



Even War Has Rules – An Introduction to International Humanitarian Law

The International Red Cross and Red Crescent Movement. Three separate, but equal, components make up the International Red Cross / Red Crescent Movement. They are the International Committee of the Red Cross (ICRC), the International Federation of the Red Cross (IFRC), and the National Societies.

Seven Principles of the Movement:

- Humanity – prevent human suffering wherever it is found
- Impartiality – relieve suffering based on need, without discrimination
- Neutrality – take no sides in hostilities and controversies
- Universality – Red Cross and Red Crescent societies operate worldwide, and all societies are equal
- Voluntary Service – The Movement is grounded in voluntary participation, not for personal gain
- Independence – maintain autonomy from governments
- Unity – only one Red Cross or Red Crescent society in each country

International humanitarian law (IHL) – a set of rules which seek, for humanitarian reasons, to limit the effects of armed conflict. It protects persons who are not or are no longer participating in the hostilities and restricts the means and methods of warfare.

Geneva Conventions, 1949 (the United States has signed and ratified all four)

- I. For the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field
- II. For the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea
- III. Relative to the Treatment of Prisoners of War
- IV. Relative to the Protection of Civilian Persons in Time of War

Additional Protocols, I and II (1977) III (2005)

- I. Relating to the Protection of Victims of International Armed Conflicts (U.S. has signed but not ratified)
- II. Relating to the Protection of Victims of Non-International Armed Conflicts (U.S. has not signed or ratified)
- III. Relating to the Adoption of an Additional Distinctive Emblem (U.S. has not signed or ratified, but treats it as customary international law)

Sources of IHL – customary international law, treaty law, judicial decisions

Types of armed conflicts

- International armed conflict
 - Between two or more States
 - 600 articles written in four Geneva Conventions and AP I
- Non-international armed conflict
 - Between State and non-State actor or two or more non-State actors
 - 29 articles written in AP II and Common Article 3
- Internal tensions and disturbances – IHL does not apply. Domestic criminal law applies

Rules of Engagement – ROE are the convergence of IHL, policy and military considerations. They are directives that delineate the circumstances and limitations under which militaries can use force. Key to understanding ROE is that the authority to use force under IHL belongs to the State. ROE are used to delegate that authority to the armed forces.

Fundamental Principles of IHL

- **Military Necessity** – The principle which justifies those measures not forbidden by international law which are indispensable for securing the complete submission of the enemy as soon as possible.
 - **Distinction** –
 - a. The parties to the conflict shall at all times distinguish between civilians and combatants and civilian objects and military objectives. They will direct their operations only against military objectives
 - b. Combatants must distinguish themselves from the civilian population while they are engaged in an attack or in a military operation preparatory to an attack.
 - **Proportionality** – An attack should not be conducted if it is expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.
 - **Limiting Unnecessary Suffering** – It is prohibited to employ weapons, projectiles, material and methods of warfare of a nature to cause superfluous or unnecessary suffering.
-

Distinctive Emblems – Red Cross, Red Crescent and Red Crystal.

- **Protective Use** – used as a visible sign to claim the legal protection of IHL in times of armed conflict. It should be displayed on personnel, equipment or facilities entitled to the protected status.
 - **Indicative Use** – used to identify persons, vehicles, or structures linked to the International Red Cross and Red Crescent Movement.
-

Protected Persons – All civilians are entitled to be protected from direct attack. The following is a partial list of categories of people are entitled to enhanced protections.

- Wounded and sick combatants on land or at sea
 - Prisoners of war or persons deprived of their freedom
 - Military and civilian medical personnel (also their equipment and vehicles)
 - Religious personnel (chaplains of the armed forces)
 - Red Cross and other relief personnel
-

Protected Places – All civilian property is entitled to be protected from direct attack. The following is a partial list of categories of places are entitled to enhanced protections.

- Medical facilities – military and civilian
- Cultural and historical sites
- Religious facilities
- Objects indispensable for the survival of the civilian population (water/energy supply system)
- Works and installations containing dangerous forces (dams, dikes, nuclear power plants)
- The natural environment (widespread, long-term and severe damage)