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International Humanitarian Law: A Perspective on Protection of Civilian Population, Ongoing Recent Wars and Prisoners of War

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ABSTRACT

This paper delves into the multifaceted aspects of international humanitarian law (IHL), examining its historical development, key characteristics, and its pivotal role in the protection of civilian populations and prisoners of war (POWs) in modern conflicts. The study investigates the complex interplay of factors that contribute to the outbreak of wars, particularly in the context of recent conflicts from the early 2000s onwards.

The paper begins by tracing the historical evolution of IHL, highlighting its emergence from customary practices and the codification efforts of international treaties. It elucidates the fundamental principles and norms of IHL, emphasizing its humanitarian objectives aimed at mitigating the impact of armed conflicts on vulnerable populations.

Central to the discussion is the concept of protection of civilian populations, elucidating the rights and safeguards afforded to non-combatants under IHL. The paper explores the challenges posed by contemporary warfare, including asymmetrical conflicts and the prevalence of non-state actors, which necessitate adaptive approaches to ensure civilian protection.

Furthermore, the paper addresses the treatment of POWs, elucidating their legal status, rights, and the obligations of belligerent parties towards captured combatants under international law. It examines recent wars, analyzing the application of IHL principles and the evolving dynamics of conflict-related violence on civilian populations and POWs.

Through a comprehensive analysis of recent conflicts, this paper underscores the ongoing relevance and efficacy of IHL in safeguarding human dignity amidst the complexities of modern warfare. It concludes with reflections on the future of IHL, proposing strategies to strengthen compliance and enforcement mechanisms to enhance protection for civilians and combatants in armed conflicts.

Keywords: *International Humanitarian Law, Protection of civilian population, Prisoners of War.*

¹ Author is a Lawyer in India.

I. INTRODUCTION

“Everything is fair in love and war” – an idiom that we all grew-up listening to but now that I am a grown-up, I would fill in the blanks and complete the idiom to say – “Everything is fair in love and war except for violation of Humanitarian Law”.

Why do wars occur? There are 9 factors that we can look into to reason out a conflict leading to war. *Political Factors*; like dispute over political governance, control of territory, struggles for independence, competition between rival government. *Resource Competition*; competition over valuable and non-renewable, basic natural resources, such as land, water, minerals, energy source etc. *Ethnic or Religious tension*; attempt to assert dominance of one group over another because of deep-seated ethnic, religious and cultural division and perceived discrimination from a long period of time. *Economic Factors*; high unemployment rate, inequality, poverty, economic disparities, lack of national development. *Ideological or Nationalistic Beliefs*; efforts to spread a particular ideology, assert national identity, resist foreign influence. *Security Dilemmas and arms races*; the fear of being attacked or pre-emptively struck can prompt states to take aggressive actions. This may include insecurity and mutual mistrust between nations. *Failure of Diplomacy and conflict resolution*; breakdown in negotiations, diplomatic impasses, inability to find common grounds, diplomatic efforts resulting in failure to resolve dispute peacefully. *Historical Grievances and revanchism*; calls for revenge, rectifying perceived historical injury, long-standing historical grievances, an eye for an eye attitude. *External Interference and Proxy Wars*; instigation prolonged war by external powers seeking to advance interest and influence.

Although this gives us a brief idea into what can trigger conflicts leading to war but understanding the root cause of wars and doing root cause analysis is crucial to prevent the conflict and accelerate resolution. Addressing underlying grievances, prompting inclusive governance and fostering economic development while strengthening diplomatic efforts are some strategies that can be put to play to avoid destruction and misery altogether. While that is being intended in goodwill, there are laws governing wars too called International Humanitarian Law which talks about prudence and rational when it comes to handling conflicts that lead to war.

(A) Historical Development Of Humanitarian Law:

The rules of humanitarian law were adopted from the religious manuscripts which helped the centuries together to understand the concept of humanity and humanly behaviourism. The humanitarian law gets its main source from these religious scripts carved and manifested by

the learned fore fathers and generations before them. The bible, Dharma in the Vedic Period, Qur'an, Manu Smriti contributed in the systematic development of the modern humanitarian law. But, also the rules and methods of use of force and laws in relation to armed conflict came in force recently keeping in view the changes in the social and economic structure of the society and also the technological advancement. The advent of technology has made the role of humanitarian law more mandatory and urgent. Humanitarian law developed because of many conventions which took place. The Red Cross Society² was one of the first and foremost to show concern about the victims of armed conflict. Henri Dunant was one of the great contributors to the construction of the convention. The Geneva convention of 1864 was the first convention which provided for certain rules concerning the treatment of sick and injured soldiers. The second step was taken toward the betterment of injured soldiers at navy forces, concerning those who were ship wrecked. The Hague convention of 1899 laid down certain conduct norms in the convention concerning the adaptation of the Geneva convention to naval warfare. Here the rules of war in water bodies and the treatment of soldiers who were ship wrecked were laid down and thus it protected the soldiers from any violation of humanitarian law or human rights laws.

The Geneva convention of 1949 gave four conventions to the world and these four conventions presently form the basis and main source of international humanitarian law. The conduct and act which happened during World War 2 resulted into many crimes against the humanity and also allowed barbaric acts and activities degrading the human value. A conference was held to develop conventions, “Convention for the amelioration of the Condition of the Wounded Sick in armed Forces in the Field³,” “Convention for amelioration of the Condition of the Wounded, Sick and Ship-Wrecked Members for the armed forces at sea⁴,” “Convention relevant to the Treatment of Prisoners of War⁵,” “Convention relevant to the Protection of Civilian Population at the Time of War⁶.” These conventions thus formed the basis of Humanitarian law and also mandated the convention on states as belonging to the Customary International Law.

(B) Characteristic Of Humanitarian Law:7

² International Humanitarian Law Databases <https://ihl-databases.icrc.org/en>

³ GENEVA CONVENTION FOR THE AMELIORATION OF THE CONDITION OF THE WOUNDED AND SICK IN ARMED FORCES IN THE FIELD OF 12 AUGUST 1949 https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.30_GC-I-EN.pdf

⁴ Ibid.

⁵ Geneva Convention relative to the Treatment of Prisoners of War, <https://www.ohchr.org/en/instruments-mechanisms/instruments/geneva-convention-relative-treatment-prisoners-war>

⁶ Protection of civilian persons and populations in time of war <https://www.icrc.org/en/doc/resources/documents/misc/57jmjv.htm>

⁷ Dr. S.K. Kapoor, International Law & Human Rights 903

Humanitarian law is that branch of law which states that all humans irrespective of their regional denomination, economic status or ethnic choice whether in any place of the globe gets such human treatment which is expected out of logical and prudent persons and no one should be subject to inhuman or barbaric treatment if falls or if not in vulnerable state. All the states consent to such treatment and behaviourism by becoming signatories to the various treaties entered upon between the states or by consenting to such treaties. A treaty is said to be binding on states when such states become a part of that treaty. Article 34 of the Vienna convention states the general rules regarding the third states. It further lays that a treaty does not create any right or obligation on the third party unless the state consents to it. *Pacta tertiis nec nocent nec prosunt* which is a Latin maxim meaning “a treaty only binds parties and does not create any obligation on the third party”. But, in some situations where if the treaty creates customary rule of humanitarian law, such treaty will be considered binding even if the states has not accepted in writing the obligations provided in a treaty. This therefore comes down to the acceptance of the conventions adopted by the Customary International Law whether it is ratified by the states or not, to maintain global peace and harmony and giving the citizens a frame of security, also by eradicating the threat of bombshell unexpected attacks. The International Court of Justice, an integral part of the international law and functioning in its advisory opinion in the nuclear weapon’s case observed that many rules of the humanitarian law is applicable in the armed conflicts on which the Hague and Geneva convention have enjoyed a broad accession. Furthermore, the principle envisaged in *Pacta tertiis nec nocent nec prosunt* is not followed because these constitute the fundamental principles Customary International Humanitarian Law. These conventions constitute of fundamental rules of humanitarian character from which the state has no option to derogate. Some of the characters which can be drawn are:

- **Protection and care of wounded and Sick Persons** - The sick and wounded soldiers will be treated in by the occupant state without any discrimination with respect to sex, race, nationality, religion, political opinion etc. Prohibition on use of force and violence are made for the safety and protection of the wounded soldiers. No wounded soldier should be left untreated and women should also not be discriminated on the basis of sex.
- **Protection to Medical Units and Establishments, Materials and Vehicle** - The protection to mobile medical units and establishments, materials and vehicles and also those fixed establishments for treatment of the wounded soldiers at the war are to be provided. Those doctors and helpers working for the hospitality of the wounded soldiers are respected and protected under all circumstances. The mobile medical units falling

in the hands of the enemy forces are reserved for the concern of the wounded and sick. The vehicle engaged in the evacuation of the wounded and sick would be protected under the convention as those protections forwarded towards the soldiers.

- **Treatment of Dead Bodies** - The soldiers who lost lives in the armed conflict should be not treated disgracefully and their bodies should be protected from mutilation. They deserve the enforcement of right to burial and it should be performed by the victor in his land. No body should be left out and every part as such must be collected and buried.
- **Treatment by the Occupant of the Inhabitants of the Occupant Territory** - When a territory is occupied by the enemy belligerent then the citizens still resident in the territory automatically are controlled by such occupant state. Convention lays down the ways and methods of treating such resident citizens and ensures that there is no violation of the human rights promised to them and also the International Humanitarian Law is followed to keep them safe and protected. Being non-armed, the civilian population should be distinguished from the attention of the victor.
- **Limitations on Means and Methods of Use of Force** - The means and methods of warfare includes such methods which are laid down in the additional protocol I of 1977, made a number of provisions which concern to attacks not involve unnecessary suffering, damage to the environment, resorting to non-trustworthiness, air attacks from para-shoot etc.

These are some of the characteristics along with the treatment of Prisoners of War and protection of civilian rights which is going to be discussed in the further chapters.

II. PRISONERS OF WAR:⁸

The concept of Prisoner of War (POW) is prevalent from the time when armed conflicts broke out in order to attain power or to acquire regions of landscape or to get dominance. The prisoners of war are those soldier battalion who after the war are being captured by the victor state. The soldiers are captured with the intention of not letting them participate in armed aggression if any takes place in future between the states. The Geneva Convention and its additional protocols just for the benefit and welfare of such captives took the initiative of drafting certain rules and regulations which work towards the betterment of the prisoners of war and also protect their basic human rights. The prisoners of war need special enactments for their protection because being captive in a foreign rival state puts the captive in a very

⁸Dr. H.O. Agarwal, *International Law & Human Rights* 569

vulnerable position where his human rights violation is most likely possible. But all the captives are not entitled to claim the status of prisoners of war. Article 4 of the Geneva Convention Relative to the Treatment of Prisoners of War, 1949⁹ categorizes on who can claim the status. *Firstly*, if the military personnel are captured performing normal military duties during hostilities. *Secondly*, if they are working on a chain of command, functioning in hierarchy and following orders of a commander and also those organizations which have a particular sign of identification associating person or property, which is recognizable from a distance, flag, emblem etc. *Thirdly*, those who are carrying arms openly, bearing a military manual and following the Customs of International Humanitarian Law. *Fourthly*, the non-combatant population which is the civilian personnel providing facility and working for the welfare of the military personnel such as cook, information technology experts, supply contractors are entitled to claim the status of prisoners of war. *Fifthly*, the crew members including the pilots, attendances etc. and those civilian personnel who took up weapons to confirm the invading forces. *Levee en masse* meaning that the civilian spontaneously take up arms in order to protect self and their people. *Lastly*, traitors or non-military forces who have been in military but got out afterwards have no claim over the status of prisoners of war.

(A) Treatment Of Prisoners Of War:

Article 3¹⁰ of the “Geneva Convention relative to the Treatment of Prisoners of War” states that the captive should not be mutilated or treated with cruelty, or cause violence to his life. It further states that the captive should not be humiliated or treated in a way which might lower his personal dignity and should not be subject to degradation. Furthermore, Article 12 draws a line stating that the captive is not treated and dealt with by the persons capturing the particular captive but by the detaining power I., e, the state. Prisoners of War must always be treated humanely. Abiding by the grounds on which a captive when claims the status of prisoners of war, the captor state no longer has the authority to impose the captive with municipal law and is expected to perform as permitted in the international law. If the prisoner of war is infected with a fatal injury, then he must be medically treated and if diagnosed that the captive won’t be alive for more than a year, the captive state must release the prisoner of war to provide him a graceful ultimate time its family. There should not be any kind of discrimination in the treatment forwarded to the prisoners of war. This discrimination is most likely to occur in relation to the sex, the rank of the particular officer, age, professional qualification, etc. No

⁹ Article 4 of the Geneva Convention Relative to the Treatment of Prisoners of War, 1949

¹⁰ Article 3 - Conflicts not of an international character, <https://ihl-databases.icrc.org/en/ihl-treaties/gciiii-1949/article-3?activeTab=undefined>

form of coercion or mental and physical torture and torment should be forwarded to the prisoner of war. The prisoner of war should not be exposed to any unpleasant and disadvantageous treatment.

(B) Rights of the captor state:

The captor state has the right to obtain information from the captive and also has the right to seek information from him. The interrogation should not be by way of threat, physical or mental torture, insult and any form or way exposing the prisoner to unpleasantness. If a captive is to be transferred from the detaining state, then he should not be taken to a place not signatory to the convention. In this circumstance, the detaining state should transfer him to a neutral state where there are no threats to this living and life. The prisoners should follow and maintain the disciplinary rules. Non-compliance would result in taking disciplinary measures against the prisoner in respect of any offence or act against the laws, regulations and orders of the state. The right to judicial proceeding is borne by the detaining state where it can proceed a case against the prisoner for the offence committed. The court having jurisdiction of such case would be a military court. If the offence comes in the jurisdiction of the civil court, no coercion will be extended to the prisoner for admitting his guilt. The detaining power has the power to use weapons against the prisoners if they are caught red handed or conspiring to escape. However, the use of weapon shall not be unappropriated. Punishment in the form of confinement and trivial duties can be assigned to the prisoner and privileges provided to them can be stopped.

(C) Duties of the captor state:

The captive state should not resort to inhuman treatment of the prisoners. Any omission causing death of the prisoner is strictly prohibited. The prisoners should not be subjected to any form of physical or mental torture and should not be exposed to medical examination and scientific research programs. The captor state is responsible for the maintenance of the prisoner. The prisoners' needs should be catered by the captor states such as basic essentials of food, clothing and shelter. They are responsible to keep the prisoners in good health. The nature of treatment forwarded to the prisoners of war should not be discriminatory. Equality must be practised without any distinction made on the basis of nationality, political opinion, religious belief etc. The detaining state has to forward medical facilities to the detainee on a monthly basis and the cost of treatment is to be made by the detaining state. It is the moral and legal duty of the captor state to provide these basic amenities and also to abide by the norms of the international humanitarian law. The prisoners should be provided with essentials including shelter\quarter

which should be in a protected area and also adequately heated and lighted. Women prisoners should be provided with special space to live. Setting up of canteens is also an essential part where the prisoners have access to food, tobacco, etc. Whose tariff should not exceed those in the local markets. The detaining power is obliged to take proper necessary sanitary measures to make the environment around the location favourable. The prisoners of war can be compelled to be in employment but such imposition can only be made on men. The knowledge and aptitude of the worker would be taken into consideration while giving employment to them. They shall be given suitable work to perform and cannot be compelled to participate in the forces as it results in the violation of article 130 of the Geneva Convention III, 1949.

(D) Inhuman Treatment Of Prisoner Of War Of Gulf War II, 2003:

A very evident and recent case resulting in the violation of the basic laws which the captor state is obliged to obey in International Humanitarian Law, which occurred in the year 2003 between the months March and November. The Gulf War II resulted in invasion of Iraq and a large number of Iraqi were captured and treated as prisoners of war. The International Committee of the Red Cross Society (ICRC) prepared a report on the treatment resorted on the prisoners of war and thus proved that gross violation of International Humanitarian law was committed which further drew the attention of the coalition forces.

The main violations included brutal treatment of the captive in the initial stages of custody, causing death or injuries, not notifying the captive's state of his\her detention which led to distress in their family. Resorting to physical and mental torture to make the captive co-operate with the interrogation, extended hours in solitary confinement and deprived from the day-light. The above acts resulted in grave violation of the 3rd Geneva Convention. The violation of articles 13&14, 17&87, 99 took place for the acts of the detaining state, for practicing cruel and degrading treatment, resorting to physical and mental torture to gain information etc respectively. The prisoners of war were also stripped naked in the solitary confinement and were even forced to parade naked outside the cells in from of other prisoners.

(E) Termination of captivity:

The termination of the captivity can be done in two broad ways. One when the armed conflict is still going on and the other when the armed conflict is resolved and settled between the detaining state and the captive's state. The prisoners of war can be repatriated before the armed conflict resolves in situations where, the transfer of the prisoner is made to a neutral territory for them to recover their health, or when they are released on parole for not participating in the ongoing armed conflicts, or when the exchanged on the mutual agreement of the parties, or

when the sick and wounded prisoners are returned back to their home. Once the armed conflict is resolved and settled between the detaining state and the captive's state, the prisoners of war should be repatriated without any delay in such process. Delay must be justified or when the state has taken legal action against the captive for violation of the means and methods of warfare and committing war crime.

In the year 1971¹¹, India took around 92,000 Pakistani as the Prisoners of War. The captives created economic and security problems and thus delay occurred in such repatriation for which the detaining state was criticized. 195 prisoners were kept back they required to face trial for violation of war crimes. The captives should be thus released as soon as the armed conflicts cease. The International Humanitarian Law creates obligation on the detaining state to return and repatriate the detained personnel as soon as possible.

III. PROTECTION OF CIVILIAN POPULATION:12

The civilian population are the vulnerable groups who need special protection under the International Humanitarian Law. The treatment of civilian population is laid down in the 4th Geneva convention along with the treatment of alien enemies, the treatment of internees, the protection of sick and wounded civilian in the time of war and the treatment of civilian population in the occupied territory. The convention further elaborates these four main aspects of its content. The provisions laid down in the convention are enumerated in the further paragraphs.

(A) Treatment Of Alien Enemy:

The Geneva convention lays down two basic principles stating the treatment of alien enemies. If the alien enemies are willing to leave at the outbreak of the war then they shall be permitted such departure and allowed only if it is not derogatory to the interest of the state. They are entitled to carry needful funds and necessities essential for the journey. The decision of the leave must be made without any undue delay by the state. As the convention also lays down conditions on which departure can be made and the transportation system which should be uptight for the alien enemies to leave. Those alien enemies who do not forward to departure shall be treated according to the rules that govern the treatment of aliens at the peace time, which is subjected to national security requirement. They should not be tortured or tormented physically or mentally to extract information.

¹¹ CASE CONCERNING TRIAL OF PAKISTANI PRISONERS OF WAR
https://concernedhistorians.org/content_files/file/le/281.pdf

¹²Dr. H.O. Agarwal, *International Law & Human Rights* 566

(B) Treatment of Internees:

The internees were exposed to starvation, torture, labour camps and inhuman treatment during the second world war. So, the major portion of the convention contains the rules for places of interment, food and clothing, religious, intellectual, physical activities, personal property of the internees etc. These rules stood in favour of the internees and the convention made it possible to eradicate the ill treatment forwarded towards the internees.

(C) Protection Of Sick And Wounded Civilians In The Time Of War:

The convention lays down provisions for the protection of sick and wounded civilians. Entitles establishment of territorial's hospital, safety zone, neutralized zone which provides shelter the such civilian population who got affected due to the armed conflict. The convention provides for free passage too of materials and equipment of medical importance and essential food items, clothing and special care facilities to expecting mothers and maternity care, etc.

The additional protocol to the Geneva Convention 1949, relating to protection of victims of International Armed conflicts. The protocol extends to rules relating to treatment of civilian population, also to arms conflict where civilians are involved protesting against the dominant colonies, against regimes of racism and also recognizes the right of self-determination. The protocol explains also the principle of distinction where the distinction between the combatant and the civilian are to made before targeting or propagating any attack. The distinction of the military object should be made before any aggression of force. The civilians should be prohibited from being the war attacks and spreading threat among the civilians and terror is beyond toleration under the protocol. Here in the protocol while distinguished between the civilian object and the military object, should keep in mind the basic requirement i.e. if any civilian property such as school, museum, hospital, religious place is used to carry out military operation then such place cease to be civilian object and becomes military object, the working and execution of thee military propaganda is done in such place resulting in making the property a military target. The protocol further prohibits certain acts whether performed by civilian or military personnel such as, the violation of life, health, torture of any kind whether physical or mental, corporal punishment, mutational etc.

(C) Treatment of the civilian population in occupied territory:

The state which takes control of the belligerent is called belligerent occupation. It has been defined by Oppenheim¹³ in his words stating, "occupation is invasion plus taking possession

¹³ OCCUPATION, <https://aardi.org/glossary/occupation/>

of enemy country for the purpose of holding it at any rate temporarily.” The rights recognized of the occupants includes those as to administrate. The occupant at first operates in accordance to the law set by the ousted state as the occupant are not well aware of the safety and compatibility of the civilians. However, if the occupant is satisfied that the local law needs to be eradicated for proper functioning, then such laws and courts will be reset as military laws and courts operating in the occupied state. The occupant state also has the right to provide safety to its armed forces, collect taxes, seize private property, right to access and possess public property, over medical units etc. Bearing such rights the occupant states are also liable to perform some obligations. They are borne to maintain law and order in the occupied state, protect the civilians from any kind of violation of human rights or international humanitarian law violation, compensate for the private property so seized, to protect religious and cultural institutions, not to compel the civilians to participate in military operation, duty to ensure medical needs, duty to protect the environment and provide food and essentials to the civilians etc.

IV. ONGOING WARS IN 2000S

This section of the paper deals with the wars that happened and is going on at present which particularly impacted the protection of civilian population:

1. The Iraq War (2003-2011) –

The Iraq War led to extensive civilian casualties and displacement. The conflict resulted in widespread violence, including bombings, sectarian strife, and insurgent attacks, which greatly impacted civilians. Infrastructure damage and disruption of essential services further exacerbated the humanitarian crisis.

This War led to substantial civilian deaths and injuries. From 2003 to 2011, it is estimated that at least 134,000 civilians were killed due to the conflict.¹⁴ The violence included air strikes, crossfire, and acts of terrorism, with many deaths being a result of direct combat operations as well as the indirect consequences of the war, such as the breakdown of infrastructure and healthcare.¹⁵

One such specific incident is the use of barrel bombs and indiscriminate shelling by coalition forces which lead to high civilian casualties. For instance, the Iraq Body count project

¹⁴ Civilian Death and Injury in the Iraq War, 2003-2013
<https://watson.brown.edu/costsofwar/files/cow/imce/papers/2013/Civilian%20Death%20and%20Injury%20in%20the%20Iraq%20War,%202003-2013.pdf>

¹⁵ WATSON INSTITUTE FOR INTERNATIONAL AND PUBLIC AFFAIRS
<https://watson.brown.edu/costsofwar/costs/human/civilians/iraqi>

documented that a significant number of civilian deaths were caused by air and ground forces of the coalition.

In the Abu Ghraib Scandal¹⁶, the prisoners of war dilemma can be understood clearly as this involved both civilian detainees and individuals who might be considered prisoners of war. This represents severe violation of the Geneva Convention which outlines the standards for human treatment of all individuals who are no longer participating in hostilities including prisoners of war.

Detainees at Abu Ghraib were subjected to severe physical abuse, including being punched slapped and kicked. They were also subjected to sleep deprivation and exposed to extreme temperatures.¹⁷ The detainees were exposed to sexual humiliation and forced to perform sexual acts on each other, guards forced such detainees and subjected them to rape and taking pictures of naked males and females in degrading positions.¹⁸

The detainees were forced to be kept naked for several days and men were forced to wear women's cloths and engaged in sexually explicit positions and many more psychological abuse tactics designed to break the will of prisoners.¹⁹

The abuses at Abu Ghraib were widely condemned as war crimes and led to a global outcry against the treatment of detainees.

2. The War in Afghanistan (2001-present)-

The ongoing conflict in Afghanistan has caused significant harm to civilians. Civilian casualties have occurred due to insurgent attacks, airstrikes, and ground operations by various parties involved in the conflict. The conflict has also led to widespread displacement and disruptions to civilian life.

The conflict in Afghanistan has resulted in the deaths of over 100,000 civilians due to military operations by both coalition and Taliban forces. The relaxation of rules of engagement by the US military in 2017 led to a spike in civilian casualties as well. Aerial bombings and drone strikes have frequently resulted in civilian deaths. For example, a NATO airstrike in Kunar province in 2013 killed several children, which was widely reported and criticised.²⁰

¹⁶ Chronology of Abu Ghraib <https://www.washingtonpost.com/wp-srv/world/iraq/abughraib/timeline.html>

¹⁷ Iraq Prison Abuse Scandal Fast Facts <https://edition.cnn.com/2013/10/30/world/meast/iraq-prison-abuse-scandal-fast-facts/index.html>

¹⁸ Abu Ghraib prison <https://www.britannica.com/topic/Abu-Ghraib-prison>

¹⁹ Ibid.

²⁰ WATSON INSTITUTE FOR INTERNATIONAL AND PUBLIC AFFAIRS <https://watson.brown.edu/costsofwar/costs/human/civilians/afghan>

3. The War of Syria – Civil War (2011-present)

The Syrian Civil War has had a devastating impact on civilians. Millions of Syrians have been displaced both internally and externally, and many have been killed or injured due to fighting, bombings, and chemical attacks. Civilian infrastructure, including hospitals and schools, has been deliberately targeted or affected by the conflict.

Since the conflict began in 2011, an estimated 500,000 civilians have died with numerous reports of war crimes and crimes against humanity committed by the Syrian government and other factions involved in the war.²¹ These include the use of chemical weapons, targeted bombings of civilian areas, and sieges that have led to mass starvation and deaths. There have been systematic attacks on healthcare facilities in opposition-held areas, significantly perpetrated by the Syrian government and its allies. These attacks have been well-documented and condemned internationally as violations of International Humanitarian law.²²

Intentional and repeated targeting of hospitals and health care facilities have been witnessed during the civil war by the Syrian government and the Russian forces where over 50 health facilities were destroyed or rendered inoperable by these attacks.²³ Also, the use of chemical weapons in these attacks were also realised where chemical weapons such as chlorine and sarin were used against civilians. These attacks have been recorded to have occurred multiple times and incidents were reported in Ghouta in 2013 and in Khan Sheikhoun in 2017.²⁴

4. The war of Yemen – Civil War (2014- present)

The conflict in Yemen has caused a severe humanitarian crisis, with civilians bearing the brunt of the suffering. The war has led to widespread food insecurity, outbreaks of disease, and destruction of civilian infrastructure. Both airstrikes by the Saudi-led coalition and ground fighting have resulted in civilian casualties. The civil war in South Sudan has displaced millions of civilians and caused widespread suffering. Civilians have been subjected to violence, including killings, sexual violence, and destruction of property. The conflict has severely impacted food security and access to basic services.

In each of these conflicts, civilian populations have faced grave risks and hardships, including direct harm from violence, displacement, loss of livelihoods, and limited access to essential services such as healthcare and education. The impact on civilians underscores the urgent need

²¹ Syria 2023, <https://www.amnesty.org/en/location/middle-east-and-north-africa/middle-east/syria/report-syria/>

²² Syria of 2019 <https://www.hrw.org/world-report/2020/country-chapters/syria>

²³ Ibid.

²⁴ Ibid.

for effective protection measures and humanitarian assistance in areas affected by conflict.

V. CONCLUSION

The starting point of International Humanitarian Law can be tracked back to the 19th Century when a Swiss businessman, Henry Dunant was moved by the sufferings he particularly witnessed after the battle of Solferino, 1859. This led to the foundation of International Committee of Red Cross Society in 1863. The crises, loss, torture and disaster attached to war is unfathomable by one not experiencing it then and there.

International Humanitarian Law is rooted in the principles of humanity, impartiality, neutrality and independence which are all essential for ensuring that humanitarian action can be safely provided for the benefit of affected population.²⁵ These principles articulate the balance between military necessity and humanitarian imperatives, ensuring that even in the midst of conflict, there are clear limits to the types of actions that are permissible.²⁶

Abiding the International Humanitarian Law is important as this portrays a promise by all the nations to uphold a sense of respect and dignity of value towards prioritizing human life and dignity even in the most challenging circumstances. Compliance can contribute to the restoration and maintenance of peace and also help in facilitating post-conflict recovery and reconciliation.²⁷

²⁵ The Practical Guide to Humanitarian Law, <https://guide-humanitarian-law.org/content/article/3/humanitarian-principles/>

²⁶ INTERNATIONAL LEGAL PROTECTION OF HUMAN RIGHTS IN ARMED CONFLICT, https://www.ohchr.org/sites/default/files/Documents/Publications/HR_in_armed_conflict.pdf

²⁷ International humanitarian law and the protection of war victims <https://www.icrc.org/en/doc/resources/documents/misc/57jm93.htm>