INTERNATIONAL HUMANITARIAN LAW AND ITS RELEVANCE IN WAR CONFLICT ZONES: A STUDY WITH SPECIAL REFERENCE TO SYRIA

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Abstract- The present paper aims to study the relevance of International Humanitarian Law in Syria. Almost a decade is over and the war is still going on. People have suffered weirdest time. There are airstrikes on schools, hospitals and other buildings. Houses are getting collapsed during attacks. People are losing their limbs in the sudden outbreaks. Therefore, it is important to analyze the condition especially of children and women during war in Syria. Millions of Syrian people are in great need of Humanitarian assistance. Most of them are dependent upon the humanitarian-aid to meet their daily needs. It is thus not safe to reside at such place where the continuous attacks are taking place. The authors will make an attempt to understand the problems of children during war and how the International Organizations are working for them. On the tenth anniversary of war in Syria, the authors will explain all about war and need of Humanitarian Law through this paper and the suggestions will be given accordingly.

Keywords: International Humanitarian Law, Syria, Airstrikes, International Organizations.

I. INTRODUCTION

"The targeting of civilians is against the International Humanitarian Law, but it goes further than that. We have a moral responsibility to raise our voices and make our views known-that civilians must be protected."

-Valerie Amos

The Humanitarian Law is part of Public International Law. It consists of different treaties, conventions, agreements, protocols, international non-governmental organizations etc.1 this law is also known as 'Law of War' or 'Law of Armed Conflicts'. Hence, it includes such set of rules which intends to limit the armed conflict. Thus, this law protects those persons who are no longer taking part in the hostilities which includes civilians, prisoners of war, sick and wounded soldiers. But in Syria, war is going on and millions of people are suffering. Although, the law related to warfare existed since ages but the law was started getting codified in the mid nineteenth century. In the year 1899, first Hague conference held and after around eight years the second Hague Conference held. These conferences led to the formation of The Hague Convention to maintain the peace. Later, after World War II another convention came into picture with great significance popularly known as 'Geneva Convention' of the year 1949. This convention was established for the protection of those who are no longer engaged in the war.iiThe role of International committee of Red Cross is vital in it which ensures the protection of victims of war. The fundamental principle of the International Humanitarian Law states that the Combatants (engaged in war) and Civilians (not engaged in armed services) must be distinguished. Despite these laws and certain movements, there is still violation of the International Humanitarian Law in different parts of the world including Afghanistan, Syria and Yemen etc. Today, a complete decade is over but the war is still going on in Syria. During these ten years, gross destruction and violation of Human Rights took place. So, the present paper will focus on the violation of individual's rights in Syria during war and to understand the role of International Humanitarian Law in such situations.

II. PRINCIPLES OF INTERNATIONAL HUMANITARIAN LAW

The International Humanitarian law is basically for the protection of rights of those people who are no longer engaged in war. This law tries to regulate the conflict to decrease the human suffering. It tries to maintain the balance between the military necessity and the need of humanitarian protection. There are certain principles which are defining the purpose of International Humanitarian Law. Following are the fundamental principles:

- a) Principle of Humanity: This principle prohibits the infliction of all persons who are under distress, injury or suffered any damage which is not necessary for accomplishing the appropriate purpose of the conflict.ⁱⁱⁱ Thus, every human must be treated equally across the globe.
- b) Principle of Proportionality: It tries to protect the civilians and aims that least amount of harm should be caused to them. In certain situations, the harm is caused to the civilians then that must be proportional to the military advantage.
- c) Principle of Necessity: Military necessity allows the armed forces to engage in war that will result in destruction and harm. The concept of military necessity defines that under the laws of war, winning the battle is main concern but in doing so it cannot violate the humanitarian
- d) Principle of Universality: This principle of universality is equally applicable over all states in order to protect the crimes from happening. It includes war crimes, slavery or any other crime which is against humanity and peace.^{iv}
- e) Differentiate between combatants and civilians: It differentiates among both the terms. The combatants are those who are engaged in the war therefore they can be attacked. But on the other hand, the civilians are no longer participating in the war and they should not be attacked. There is also prohibition of attacks against those who are sick, wounded and prisoners of war.

III. Brief History about Syria: How the war was initiated?

Syria is a country in western Asia. It has borders with Turkey, Iraq and Lebanon. The capital of Syria is Damascus. Bashar Hafez al-Assad is the president of Syria since July 17, 2000. Earlier his father, Hafiz al-Assad had ruled Syria since 1971. He used authoritarian methods and same was followed by Bashar al-Assad. He is also the member of Ba'th party. So, there is dominant role of politics over Syrian population. vi

It is significant to note here that from the year 2006 to 2010, Syria suffered from worst drought in the modern history which resulted into poverty, migration to urban areas of rural people. People including children wrote anti-regime writings and for doing so they were tortured and harshly treated by security forces. Majority of the people belongs to Sunni class which is in majority but the Assad regime belongs to Alawite which is in minority. The Syrian Civil war is an ongoing conflict between the pro-democratic insurgents and the president of the country. Syrian people demanded pro-democracy and an end towards the authoritarian methods led by Assad regime. People started protesting throughout the country. Before, there were some economic problems and peaceful protests were there but in 2011 it turned violent. Therefore, Assad faced a major disturbance in Syria that resulted into civil war. The government used violent methods to suppress the protestors. In the year 2012, several multinational investigations were made which revealed the use of chemical weapons attacks against the civilians. A large number of deaths were recorded by United Nations. Viii Now, it has been total ten years i.e. from 2011 to 2021 March since the war is still going on.

IV. VIOLATION OF RIGHTS AND PROBLEMS FACED BY PEOPLE IN SYRIA

A complete decade of war in Syria affected millions of Syrian population. Different rescue teams are working at ground level in Syria to protect those in need. Most of the people are suffering from poverty, unemployment, malnutrition etc. Apart from this, the problem of Statelessness and refugee status is also there. Father's statelessness is inherited by children even if mother is Syrian citizen. It has been found that 13 million of people are in need of humanitarian aid, including 6 million children. More than half of the population is facing hunger crisis. Approximately 90% of the population is living in poverty. 2.4 million Children could not go to school due to war. Following are the common problems faced by Syrian during war:

I. Indiscriminate attacks on civilians: Serious violation of Humanitarian rights has been continuously done by the party in power. There were attacks on the civilians, bombing, killing, torturing, rapes, ill-treatment, kidnapping against them which caused large number of deaths. Government restricted the access to humanitarian and other medical aid led by them. Indiscriminate attacks were made on civilians' houses, schools, bakeries, hospitals causing injuries to them. Air-attacks were there which killed thousands of civilians.

- II. Displacement of people: Thousands of people were displaced and they were living at such places having very low standard of living without adequate means of living. The civilians were directly attacked. Certain reports revealed the deaths of children, women, civilians, medical workers.
- III. Arbitrary Detention:The government made arbitrary detention of the civilians (humanitarian workers, family members) and some were kept without trial which were disappeared as well. Those who got disappeared included lawyers, journalists, humanitarian workers, government opposing persons. Those who got detained were really ill-treated and some got died.
- IV. Looting of property: People of Syria were continuously denied access to their property and other belongings which were taken by armed groups. As per the UN commission enquiry, people paid money to recover their belongings and property.
- V. Sexual violence: The Islamic State of Iraq and the Levant did suicide bombings on the civilians. The government imposed harsh religious rules over people and enforced such laws through corporal punishment and death penalty. Yazidi woman was brought to Syria from Iraq and she was held as slave. VIII Sexual violence was faced by both men and women.
- VI. Restriction of Humanitarian Access: Humanitarian agencies were trying to help civilians who were directly attacked. But the government in Syria restricted them to provide security or any kind of aid to them. But later only UN humanitarian agencies were allowed only three times in a year to deliver the aid.
- VII. Crimes against civilians: The civilians were tortured, ill-treated, kidnapped, abducted, killed, and raped. Once a politician was in the car of civilian and she got beaten, pulled from hairs, legs got fractured and then shot dead. Her bodyguards were also shot dead. In another case two men were also abducted transporting medicines. Cluster munition attacks were there done by Syrian Regime Forces. Syrian regime used barrel bombs in February 2018.x

V. IMPACT OF CIVIL WAR ON CHILDREN IN SYRIA

As the civil war in Syria started in the year 2011 and is an ongoing war. During ten years, it has caused lots of destruction. Many people got displaced, suffered injuries, died. Most importantly, it has great impact on children in Syria and beyond the area as well. Children got separated from their families. They suffered from violence. Due to COVID-19 pandemic, the problem of malnutrition increased and moreover they also got deprived of the education. Since the war began, 6 million children born in that country. The families are not able to provide them sufficient means of livelihood and unable to afford their education. This leads to child labour and child marriages in the country. Such children need humanitarian assistance. For the protection of children many agencies reached there to provide children their childhood. The aim of caregivers working there is to provide all the necessary things to children for their overall development.xi

Article 3 of the Geneva Convention prohibits harming the lives and integrity of civilians who are not taking part in the war. In the Convention on Rights of the Children, it is mentioned that the favors of children are to be given priority in all activities regarding them. Further, it states that children have rights to live and parties of the conventions are supposed to do everything with their full capability to make sure that children stay safe and alive. But sadly, according to UN report 3891 children were killed and 3448 were disabled. Some children got arrested and put in cell. They were given beatings, electric shocks. They are kept in cell to blackmail their parents and later they are killed in front of them. Children are also kept in isolation rooms. These things put adverse effect on the minds of children. Moreover, children below the age of 18 years cannot engage in army but they got kidnapped for school and forcibly sent for war. They remain deprived from their educational rights due to the ongoing condition there.xiiSuch situation is really hard to bear by adults and the children are also suffering from that. The rights of children got violated. They are suffering from poverty. In 2015, as per the Food and Agriculture Organization and the World Food Program, 9.8 million Syrians are suffering from the food insecurity. Another report revealed by UNICEF estimates that around 7 million children in Syria live in conditions of poverty.xiii

Time Period: 2019	
Sex	Total number of deaths
Male	5127

Female	4068
Total	9195

Table 1: Under age of five deaths in Syrian Arab Republicxiv

Stories of Syrian Children: Many international Organizations are working to assist the Syrian people. Different interviews were conducted regarding the experience and sufferings of people especially children during war. The majority of ten-year-olds want the same things: to read, play, and feel comfortable. However, a decade of war has robbed millions of Syrian children of these basic pleasures. Here, the author will narrate few heart touching real life stories of children: Tareq, 10 years old boy from Syria. He is brilliant in study but due to war he and his family got displaced three times and they have to register him in new school every time. The international Rescue Committee is providing odd jobs to the parents of such families so that they could earn bread for family. The cost of living is high but the income is less. This is great challenge for most of the families in Syria.^{xv}

Bashar, 10 years old boy from Syria loves to play football. Once, he was playing football with his friends in the playground and suddenly they heard a loud noise. Within seconds, nearby buildings got collapsed and Bashar lost his legs in this airstrike. His friends also lost their limbs.

His father was also killed when he was two years old. His mother works hard to earn money. His sister helps him to study and go to school. Bashar is studying hard to achieve him dreams.xvi

Salam, 10 years old from Syria is hoping for the war to come to an end so that everyone can return back to their home. She dreams of a happy life where people can love, respect and live happily at their home. Ruba, her mother, has been able to help her family by making soap and defending her neighborhood against COVID-19.

VI. CONDITION OF WOMEN DURING CIVIL WAR

Women's have suffered human rights violation. The duty of the nation is to protect the violation of rights. There was lack of healthcare, lack of education, forced marriages, honor crimes and gender based violence and sexual violence. Before the conflict began, the girls, women and LGBTQ were deprived from justice. The problem of rape is also there. Those women who were raped were forced to marry the rapists. They had no option to deny that as the family and culture was putting pressure on her. Those who got married are escaped from the punishment. The Syrian Government stated to the Committee on the Elimination of Discrimination against Women (CEDAW) that a new judicial decree from 2011 repealed the provision that exempted from punishment rapists who marry their victims. But the punishment is still there. Women faced a lot of sexual violence against them. In one situation, young girls and women were forcibly kidnapped from their families and gang raped. Then they were sent back to the family. This was done so to make them feel ashamed and rejection from the society. Honor killing was there if the females of the family were found to be in affair with other man. Due to the economic and family pressure, girls were forced to marriage at early age. Their consent is not considered. It is also stated that when the boy and girl reach at their puberty then they can grant them to marry. Due to lack of sufficient facility and the services, the maternal mortality rate increased. Because of aerial bombardment, hospitals were destroyed in that. This caused blockage to medical and transport facilities. Pregnant women were denied the treatment; they were harassed at the government checkpoints when they are in their critical situation. Refugees are subject to rape and abuse while they are in transit or in camps or while in other areas refugees gather. Women were facing torture and gender-violence. The strict laws of Syria did not allow the abortion until there is necessary to save women life. In cases of rape, they were denied the medical treatment and left to face the physical and psychological consequences of it. Women were barred from education.

Many school buildings were destroyed by the bombs.xvii Therefore, women and girls were subject to the huge amount of violation of their rights. The government should take necessary steps to protect the women.

VII. ROLE OF OTHER COUNTRIES IN SYRIAN CONFLICT

In view of certain chemical weapon attacks, the pressure is rising within the country. Millions of Syrian refugees fled to Lebanon, Jordan, Turkey or the nearby countries through land or sea in order to protect themselves from the attacks. Millions of them lost their lives and a large number of populations got displaced. Different foreign powers have shown their views towards Syria through their actions. Certain foreign powers have launched missile strikes on Syrian grounds targeting the Assad government. Here, we will mainly focus on four countries i.e. Iran, Turkey, Russia and United States.

Iran:Iran has supported the Assad government. It gave military aid by providing those weapons. Iran's main goal is to create a land corridor which will be extending from Iran to Lebanon through Iraq and Syria.

Turkey: Turkey tried to provide assistance to the Syrian people who are suffering from war. Many Turkish soldiers got wounded, injured while doing so. There is a question that whether Assad should stay in power till the peace is reached. They are actively involved in the Geneva talks and demanding for peace in Syria.

Russia: It has long backed the Assad regime and wants to keep Assad in power. It has provided the government aid in form of weapons and air support. Iran and Turkey are also involved in the talk related to creating peace in the Syria. Although, Russia wants to keep Assad in power. xviii

United States: The US has been prominent to the international alliance of about 60 countries which includes Germany who is targeting the extremist groups with airstrikes since late 2014. The US has tried to avoid direct conflict with pro-regime forces, but in the year 2017 United States President Donald Trump ordered airstrikes on a Syrian airbase in reply to a government chemical weapons attack against civilians. It has also supported UN peace talks held in Geneva.xixBut the intention of US is not clear that what action it will take further.

VIII. CONTRIBUTION OF UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS IN PROTECTION OF PEOPLE IN SYRIA

United Nations: The present situation in Syria is critical and there is need to make the condition stable by bringing peace. Here, we will focus on the role of UN and ICRC in resolving the conflict in Syria. UN has five permanent members – Britain, America, Russia, China and France. They are directly or indirectly contributing towards the conflict. The UN bodies including the

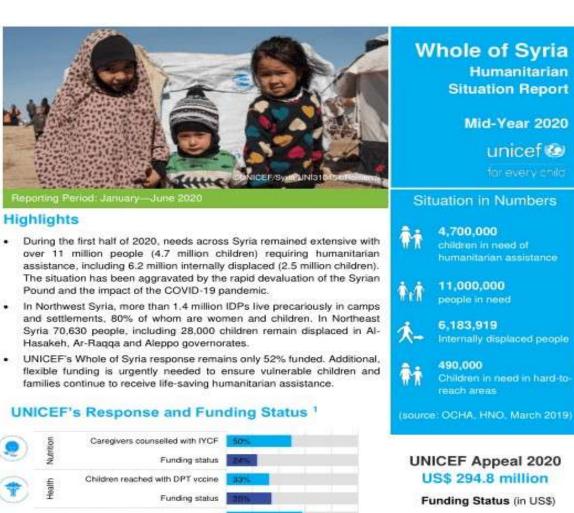
Human Rights council and Security Council are helping out to settle the ongoing war. In Security Council, Russia is indirectly aiding China to fail the plans of US. On the other hand, US is conducting airstrikes against Islamic States Iraq and Levant (ISIL). The Syrian Observatory for Human Rights reported that 1256 civilians were killed. Then, Russia commenced airstrikes in Syria during September 2015, in order to defeat ISIL. The permanent members are itself engaged with each other in the conflict rather they should come together to help Syria.

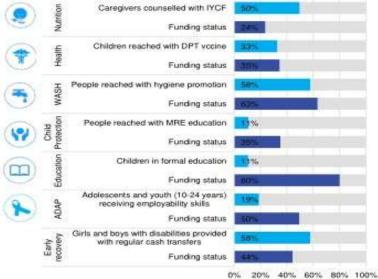
In the year 2011, U.N. Security Council formed a resolution condemning the violation of human rights by the Syrian government. The resolution got collapsed as the Russia and China vetoed against this. The resolution can be called a failure of United Nations in order to protect human rights in the Syria. The General Assembly called the permanent members to protect the civilians and try to settle the conflict. All the members are supposed to put efforts to peacefully resolve the crisis. In the year 2013, the General Assembly also adopted a resolution stating that the conflict's rise, violation of humanitarian law must be stopped. The people of Syria must be protected. The international laws must be obliged and necessary investigation must be done regarding use of chemical weapons, bombs etc. The resolution which is known as International Coalition for the responsibility to protect was implemented.xx Thus, overall it can be said that nothing has been done yet successfully and the UN seems to be helpless in controlling the situation regarding this. The UN must take some effective measures to bring the situation under control. As the permanent members are using their veto power against the resolutions are being passed by the assembly. UN must make that neutral in order to the use of veto power by its permanent members.

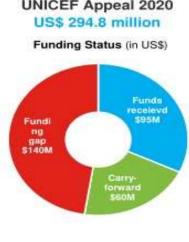
"Detention facilities in places of conflict pose a great challenge for authorities working to prevent and contain COVID-19."

-Esperanza Martinez, ICRC's head of global healthxxi

International Organizations as well as regional organizations including ICRC, UNICEF, International Rescue Committee, Save the Children and CARE etc. are continuously working to help people in Syria. Here, the role of ICRC is important. ICRC is continuously trying to provide all the necessary things and its best services to those who are in need. It is working closely with Syrian Arab Crescent to understand the needs of people by providing them water, food, shelter, electricity, blankets, medical services.xxiiSome people have fled to other countries also. So, ICRC is helping Syrian refugees inside the country and outside the country. With the help of ICRC, presently millions of people are getting access to clean drinking water and emergency food assistance. Overcrowding, poor health facilities, lack of sanitation and poor ventilation leads to the spread of different diseases. There is more threat to life of people in the COVID-19 situation. More than three thousand people confirmed with the disease and around 150 deaths have been observed. The situation is not safe as more than 8 family members are living in one room. It is important to mention here that the Security Council has put forward the situation of Syria to The International Court of Criminal Justice. But the Security Council failed to provide further information so nothing has been done till the date. In Syria, ten thousands of people got separated from their families and they have no news about them.xxiii Most of the displaced people are deprived from their daily needs. ICRC is trying its level best to provide them all the necessary amenities of life. Successfully, it has helped millions of people till date. Although, those who are helping people in Syria are at danger as they might also be attacked. But they are doing everything that they can do to help people because humanity is first. Therefore, ICRC has played a significant role in saving lives of people by providing them all the necessary things including food, medical services, clothes, water and all that they need.







¹ Please refer to the nametive in the report for details. Please note that Funding status' refers to the whole sector, while the results are only referring to one specific activity.

Figure 1: Whole of Syria Humanitarian Situation Report Mid 2020xxiv

IX. CONCLUSION AND SUGGESTIONS

Unquestionably, it can be concluded that the 2011 to 2021 conflict in Syria led to great destruction and displacement till present. The country is suffering from gross violation of International Humanitarian Laws and Human rights. Millions of people fled the country and millions are displaced. The children are

not safe and their future is at risk. Women are suffering from sexual-violence. They are deprived from basic health facilities, education. Many of them are injured and a lot of them died. The law itself states that those who are not engaged in the war should not be harmed. But opposing the law, the civilians are targeted. They got abducted, injured, killed. The military is itself engaged in causing harm so relief cannot be expected from them. The only possible solution to this is related with the politics. There is need to end the long ongoing war and make the conditions stable for people to live peacefully. The government should take necessary steps to protect its people especially women and children. United Nations has passed several resolutions but they got failed. Although it is trying to settle the dispute but its members are not cooperating as they are directly or indirectly engaged in Syrian War. It is of utmost importance that adequate shelter, hygiene, health, safety and nutrition, and everything must be done to ensure that families are not separated. ICRC has played very important role in helping those who are in need. They have provided people all the necessary things that they are in need of. Thus, all such efforts must be made to bring the war to end and make the conditions peaceful and stable.

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