

LAW

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HUMANITARIAN AND REFUGEE LAW

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Date-27-03-2020

INTERNATIONAL HUMANITERIAN LAW

International humanitarian law forms a major part of public international law and comprises the rules which, in times of armed conflict, seek to protect people who are not or are no longer taking part in the hostilities, and to restrict the methods and means of warfare employed. More precisely, what the ICRC means by international humanitarian law applicable in armed conflicts is international treaty or customary rules which are specially intended to resolve matters of humanitarian concern arising directly from armed conflicts, whether of an international or non-international nature; for humanitarian reasons those rules restrict the right of the parties to a conflict to use the methods and means of warfare of their choice, and protect people and property affected or liable to be affected by the conflict.

ORIGIN OF INTERNATIONAL HUMANITARIAN LAW

Humanitarian law began in 1864 with the first Geneva Convention; Convention for the Amelioration of the Condition of wounded in the armies in the field. Influenced by the bloodiest battle of the nineteenth century in Solferino, Henry Dunant published *Un Smarin de Solferino* [A Memory of Solferino] in 1862. Dunant proposed that nations should form relief societies, which could take care of the wounded in the war. This laid the foundation for the Geneva Conferences and led to the establishment of the International Red Cross.

On 22 August 1864, the Twelve Nations signed the first Geneva Convention, which agreed to guarantee neutrality to medical personnel, expedite supplies for their use, and adopt a special identifying symbol (which since 1870 was a There has been a red cross on a white background).

The 1864 Geneva Convention laid down Foundations for Contemporary Humanities Law. Its main feature was:

- Written rules of universal scope To protect the victims of conflicts;
- Its multilateral nature, open to all states;

- The obligation to extend care without discrimination to wounded and sick military personnel;
- Honor and marking for medical Personnel, Transport and Equipment Using a symbol (red cross)

Developing alongside the Geneva Conventions were Hague conventions created by the states to conduct combat war. The Hague Convention is the various international treaties that emerged from the Hague Peace Conventions in 1899 and 1907. These conferences proposed limitations of armies, for example restrictions on the use of aerial bombs and chemical warfare, and the expansion of the armed forces. Both conventions established a model for multilateral meetings to enact international laws, and later influenced the formation of the League of Nations in 1919.

The Geneva Protocol to the Hague Convention is considered an addition to the Hague Convention, although not drafted in The Hague. This entered into force on 8 February 1928 and permanently banned the use of all forms of chemical and biological warfare. It was drafted after the use of mustard gas and similar agents in World War I, and there were fears that such a war could have terrible consequences in the future. The Protocol is amended by the Biological Weapons Convention in 1972 and the Chemical Weapons Convention in 1993.

The Hague Conventions are opposed as opposed to the Geneva Conventions, which relate to the treatment of personnel and civilians, primarily detailing the conduct permitted for war.

The Geneva Convention adopted prior to 1949 concerned the treatment of soldiers; After the events of World War II, it was understood that a Convention was also important for the protection of civilians in war.

Essential Rules of International Humanitarian Law

There must be an all-time gap between the civilian population and the combatants in favor of the struggle to separate civilian population and civil property.

Neither the civilian population nor individual civilians can be attacked as a whole.

Attacks can be made entirely against military objectives. Those who do not participate or cannot take part in hostilities are entitled to respect for their lives and their physical and mental integrity. Such people should be protected and treated with humanity under all circumstances, without any adverse difference whatsoever. It is forbidden to kill or wound an adversary who surrenders or who can no longer take part in the fighting.

Neither the parties to the conflict nor the members of their armed forces have unlimited right to choose methods and means of war. The use of weapons or methods of warfare is prohibited, leading to unnecessary harm or extreme suffering.

The wounded and sick must be collected and cared for by the party that keeps them in its power. Medical personnel and medical establishments, transport and equipment should be spared.

A red cross or red crescent on a white background is the typical sign indicating that such individuals and objects should be respected.

Captured combatants and civilians who find themselves under the authority of the adversarial party are entitled to respect for their lives, their dignity, their personal rights, and their political, religious and other beliefs. They must be protected against all acts of violence or counter-violence. They are entitled to exchange news with their families and receive assistance. They should enjoy basic judicial guarantees.