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Human Rights in Non-International Armed Conflicts: A Counter-Terrorism Issue?

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Abstract: Most armed conflicts today are asymmetric by nature, i.e. we see both state actors and non-state actors engaged and fighting against each other. More often than not, the conflicting actors use stigma, by labelling the opponents as terrorists, in order to gain both the public's and the international community's support for the use of force. Under the flag of countering terrorism, the parties involved in the conflict claim to protect the human rights of their own constituency while more often than not neglecting the human rights of their political, armed opponents. Against this background, this article reflects on the political implications of non-international armed conflicts for the human rights of the affected people, combatants and non-combatants alike. It sheds light on the consequences of blurring boundaries between these two types of actors for the protection of human rights and discusses some preliminary conclusions for strengthening the regime for human rights protection in non-international armed conflicts.

Keywords: Human rights, terrorism, asymmetric conflict, international law
Menschenrechte, Terrorismus, asymmetrischer Konflikt, Völkerrecht

1. Liberation Movements, Armed Non-State Actors = Terrorists?

It has become a common approach for governments that face rule challengers on their territory to impose the 'terrorist' label on those challengers, irrespective of the legal or moral legitimacy of their case.[1] The self-declared global alliance against terrorism that formed after 9/11 seemed to unify very diverse state actors simply by levelling out the differences between all kinds of resistance against state rule, from rebellion against autocratic regimes to the fight for secession because of flagrant violation of minority rights, from

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1 This article builds on a chapter that the author has contributed to Mark Gibney and Anja Mihr (eds.), *The Sage Handbook of Human Rights*, London: Sage 2013.

violence based on religious or ethno-political fanaticism to the use of terrorist means for political or criminal purposes. Ironically, in doing so governments could refer to the system of international humanitarian law, which puts a premium on states as legal subjects by defining them as legitimate actors under international law and owners of the monopoly on the use of force. Therefore, the legal quality and legitimacy of armed non-state actors (ANSAs) under the Geneva Convention are largely dependent on consensus and recognition by other members of the international community. Here is where the problems start. Being *armed* is not the crucial feature of an asymmetric conflict between a governing authority and an opposition group. The term 'armed' refers only to specific forms of interaction between the conflicting parties, namely those forms which involve the use of weapons. Most asymmetric conflicts, however, are characterised by different forms of interaction, only one of which involves the use of arms. In the language of international humanitarian law, the notion of armed non-state actors serves to distinguish between combatants and 'non-combatants', i.e. civilians. Yet, what may make sense in legal terms, to differentiate actors from each other, may also blur the dividing lines between legitimate and illegitimate actions and actors in a social and political conflict. That is why a closer look at the distinct political and social character(s) of the manifold power contenders is necessary.

Non-state 'rule' or 'power contenders'[2] can encompass defected or dissident units of statutory forces, resistance and liberation movements, terrorist organisations, warlords and criminal gangs. As stated above, since 9/11, the term 'armed non-state actors' has become a widely accepted catch-all phrase for all of these very different types of actors. Since the term is used in the legal language of international humanitarian law, its direct transfer into the language of a politically loaded practice is highly problematic. The simple equation of 'state' and 'non-state', while aiming to differentiate between various types of actors and conflicts, seems to be counter-productive in the context of fragile states and in situations where governments are either unwilling or unable to deliver basic services to large parts of their populations, to provide human security and to guarantee essential human and minority rights. Against such a background, the question that must be asked is whether 'non-state actors' can be considered *per se* less legitimate than the 'state actors' that they rebel against, particularly if they use armed force as a means of legitimate self-defence. The Geneva Academy of International Humanitarian Law and Human Rights has referred to the responsibility of *all* conflict actors, stating: "ANSAs are not the only ones to violate humanitarian norms. In many armed conflicts, states violate the most fundamental rules of human rights and humanitarian law." However, the report also states: "… there is a particular problem with ANSAs respecting international norms offering protection to civilians in armed conflict. Concern over a lack of compliance by certain ANSAs with respect to particular norms has been widely raised by states and international organizations."[3]

While the analysis rightly concedes that armed opposition groups may not be alone in violating human rights, it still considers them, in comparison to states, to pose the greater challenge in the context of international law. It fails to reflect on the distinct character of the very different asymmetric *violent* conflicts, especially in comparison to other *armed* conflicts, and on their various root causes and drivers. The causes of most asymmetric violent conflicts are rooted in social, economic and political conditions, in a lack of justice for large sections of the population, in the fragility of state institutions, in a rule of law that is implemented weakly (if at all), and – more often than not – in the permanent violation of human rights by state authorities. It is this environment which usually brings about despair amongst those who are oppressed and which may eventually transform into violent unrest and sometimes into open insurgency. Addressing the protection of human rights in asymmetric violent conflicts is more than just a legal challenge. If the ruling actors of the state do not voluntarily commit to make constructive contributions to resolving social and political conflicts but are instead an intrinsic part of the problem, the responses to these conflicts must tackle their underlying causes and they must be inclusive and collaborative.

A general conclusion to be drawn is that equating armed resistance against state rule with terrorism is too simplistic to capture the problems of human rights violations in non-international armed conflict. It seems futile to search for an ultimate legal answer for what is essentially a political problem. The legal language of international humanitarian law, established as a response to the World Wars in the last century and amended at the height of the Cold War, may not be sufficient to establish a sound framework for (non-violent) political and social transformation of conflicts within fragile states. It is therefore of the utmost importance to understand the dominant political nature of non-international armed conflicts.

2. Asymmetric Violent Conflicts and the Typology of Actors

Asymmetric violent (and at least partially armed) conflicts between governmental authorities and opposition forces are, of course, not a new phenomenon. However, the legal focus on violent conflicts has generally been based on a narrower definition of 'armed' conflicts. According to a study by the Danish Institute of International Affairs, asymmetric armed conflicts share the following common features:[4]

- Armed combat is fought by armed non-state actors against the authorities of the state, and by the government authorities against those actors as well as against ethnic or religious groups residing on the territory of the state;

2 Power contenders or rule challengers contest the power of a ruling regime or government and seek regime change. They enjoy the support of the majority of their ethnic or social constituency, are formally organised and regard the use of force as a legitimate tool of resistance. They are ready to respect the rule of law once the political change they strive for has been attained. In: Dudouet, Véronique, Hans J. Giessmann, Katrin Planta (eds.) (2012), *Post-War Security Transitions. Participatory Peacebuilding after Asymmetric Conflicts*, London: Routledge, p. 4.

3 Geneva Academy of International Humanitarian Law and Human Rights (2011), *Rules of Engagement. Protecting Civilians through Dialogue with Armed Non-State Actors*, Geneva, p. 7.

4 Danish Institute of International Affairs (1999), *Humanitarian Intervention. Legal and Political Aspects*, Copenhagen, p. 32.

- Military campaigns are fought between statutory forces and pockets of regulars, irregulars or local warlords with few decisive battles and no clear-cut outcomes (low-intensity warfare);
- The clear distinction between the state, the non-statutory armed units and the civilian population dissolves, because all conflict parties rely on support from (different) parts of the same population. Civilians often become targets because everyone is labelled a combatant or collaborator merely by virtue of their collective identity;
- Since the distinction between combatants and civilians becomes blurred, the brunt of suffering in asymmetric armed conflicts is borne by civilians.

Opposition actors tend to firmly reject any labelling such as armed or non-state actors because they consider such terms to be imposed on them for simple power-related reasons in order to denounce their political ambitions. Ironically, in strict legal terms, the use of labels such as 'terrorists' by governments in order to stigmatise non-state insurgents may even be in full compliance with the rules enshrined in international human rights law, inasmuch as sustained insurgent activities are considered to be simply expressions of 'internal disturbances' and are not recognised as 'armed conflicts' according to international law. In short, asymmetric conflicts are not only expressions of clashes of interests, but they may also be battles over the use of terms.

Looking at the different actors who may challenge the state's monopoly on the use of force, three major categories can be identified: (1) Actors with clear *political objectives* (regime change, secession etc.) who are ready to take on political responsibility and renounce the use of force if non-violent alternatives become equally or more viable. Power-sharing is considered a political option, as are fair and democratic elections. Rule challengers that fit into this scheme include ELN in Colombia, Hezbollah in Lebanon, the Free Syrian Army, the MLNA in Mali, and the PKK in Turkey and Iraq. (2) Actors who also have declared political objectives but who openly reject alternative power-sharing models, who want to install an autocratic regime of their own or who seek secession at any cost. The al-Shabaab militias in Somalia, the Taliban in Afghanistan, Abu Sayyaf in the Southern Philippines and Jemah Islamiya in parts of Indonesia are representative examples of this type of actor. (3) Actors who are politically interested in controlling certain territories or routes for reasons of economic profit, social welfare and influence. The M-23 rebel group in the Democratic Republic of the Congo, AQIM in the Maghreb and also some loosely-knit groups in Algeria, Mauritania, Mali, Yemen and Colombia can be mentioned in this context.

Occasionally the boundaries between these categories are not crystal-clear and the lack of coherence that can be observed in many cases may assign some smaller factions to other categories as well. More importantly, the conflict dynamics may contribute to the shifting of organisations from one category to the other, depending on the success or failure of strategies. Unlike criminal organisations, the resistance and liberation movements seem to be united primarily by their opposition to a present regime or by their objective of simply challenging the authority of the state over parts of its territory. But their ideas on how to organise society, let alone run the state by themselves, are often very diverse and not developed fully during the insurgency. More often than not, these organisations seek to garner support for their political ambitions and their willingness or reluctance to use force seems to be dependent on the support they are able to attain.

3. Non-International Armed Conflicts and the Protection of Human Rights

The protection of human rights is characterised by a permanent tension between a legal norm (*de lege ferenda*) and the implementation of the norm in reality (*de lege lata*). Normativity in reality is confronted with the uncertainty that exists in the international system, notably as regards the balance of power and diplomacy. History provides much evidence showing how states have tended to obey only those legal norms which they consider to be beneficial to them, and how they have more often than not readily circumvented the same norms if they regarded them as disadvantageous. The optional derogation of full compliance with international human rights law[5] in cases of 'public emergency', which is declared by the sanctioning state itself, is only one example of many. The tension between existing norms and the reality materialises at different levels of interaction between states' ruling authorities and opposing social and/or ethnic groups on state territory. Some of the apparent contradictions in this context will be revealed and discussed in the following section.

3.1 International and National Legal Orders

In the international arena, legal norms, in order to be effective and lasting, rest on consensus and recognition amongst the members of the community of states. A legal norm may evolve either from customary law – i.e. it applies to all states in the same way – or is codified by treaty law, which means that it establishes a rule of behaviour for all signatories to the legal act. In essence, the international legal order is a self-help construct for sovereign states which depends on the states' willingness to enforce this order for mutual benefit.

On the national level, however, the legal order is not a comparably cooperative venture but is imposed by a ruling majority, either through autocratic measures or based on democratic decision-making. Authorities that are run or mandated by the state are responsible for enforcing the law. Under such circumstances the state can be expected to tolerate a certain degree of injustice as part of its rule (at least as long as it does not affect its own constituency). If tensions within society deepen and injustice increases, the difference

5 According to the International Covenant on Civil and Political Rights, Article 4.1.; see United Nations Human Rights Office of the High Commissioner (2011), *International Legal Protection of Human Rights in Armed Conflict*, New York and Geneva: http://www.ohchr.org/Documents/Publications/HR_in_armed_conflict.pdf, pp. 47 (accessed 11 March 2013) (cited below as: OHCHR 2011).

between the legal norm and reality becomes sharpened and the legitimacy of state rule will decrease.

3.2 Combatants vs. Non-Combatants

Civilians in 'armed conflicts' enjoy a privileged status of protection under IHL. Despite this status though, it is increasingly civilians who bear the brunt of suffering in such conflicts, as has recently been the case in Chechnya, Congo, Sudan, Libya and Syria, for example. One of the reasons is that in asymmetric violent conflicts, the boundaries between civilians and combatants vanish. Another reason is that civilians are often intentionally targeted by a party to the conflict. War crimes against civilians such as mass rapes or ethnic cleansing are often committed to intimidate and debase the enemy. Ironically, in most cases of violent conflict, it tends to be the insurgent side which is eager to maintain a visible distinction between the civilian and the military spheres. The nominally inferior protesters or insurgents use primarily hit-and-run tactics, and thus their civilian constituency is often left unprotected against revenge attacks by the state. Drawing a legal or at least politically recognised demarcation line between the military and civilian parts of resistance aims to avoid arbitrary sanctions against one's own constituencies by the military or the state police and prevent more or less open acts of collective punishment by the government.[6]

A visible line between civilians and 'combatants' also helps the insurgent combat units gain recognition as legitimate 'armed actors'. In order to provide incentives for armed combatants to comply with the rules of humanitarian law, the Geneva Conventions and the two Additional Protocols (PI and PII) extended the privileges provided to regular forces to other types of 'armed actors' as well, namely to members of "all organized armed forces, groups and units which are under a command [of a party] for the conduct of its subordinates" (PI Art. 43.2[7]). But being granted privileges also means needing to accept obligations. As discussed earlier, according to the common Article 3 of the Geneva Conventions and, where applicable also PII[8], international humanitarian law related to non-international armed conflicts applies to all 'armed actors' and parties to such a conflict, whether state or non-state. Moreover, customary rules such as distinction and proportionality have also become widely accepted as applicable to *all kinds* of armed actors (OHCHR 2011: 24).

Finally, a demarcation line between military and political action may also give greater flexibility to the opposition for using both violent and non-violent options to exert pressure on the government. This said, however, a caveat must be made. Inferior armed units, both statutory and non-statutory, have frequently also tried to use 'civilian shields' to hide and protect their military installations against mortar, airborne or missile attacks. This became visible in the two Iraqi wars (1990/91 and 2003) and has also been practised occasionally by Hamas in the Gaza Strip and by Gaddafi's forces in Libya. Such acts are clearly labelled as war crimes, as stipulated in the Geneva Conventions (GCIV Articles 28 and 49; PI Art. 51.7).

3.3 State vs. Non-State Armed Actors

As shown above, from a governmental perspective 'non-state armed actors' are often considered a challenge to legitimate rule. There are examples, however, especially in fragile states and in states with divided power over territories, where these 'non-state' actors seek to exert control on behalf of the state (or their activities are at least tolerated by the state) and where these actors use force against dissident parts of the population. Some of the atrocities in Syria during the last couple of years were apparently carried out by 'non-state' paramilitary forces, but with the consent and support of the ruling regime. Such forces are seemingly mandated to use extreme brutality, while the government denies any legal responsibility. In legal terms, any activities undertaken and crimes committed under the direction and with the knowledge of the state falls within the state's direct responsibility.[9] In reality, however, a clear order by the government is often difficult to prove.

The two Additional Protocols to the Geneva Conventions stipulate that civilians may lose the privilege of protection under IHL in armed hostilities *only* 'for the duration of their direct participation' (PI, Art. 51.3, PII, Art. 13.3.). 'Direct' participation, however, has always been a vague term and the two Protocols have not eliminated the difficulties in clearly distinguishing between combatants and non-combatants in non-international conflicts. Is the armed opposition in Syria protected under IHL? The governmental authorities claim to represent the population as a whole and therefore justify any oppressive acts against opposing ethnic or religious groups by pointing to the state's raison d'être and to their own natural rights and derived duties to 'restore' overall public order (*ordre public*) or national security. The use of force against opposing constituencies such as those in Homs or Hula seems to have been intentionally random in order to intimidate and punish the constituencies of the insurgents, although collective punishment is strictly prohibited according to international law (PI Art. 75.2 and PII Art. 4.2.). But as long as the unrest is not recognised as armed conflict under IHL, the government in Damascus is legally able to assert its right to engage in counter-insurgency. The growing international recognition of the rebels as the only legal representation of the Syrian people has changed the rules, but also made the rebels accountable for any atrocities carried out in their name or under their protection.

6 Collective punishment is a war crime according to the GC (GCIV Art. 28 and 49, PI Art. 51.7).

7 At the same time it was stated that compliance with IHL was a prerequisite for recognition. In this way, the lawmakers tried to separate legitimate armed resistance from anarchic or criminal uses of violence.

8 PII is more restrictive than the GC by addressing only "organised armed groups".

9 *Yearbook of the International Law Commission (ILC Yearbook) (2001),* Vol. II, Part II, Geneva and New York: United Nations, p. 26 (cited below as: ILC Yearbook).

3.4 Non-International Armed Conflicts vs. Internal Disturbances

The term 'armed conflict' is as disputed as the term 'armed actors'. The Geneva Conventions have not explicitly defined the term 'non-international' armed conflict. It is widely assumed, however, that the term refers to armed confrontations between the armed forces of a state and the armed forces of non-governmental armed groups, or amongst armed groups other than forces of a state (ICRC 2008, PII Art. 1).

The Geneva Conventions and the Additional Protocols apply the term 'armed conflict' instead of 'war' to violent conflicts in which other actors than state actors are involved. But it is used for only two categories, international and non-international conflict. The Geneva Conventions seek primarily to restrict the means and methods of warfare and to limit the effects of armed conflict and therefore do not apply to internal disturbances or to random acts of violence.[10]

It is widely assumed that most customary rules of IHL are applicable to *any* armed conflict. But this is where the problems start: many states consider that IHL, except for basic humanitarian rules, is not applicable to conflicts within states with 'non-state' actors as long as these conflicts are confined to 'internal disturbances'. It is assumed that an 'armed conflict' can be distinguished from 'disturbance' by applying indicators, such as the number of deaths through warfare in a predetermined time-span, or the extent to which combatants are organised. However, a wide variety of statistics and indicators are used and a common understanding on universal validity has not been achieved. Much reference is made to the Uppsala Conflict Data Program, which has defined an 'armed conflict' as a contested incompatibility that concerns government and/or territory, in which the use of armed force is between two parties, one of which being the government of a state; and that results in at least 25 battle-related deaths within the time-span of one year (Wallensteen & Sollenberg 2001).[11] The ICRC has stipulated that, apart from a minimum intensity of organisation, non-governmental groups involved in the conflict must be considered as 'parties to the conflict' (ICRC 2008).

However, there is no authority with special responsibility for determining whether an armed conflict is taking place or not (OHCHR 2011: 39). At the end of the day, it is the responsibility of states or the UN Security Council (which also consists of states) to call armed disturbances such as riots resulting in bloodshed, armed unrest, small-scale insurgencies or even massacres 'armed conflicts' under IHL; otherwise they remain subject (only) to international human rights law.

4. Conclusion

A formal legal recognition of insurgents as legitimate 'armed actors' (combatants) according to IHL would provide leverage for the international community to hold both non-state armed organisations and individuals accountable for any violations of human rights on the territories under their control.[12] But such a formal recognition of the legality of an organised armed resistance group would also be a delicate political and diplomatic move for any government, because it enhances the formal legal status of the non-state actors in another country while at the same time weakening the legal status of a sovereign state.

Moreover, formal recognition may help insurgents to topple a regime; it may also help to manage the transition of power to these insurgents without any knowledge of whether these rebels-turned-governments will obey the rule of law; for instance, they may start taking revenge or establishing an authoritarian regime of their own. In that case, the international community would have to consider whether certain discriminate forms of temporary human rights abuses in asymmetric conflicts could be regarded as 'tolerable', depending on the arguments presented to justify them.

For example, can lynch justice be tolerated against this backdrop, as happened in the case of Muammar al-Gaddafi, because the target of murder was assumed to be guilty? Scepticism is advised here, because opening the door and tolerating human rights abuses will most likely become a slippery slope. The international community, notably the ICC, has not addressed this case in the aftermath of regime change in Libya. Are guerrilla attacks against civilians who have participated in brutal human rights violations tolerable, or are they acts of terrorism? If states ally with rebels against dictators they must assume the burden of responsibility for those whom they helped to come to power. This may be another reason why states tend to be cautious or even reluctant to take immediate action when human rights issues interfere with issues of regional security, sovereignty, and territorial integrity.

A number of further challenges related to interventions for human rights reasons are obvious. Firstly, very often flagrant violations of human rights that may even escalate into armed clashes are simply ignored by international stakeholders. Since the UN does not have a military structure of its own, it is dependent on states to accept mandates on behalf of the United Nations Security Council. This may or may not happen. When Rwanda imploded, the international community turned a blind eye to the genocide. Even crimes against humanity are no guarantee that the international

10 The two categories are composed of four types of armed conflict with different rules to be applied: (a) international armed conflicts to which the four Geneva Conventions of 1949, the Additional Protocol I of 1977, the Hague rules and other legal principles apply, (b) international armed conflicts in the form of wars for national liberation, as defined by Additional Protocol I 1977, (c) non-international armed conflicts according to the regulation of Article 3 common to the four Geneva Conventions and to customary norms; and (4) non-international armed conflicts as defined by PII; ICRC (2008), *How is the term 'armed conflict' defined in international humanitarian law?*, Opinion Paper, Geneva (quoted as ICRC 2008 below); see also OHCHR 2011: 33-40.

11 For details, see: Wallensteen, Peter & Margareta Sollenberg (2001), 'Armed Conflict 1989–2000', *Journal of Peace Research,* Oslo: PRIO, Vol. 38, No. 5: 629-644.

12 The ICC Statute offers the opportunity to prosecute any individual responsibility for international crimes such as murder, extermination, enslavement, deportation, torture, rape, enforced disappearance, apartheid etc. without any reference to the status of the organisation concerned (OHCHR 2011: 76 pp.).

community will intervene to protect the weaker against the stronger. However, on the reverse side of this challenge, it must also be noted that evidence of crimes committed and the responsibility of individual perpetrators is often not easy to obtain, for example in the case of flash-mobs. Sometimes it is also difficult to separate legitimate resistance from intentional provocation and criminal activities. And often both states and state challengers refuse to accept offers by the other side and by third parties to negotiate and, instead, continue fighting because they hope to get more out of the situation for their own benefit or aim to morally force other states to intervene on their behalf.

A second challenge relates to the question of whether states should strictly comply with international norms in all non-international armed conflicts, even if the legal norms they are obliged to obey are apparently to their disadvantage and to the advantage of 'terrorists' or other 'illegitimate combatants'. The UN Security Council has stated repeatedly that international terrorism is a threat to international peace and security, but the boundaries between terrorism and legitimate resistance have become blurred since states have begun to brand every form of armed rebellion as 'terrorism'. The Chinese government, for example, has frequently claimed that it is combating terrorism in the autonomous province of Xinjiang, while the Indian government makes the same claim in relation to the northeast of India. After 9/11, a number of states have tried to get 'free tickets' to crush resistance movements on their territories simply by disguising their attacks as counter-terrorism. A state that is legally bound to the rule of law may have less flexibility to react to domestic power contenders than those which assume that they need not worry about these restrictions. Should the international community, under such circumstances, tolerate governments temporarily abstaining or derogating from the norms of international law, as conceded by international human rights law, because of an apparent situation of public emergency, in which their motivation is to protect the life of their people and to prevent public security from being destroyed by terrorist attacks or other forms of direct violence? The heavily criticised treatment of detained Muslim prisoners in some US military camps has become a follow-up indicator of this problem since many of the detainees have been held for more than ten years without being accused of any crime, let alone given a trial. Is the use of military drones and other remotely-guided weapons by the US military against localities in western Pakistan a legitimate action according to Article 51 of the UN Charter because plotters and alleged terrorists have their hide-outs there – on the territory of another state – even if the government of Pakistan considers these attacks illegal? Pakistan has frequently protested about the US attacks, but this has no political impact, nor has the US stopped its airborne raids against alleged 'terrorist' hide-outs.

A third challenge relates to the fundamental legitimacy of a 'humanitarian intervention', even if one of the conflicting parties calls for such intervention. There are two aspects that must be taken into account here – the risk of the potential abuse of solidarity by calling for assistance from abroad without legitimate cause, and the lack of an independent authority to prove the case. Last but not least, the international community must consider how to qualify and improve international collaboration, including enhancing respect for international humanitarian and human rights law, in order to strengthen the international order and make its tools more effective.

Most violations of human rights in asymmetric conflicts take place or at least start below the threshold of armed confrontation. The legal distinction between combatants and non-combatants is important in order to protect civilians from the effects of war during armed conflicts. But as this analysis reveals, the distinction becomes counter-productive where the boundaries between civilians and armed actors are blurred. This is a particular challenge for so-called 'internal disturbances', which can become almost as intense as an armed conflict but which are not recognised as being subject to the rules of international law. In order to strengthen the preventive tools of conflict transformation, the solution for the problem does not seem to be primarily a matter of improving legal norms. Rather, it is about encouraging all actors – state, societal and international, and also human rights defenders – to accept political responsibility and tackle threats to human rights proactively using all the non-violent means at their disposal.

List of documents and treaties referred to:

- *Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (GCI)*
- *Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (GCII)*
- *Geneva Convention relative to the Treatment of Prisoners of War (GCIII)*
- *Geneva Convention relative to the Protection of Civilian Persons in Time of War (GCIV)*
- *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts, 8 June 1977 (PI)*
- *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts, 8 June 1977 (PII)*

All quotations from documents in this chapter are taken from the ICRC IHL database (http://www.icrc.org/ihl) and from the Customary Law database (http://www.icrc.org/customary-ihl/eng/docs/home) (accessed 14 March 2013).