



## THE ROLE OF INTERNATIONAL HUMANITARIAN INTERVENTION IN CONTAINING THE REPERCUSSIONS OF COVID-19 DURING NON-INTERNATIONAL ARMED CONFLICTS: LIBYA, YEMEN, AND SYRIA

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**Key words: International humanitarian intervention - non-international armed conflicts - Covid-19 - NGOs.**

### **ABSTRACT:**

In view of the non-international armed conflicts that the contemporary world is going through and global health crises that take place increasingly in cities, which have led to the imposition of challenges resulting from hostilities related to fighting in urban areas, which showed a significant increase in the rate of civilian casualties. The study aims to shed light on the challenges facing international humanitarian law, highlight the role of international humanitarian law mechanisms in containing the global pandemic crisis, Covid-19 during non-international armed conflicts, and clarify the effectiveness of international intervention for humanitarian motives by various non-governmental organizations, and what measures have been taken, to contain its repercussions during the armed conflicts in Libya, Yemen and Syria.

### **INTRODUCTION:**

The most important feature of the contemporary world in recent times is the non-international armed conflicts that are increasingly taking place in cities, and this leads to the imposition of many special challenges on the parties to the conflict, as we find some of them showing signs of continuing deterioration and high civilian casualties, Despite international efforts and the four Geneva Conventions of 1949, which are the founding treaties of the modern law of armed conflict or the so-called international humanitarian law, parties to conflicts still violate its rules on a scale of great global concern as a result of their acts of hostility against the civilian population during Urban warfare, in addition to the use of explosive weapons in populated areas and the failure to

protect the wounded, sick, and those leaving or being evacuated from a besieged area.

***Objectives of the study:***

Identify the challenges facing international humanitarian law.

Recognizing the effectiveness of the role of these mechanisms in facing these challenges and the possibilities available to contain the global epidemic crisis in light of non-international conflicts

Evaluating the indicators of these mechanisms stipulated in international humanitarian law instruments.

***Research problem:***

The problem of the study is summarized in dealing with a very important issue, which is the extent of the effectiveness of the mechanisms of international law and humanitarian intervention in protecting individuals and exercising their influential role in resolving non-international armed conflicts, especially during the spread of the global pandemic, Covid-19. What are the measures taken to contain its repercussions during the armed conflicts in Libya, Yemen and Syria?

**STUDY METHODOLOGY:**

To study such a topic in a comprehensive manner for all points, we require the assistance of a set of approaches, such as the historical curriculum that helped us in studying the historical development of various international instruments and agreements related to the topic of research, as well as the analytical method for mentioning the concept, characteristics and conditions of international intervention for humanitarian motives and its legal effects, as well as how to facilitate Humanitarian interventions by non-governmental organizations in areas of armed conflict, of course, without forgetting to mention our reliance on the method of desktop surveys through our discussion of literature and previous studies that dealt with topics related to the subject of our study.

***Chapter One: The position of international humanitarian law towards non-international armed conflicts***

***The first topic: the concept of non-international armed conflicts***

***The first requirement: the definition of non-international armed conflicts***

It refers to the armed conflicts that take place on the territory of a specific state, and non-international armed conflicts are defined as fighting that takes place within the territory of one state only between regular armed forces and armed groups splitting, or between armed groups fighting among themselves, and a narrow range of rules apply to this type of conflict These rules are contained in Article (3) common to the four Geneva Conventions and the Second Additional Protocol (Abi-Saab, Georges,1998, p. 30).

Protocol II defines non-international armed conflicts as those that “take place on the territory of one of the parties to the Protocol between its armed forces and dissident armed forces, or other organized armed groups”. The second protocol then stipulates that dissident groups must operate "under responsible leadership and exercise control over a part of their territory enabling them to carry out continuous and coordinated military operations, and be able to implement this protocol (Bartels, Rogers, 2009, p. 35–67).

***The second requirement: the concept of international humanitarian law and its relationship to non-international armed conflict***

The International Committee of the Red Cross defines international humanitarian law as: the set of international rules established by treaties or customs, specifically designed to solve problems of a humanitarian character directly arising from international or non-international armed conflicts, which limit - for humanitarian considerations - the right of the parties to the conflict to resort to what they choose methods or means of combat, protecting people and property (Carswell, A. J, 2009, p. 143–61).

International humanitarian law (IHL) is also known as the law of war or the law of armed conflict, and it is the area of general international law that aims “at humanitarian causes in order to limit armed conflict. It protects people who are not or have ceased to participate in hostilities. It also restricts the methods and means of warfare, It is noted that this protection guaranteed by the rules of international humanitarian law has been adhered to through the following international instruments (Fujita, Hisakazu, 2001, p.72):

Saint Petersburg Declaration of 1868 Banning Explosive Shells

The Hague Declaration of 1899 Concerning "Blood" Shells, Asphyxia and Other Hague Agreements

The Hague Conventions of 1907

The First Geneva Convention of 1949, Concerning the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field

The Second Geneva Convention of 1949 for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of the Armed Forces at Sea

The Third Geneva Convention of 1949 Concerning Prisoners of War

The Fourth Geneva Convention of 1949 relative to the Protection of Civilians in Time of War.

The First Protocol of 1977 to the Geneva Conventions relating to the protection of victims of international armed conflicts.

The Second Protocol of 1977 to the Geneva Conventions relating to the protection of victims of non-international armed conflicts.

## The United Nations Convention of 1980 on the Prohibition or Restriction of Certain Conventional Weapons

As for the persons protected under the provisions of international humanitarian law during armed conflicts, they are:

Wounded and sick armed forces in the field and in armed conflicts

Shipwrecked, wounded and sick armed forces at sea.

Prisoners of war

Protect victims of war.

The Twenty-sixth International Conference of the Red Cross and Red Crescent (Geneva, 1995), in Resolution No. 1, endorsed the recommendations made by an intergovernmental group of experts to translate the Final Declaration of the International Conference for the Protection of War Victims (Geneva, August-September 1993) into proposals to take Concrete and effective measures. "These recommendations were directed primarily to the states party to the Geneva Conventions, including the depositary state for these instruments.

However, the aforementioned resolution also called on the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies, and the National Societies of the Red Cross and Red Crescent to Work and contribute to the effort to better implement international humanitarian law, particularly by preventing violations from occurring (ICRC "International Humanitarian Law and the Challenges of Modern Armed Conflicts, Extracts from the Report of the International Committee of Red Cross for the 28th International Conference of the Red Cross and Red Crescent, Geneva, December 2003).

It is worth noting that in 2005, on the recommendation of the countries that met at the 26th International Conference of the Red Cross and Red Crescent Society, and after nearly 10 years of research and consultation, the International Committee of the Red Cross (ICRC) presented a study on customary international humanitarian law that was published by Cambridge University Press (J.-M. Henckaerts and L. Doswald Beck, 2005).

The first volume of the study contained 161 rules for assessing customary situations, most of which are applied in international and non-international wars. The second volume presents state practices that relate to most aspects of international humanitarian law, as contained in national legislation, military manuals, official statements, case law and practices. of other entities such as international organizations, international courts and tribunals.

The second part is updated regularly through a joint project between the International Committee of the Red Cross and the British Red Cross Society, which is based at the Lauterbach Center for International Law at the University

of Cambridge (New legal database launched to enhance protection for war victims from the International Committee of the Red Cross and Red Crescent, Archived from the original on 2013).

***The third requirement: the law applicable during a non-international armed conflict***

It should be noted here that international humanitarian law restricts the means and methods of warfare during non-international armed conflicts and regulates the protection and relief of the civilian population. It also guarantees the right of humanitarian initiative to any impartial humanitarian organization to allow it to carry out relief operations (Geneva Convention 4 Common Article 3; Geneva Convention 1, Geneva Convention 2, Geneva Convention 3 Article 9; Geneva Convention 4 Article 10; Protocol 2 Article 18-2).

Based on the fact that Common Article 3 and Additional Protocol II do not use the same definition of non-international armed conflict, some authors argue that there are two different types of non-international armed conflict. Therefore, disputes that do not meet all the criteria for Additional Protocol II will not be covered by Common Article 3 alone. At the same time, Additional Protocol II will only be applicable in cases where all the definition criteria are met, especially those related to the organization of non-state armed groups and the control of part of the territory. This situation arises as a result of a verbatim adherence to the law that is inconsistent with the spirit and message of humanitarian law. International humanitarian law envisages and regulates only two classes of armed conflict: international and non-international (Meuthey, Michel, 1999, p. 23).

When the Second Additional Protocol refers to the actions of armed groups that act under rational command and exercise control over their territory that enables them to carry out continuous and coordinated military operations and the application of this protocol, it aims first and foremost to differentiate between situations of conflict and normal internal disturbances or insecurity. Where the confrontations are not arranged, organized, or planned by one leadership or several recognizable leaders.

Additional Protocol II recalls that a non-state armed group carrying out military operations has organizational obligations that must include discipline and respect for international humanitarian law in its hostilities. This group is virtually obligated to comply with the same obligations of the state, although it may differ greatly from it in terms of capabilities. In this sense, for example, the obligations relating to detention depend to a large degree on the ability of the non-state armed group to control a portion of the territory. Therefore, the standards for regulation of non-state armed groups included in Additional Protocol II are not intended to amend the description of a non-international armed conflict or the obligations arising from the state concerned. Rather, it aims to remind the non-state armed group's obligation to organize and to match the level of responsibility of individuals and leadership of that group in violations of humanitarian law with the level of organization. Even if the organization of the non-state armed group is defective, the state will not be

relieved of its obligations to respect Additional Protocol II. (International Review of the Red Cross 278 (September–October 1990): 383–403)

The rules envisioned for non-international conflict are fewer in number and detail than those related to international armed conflict. Common Article 3 is supplemented by Additional Protocol II, which contains only 28 articles in total. Nevertheless, the development of customary international humanitarian law provisions shows a clear tendency towards reconciling the content of the provisions applicable in these two types of conflicts, with regard to restricting methods of warfare as much as it relates to the right to assistance and protection of the population. The customary international humanitarian law study - published by the ICRC in 2005 on this subject - identifies 161 rules of customary international humanitarian law, 147 of which are common to both international and non-international armed conflicts. This compromise reduces the textual obsession related to the definition of armed conflict found in Additional Protocol II.

The jurisprudence of international courts contributed a lot to this customary development in order to harmonize the rules of humanitarian law that apply in non-international armed conflict with the existing rules of international armed conflicts. Therefore, it is widely recognized today that the more detailed rules relating to international conflict can be used as a framework for interpreting general principles existing for internal conflict or may be applied analogously to those conflicts.

In 1995, the International Criminal Tribunal for the Former Yugoslavia expressed the view that:

That in the field of armed conflict the distinction between wars between states and civil wars loses their value when it comes to people. Why do they protect civilians from belligerent violence, prohibit rape, torture, or the deliberate destruction of hospitals, churches, museums, or private property, or prohibit weapons that cause unnecessary suffering when two sovereign states go to war, and yet refrain from imposing the same prohibitions or providing the same protection when they arise. Armed violence “only” inside the territory of a sovereign country? And if international law is to be transformed gradually to protect human beings - while, of course, it properly guarantees the legitimate interests of states - then it is natural for the aforementioned paradox to gradually lose its relevance (International Criminal Tribunal for the Former Yugoslavia, Tadic Case, Decision on Defense Memorandum on Preemption on Jurisdiction, 2 October 1995, paras. 97, 199 and 125).

This tendency towards the unification of international humanitarian law applicable to both types of armed conflict has essentially expressed itself in the framework of international criminal law in relation to war crimes. Although the definition of war crimes has only existed in international armed conflicts since 1949, international jurisprudence recognized violations of Common Article 3 as crimes in 1995 (the International Criminal Tribunal for the Former Yugoslavia, Tadic Case, see below).

Since then, the Rome Statute of the International Criminal Court issued in 1998 has allowed the legal void that surrounded the international definition and response to war crimes committed during the internal armed conflict to be filled. The definitions of war crimes in the Rome Statute relating to the two types of armed conflict are currently very similar (Article 2-8 A, B, International Armed Conflict; Article 8-2 C- and Non-International Armed Conflict).

The main difference between international armed conflicts and those of a non-international nature is the structural and legal asymmetry of the latter. As long as international law is primarily formulated by states, it is very difficult to maintain a legal balance between the rights of the state and the rights of non-state armed groups that challenge their authority by force. The status of combatants belonging to non-state armed groups represents the main political and legal problem in this type of conflict. Indeed, humanitarian law in this context coexists with domestic law, which supports the competencies and obligations of government authorities and forces.

That is why the complementarity of humanitarian law and human rights law is mentioned in the introduction to Additional Protocol II. International conventions related to human rights remain in force in times of conflict (with the exception of permissible exceptions) to ensure the general protection of the population by their state, especially the fate of those who take part in the hostilities.

The complementary and simultaneous application of international humanitarian law and human rights law must also allow for a transition between situations of internal disturbances and tensions and situations of non-international armed conflict.

Therefore, the main rules of humanitarian law have been transferred to this type of conflict: restriction of the means of warfare; Protection of the civilian population; Basic guarantees; To protect medical, religious and relief personnel; The right of the civilian population deprived of goods essential for their survival to receive aid without discrimination; Respect for impartiality in the medical mission and the medical care of the wounded and sick; Judicial guarantees to curb conflict-related violations; Specific guarantees for all persons deprived of their liberty for reasons related to the conflict.

However, the combatant status stipulated in relation to international conflicts has not been transferred to non-international armed conflicts. The situation of those who take up arms against their states - be they individuals or non-state armed groups - is still subject to the law of the country in question. This means that there are no combatant privileges (such as prisoner of war status) in this type of conflict and that individual or members of armed groups who take part in hostilities against government forces are guilty of criminal activities under domestic law. They enter the category of civilians who directly participate in hostilities, and therefore they become legitimate targets during and for the entire time that they directly participate in hostilities.

If injured or captured by government forces, Additional Protocol II provides guarantees of treatment and guarantees for individuals deprived of their liberty

for reasons related to the conflict, and judicial guarantees in the event of a criminal trial in relation to the conflict (Article 6). It is possible, with the consent of the parties to the conflict and by way of a special agreement, to extend - by analogy - some provisions of humanitarian law relating to combatants in international armed conflicts to include individuals who bear arms in non-international armed conflicts. The position of persons belonging to non-state armed groups also arises in certain patterns of international armed conflicts and is also envisioned in Additional Protocol I (Articles 43-45).

Fourth requirement: Examples of judicial rulings in non-international armed conflicts

Tadic Case (Decision on Defense Memorandum Concerning Preemptive Action on Jurisdiction, 2 October 1995), the Appeals Chamber made an important development in jurisprudence regarding the law that can be applied to non-international armed conflicts. On non-international conflicts and said, “What is inhumane, and therefore forbidden, in international wars can only be inhuman and unacceptable in civil conflict” (Paragraph 119).

The court notes that “State practices show that the general principles of customary international law have evolved. Concerning the internal armed conflict also in areas related to the means of warfare ”(para. 125). She drew attention to the fact that “only a number of rules and principles governing armed conflict have gradually been extended to apply to internal conflicts; And that this extension has not taken place in the form of a complete and automatic transfer of those rules to internal disputes; Rather, the general essence of those rules, and not the detailed regulation that they may contain, have become applicable to internal disputes” (Paragraph 126).

The court said that despite these restrictions, it cannot be denied that customary rules have developed to govern internal conflict. Those rules, which were specifically defined in the previous discussion, cover areas such as the protection of civilians from hostilities, especially indiscriminate attacks, the protection of civilian objects, especially cultural property, and the protection of those who do not (or no longer participate) actively in the hostilities. In addition to the prohibition of prohibited means of warfare in international armed conflicts and the prohibition of certain means used in the conduct of hostilities (Article 127).

In the same case, the court affirmed that customary international law imposes criminal responsibility for serious violations of Common Article 3, for violations of other general principles and rules for protecting victims of internal armed conflicts, and for violating certain basic principles and rules relating to the ways and methods of warfare in civil conflict (Paragraph 134). It stated that violations of Common Article 3 constitute war crimes, regardless of whether they occurred in an internal or international armed conflict (Paragraph 137).

Thus, the Court settled a debate regarding the legal status of war crimes in non-international armed conflicts and the apparent weakness of the content of Additional Protocol II regarding punishment for crimes. On the basis of the



discussions of the Nuremberg Tribunal, the International Criminal Tribunal for the Former Yugoslavia stated that the masterminds of these crimes could be prosecuted even in the absence of formal ratification of Additional Protocol II (paras. 100 and 119).

The Celebici Camp Case, the Appeals Chamber of the International Criminal Tribunal for the Former Yugoslavia said on 20 February 2001 (IT-96-21-A) that “In light of the fact that the majority of conflicts in the contemporary world are internal conflicts, the claim that there is a difference between the two systems Legal and legal consequences arising from them in relation to similar heinous acts due to the difference in the nature of conflicts ignore the main purpose of the Geneva Conventions which is to protect human dignity”(Paragraph 172).

The Rotaganda Case (6 December 1999) The Trial Chamber of the International Criminal Tribunal for Rwanda stated that in the event of conflict, international humanitarian law applies to all the land and to all inhabitants. The Chamber referred to the fact that “the protection accorded to individuals under the Geneva Conventions and the Additional Protocols extends to all parts of the country’s territory in which hostilities occur, and is not limited to the “ front ”or the narrow geographical scope of the actual theater of hostilities” (paragraphs 102 and 103).

This ruling was confirmed by the Trial Chamber of the International Criminal Tribunal for Rwanda in several cases: Akayesu Case, International Criminal Tribunal for Rwanda, (96-4-T, 2 September 1998. Paragraph 635). Kashima and Ruzidana International Criminal Tribunal for Rwanda, 95-1-T, 21 May 1999 (paras. 182-183); And Musema, International Criminal Tribunal for Rwanda (69-13-A, 27 January 2000 (para. 284) and Simanza Case, ICTR, (97-20-T, 15 May 2003 (para. 367))

### ***The second topic: the concept of international humanitarian intervention in non-international armed conflicts***

#### ***The first requirement: the concept of international (peaceful) intervention for humanitarian motives***

Las Oppenheim defines humanitarian intervention as an intervention that “uses force in the name of humanity to stop the persecution of its citizens and the brutal and cruel acts against them by a country that shakes the conscience of mankind, which justifies the legal intervention to stop these acts” (Oppenheim’s International Law, Vol. 1: Peace, Jennings, R. and Watts, A. eds., 9th ed. 1992).

Thomas Frank also introduces his definition of humanitarian intervention as “based on the use of armed force or the threat to use it by a state or group of states with the knowledge of an international body for the purpose of protecting human rights from the flagrant violations that a state commits against its citizens in a manner that denies their rights in a form Shocks humanity” (Franck TM and Rodley NS, 1973, p. 45).

Elisa Perez Vera viewed humanitarian intervention as “every pressure exerted by the government of a state on the government of another state in order for the latter’s behavior to be in conformity with humanitarian laws, by respecting the basic rights of the individual - at least - regardless of his nationality as long as Human beings ” (Elisa Perez Vera, 2001, 78 ).

Mario Bettati views the humanitarian intervention as a state carrying out armed military operations to save its citizens on the territory of a second country, as a result of the emergence of a confirmed and direct danger posed by the authorities of the second state or other parties.( Mario Bettati and Bernard Kouchner, 1987, p. 43).

The United Nations Joint Inspection Unit has adopted a concept of international humanitarian intervention: providing humanitarian aid to victims of natural and man-made disasters, including complex emergencies, on a short-term and long-term basis (Mario Bettati, 1996, p. 67).

The International Conference on Scientific Humanitarian Grant held in 2003 defined international intervention as: all humanitarian aid concerned with saving lives, alleviating suffering and preserving human dignity during man-made crises and natural disasters in their aftermath, as well as preventing the occurrence of such cases and enhancing preparedness for their occurrence. (Abdelkader Bouras, 2009, p.25).

Looking at the above definitions of the concept of humanitarian intervention, we find that although most specialists agree that the humanitarian factor is the basis for humanitarian intervention, they differed in defining the target group. Some of them limit the concept of humanitarian intervention to the violations that occur by the government on its citizens. Or the subjects of a foreign state on its lands, in a way that affects their human rights and dignity, and others included the protection of all human beings as a whole from any danger that befalls them, whether man-made or nature-made.

The jurists also differed in determining the methods of intervention. The first aspect restricted human protection to military intervention, while others expanded it to include all aid in its various forms, whether economic, logistical or military (Muhammad Yaqoub Abdul Rahman, 2004, p. 56).

Based on the foregoing, it can be said that humanitarian intervention is a voluntary and organized act carried out by an international political unit - a state, an international organization, or all of the aforementioned - to provide humanitarian aid to the victims of natural and man-made disasters, including complex emergencies. A short-term basis and a long-term basis, including the means of political coercion, starting with the simplest forms of war, such as psychological warfare, passing through diplomacy, economic, and ending with military, with the aim of saving lives, alleviating suffering and preserving human dignity (. Stewart, James G, 2003, p.50).

This definition indicates that intervention has different forms, starting from the simplest forms with rhetoric and aid and ending with military interventions.

It can also be seen that international custom permits military intervention by one or a number of countries in the internal affairs of another country, as it aimed to protect the rights of the human race and humanitarian rules, or what is expressed in the language of the era, “human rights”. This intervention was justified through rules, ethics and the emotional response to global public opinion, as well as the actions of great powers to protect their national interests.

In fact, this custom existed in light of the prevalence of the concept of force in international relations and the absence of international regulatory deterrence at the time. Therefore, traditional international jurisprudence considered that the humanitarian intervention is a right that imposes on the civilized state to stop the aggression against humanity despite the disagreement of the jurists on determining what is meant by, some of them specified it to rid the people oppressed by another people, and some of them specified the purpose of it to stop the killing and persecution against the citizens of the intervening state, including Those who limit him to putting an end to religious persecution, and some of them see it as unlawful interference in internal affairs (Beach H, 2005, p 56).

***The second requirement is the mechanisms of international humanitarian intervention in non-international armed conflicts***

***Mechanisms for peaceful intervention of regional organizations in non-international armed conflicts:***

The mechanisms of peaceful intervention mean the methods used by international institutions authorized on the basis of the Charter of the United Nations and on the basis of the decisions of the Security Council or the General Assembly to confront non-international armed conflicts and address their results, so that the move is carried out by following specific measures and procedures within the framework of the Charter and international treaties, the provisions of which are more precise And details, provided that this is done in accordance with the purposes of the charter and an embodiment of the will of its drafters (Bellamy, A. J, 2006, p. 143, 153).

It is worth noting that the idea of protecting human beings from woes, pests and inhuman actions has existed in all peoples since ancient times. However, humanizing armed conflicts was not a prominent issue until the end of the sixteenth century, and the development of the tasks and responsibilities entrusted to the United Nations increased the importance of protecting The basic human rights and freedoms. The idea of humanitarian intervention has moved from the traditional stage, which considered that the state is the only person in international law, to the contemporary stage in which the people of international law are not limited to states only, but also international organizations, which have an effective role in humanitarian intervention of all kinds and forms, This was thanks to the recent development in international law (Donnelly, J, 2013, p. 45).

As for the persons who are intervened to protect them, the intervention is no longer limited to a group of persons linked to the intervening state by common

characteristics or a relationship of kinship, but rather extended to include every individual as a human being without any consideration of race, gender or religion (Donnelly, J, 2013, p. 56).

On the other hand, despite the fact that jurisprudence is limited to a number of very important rights for a living being, such as the right to life, freedom and equality, the Charter of Nations called in Article 55 (fifty-five) thereof to the necessity of spreading respect for all human rights and striving to promote them (Abdel Hadi Bou Taleb, 1992, p. 67).

Political, economic and cultural rights have been added to the aforementioned rights, and this is what was affirmed by the Universal Declaration of Human Rights, which in turn established a global system of human rights that provides for everyone under it the right to enjoy all of their rights and strive for the realization of guarantees worthy of their respect. And international humanitarian law is intended to restore the situation to normal (Elkins, Z., et. al, 2013, p. 56).

Perhaps the question that comes to our minds when we observe this development, is: Is protecting mankind and humanity the intention of this intervention? Or is the principle of humanitarian intervention one of the new forms that give international legitimacy to this intervention? (Ouarda Belkacem Layachi, 2012, p. 30).

The first paragraph of Article 52 of the United Nations Charter stated that there is no obstacle that could stand in the way "between regional organizations and agencies and carrying out the mission of maintaining international peace and security as long as the positive role that regional organizations can play is possible, valid and proportionate to that task in the regional context is required." In order for these organizations and agencies to be able to perform that important and vital role, they must be compatible and consistent in their performance with the purposes of the Charter, which is supposed to provide them with the legal basis for performing that role with clear professionalism and impartiality, unless they go beyond those intentions (Farer, J. and F. Gaer, *The UN and Human Rights: At the End of the Beginning*, in *United Nations, Divided World: The UN's Role in International Relations*, (A. Roberts and B. Kingsbury eds., 2d ed. 1993)

As is evident, the United Nations Charter in this text has created the appropriate mechanism and opened the door legally at least for regional organizations and agencies to coordinate efforts among themselves and under the supervision of the international organization (Shalabi Alaa, 2002, pp. 29), in order to address and confront everything that would negatively affect international peace and security, wherever regional action is appropriate and has an effective value on the ground and related to issues of maintaining international peace and security, and to control the performance of these regional organizations and coordinate their efforts within a framework of professionalism and impartiality in performance that guarantees reaching the desired results. In the fastest and easiest way, the aforementioned article stipulated that that regional agency and its activities be compatible with the purposes of the charter, and not deviate from

international legitimacy and consistent with the principles advocated by the United Nations (Fonteyne J-PL, 2012, p.96).

Article (52) Paragraph 3 obliges the Security Council to resort to those regional organizations or agencies in its endeavor to encourage a proliferation of peaceful solutions to non-international armed conflicts, and for considerations of sovereignty, Paragraph (3) Article (52) stipulated that this be accompanied by a request from the governments of the countries concerned with the armed conflict. Or that the matter is referred to those agencies and regional organizations by a decision issued by the Security Council, but the reality has produced many exceptions (Holzgreffe, J.L. et. al, 2003, p. 98).

Based on the legal basis provided by the first paragraph of Article 52, many countries took the initiative to conclude a number of international agreements by relying on common denominators that unite these countries regardless of their different ranks or political systems. These international agreements and the additional protocols attached to them were all aimed at To formulate policies and establish mechanisms in order to protect human rights in the first place and under any circumstances, and in particular to protect it in the event of armed conflicts, by confronting these conflicts and trying to resolve them and dealing with their parties to reach a settlement of them in a friendly or peaceful way as possible (Iyi, J-M., 2016, p. 90).

#### ***Causes of international humanitarian intervention:***

Among the most prominent justifications for international intervention by international organizations in non-international armed conflicts are the following:

#### ***Maintaining international peace and security:***

It should be noted that the term international peace and security has been mentioned 32 times among the nearly 110 articles of the United Nations Charter, so we can deduce the value of the term and the importance of the concept that tops the purposes of the charter. International armed conflicts are not the only ones that pose a threat to international peace and security. Armed forces of a non-international character have often been considered by the Security Council as a threat to international peace. Indeed, a military coup in Haiti led by General Aristide in 1994 came in the context of the power struggle that was considered by the Security Council a threat to international peace and security (The United Nations and the situation in Haiti ,(1995) , 1 New York , March, p.24).

The criterion by which the indications for international intervention in non-international armed conflicts are controlled is the extent to which those conflicts of a non-international character affect the international situation, that is, when international peace and security is in danger because of them, and in the same context when the Security Council found that the armed conflict in Bosnia and Herzegovina With the war crimes and ethnic cleansing he witnessed against Bosnian Muslims, which represented in his view flagrant violations of human rights and posed a threat to international peace and security, the Council issued

its Resolution 913 on April 22, 1994, and before that it had issued a series of decisions in this direction, including Resolutions 713 and 721 Of 1991, and Resolution 743 of 1992, which stipulated that the continuation of the situation in the Republic of Bosnia and Herzegovina constitutes a threat "to international peace and security" ((The United Nations and the situation in the former Yugoslavia, (1994), Reference paper, 15 March 1994, P.166).

### ***Protection of human rights:***

Non-international armed conflicts witness gross violations of human rights and considering that international humanitarian law is a set of legal rules that define the rights of victims of armed conflicts and impose restrictions on combatants in the means of using force and limit it to combatants alone, in order to control the behavior of combatants as much as possible, and to protect the rights of civilian victims Or non-combatants who constitute the highest percentage of victims of those non-international armed conflicts.

### ***The right to self-determination:***

The most prominent of the General Assembly resolutions, Resolution No. 1514 issued on December 14, 1960, which included the declaration of granting independence to colonized peoples as a right that cannot be overlooked or neglected by any party. Rather, its waste could be a justification for international interference in the internal affairs of a country under the pretext of the right of peoples, or the subjugated minorities under the authority of that state for self-determination. The right of the Afghan people to self-determination was affirmed while preserving the integrity of the state's territory and territorial integrity, but at the same time, it was affirmed to refrain from interfering in the internal affairs of Afghanistan, as stipulated in the Assembly's resolution. Publication issued on December 19, 1995(Gasser, Hans-Peter, 1983, p.145).

## ***Chapter Two: The role of international humanitarian intervention in mitigating the effects of Covid-19 in Libya, Yemen, and Syria***

### ***The first topic: the repercussions of Covid-19 on the armed organizations in Libya***

Despite the announcement by the divided Libyan authorities that no cases of corona were recorded in the country, until Monday 23 March 2020, their fears have escalated that the epidemic may spread, and may turn into a disaster, in light of the deterioration of the country's health infrastructure and weak preparedness. Therefore, the Government of National Accord in western Libya, and its parallel counterpart in the east, have taken, during the past days, a series of precautionary measures in the areas under their military control to confront the Corona virus, including: curfews, preventing gatherings, stopping schools, closing border, sea and air ports, as well as About a package of economic measures (GIULIO PISCITELLI, January 2020).

The two parties to the conflict in the battle for Tripoli (the Government of National Accord, the Libyan National Army) on 18 and 21 March respectively

welcomed UN and international calls to endorse a humanitarian truce in Libya to support the efforts made to address the Corona crisis. However, this response was not without fragility, not a day passed since this truce until it was subjected to violations by the parties to the conflict, following the mutual bombing in southern Tripoli and Tarhuna (OCHA, UNHCR, UNICEF, UNFPA, WFP, WHO, IOM :”Conflict and the COVID-19 Pandemic Present a Significant Threat to Life in Libya”, 13/05/2020 ).

Thus, that armistice was exposed to the impasse of the cease-fire that was announced since January 12, and neither the international and regional mobilization at the Berlin conference on the 19 of the same month, nor the military path that resulted in it in Geneva, as the draft cease-fire remained It was reached, through the UN-sponsored 5 + 5 Joint Military Committee, on February 23, which is the subject of a dispute between the leaders of the parties to the conflict.

From here, the question is: How do the parties to the Libyan conflict think about the Corona crisis and the risks of its spread? What is the extent of the impact of this crisis on the paths of war and peace? Especially in light of the changing priorities of the intervening foreign powers in Libya, which focus all their efforts at the present time on combating the spread of that disease? (Allyson Christy:” Libya’s Rivalries, Risks & COVID-19 - Part One”, Wed, 04/15/2020).

### *Causes of fear:*

The conflicting parties, whether they are individuals or leaders in areas of violent conflict, realize that one of the possibilities they face in battles is death, so why - then - may they fear the Corona crisis as long as this possibility may exist in both cases? But when thinking carefully about the matter, it can be said that the threat of survival may differ between an adversary possessing the ability to know his threat, anticipate his behavior, and the tools he may possess in terms of conflict, and another that may be ambiguous and complex, where its characteristics and limits are not known with certainty (OCHA/Giles Clarke, 2020).

In the first case, fear may appear natural because the parties to the conflict can have relative control over the threat, or even anticipate it to some extent in combat zones. Whereas in the second case, fear of the mysterious threat may turn into panic, because the conflict parties ’ability to control or predict the paths of this threat is almost non-existent, as is the case with the Corona epidemic, which appeared as an invisible enemy, as described by former US President" Trump ", since it is not Distinguish in injuries and deaths between an enemy and a friend, or a stable and democratic country, and an authoritarian or turbulent country (Coronavirus – Libya, 15/05/2020 ).

In such circumstances, fear accounts arise, especially among leaders in conflict areas, as it may prompt them - most likely - to change their rhetoric and behavior, waiting either to bet on time to overcome the crisis, or limit its repercussions on their direct interests in the conflict. Simply put, it cannot be overlooked that any armed conflict depends primarily on the human factor, and

therefore if that element is harmed by the epidemic, this may mean the inability of the parties to continue in the conflict itself.

In addition, it is practically difficult to implement the policies of isolation and social distancing that countries adopt to confront Corona in managing military battlefields. Despite the entry of modern technological weapons, such as drones and others, to conflict areas in the Middle East, including Libya; Direct ground fighting remains a major feature of the conflict's dynamics, especially in urban wars, especially with the parties to the conflict targeting control over field areas held by opponents, which may be teeming with populations, which will presumably be connected with them, as the pattern of battles in western Libya, which paradoxically includes the largest number of The population of this country, compared to the East and South regions.

This may explain the rational logic that frames the calculations of fear the pattern of the recent humanitarian response to the parties to the conflict to stop the fighting in Libya due to the Corona crisis, or even the lack of sharp escalation and being limited to a pattern of mutual violations, as they may fear that the soldiers loyal to them will suffer from the epidemic, which completely changes the balance of battles at any moment.

It is noted that there are other factors raised by the nature of the conflict contexts in Libya, as follows:

***Exposure of the health system:***

The Libyan health infrastructure (hospitals, numbers of doctors and nurses, and medical supplies) suffers from deterioration due to its damage from the ongoing war, whether during the NATO intervention in 2011, or after the outbreak of the civil war in the summer of 2014, which led to The power is divided and its functions are affected, including health (Murray, R. W, 2013, p.45).

What may reinforce this is that the Global Health Security Index in 2019 (GHS INDEX) ranks Libya 168 out of 195 countries in the world, because the readiness of the health infrastructure is too weak to deal with epidemics or limit their spread, which is similar to conflict countries in The Middle East, as is the case in Iraq, Syria, and Yemen, where these countries also ranked low in the index (167, 188, 190), not to mention the health gaps between the regions of Libya, a result of the pattern of regional unbalanced development and inequality established by the "Gaddafi regime" Throughout his four decades of rule, as Libyans used to resort to regional neighboring countries, such as Tunisia, Egypt and Italy, to receive health services, and this matter increased with the Libyan instability after 2011(Nineham, C, 2014, p. 45).

***Corona's blockade in the regional neighborhood:***

As the majority of the border countries of Libya, especially Egypt, Algeria, Tunisia and Sudan suffer from injuries and deaths due to the Corona virus, albeit to varying degrees, and it did not reach the extent of widespread, as is the case with Italy, which is not separated from the coasts Libya is only 320 km away, as it has become the second global focus of the spread of the new Corona disease



after China, with 59,138 cases recorded, while the total deaths reached 6,077 on Monday, March 23, 2020 ( OCHA:"Libya: Humanitarian Access Report, May 2020, p.24).

***Risks of foreign intervention:***

The presence of foreign mercenaries, forces and advisers from other countries to support the parties to the Libyan conflict carries a double risk of the possibility of the spread of Corona. For example, the presence of Syrian mercenaries in the thousands in Tripoli, as well as advisors and soldiers from Turkey, to support the Al-Wefaq militia In western Libya, in the face of the Libyan National Army, it may raise the possibility of infection spreading, especially if we take into account that Turkey has become one of the hotspots of the disease in the Middle East region, with 1256 injuries and 30 deaths, as of Sunday 22 March 2020. And if we add to that The presence of international and foreign relief missions and organizations working on Libyan soil, the possibility of the emergence of Corona may not be excluded at any moment (RANDA TAKIEDDINE, 2020, p.10).

***Regional and international preoccupation:***

With the Coronavirus becoming the biggest challenge to the major and regional powers with an interest in Libya, this may affect peace or war situations, on the basis of two basic considerations; The first is that the Libyan conflict takes the form of proxy war, and therefore if the shepherds are busy fighting Corona, the agents may be affected by that, whether in terms of political or economic support or arms supplies, especially with the movement of border closures and countries' fears of any external interactions that may lead to The virus has spread. Although that hypothesis may face the dilemma of the proliferation of heavy weapons during the past years, which may allow the agents to continue fighting, even for a period of time without the need for its influxes of shepherds. As for the second consideration, it relates to the fact that the state of global preoccupation with Corona may affect the international and international diplomatic efforts to settle the conflict, which took an escalating feature since the last Berlin conference, after which meetings were held for the three tracks, political, economic and military. It is true that it has not yet resulted in what might stop the war and lead the country to a peaceful settlement, but at least it may be disrupted or slowed down with the global spread of Corona, due to restrictions on the movement of political representatives of the parties to the conflict abroad. Indeed, the European pledge at the Berlin conference to establish a naval force to monitor the arms embargo to Libya may also face a challenge about the extent to which it can be applied with the dire effects of the Corona crisis. The United Nations has not yet decided on a replacement for the UN envoy, "Ghassan Salameh," who resigned in early March, when he was temporarily replaced by his deputy, "Stephanie Williams." (Khayreddine Basha, 2020, p. 01).

***The risk of losing legitimacy:***

The rapid responses of the parties to the conflict in Libya to confront Corona, whether in terms of security, health and economic measures, reflect their efforts to preserve their moral and political legitimacy in the time of the crisis in front of their supporters and allies in the Libyan areas under their control, which may help to avoid accountability, whether when Overcoming the crisis, or even if the disease spreads and takes lives in the community. Perhaps the Libyan army's statement, in which it welcomed the recent humanitarian truce, sought, for example, to put pressure on the legitimacy of the reconciliation government in front of its allies in western Libya, when it held it responsible for what it called "moral crimes" if the flow of Syrian mercenaries continued to the capital, Tripoli.

### ***Risks of the economic crisis:***

as fears of the parties to the conflict about the Corona crisis may increase, in the context of the escalation of the internal economic crisis, in light of the closure of oil ports and fields more than two months ago, which reduced production, and led to losses amounting to about \$ 3.3 billion, according to the National Corporation For oil. The Libyan oil sector crisis deepened with the recent decline in global prices to below thirty dollars, which reduced almost a third of the reconciliation government budget in 2020, in addition to the recession that began to affect the global economy after countries closed their borders and the slowdown in trade exchange after the Covid-19 crisis (ICRC, 16 Jul 2020).

While the Government of National Accord blames the Libyan army for that oil shutdown, as it militarily controls these ports and fields; However, the army denies, noting that it was tribal groups in eastern Libya that did so, in protest against the government's spending of oil revenues on militias and mercenaries in the battle for Tripoli (Obama, B., 2011, p. 65)

The dilemma of the oil file is that while the Libyan army militarily controls the oil fields, most of which tend to the east, the revenues are managed by the National Oil Corporation of the internationally recognized Government of National Accord, and as part of the pressure of the major powers, especially the United States, on the Libyan oil sector (Thakur, R. , 2011, p.56).

What added to the dilemma of that oil file was the Libyan agreements that sought to settle the conflict and ignored the construction of specific agreements on the fair distribution of oil revenues, including the Skhirat Agreement, which has stalled since its signing in December 2015.

### ***The effects of COVID-19 on the armed conflict in Libya:***

Three possible paths can be proposed that will depend mostly on two determinants, one of which is the extent of the ability of major and regional powers to overcome the crisis of that disease and contain its dangers, and then return to interest in conflict areas in Libya, and the other is the extent of the Libyan health infrastructure's ability to respond in the event of the outbreak and spread of the disease.

The first track relates to the possibility of stalemate in the conflict, especially in the battle for Tripoli, which has passed for nearly a year, without making qualitative changes in the positions of the warring parties in the field, as matters became more difficult after the recent reconciliation government resorted to bringing in Syrian mercenaries, as well as the conclusion of a security and maritime memorandum of understanding with Turkey to fill the gaps in the balance of power with the Libyan National Army.

However, it cannot be overlooked that the balance of power tilts more generally for the army, as it controls most of the country's lands in the east and south, as well as areas around the capital, Tripoli, unlike the oil paper. More dual pressures if Corona spreads in western Libya. On the other hand, it may also be in the interest of the Libyan army to freeze the conflict at the current moment in order to face the Corona crisis, in order to support its alliances and its legitimacy in the areas it controls (Mattia Giampaolo, 2020, p. 5).

As for the second track, it indicated the possibility of an escalation of the conflict, and it may arise if one of the conflicting parties senses that the lack of international attention due to the spread of Corona may represent an opportunity to change the balance of power in its favor in the battle for Tripoli. But that possibility will remain related to whether or not Corona will reach Libya, and the limits of its spread if it appears, because in the event of injuries or deaths from that disease, in a manner that cannot be contained, it may be difficult for the parties to the conflict to continue fighting in practice.

Perhaps some militant trends are pushing for the scenario of escalating the conflict at this time, as was the case with the isolated Mufti, "Sadiq al-Ghariani," who called on Libyans in the West not to pay attention to Corona and direct all their support to the military front in the face of the Libyan National Army.

Regarding the third track, he affirms that the parties to the conflict will continue to oscillate between peace and war, so that they maintain the fragile truce position due to fear of the possible effects of the Corona crisis. This reinforces the intractable dilemma that is essentially facing the consolidation of the ceasefire. Whereas the Libyan National Army stipulates the removal of mercenaries and Turkish forces, stopping the supply of Turkish weapons (Hülya Schenk, 2019, p. 7), and liquidating terrorist groups from western Libya, in order for that moratorium to be activated; The two parties to the conflict are afraid to make any concessions for fear of a cracking of their internal and external alliances, which may keep the conflict in place without a sharp escalation, waiting for what the Corona crisis may explain in terms of global and regional changes that may affect conflict areas in the Middle East (Jason Burke and Patrick Wintour, 2020, p. 5 ).

***The second topic: the repercussions of Covid-19 on the armed organizations in Yemen***

***Corona virus emergence:***

On April 10, the legitimate Yemeni government announced the registration of the first infection with the Coronavirus in Yemen, in the city of Al-Shahr, Hadramout Governorate. After the emergence of the virus, the governorate authorities announced the imposition of a complete curfew in the city of Shahr and the nearby areas, and the army and security forces deployed in the streets to implement the ban. The port of Shahr, in which the person infected with the virus works, was closed for two weeks, and all workers at the port were obliged to take home quarantine, and not to socialize for two weeks (Júlia Palik , 2020, p. 02 ).

In a related context, the Arab Sea Ports Corporation in Mukalla has taken several decisions to confront the Corona virus, the most important of which is the quarantine for a period of 14 days for all wooden ships in the waiting area outside the port, studying the possibility of quarantining commercial ships for the same period, giving priority to ships loaded with basic foodstuffs, and adopting work For 24 hours to speed up the discharging processes (COVID-19 Impact on Yemen, 8 April 2020).

It should be noted that these decisions came within a set of measures previously taken to confront the repercussions of the Coronavirus, as the legitimate government took a decision to suspend flights in all Yemeni airports, starting on March 17th, with the exception of flights for humanitarian purposes and the transfer of relief aid. In addition to a number of other measures, such as: closing markets, wedding halls and public parks, suspending all official events and activities, and studying in government-controlled areas has been suspended until May 30, 2020 (Coronavirus: Five reasons why it is so bad in Yemen, 21 June 2020).

On the other hand, the Houthi group took some decisions, such as closing Sanaa airport to flights for the United Nations and international organizations for a period of two weeks, starting from March 14th. and the suspension of studies in areas under their control, and the application of a 14-day home quarantine for those coming from some countries that have witnessed the outbreak of the disease. Reports also indicated that the Houthis released a number of prisoners and prisoners as part of measures to confront the virus (ACAPS, 8 April 2020).

***The impact of the Coronavirus on the Yemeni conflict is linked to a number of key dimensions***

The dilemma of health conditions (): The Yemeni conflict has ensured the production of a crisis community and humanitarian scene whose features have crystallized in the deterioration of health indicators in a country that suffers mainly from structural problems. According to many estimates, only about 50% of hospitals and clinics operate inside Yemen, and most of them lack qualified medical staff and medicines. Over the past years, Yemen has been exposed to outbreaks of diseases such as cholera, which appeared as a real threat to Yemenis, after the total number of suspected cholera cases exceeded 2,300,000 cases during the period from October 2016 to January 2020 (COVID-19 has made the health system's collapse complete in Yemen”, 10 June 2020 ).

Dengue fever has also gained the attention of many international organizations recently due to its spread in more than one district in Yemen, so that some estimates go that dengue fever infections exceed 3000 people (Joseph Hincks, 2020).

The emergence of the Corona virus, and the possibility of its spread inside Yemen, is a fundamental dilemma, as the health infrastructure will not accommodate the possibility of the virus spreading, and the availability of necessary medical supplies, and the requirements to confront Corona, such as the availability of clean water for all individuals, represents a real problem for Yemen, especially with the decision of some donors. Internationals cut aid to Yemen as a result of the aggressive Houthi policies. Moreover, the coincidence of the emergence of the Corona virus with the presence of other diseases inside Yemen doubles the impact of Corona on the humanitarian situation in Yemen (Arab News, Sunday, March 15, 2020).

#### ***Legal government accounts:***

The Yemeni government welcomed the ceasefire and appeasement initiatives. On March 29, the government welcomed the invitation of the UN envoy, Martin Griffiths, to hold an urgent meeting to discuss a ceasefire in Yemen to counter the risks of the spread of the Corona virus. The Yemeni Ministry of Foreign Affairs also issued a statement stating that "this position comes in the government's keenness to alleviate the suffering of Yemenis, and to spare Yemen the consequences of the possible spread of Corona." The Yemeni government called on the international community and the Security Council to "pressure the Houthi militias to respond to this call without preconditions, and to stop their violations and their continuous escalation" (UN SC, 17 Apr 2020).

#### ***Houthi employment of the crisis:***

As the Houthis dealt with the Corona crisis from the beginning of its appearance in the region, and even before HIV infections appeared in Yemen, as an opportunity to achieve more gains, whether on the internal or external arena, and the Houthi militia continued its attacks as Saudi Arabia announced On March 28, it intercepted two ballistic missiles over the cities of Jizan and Riyadh, after the Houthis launched them from Sanaa and Saada (ASHARQ AL-AWSAT, Sunday, 5 April, 2020).

#### ***The Arab Coalition Initiative:***

The Arab Coalition to Support Legitimacy announced a comprehensive ceasefire in Yemen for a period of two weeks, starting on Thursday the ninth of April, a period that can be extended. Of the efforts to deal with the Corona virus. Perhaps this is what was expressed by the spokesman for the Arab coalition, Colonel Turki Al-Maliki, who made it clear that the aim of the ceasefire is to create appropriate conditions for the implementation of the UN Secretary-General's Special Envoy's call for Yemen to hold a meeting between the

President's government Abd Rabbo Mansour Hadi, "the Houthis, and a military team from the coalition under the supervision of the United Nations to discuss its proposals regarding the steps and mechanisms for implementing a permanent ceasefire, steps to build humanitarian and economic confidence, and the resumption of the political process between the Yemeni parties to reach a comprehensive political solution in the country" (Yemen war: Coalition ceasefire to help combat coronavirus begins, 9 April 2020).

***International pressure to de-escalate the conflict:***

Many countries wish to calm the Yemeni conflict, in light of their preoccupation with facing the repercussions of Corona. Therefore, international pressure may increase in order to de-escalate the conflict at the present time, which was evident, for example, by the United Nations demand for a ceasefire in Yemen to deal with the Corona crisis, and this trend was confirmed by the recent statement by the UN Security Council that welcomed the coalition initiative. Al-Arabi to cease fire in Yemen, and calls on all parties to adhere to the calm, and to communicate with the UN envoy in order to reach a political settlement to the conflict (GCC, Arab League welcome Yemen ceasefire announcement, April 9, 2020 ).

***Potential impacts of COVID-19 on the Yemeni conflict:***

There are different scenarios for the future of the Yemeni conflict, ranging from the beginning of conflict settlement and commitment to calm, and the continuation of the conflict. In general, the future of the conflict appears governed by three main scenarios: The first is the continuation of the conflict so that the Coronavirus does not constitute a motive factor in calming the conflict and starting to settle it. Perceptions of some parties to the conflict may not be affected by the Corona crisis, especially since Yemen has been exposed to similar problems and epidemics during the years of the conflict (Asher Orkaby, 27 May 2020).

According to this scenario, the Houthis continue their policy of escalation and failure to respond to the ceasefire initiative by the Arab coalition, which pushes the coalition to respond to Houthi violations. Perhaps this is what appeared with the announcement by the Coalition to Support Legitimacy that its air defenses had intercepted a ballistic missile launched by the Houthi group on April 14th at the city of Marib.

The second scenario sees a temporary lull in the conflict to rearrange each party's accounts and deal with the repercussions of the Coronavirus, but with this calm, each party will continue to consider that the conflict has not ended, and that the final settlement negotiations have not yet come. This scenario is helped by the nature of the Yemeni conflict, and the constant hesitation over the past years between de-escalation and escalation, and the complexities of the conflict and the issues that branched out from the main conflict.

This scenario is based on the possibility of a change in the perceptions of the Houthi group, and the de-escalation of the military, for two main considerations;

The first is that despite the group's ambitions to control the city of Ma'rib; However, the consequences of the battle for Marib will not be guaranteed, and its cost will be high, and the group will incur heavy losses given that the city includes the largest block of Houthi opponents in the north, and a large number of forces loyal to the Yemeni President "Abd Rabbo Mansour Hadi".

The third and final scenario relates to the possibility of a comprehensive de-escalation of the conflict, against the backdrop of the Corona crisis. This scenario assumes the commitment of the parties to the conflict, especially the Houthis, to the United Nations initiative as well as the initiative of the Arab coalition to cease fire, and to stop escalating in search of an effective framework for a permanent and stable settlement. However, the realization of this scenario remains fraught with a number of challenges, perhaps the most important of which is the need to escalate international pressure on the Houthis to end the escalation, especially with the cost that society bears at the present time to confront the Corona virus. In addition to the decline in the power accounts of the Houthis from my angle, the difficulty of military control of the city of Marib, as well as the growing difficulties that Tehran faces internally due to the Corona epidemic, as a result of which the Houthis are certain that they will not receive any Iranian support within a period of time that will not be short (COVID-19 and Conflict: Seven Trends to Watch, 24 mars 2020).

***King Salman Relief Center and Doctors without Borders Organization discuss prospects for joint cooperation in Yemen***

The King Salman Humanitarian Aid and Relief Center, headed by the Director of the Health and Environmental Aid Department, Dr. Abdullah bin Saleh Al-Moallem, held a meeting - via video call - with the representative of Doctors Without Borders in the Middle East, Antonio Piller.

The gathering discussed prospects for cooperation to implement joint projects in the fields of humanitarian work in Yemen, especially in the health field, and what the center presented in the field of combating the Corona pandemic in Yemen and its projects in the field of combating malnutrition and mechanisms to improve humanitarian work, as well as expanding humanitarian work partners and lessons learned from the implementation of projects, and methods of measuring their impact (King Salman Humanitarian Aid and Relief Center: 15/11/2020).

***The third topic: the repercussions of Covid-19 on the Syrian crisis***

With the spread of the Corona virus in the countries of the world, and its out of control in many countries of the world; Many questions have been raised about the impact of the spread of the epidemic on the future of the armed conflict inside Syria, and its effects on militias, armed and terrorist groups, in light of the preoccupation of regional and international actors with combating the spread of the virus, and facing its economic and social repercussions, in light of the expanding geographical spread (DIANA RAYES, 14/05/2020 ).

Many regional and international countries have become very interested in the repercussions of the Corona virus on the internal social, political and economic conditions, in addition to some security implications at the criminal level, as a result of the suspension of many companies and the slowdown in the economic field. This preoccupation with Corona has led to a direct impact on the armed conflict inside Syria, and on the structure of some terrorist organizations inside Syria, and this change may be represented in the development of terrorist organizations' activities, especially ISIS and Hayat Tahrir al-Sham. Then comes the main question about the impact of the spread of Covid-19 on the future of the armed conflict inside Syria.

The Syrian crisis has witnessed many radical transformations since the beginning of the current year 2020 that directly affected the strategies of regional and international actors in the crisis, as the manifestations of those transformations in the Syrian crisis took several dimensions, the most important of which is the Russian-Syrian military superiority in regaining many areas of influence of armed militias, and extremist groups.

Control of Aleppo and Hama governorate and some areas in Idlib countryside (the stronghold of armed organizations and militias) have been restored, with the growing Turkish military influence, and the expansion of Turkish control and influence in northern Syria.

With the spread of Covid-19 rapidly at home in Turkey and Iran, and the decline of global interest in the Syrian crisis as a result of the focus of Western countries on combating Corona virus Some new paths in the course of the armed conflict inside Syria have begun to appear, as there has been a relative decline in the performance of some militias and armed and extremist organizations operating inside Syria, on top of which is Hayat Tahrir al-Sham, which is the terrorist organization that controls large areas of Idlib, in addition to this. ISIS sought to regain control of the areas it lost before the battle of Al-Baghouz in March 2018. This leads to an analysis of the effects of the spread of the Corona virus on Hayat Tahrir al-Sham and ISIS on the one hand, and the possible paths for the Syrian regime to regain the last points of the regime in Idlib.

#### ***Covid-19 and ISIS terrorist threats :***

The repercussions of the spread of the Coronavirus on the structure of ISIS vary according to the organization's location. In a more precise sense, ISIS differs in terms of its organizational structure and geographical concentration from one country to another. The organization "ISIS" in Syria differs greatly from the organization of "ISIS" in the Sahel and Sahara in Africa, in that the elements of the organization overlap with the local population. The organization "ISIS" in: Syria, Iraq, Afghanistan, Yemen, East Asia, and the Caucasus; It is present among the population in the local environment, while ISIS is concentrated in the Sahel, Sahara, West Africa and Central Africa in desert areas far from a dense population presence, which led to ISIS suffering previously from the spread of the Ebola virus during 2017, which was widespread Large in West African countries.



Hence, the interference of "ISIS" organization in Syria in local circles makes the effect of the spread of the Corona virus in its ranks similar to the extent of the spread in the local vicinity of its presence in Syria. Indeed, the effect of the Corona virus on ISIS elements may be greater than its impact on the local population as a result of the abstention of elements The organization refused to go to hospitals for fear of arresting them, which prompted ISIS to issue the seven directions it published in the ISIS magazine "Al-Naba" in issue (225), in an attempt by the organization to direct instructions to its members, with a focus on the fact that a person's injury or death is an elimination. He estimated, contrary to what the organization declared that injuring citizens in countries of the world is anger from God (JOSEPH HINCKS, APRIL 29, 2020 ).

On the other hand, ISIS sought to exploit the spread of the Corona epidemic in the world, in light of the decline in Western countries 'interest in following up on the organization, and the failure to carry out military and security operations against it. With the Syrian state announcing the beginning of the emergence of the Corona virus on the first of March 2020, ISIS claimed that it had carried out 52 terrorist operations inside Syria based on the organization's data published in the numbers (224-225-226-227-228-229-230) of The ISIS magazine "Al-Naba", according to what they claim.

The organization "ISIS" also called for terrorist strikes against many European countries, and inside Syria, as a result of these countries' preoccupation with combating the Corona virus, as the organization - in a message addressed to its members with issue (226) from the ISIS magazine Al-Nabaa - spoke about the decline of the role. Security forces for European countries facing the organization, in addition to the security services' preoccupation with combating the Corona virus, which is what the terrorist organization considered an opportunity for its elements to carry out many terrorist operations (Gayle Tzemach Lemmon, May 28, 2020). Countries are fighting the Coronavirus.

### ***Covid-19 and the change of alliances of the Headquarters for the Liberation of Al-Sham:***

Since the first moments of the Syrian crisis, Turkey has formed and supported many armed organizations and groups to confront the Syrian regime. This path was called "indirect" intervention to support the opposition, which took many forms, for example the Turkish regime's intervention to support and support the opposition factions with air strikes during their war against ISIS, which helped armed organizations and factions close to the Turkish regime in controlling a number of areas on the Turkish border line, including Idlib, and the stronghold of the Turkish regime's armed militia). This indirect support for these factions and armed organizations helped the Turkish side to achieve several military objectives were to establish the so-called "safe zone" that extends from Tripoli to Azaz and includes (Al-Bab and Manbij) (Bethan McKernan, 3 February 2020).

This support also allowed to rearrange the map of alliances between armed organizations and militias and extremist groups by announcing the formation of a new armed organization called the "National Front for the Liberation of Syria"

at the end of 2017, which includes many armed brigades and factions to be one of the most important political and military focal points for the Turkish regime in confronting the rest Active armed organizations and groups in Idlib Governorate, and one of the cards for political negotiation with the Russian-Syrian side.

With the beginning of 2020, Turkey followed a new path by opening communication channels with some active and influential extremist and terrorist organizations and groups in the Syrian arena, which was evident in Turkey's relationship with the Hayat Tahrir al-Sham organization (formerly Jabhat al-Nusra), whose features appeared to be taking shape in the wake of the truce agreement. In Daraa. The relations between the two sides (the Turkish - Organization for the Liberation of Al-Sham) grew with the start of the Turkish-Russian negotiations on the Idlib crisis, as the Turkish bias towards the Al-Nusra Front emerged, and the improvement of the relationship with it during August and September of 2018 in many indicators that were reflected in the disagreement between The Russian side - wanting to start the Idlib battle - and the Turkish refusal to start the battle (New evidence reveals the involvement of Turkey and Qatar in funding and supporting al-Qaeda in Syria”, December 30, 2019).

With the spread of the Corona virus inside Syria, and the expansion of the severity of the spread in Turkey; The Turkish side began to strengthen the relationship with Hay'at Tahrir al-Sham, which controls large areas of Idlib, with the aim of HTS taking on the roles of confrontation with the Syrian regime, at a time when the Turkish regime is busy combating the spread of the Corona virus at home, in light of the increasing repercussions The epidemic has affected Turkish politics and economy, and to limit the spread of the virus among the Turkish military forces.

It is noted that recently the differences between Turkey and Hayat Tahrir al-Sham have increased, as negotiations took place between the two parties in April 2020 to end the tension between them, after the Turkish forces intervened to disperse a sit-in near Neirab, east of Idlib, on the Aleppo-Latakia road, as the Syrian Observatory for Human Rights recently mentioned that the Headquarters for the Liberation of Al-Sham It refused a Turkish request to establish a military post to establish a military post on the strategic summit of Tel Nabi Ayyub in Jabal al-Zawiya in the southern countryside of Idlib, due to its location and its supervision over large areas, before conceding to the demands and relinquishing them in favor of the Turks, which raises questions about the form of the relationship between the two parties in the future in light of The state of push and pull between them (Aymenn Jawad Al-Tamim, FEBRUARY 2020).

#### ***Covid-19 and the United Nations and NGOs called for a ceasefire:***

With the spread of Covid-19 inside Syria, the United Nations and the International Committee of the Red Cross have called that there is a need for an immediate ceasefire in all parts of Syria for the "comprehensive efforts" to succeed in eliminating Covid-19 and preventing it from undermining the besieged population, and not Especially in Idlib, which is controlled by the

armed militia. In turn, the United Nations special envoy to Syria, "Gere Pedersen", confirmed that Syrians are extremely vulnerable to infection with the Coronavirus (Covid-19), calling for the widespread release of detainees and prisoners for humanitarian reasons and a ceasefire. This was emphasized by Fabrizio Carboni, Regional Director for the Near and Middle East at the International Committee of the Red Cross.

Under these circumstances, the Syrian regime and some armed militias in Idlib opened a crossing between the two parties on the line of contact in Idlib countryside to enter medical aid and food commodities, which could lead to a complete ceasefire until the end of the spread of Covid-19 crisis.

It is worth noting that the spread of Covid-19 has led to a decline in the roles of regional (Turkish-Iranian) and international actors (Russia-the United States) in light of those countries' preoccupation with combating the spread of the Covid-19 pandemic, and the beginning of its repercussions on the economic performance of these countries, which will be reflected in the mechanisms of Interacting between those international and regional parties and non-state actors (militias and armed groups) inside Syria, which will lead to temporarily calming the paths of the Syrian conflict until the regional and international parties formulate new paths for the crisis based on the results of the effects of the spread of Covid-19 in the countries involved in the crisis Syrian (Sam Mullins, Thu, 06/25/2020).

#### **CONCLUSION:**

At the end of this study, we can say that the mechanisms of international humanitarian intervention play an important role in shedding light on the dire humanitarian conditions and providing assistance to contain them, especially during armed conflicts and the spread of epidemics and infectious diseases. Perhaps what distinguishes international human rights law is that it guarantees every person the right to enjoy the highest level of A healthy and attainable environment, it obligates governments to take steps to prevent threats to public health and provide medical care to those who need it, and also recognizes that during serious public health threats, restrictions on certain rights can be justified when they have a legal basis. It is absolutely necessary, based on scientific evidence, its application is not arbitrary or discriminatory, its duration is limited, it respects human dignity, is subject to review and is proportionate. States are also obligated to guarantee medical care for those in their custody, provided that it is at least equal to that available to the general public, and should not deny detainees, including asylum seekers or undocumented migrants, equal access to health care.

#### ***With regard to the humanitarian situation in Libya,***

"Human Rights Watch" indicated that the Libyan health care system, along with other public services, has been damaged due to intermittent armed conflicts and political divisions since 2011, adding that with the Libyan authorities confirming three new cases of the "Corona" virus in The country, until March 28, 2020, should prepare to limit the spread of the virus in overcrowded detention centers and shelters for the displaced.

Hanan Salah, senior Libya researcher at Human Rights Watch, said: "If the Corona pandemic spreads in Libya, the country's health care system will not be able to deal with large numbers of patients. Libyan preparations should include plans to protect and care for everyone, including the host groups, including detainees or displaced people in shelters. Therefore, many recommendations and measures that should be taken have been included:

Among the measures that the authorities should implement is to reduce the number of detainees by releasing unjust or arbitrarily detained persons.

Those detained arbitrarily for long periods of time without charge or trial, and migrants and asylum seekers detained solely because of their immigration status should be released.

The authorities should also consider releasing children, perpetrators of minor and non-violent crimes, and people who have served most of their sentences.

Human Rights Watch stated that alternatives to detention should be provided to detainees most at risk, such as the elderly and people with disabilities whose disabilities put them at risk of infection, and people with pre-existing medical conditions.

The authorities should release the children and wives of fighters suspected of belonging to the "Islamic State" (also known as ISIS), who are detained in the Air College prison in Misurata and Mitiga prison in Tripoli and have not been charged with crimes.

As for non-Libyans, foreign governments should return their citizens who are still stranded in Libya in harsh conditions.

Starting from the above, and on March 28, the Ministry of Justice of the "Government of National Accord", one of the two competing authorities in Libya, issued a decision to release 466 prisoners from Tripoli prisons controlled by the Ministry of Justice to reduce overcrowding. The list included pretrial detainees and detainees who meet Parole Rules.

On March 25, the United Nations High Commissioner for Human Rights, Michelle Bachelet, called on all governments to "act quickly to reduce the number of detainees" to reduce the risk of the Coronavirus, "which threatens to spread among the most vulnerable residents of these institutions".

The United Nations Support Mission in Libya also called for a "humanitarian pause" in the armed conflict to allow the authorities to respond to the pandemic, and on March 24, the mission urged the authorities across Libya to "release all prisoners who are being arbitrarily detained and consider releasing prisoners", in pretrial detention, especially women, children, persons with disabilities, migrants and refugees. "

The United Nations estimated that the current conflict in Tripoli has killed hundreds of civilians and displaced more than 150,000, some of whom live in crowded and unsanitary shelters, and are unable to return to their homes. As for the International Organization for Migration, it stated that as of December 2019, a total of 355,672 internally displaced persons remained in Libya.

Therefore, the authorities must prepare to prevent the spread of the virus or contain it in such places, and isolate people who have symptoms of the virus, or have tested positive, as well as all those who have contacted them closely.

Anyone who gets sick while in custody should have access to medical care, and detention centers should implement strict social distancing to prevent cross-contamination, and allow a six-foot distance between detainees and staff, including during meals and in cells and communal spaces.

Staff and prisoners should also have access to adequate sanitary training and supplies and testing for the virus, in addition to mental health services.

Measures to prevent the spread of infectious diseases in places of detention should be based on the latest international guidelines and not be punitive.

The authorities should ensure that individuals released or granted supervised release have access to adequate accommodation and health care.

Conditions for release should not undermine public health goals, such as requiring released persons to travel to register their attendance.

The authorities should also find alternatives to detention for the several thousand migrants, asylum seekers, and refugees arbitrarily detained by the interior ministries of the two competing authorities.

In a statement on March 15, the President of the Presidency Council of the Government of National Accord, Fayez al-Sarraj, announced emergency measures in effect to prevent the spread of the pandemic in the country, including the closure of all entry points to Libya for three weeks, the suspension of all schools and higher education institutions, and the suspension of all Events, including sporting events, closing restaurants and cafes, starting at 4 p.m., calling on religious authorities to order people to pray at home, and forming a crisis response team to help communicate between people and health facilities.

#### ***With regard to Yemen,***

Human Rights Watch included “many recommendations in its report issued regarding the dire humanitarian situation afflicting the two Yemenis, which can be included as follows:

#### ***Recommendations to the Houthi authorities***

Facilitate immediate and unimpeded access by the United Nations humanitarian relief agencies and other humanitarian organizations and their personnel to all areas so that they can identify humanitarian needs and assist all persons in need impartially.

End all obstacles and unnecessary interference identified in this report and work closely with UN agencies and non-UN organizations to expeditiously process all assistance project proposals and future travel requests.

Launching a transparent media campaign about the nature and extent of the spread of the Coronavirus, and the necessary steps that individuals and authorities must take to prevent the transmission of the virus and care for the infected, with priority given to those who are considered more vulnerable to serious diseases, including people with chronic health conditions and the elderly.

Work closely with the "World Health Organization" and other humanitarian and development agencies to limit the spread of the Coronavirus and treat the infected.

Facilitating meetings in Yemen with senior donor government officials to help secure maximum donor support to address the humanitarian crisis

Avoid issuing government directives regarding medicines, fuel, and other commodities that unduly disrupt humanitarian assistance.

#### ***Recommendations to the Yemeni government***

End all obstacles and unnecessary interference identified in this report and work closely with UN agencies and non-UN organizations to expeditiously process all assistance project proposals and future travel requests;

Facilitating meetings in Yemen with senior donor government officials to help secure maximum support from donors in response to the humanitarian crisis;

Launching a transparent media campaign about the nature and extent of the spread of the Coronavirus, and the necessary steps that individuals and authorities must take to prevent transmission of the virus and care for the infected, with priority given to those who are considered most at risk of contracting serious diseases, including people with chronic health conditions and the elderly;

Avoid issuing government directives regarding medicines, fuel, and other commodities that unduly disrupt humanitarian relief.

#### ***Recommendations to the Southern Transitional Council***

Launching a transparent media campaign about the nature and extent of the spread of the Coronavirus, and the necessary steps that individuals and

authorities must take to prevent the transmission of the virus and care for the infected.

Not arbitrarily obstructing humanitarian aid or relief workers at checkpoints.

### **Recommendations to the United Nations Security Council**

Pressing all parties to the conflict in Yemen to lift a wide range of obstacles that are hindering or preventing relief agencies from rapidly reaching people in need of humanitarian assistance

Identify senior Yemeni government officials and the Houthis responsible for obstructing the delivery of humanitarian aid and impose penalties on them freezing their assets and banning their travel in accordance with Security Council Resolution 2140 (2014).

The Security Council Yemen Sanctions Committee should assign the Panel of Experts on Yemen to conduct an independent review of the extent to which aid has been obstructed in North and South Yemen since 2015 and the humanitarian community's response to this obstruction. The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) should work closely with the expert team, and the resulting report, to be presented to the Security Council, should contain concrete recommendations for the steps that OCHA, other UN agencies and officials, and the humanitarian community should take to respond more effectively to help obstacles.

### ***Recommendations to the UN Secretary-General, the UN Under-Secretary-General for Humanitarian Affairs, the Humanitarian and Emergency Relief Coordinator, the Humanitarian Coordinator for Yemen, and the UN Panel of Experts on Yemen***

Submit periodic reports to the UN Security Council detailing the nature of the obstacles imposed by the authorities in North and South Yemen on humanitarian aid and any progress made in removing them

### ***Recommendations to the United Nations Human Rights Council***

The mandate of the UN Panel of Eminent Experts on Yemen to conduct an independent review of the extent to which aid has been obstructed in North and South Yemen since 2015 and the humanitarian community's response to this obstruction; The United Nations Office for the Coordination of Humanitarian Affairs should work closely with the Group of Eminent Experts, and the resulting report, which will be submitted to the Human Rights Council for consideration at its 47th session in September 2021, provides concrete recommendations for steps to be taken by the Office for the Coordination of Humanitarian Affairs. And other UN agencies, officials, and the humanitarian community to more effectively respond to obstacles of assistance.

### ***Recommendations to donor governments providing support to Yemen and the UN-led response***

Continuing to communicate with the authorities in the north and south to remove obstacles that prevent the provision of assistance, including those affecting the response to COVID-19, and to ensure the future participation of all parties at the highest possible political level.

Urgently increase support for UN agencies and other humanitarian organizations in Yemen that can reach and provide impartial assistance to people in need, with a focus on health care, food security, water, sanitation, and livelihoods, among other humanitarian aid.

Urging the Human Rights Council to mandate the Group of Eminent Experts on Yemen, and urge the Security Council's Yemen Sanctions Committee to authorize the Panel of Experts to conduct an independent review of the extent to which aid has been obstructed in North and South Yemen since 2015 and the humanitarian community's response to this obstruction, and to make specific recommendations on the steps that should be taken. To respond more effectively to obstacles to relief efforts.

**As for Syria,** German Chancellor Angela Merkel and French President Francois Macron played a key role in pushing Turkey, Russia, and Syria to agree to a ceasefire, so any resumption of the fighting would expose civilians to renewed attacks with explosive weapons and an additional risk due to the Corona virus, which could lead to a mass exodus, with catastrophic humanitarian consequences. Human Rights Watch said that the displaced may seek to cross the northern border of Syria, but that Turkish forces had previously repulsed the asylum seekers, shot them, and forcibly returned them. Therefore, many measures must be taken, the most important of which are:

International humanitarian law, or the laws of war, requires all warring parties to direct their attacks on military targets and to avoid harming civilians or civilian objects, and not to carry out attacks that cause indiscriminate or disproportionate civilian harm. International human rights law also protects the population, including the International Covenant on Economic, Social and Cultural Rights, which protects the rights to health, education, and an adequate standard of living.

The UN General Assembly should adopt a resolution or statement calling on its member states to impose targeted sanctions on military and civilian leaders reliably implicated in war crimes, potential crimes against humanity, and other serious abuses. Concerned governments should pursue criminal cases under the principle of universal jurisdiction and impose unilateral targeted sanctions against commanders and officials implicated in war crimes, including command responsibility.

To address the humanitarian situation, especially in the period of the pandemic, the Security Council should re-authorize the delivery of aid across borders through all three previously authorized border crossings in the northwest and northeast. If it is proven that the Security Council is unable to re-authorize cross-border deliveries due to Russia's threat to veto the right, the General Assembly



should pass a resolution to support the United Nations' continuation of cross-border deliveries to areas not under the control of the Syrian government.

International efforts must be concerted to demonstrate that unlawful attacks have consequences, deter future attacks, and show that no one can escape accountability for serious crimes because of their rank or position.

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