILITE

Call number	Availability / Due date
PDF	Not for loan