

International Crimes and the Legal Basis of the International Committee of the Red Cross in Armed Conflict

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Abstract

International and non-international armed conflicts and other acts of violence are conflicts that cause death, persecution, suffering, internal displacement and destruction of the nation's infrastructure. These conflicts, with their various names, revolve around most of the world. There are international conflicts between two states and conflicts involving armed groups within the state known as armed conflicts Non-international, and there are internal tensions and tensions known as internal conflicts (other violence). International and non-international armed conflicts govern international law. International humanitarian law is the basis for the rule of these disputes, which is defined as the laws of war. The definition and classification of disputes and their conditions leads to the identification of serious violations of international humanitarian law and the applicable international law. Article 2 of the four Geneva Conventions of 1949, Additional Protocol I of 1977, which deals with international armed conflicts, and non-international armed conflicts apply Article III, in particular Additional Protocol II of 1977 Which complemented Article 3 common to fill the deficiency and imbalance in this article.

Key words: *Crimes, Legal Basis, International Committee*

Introduction

Armed conflicts are a reality and a legal issue, especially if we recognize that the United Nations since 1945 prohibits the use of armed force in relations between States, except in cases of self-defense or aggression¹. The definition of aggression as a crime under international criminal law was adopted only in 2010. In addition, there is no international legal definition of armed conflict per se. Since 1949, article 2 common to the four Geneva Conventions has defined the international armed conflict that² entails the application of humanitarian law. (Known as Common Article 3) to the minimum rules applicable to non-international armed conflicts, without giving a clear definition of this dispute, the expansion of Additional Protocol I to the Geneva Conventions of 1977, as well as the jurisprudence of the³ courts International standards in the definition of international armed conflicts and included the criteria for interpreting this definition. The problem entailed in those definitions lies in the obligation to respect the traditional and customary rules of humanitarian law⁴, which are particularly applicable to international armed conflicts, rather than the more restrictive rules applicable

to non-international armed conflicts⁵. The law applicable in armed conflict is international humanitarian law, which can be defined as “a branch of public international law whose customary and customary rules are intended to protect the affected persons in the event of armed conflict. This is done to protect the money that is not The armed conflict and the ensuing humanitarian suffering, destruction and long-term effects on the societies and individuals who are engulfed⁶ in it have created international mechanisms to limit and control violations and to assist victims of conflicts. An International Red Cross mechanism that has given confidence to its leading role in this field. The importance of this research lies in the knowledge of international crimes, the consequences of armed conflicts, their classification, and what may apply to each of these conflicts of international law⁷, the role of the International Committee of the Red Cross and its legal basis in international norms, the importance of this NGO and its humanitarian role in providing humanitarian response and clarification. Its international standing in accordance with international conventions⁸.

Methodology

This research is based on the analytical and

descriptive approach through which we analyze the legal texts that can be applied in armed conflicts and what international crimes are adopted by the ICRC in its humanitarian tasks.⁹

Definition of international crimes and armed conflicts

International crime has long existed. The United Nations has recognized the existence of violations against peoples, most of them war crimes, and there is a threat to the vital interests of the international community, the oldest of which is the crime of piracy. Some have argued that there is no international definition of armed conflict, since the circumstances that may or may constitute or constitute an armed conflict are different and different from each other. To know this, one must refer to each case of conflict to see whether it constitutes an international or non-international armed conflict and we will refer to international and non-international armed conflicts and internal conflicts in accordance with the opinions of jurists and international law in two sections:

Section I: Definition of International Crimes and International Armed Conflicts.

Section II: Definition of armed and non-international conflicts and internal conflicts.

Section I: Definition of International Crimes and International Armed Conflicts.

First, the international crime was defined by the jurist Glacier as “any act that violates the law because it harms the interests protected by this law within the scope of international relations and is described as a criminal act that requires the application of punishment to the actor.” This definition is not subject to the international criminal justice, As “acts contrary to the rules of international law, which entail international responsibility and are of such gravity that they may cause disturbance and disturb the public security of the international community.»¹¹

International crimes include three pillars: the physical pillar, the moral pillar and the international corner. International crimes under the Rome Statute are divided into four crimes: war crimes, genocide, and against humanity and aggression.

1. War crimes: Article 8, paragraph 2, which refers to war crimes:

a. Grave breaches of the 1949 Geneva Conventions

include acts against persons and property protected by the Geneva Conventions.

b. Serious violations of the laws and customs applicable in international armed conflicts.

2. Genocide: is defined in article 6 and any act specified in the Rome Statute (such as murder or causing serious harm) committed with intent to destroy, as such, a national, ethnic, racial or religious group, is wholly or partly inalienable.

3. Crimes against humanity: Article 7, any act prohibited and defined in the Rome Statute, when committed in the context of a widespread or systematic attack directed against any civilian population, including such acts as willful killing, extermination, rape, sexual slavery, deportation or Forced relocation of people, the crime of racial discrimination and others. Genocide and crimes against humanity are punishable regardless of their perpetration at the time of “peace” or war.

4. Crimes of aggression: The International Criminal¹² Court does not specify what is meant by this in article 5, paragraph 2, and once a definition has been defined, the Court exercises its jurisdiction.

Definition of International Armed Conflicts

Article 2 of the Geneva Conventions of 1949 states that the definition of international armed conflict as “declared war and armed conflict is between two or more High Contracting Parties, even if no one recognizes the state of war.” In addition to international armed conflicts,⁴ of Article 1 of Additional Protocol I of 1977 to the Four Geneva Conventions of 1949. Jurists have known international armed conflict with multiple definitions, including: Sadiq Abo Hafe defined it as “a struggle between the armed forces of each of the conflicting parties, each aiming to safeguard its rights and interests in the face of the other⁵ Muhammad Bashir al-Shafei defined it as “armed conflict between States with a view to imposing a political point of view in accordance with the means regulated by international law⁶

Jean-Baptiste defined it as “Any difference between states that leads to the intervention of members of the armed forces is an armed conflict⁷

Charles Rousseau defined international armed conflicts as “armed conflict is based on inter-State fighting with a view to giving preference to a political viewpoint according to the means of international law⁸

Third: Conditions of International Armed Conflicts:

1. Status of armed conflict.
2. International parties to the conflict.
3. Declaration of the parties to the conflict of armed conflict between them.
4. Achieving a national interest ⁹

Section II: Non-International Armed Conflicts and Other Acts of Violence.

First: Definition of non-international armed conflicts.

The armed conflicts that were not international were defined as “mixed war.” According to the definition of the jurist Grosius, Bovindov defined them as “wars in which members of one society are fighting among themselves.” Galvo defined them as “confrontations within a single state, Other against the central government) ¹⁰

The international armed conflict has been defined as “confrontations within the territory of a single State in which the armed forces of any other State do not engage this central Government¹¹

It was also defined that “every act of hostility directed against the legitimate government if it represents a collective character and a minimum of organization¹²

The four Geneva Conventions of 1949 are the subject of non-international armed conflicts of international humanitarian law. The 1949 Diplomatic Conference was an important and strategic step in addressing the problem of non-international armed conflicts, but it did not set a specific definition. However, the International Committee of the Red Cross the objective criteria were accepted in order to find an application to the Geneva Conventions on these disputes:

1. The possession of the rebel military force responsible for its actions and organization.
2. To control and work on parts of the Territory capable of respecting the Geneva Conventions. ¹³
3. The authority must be forced to fight with the official government forces.
4. Recognize them as combatants or declare them at war.
5. The inclusion of any dispute over the work of

the Security Council and the General Assembly as a threat to international peace and security or as a state of aggression, ¹⁴ but the Diplomatic Conference was unable to establish a specific definition of non-international armed conflicts¹⁵

The Second Additional Protocol of 1977 defined and defined non-international armed conflicts as (conflicts in the territory of one of the High Contracting Parties between the High Contracting Parties and its armed forces, dissident forces or other armed groups, and acting under the responsible leadership of a part of the Territory Of control, enabling it to conduct continuous, coordinated and capable military operations to implement this Protocol).

The International Criminal Court defined non-international armed conflicts in article (2/8/9) as “armed conflicts occurring in the territory of a State when there is a protracted armed conflict between the authorities .

Governmental organizations and organized armed groups), a definition similar to that of the International Criminal Tribunal for the Former Yugoslavia (ICTY).

Any non-international armed conflicts to which the State is not a party and which is conducted between armed insurgent groups that do not constitute a non-international armed conflict in accordance with Protocol II, because the most important feature that characterizes it and adds to it a non-international character is the State’s being a party of it. ¹⁶

Other violence.

Internal violence and internal disturbances are other violent acts known as internal disturbances resulting from violence but do not amount to armed conflict. This does not necessarily involve military action, but with long-term violence or widespread violence The description of a situation does not require internal tensions to be experienced by state repression, long-term internal tensions, short-term consequences, re-emergence from time to time, or affecting a part or all of the territory of the State or the motive behind it Religiously, ethnically, politically or socially Or other, and the law has distinguished between rebellion, disobedience and civil war.

The second requirement: the legal basis for the ICRC’s work in international and non-international armed conflicts and other acts of violence.

The International Committee of the Red Cross (ICRC) is a unique and unique place in international humanitarian conventions. The ICRC has been established for nearly a century and a half century. It carries a humanitarian message in the protection and assistance of all those who need the wounded, sick, refugees, internally displaced persons and other victims of armed conflict. To carry out its humanitarian work in two branches: its legal basis in international armed conflicts and its second legal basis in non-international armed conflicts and other acts of violence.

Section I: The Legal Basis of the International Committee of the Red Cross in International Armed Conflicts. The facilities used by protected persons and they can speak with them without a censor, with the assistance of an interpreter when necessary. The full freedom of representatives and delegates of the Protecting Powers is given in relation to the choice of places they wish to visit. The delegates of the International Committee of the Red Cross The appointment of such delegates to the consent of the States under whose jurisdiction the territories are to be exercised “, and these privileges for the International Committee of the Red Cross to facilitate their work, as set forth in article 126 Of the Third Geneva Convention, the privileges enjoyed by the ICRC when it visits protected persons, as well as the mandate granted to it under the Statutes of the International Movement in Article (5/2/D), Article 81 (1) of the Additional Protocol I (Right of Initiative), as follows: “Parties to the conflict shall be accorded all possible facilities by the ICRC to the International Committee of the Red Cross The International Committee of the Red Cross to enable it to carry out the humanitarian tasks entrusted to it under the agreements and this Protocol with a view to providing protection and assistance to the victims of conflicts. The ICRC may also carry out any other activity on behalf of these victims provided that the parties to the conflict concerned agree.

In view of the International Committee of the Red Cross (ICRC), it has been granted certain rights to visit prisoners of war or civilian prisoners, to deliver relief materials, to operate the tracing agency and to international humanitarian law of the Geneva Convention , Articles 76, 109, 137, 140, and 143 of the Fourth Geneva Convention, as well as the right to initiate in international and non-international armed conflicts in articles (Common Article 3, Articles 9 / 9 / 9 / 10) Geneva) in assisting victims of international armed conflicts, the ICRC is based on the ICRC The Geneva Conventions

of 1949, in particular the Third and Fourth Conventions and Additional Protocol I of 1977, Article 81, to carry out their work in international armed conflicts, the special status of the ICRC, its neutrality and its being the custodian and observer of the application of international humanitarian law by the signatories to these conventions, Which is the engine of these international conventions in providing services to the combatants of victims of armed conflicts, the right to visit detainees and prisons and to provide aid and humanitarian intervention and interview them unchecked, and has contributed effectively in this area, N talk about the Geneva Conventions without mentioning the International Committee of the Red Cross.

Conclusion

The role of international non-governmental organizations, especially those of a humanitarian nature, has an important role to play in ensuring human rights because this process requires continuity in the defense and sustainability of human rights. These are the International Committee of the Red Cross (ICRC). The ICRC is one of the most important mechanisms of international humanitarian law Which plays a key role in the implementation of international humanitarian law and is based on international law and its statutes, particularly the four Geneva Conventions which have given it an important mandate to carry out its humanitarian tasks.

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