
PROTECTION OF THE VICTIMS OF INTERNATIONAL ARMED CONFLICTS IN THE LIGHT OF THE GENEVA CONVENTIONS

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Abstract

The present study aimed to find out the scope of protection provided by international humanitarian law to civilians during armed conflicts and the extent to which this protection is applied on the ground. The researcher used the descriptive method to study the phenomenon by citing the provisions of the Biological Weapons Convention and the Chemical Weapons Convention, the Convention on the Prohibition of Anti-personnel Mines and the Convention on Cluster Munitions, the Vienna Convention on the Law of Treaties, 1969, the third protocol attached to the Convention on the Prohibition of Certain Conventional Weapons, the protocol on causative laser weapons For blindness and the Fourth Protocol attached to the Convention on the Prohibition of Certain Arms of 1980, Article (51) Paragraph 3 of the First Protocol and Article 13 Paragraph 3 of the Second Additional Protocol, Article 36 of the First Additional Protocol on the regulation of weapons in international humanitarian law, Article 38 (1) (b) of the Statute of the International Court of Justice and Article 38 of the Statute of the International Court of Justice. The study reached many results, the most prominent of which is that international humanitarian law about the protection of civilians during armed conflicts does not lack in many issues the legal mechanisms for its implementation, as much as the absence of the political will of states stands without it.

Keywords: victims of conflict, war, international armed conflict, violence, hostilities, Geneva Conventions.

Introduction

From the first time humans existed on this earth until the present time, the horrors of war resulted in fear, suffering, damage and destruction for millions of people, combatants and civilians alike, and generations and nations were subject to distortion and trauma as a result of violence, loss, deprivation and abuse. Families and entities have also been dispersed, resources and sources of income and livelihood have stopped, and the hopes and aspirations of huge numbers of men, women and children have vanished. Accordingly, protecting civilians was the most crucial objective of international humanitarian law. According to the rules and principles set by it to govern the conduct of hostilities, civilians have the right to enjoy general and comprehensive protection from the effects of hostilities because the international community witnessed a bitter reality due to armed conflicts that forced it to deal with this reality. . It should be noted that the international armed conflicts since the Middle Ages until the present time were more victims of civilians.

Therefore, the international community sought to establish binding legal rules to protect the victims of international armed conflicts, so the Fourth Geneva Convention of 1949 and the two Additional Protocols of 1977 were drawn up. It also attaches importance to protecting civilians in general and women and children in particular. It emphasised the importance of protecting civilians by the legal rules and established protection mechanisms through international agreements and the bodies concerned with implementing those rules and ensuring their respect.

Definition of civilian language:

Civilians in the language plural of “civilian” and if attributed to the city, then the man and the dress are civil; That is, relative to the city, and civilian is the opposite of military, so it is said, “civilian life” [1], “civilian service”, “civilian population” [2]. It is noticeable that Ibn Manzoor's definition of the city is relative to the

one who lives in the city or the one who wears the clothes of the city's people. Therefore, the concept of civil for them refers to everyone who lives in the city in distinction from others, and this definition does not fit with the definition of civilians and civilians at the present time because, in our present era, everyone who lives in cities, countryside, or any other gatherings are called civilians.

It is noticeable that the definition that came in the basic Arabic dictionary is more suitable for our present era because the civilian was not attributed to those who live in the city only, but the term civilian has an indication of everyone who has nothing to do with the military side and is not affiliated with any member of the fighting military, and this meaning is closer to reality.

Civilian in English:

The term civil is mentioned in the Oxford dictionary as follows:

Civil: relating to ordinary citizens, as distinct from military or ecclesiastical matters. This definition looks at the civilian in the sense of a citizen who has nothing to do with the army side. This definition also indicates that a civilian is not a criminal.

Definition of civilians idiomatically:

Civilians are the ones who enjoy immunity from direct attacks unless they have a direct and influential role in the hostilities [3].

Definition of civilians in international humanitarian law:

Civilians, as stated in the standard Article 3 of the Geneva Conventions of 1949:

Article 3, common to the Geneva Conventions, stipulates in its first paragraph that persons who do not directly participate in hostilities, including members of the armed forces who do not directly participate in hostilities and members of the armed forces if they give up their weapons, and persons unable to fight due to illness, wound or any other. Another reason is that they are treated humanely in all cases without any discrimination based on race, colour, sex, belief, wealth, or otherwise [4].

It is noted that the article was based on the principle of differentiation between combatant participants in hostilities and non-combatants when it prohibited directing any hostile action to those who do not have a positive role in hostilities. Accordingly, the joint Article 3 has adopted the function as a criterion in order to define the category of civilians, as this criterion is based on the idea of participation or non-participation in hostilities.

As for Article 4 of the Fourth Geneva Convention, in its first and second paragraphs, it defines civilians when it mentions the definition of protected persons as “persons protected by the Convention” and they are “those who find themselves at any given moment and in any form whatsoever in a state of conflict or occupation under the authority of a party to the conflict of which they are not nationals.” or an occupying power of which they are not nationals. It is noted that the previous article did not mention an exact definition of protected civilians during armed conflicts but rather focused on enumerating the categories protected by the agreement, as mentioned earlier.

Definition of civilians according to the First Additional Protocol of 1977:

Article (48) of the First Protocol of 1977 stated that “the conflicting parties must work to distinguish between the civilian population and combatants.” And Article 50 of it stipulates that the term “civilian population” includes all civilians. Therefore this term includes the civilian population residing in territories of the belligerent country, civilian aliens belonging to the enemy and residing in the territory of one of the belligerent countries, and the population residing in occupied territories. It was also stated that the international rules that

must be applied with regard to civilians, in particular, are the rules aimed at protecting from any danger arising from military operations and have been developed to include the entire civilian population and any individual civilian alike [5].

Article 50 of the protocol stipulates that a civilian is every person who does not belong to any of the categories of persons referred to in the first, second, third and sixth clauses of Paragraph (a) of Article IV of the Third Agreement of 1949 with regard to prisoners of war, and they are:

First item: Members of the armed forces of a party to the conflict and militias or volunteer units that are part of such armed forces:

Second item: Members of militias and other volunteer units, including members of organised resistance movements, who belong to one of the parties to the conflict and work inside or outside their territory, even if this territory is occupied.

Third item: Members of the regular armed forces who declare their allegiance to a government or authority not recognised by the detaining authority.

The sixth item: Inhabitants of unoccupied territories who spontaneously take up arms at the enemy's approach to resist the invading forces without having had time to form regular armed units, provided they bear arms openly and observe the laws and customs of war. Article 43 of the First Protocol of 1977 stipulates that "the armed forces of a party to the conflict consist of all armed forces, groups and regular units that are under a command responsible for the behaviour of its subordinates before that party, and such armed forces must be subject to an internal system that guarantees the observance of the rules of international law." The armed forces members of a party to the conflict, except the medical services and preachers covered by Article 33 of the Third Convention, are combatants, meaning they have the right to take a direct part in the hostilities.

Accordingly, a civilian is every person who does not fight and does not belong to the category of combatants. It is noted that the second paragraph of Article 50 of the first protocol came to define the civilian, and then comes the definition of the civilian population to include all civilians.

It is noted that paragraphs: (a) and (b) of Article (8) of the Protocol have expanded the concept of the wounded, sick and afflicted so that these terms include military personnel and civilians. The Fourth Geneva Convention and then the First Protocol included detailed provisions that give special care to women (Article 16/1 of the Fourth Convention of 1949) and (Articles 5/75 and 76 of the First Protocol of 1977) and children (Articles: 24, 50, 68 /4) of the Fourth Convention of 1949) and (Articles: 77 and 78 of the same protocol).

It should be noted that the first protocol has added protection to other groups of people due to their exposure to danger during armed conflicts, including:

- Persons who carry out relief work (Article 76 of the First Protocol).
- Journalists (Article 79 of the First Protocol).
- Persons working in civil defence (Articles 61-76 of Protocol I).

Introducing civilians according to the Second Additional Protocol of 1977:

Article 13 of Protocol II stipulates in its third paragraph that "civilian persons shall enjoy protection unless they take a direct part in hostilities." Accordingly, this article came with the same criterion established by the joint Article 3 of the four Geneva Conventions of 1949, which differentiates and distinguishes civilians from combatants, the job criterion. We can say that the terms used in the Hague Rules and the four Geneva Conventions imply a mutual exclusion of the concepts of civilian persons, armed forces, and collective donation and that everyone who participates in or is affected by the conduct of hostilities falls into one of these three categories.

On the other hand, the concept of civilian persons is defined under all the instruments regulating international armed conflicts through the method of negation through the definition of the armed forces and the collective endowment.

Definition of conflict:

The concept of conflict in the political encyclopedia is a competition or clash between two or more forces or real people, in which each party seeks to achieve its goals and prevent the other party from achieving that by certain means and different methods. Conflict is also defined as a clash of views between two countries, and their interests conflict in a way that could not be addressed through diplomatic means. It is a dispute that arises between two countries over a legal issue, an emergency reason, or a measure taken by one of them and raises a conflict in its economic, military or political interests [6].

It is noted that jurists have used the term conflict as a synonym for armed conflict, which is a legal situation that arises between distinct sovereign forces because the rules of international law are concerned only with relations between countries that can be considered as one of the persons of public international law, and which have the right to form armed forces to defend their rights and sovereignty. As a legal case, the conflict is between the military forces of two conflicting states. John Burton says that conflict revolves around objective differences for the sake of interests and can be transformed into a conflict with positive results. Amin Huwaidi defines conflict as a collision of the wills and powers of two or more opponents, in which the goal of each of the parties is to soften the will of the other.

The conflict is the interaction resulting from the confrontation and clashes between interests, beliefs and programs between the different entities. It is the conflict resulting from the difference in states' motives and their perceptions, goals, aspirations, resources and capabilities that leads to conflicting goals and positions.

Armed conflict:

Defining armed conflict in lexical terms: It was stated in the Al-Kafi dictionary that the dispute is a disputed source, which is the state of near death, and a rivalry that leads to filing a lawsuit to the courts. Conflict in the political lexicon is working for unified goals by weakening or removing others and contradicting institutions, interests, or values within one group or society.

The armed man was defined in Al-Kafi dictionary as the place of arms and every place of fear in which soldiers with weapons stand for observation and protection [7].

Definition of Armed Conflict:

Albert Camus points out that traditional and customary international humanitarian law does not include a clear definition of the concept of armed conflict, and it states in the commentary of the second common article that any dispute that arises between two states and leads to the intervention of members of the armed forces is an armed conflict and falls within the meaning contained in the Geneva Conventions. With this definition, he considered that the armed conflict is a dispute that calls for the intervention of the armed forces. The armed conflict does not necessarily have to be between two states, as it may be between a state and armed groups [8].

As for Ramadan, Abdel-Baqi mentions a definition of armed conflict, which is "estimating the existence of an armed conflict whenever there is resort to armed force between countries or a prolonged armed conflict between government authorities and organises armed forces groups or between those groups within those countries [9].

International armed conflicts:

International armed conflicts are defined as the clash of two or more states with weapons or those in which peoples seek and resist colonial domination or any foreign occupation, provided that these conflicts are subject to a set of rules, including those contained in the four Geneva Conventions and the First Additional Protocol.

Article 2, common to the four Geneva Conventions, stipulates that, in addition to the provisions that apply in peacetime, this convention applies in case of declared war or any other armed conflict that may arise between two or more of the High Contracting Parties, even if one of them does not recognise the state of war. The Convention also applies in all cases of partial or total occupation of the territory of one of the High Contracting Parties, even if the such occupation does not meet with armed resistance. Accordingly, any armed conflict is considered international if it is between two or more states.

International armed conflicts:

Internationalised armed conflict means internal hostilities that become international, meaning the intervention of a foreign country, directly or indirectly, in internal armed conflicts for the benefit of one of the parties to the conflict [10].

It is noted that the internal armed conflict turns into an international one in cases such as:

- When the revolutionaries or rebels win, a new state may emerge if the rebels want to secede or form a new government.
- There may be interference by other countries or international organisations in the conflict by providing aid to one of the competing groups.

There is an ambiguity and problem in the internationalised armed conflict, as it contains a foreign element and a mixed-armed conflict, so we cannot say that it is an international or non-international humanitarian law does not provide any compromise between the law applicable in international armed conflicts and the law applicable in non-international armed conflicts.

Distinguishing between international and non-international armed conflicts:

International humanitarian law treaties distinguish between two types of armed conflict:

A- International armed conflicts:

They are conflicts that arise between two or more states.

B- Non-international armed conflicts, which are between states and non-state armed groups, or between these groups only. It is noted that the distinction between international and non-international armed conflicts appeared as a result of political history and not as a result of military or humanitarian necessity. For centuries, sovereign states have organised their relations in peace and war alike through treaties and customs, which are traditions based on mutual recognition of sovereignty National and international legal personality.

Accordingly, the inclusion of non-international armed conflict in Common Article 3 was a milestone in the development and codification of international humanitarian law. Therefore, armed groups were considered parties to an armed conflict and had their own obligations under international law. At the same time, the contracting states emphasised that the standard Article 3 does not affect the legal status of the parties to the conflict, meaning that the Convention's recognition of organised armed groups as belligerents does not mean that they are legitimate.

Despite the practical similarities, there are clear and notable differences between international and non-international armed conflicts. The most crucial difference is the level of violence needed to qualify a situation as an armed conflict. Another reason for maintaining the distinction between international and non-international armed conflicts is the position taken by many states that equality between the two types of armed conflict can be seen as providing armed opposition groups with legal status. Accordingly, it may influence state policy and stimulate rebellion. the two types of armed conflict, state and non-international, v, as they include all perceived cases that lead to the application of international humanitarian law.

Types of armed conflict:

International humanitarian law clarifies four types of armed conflicts, as the rules and instruments applicable to each of them vary:

- 1- The international armed conflict to which the four Geneva Conventions of 1949, the First Additional Protocol of 1977, the Hague rules and a set of legal principles apply.
- 2- International armed conflicts are wars of national liberation, provided for and determined by the First Additional Protocol of 1977 and are subject to it.
- 3- Non-international armed conflicts that are regulated by Article 3 are common to the four Geneva Conventions and some traditional standards.
- 4- non-international armed conflicts regulated by the Second Additional Protocol of 1977 and defined in a limited definition.

Pictures of international armed conflicts:

An international armed conflict takes several forms, namely:

Ground-armed conflicts: these conflicts are on the ground between the warring forces, the regular army on the one hand and other warriors on the other. Accordingly, the conflicting parties have the right to engage in military actions only on their lands and may not violate the neutrality of any other country.

Maritime armed conflicts: these conflicts occur between armies and armed forces at sea and often in the territorial sea, internal waters and continental hollows of the belligerent countries.

Air armed conflicts: it is the one where the battlefield is land and water, and these armed conflicts take place through armed aircraft that have the right to engage in combat.

International humanitarian law:

definition: It is a set of rules that limit armed conflicts' humanitarian consequences. The main objective of international humanitarian law is to restrict the means and methods of competition and fighting practised by parties to a particular row and to ensure the protection and humane treatment of individuals who do not directly engage in hostilities or have abandoned their participation in them.

Accordingly, international humanitarian law includes the rules of international law that specify the minimum humanitarian standards that must be complied with and respected in any armed conflict. On the other hand, international humanitarian law joins relations between states, international organisations and other subjects of international law. Therefore, we can say that international humanitarian law consists of the rules of international treaties or customary regulations, which are rules resulting from the practices of states, and came out of their sense of obligation, which aims to find solutions to humanitarian issues whose source is armed conflict.

Historical review of international humanitarian law:

It is known that wars and conflicts are as old as the human race. All peoples, civilisations and religions have sought to avoid them and limit their devastating disasters by obliging the combatants to customary rules and codes of honour. However, these traditional models and forms of organising conflicts and wars are useless, especially with the advent of the industrial revolution, including the effective manufacture of weapons during the nineteenth century, and the resulting victims in the fields of war at a time when military medical services are devoid.

Libre blog:

From the beginning of the wars until the emergence of contemporary international humanitarian law, more than 500 unions, codes of conduct, covenants and other texts seeking to regulate hostilities were recorded,

including the Lieber Code, which entered into force in 1863. The Code is of great importance as it is the first attempt to codify existing laws and customs of war, unlike the original Geneva Convention.

First Codification Efforts of International Law:

The beginning of efforts to codify international humanitarian law in Europe was at the hands of a businessman from Geneva named Henry Dunant. On a trip through northern Italy in 1859, Henry witnessed a fierce battle between French and Austrian forces. He was horrified by the lack of assistance and protection for more than forty thousand wounded soldiers, so he improvised help. Medical in cooperation with the local population [11]. After his return to Geneva, he wrote a book entitled "Memorial of Solferino", in which he presented two proposals: the first is the need to establish independent relief organisations to provide care for wounded soldiers on the battlefields, and the second is to reach an international agreement to grant these organisations the protection of neutrality.

His ideas were welcomed in the capitals of Europe and led to the founding of the International Committee of the Red Cross in 1863 and the adoption by twelve countries of the First Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field [12].

Since the adoption of these first instruments, the treaty provisions of international humanitarian law have grown in conjunction with developments in wars to become one of the most intensive branches of international law in terms of codification.

In 1906 the scope of the original Geneva Convention was extended further to improve the condition of wounded and sick soldiers. In 1907, the Hague Convention on respect for the laws and customs of land war constituted the basic rules governing the right to enjoy the privileges of combatants, the status of prisoners of war, the use of means and methods of killing in the conduct of hostilities, and the protection of the population from inhumane treatment [13].

At the same time, efforts to avoid suffering among combatants and to minimise harm among civilians have led to a set of international conventions and protocols that prohibit or restrict the development, stockpiling, or use of a variety of weapons, including nuclear, biological, incendiary, blinding laser weapons, and landmines. And cluster munitions.

In addition, states are obligated at present to conduct a review of the compatibility of any new weapon that is developed with the rules and principles of international and humanitarian law [14].

Sources of international humanitarian law:

1- The Law of Agreements and Treaties:

One of the most important sources of international humanitarian law is the treaties that can be applied to armed conflict. In cases of global armed conflict, the most important sources of international humanitarian law applicable are the four Geneva Conventions of 1949 and th, the Additional Protocol and the arms conventions. One of the advantages of treaty provisions of international humanitarian law is that they are relatively free from ambiguity [15].

2- Custom:

Treaty law is the most concrete rule of international humanitarian law. However, its traditions and principles are often rooted in custom, especially state practices (usage) which are accepted as law (belief in obligation). These practices were incorporated into customary law, which exists alongside and independently of treaty law. The advantage of customary international humanitarian law is that it is a vital branch of the law constantly evolving in conjunction with state practices and legal opinion [16].

3- General Principles of Law:

The third source of international law consists of the general principles of law approved by the United Nations and treaties and customary rules. It is noticeable that there needs to be an agreed definition or list of general principles of law. The difficulty remains, especially in defining the general principles of law; therefore, it does not have a clear and prominent role in implementing international humanitarian law.

The International Court of Justice has often deduced the obligations of international humanitarian law directly from a general principle of law, which is the primary humanitarian consideration it has considered to be more necessary in peace than war [17].

4- The Role of Soft Law, Case Law, and Judicial Doctrines:

Although treaties, customs and general principles of law are the only sources of international law, the rules and principles derived from these sources need a more detailed interpretation before they can be applied.

Although the law makes it clear that international humanitarian law applies only in situations of armed conflict, the clear and precise meaning is supposed to be determined through legal interpretation. Similarly, international humanitarian law provides for the right of civilians to be protected from direct attack unless they take a natural part in hostilities [18].

Basic rules of international humanitarian law:

The conflicting parties must at all times and at all times distinguish between civilians and combatants to avoid harming the civilian population and civilian property. It is not permissible to attack the civilian population as a whole or civilians as individuals, and attacks are supposed to be directed against military targets. Parties to a conflict do not have an unrestricted right to choose methods and means of warfare, and the use of indiscriminate weapons or methods of action is prohibited.

It is also forbidden to wound or kill an enemy after he announces his surrender and whoever abandons participation in the fighting. Accordingly, individuals who are not participating or have ceased participating in hostilities have the right to respect their lives and safety. These individuals must be protected in all circumstances and treated humanely, without discrimination, which does not serve the show. The wounded and sick must be quickly sought out and cared for. Specialised personnel must also carry out health and medical services and provide medical facilities, transportation, and equipment.

They must be protected from all acts of violence and retaliation, and aid and relief must be provided while respecting basic judicial guarantees for them in any criminal proceedings against them.

These rules above, called "Bendmartens", appeared for the first time in the Preamble to the Second 1899 Hague Convention Concerning the Laws and Customs of War on Land and were previously inspired by and took their name from Professor Fyodor Wovich Martens.

At the same time, there is disagreement about the exact meaning of the Martens clause. Still, it can be interpreted as anything that is not expressly prohibited by international humanitarian law is not automatically permissible. Combatants must always remember that their actions must be consistent with humanitarian principles and with the dictates of public conscience.

Geneva Conventions and their Additional Protocols:

In 1864, the Geneva Convention was adopted to improve the condition of the wounded in the armies in the field, and it was reviewed and developed in the years 1906 and 1929. In 1934, the fifteenth International Conference of the Red Cross met in Tokyo. It approved the text of an international agreement drafted by the International Committee of the Red Cross regarding protecting civilians who hold the nationality of the enemy on land occupied by a belligerent country. After the end of World War II, states adopted the four Geneva Conventions, which are still the cornerstone of international humanitarian law.

When the first three Geneva Conventions of 1949 CE emerged from the existing treaties on the same subjects, the Geneva Convention was utterly new, as it was the first treaty of international humanitarian law dealing specifically with the protection of civilians during armed conflict.

In 1977, it was decided to adopt new texts in the form of Additional Protocols to the Geneva Conventions. In 2005, a third additional protocol to the Geneva Conventions was adopted.

Content of the Geneva Conventions and their Additional Protocols:

The Geneva Conventions protect every person or class who is not or has not taken part in hostilities.

- First Geneva Convention: Wounded or sick soldiers on land and medical personnel of the armed forces.
- Second Geneva Convention: Military personnel wounded, sick or shipwrecked at sea and medical personnel of naval forces.
- Third Geneva Convention: Prisoners of War.
- Fourth Geneva Convention: Civilians as follows:
 - Foreign civilians on the territory of parties to the conflict, including refugees.
 - Civilians in the occupied territories.
 - Civilian detainees and detainees.
 - Medical and religious personnel and civil defence units.

The First Additional Protocol complements the protection the four Geneva Conventions provided in international armed conflict. For example, it protects wounded, sick and shipwrecked civilians and civilian medical personnel. It includes rules on the obligation to search for missing persons and provide humanitarian aid to the civilian population. In addition, it has Additional Protocol I codified a set of rules regarding protecting the civilian population from the risks and harms of hostilities and armed conflicts.

Additional Protocol II develops and complements Common Article III and applies in international armed conflicts between the armed forces of a State and dissident armed forces or other organised armed groups under responsible command. It also enhances protection beyond the minimum standards in Common Article 3 by including measures prohibiting direct attacks on civilians, collective punishment, acts of violence, terrorism, rape, indecent assault, slavery, and pillage. It also presents rules regarding the treatment of individuals deprived of their liberty.

Protection of victims of international armed conflicts:

The Fourth Convention of 1949 defined the persons who are protected, and they are the persons who find themselves at some point in the event of an armed conflict or occupation under the authority of a party to the dispute that they are not their nationals or an occupying state that they are not their nationals. It is noted that the Fourth Geneva Convention tended towards generalisation and did not specify precisely the persons subject to protection during armed conflict [19].

According to Article 4 of the Convention, the international protection granted to civilians falls into three categories:

- The country's people not bound by this agreement do not receive protection from it.
- People of a neutral country who find themselves on the territory of a belligerent country. Persons protected by the First, Second and Third Geneva Conventions.

Protection prescribed in the Fourth Geneva Convention 1949:

According to the Fourth Geneva Convention, the civilian population enjoys immunity that keeps them safe from the effects and dangers of armed conflict [20].

Collective protection for victims of armed conflict:

The Fourth Geneva Convention recognised the protection of the civilian population of the countries involved in the competition without any discrimination towards the civilian population. Accordingly, the agreement adopted some means, namely:

1- Establishing hospital and safety areas:

Article 14 of the Fourth Geneva Convention authorises the High Contracting Parties and the parties to the conflict to establish hospital zones and sites in their territories or occupied territories. To protect them from the effects of armed conflicts.

2- Create protected areas:

Article 15 of the Fourth Geneva Convention provides for the establishment of neutral protected areas in countries or territories where fighting is taking place in order to protect the civilian population during armed conflicts.

3- Evacuation of civilians from areas of armed conflict:

The Fourth Agreement provided for the establishment of local arrangements for the transfer of the wounded, the sick, the infirm, the elderly, children and women from those dangerous areas, as stipulated in Article 17 of the Fourth Agreement that “the parties to the conflict shall work to establish arrangements for the transfer of the wounded, the sick, the infirm, the elderly, children and postpartum women from besieged or encircled areas.” “.

4- Protecting civilian hospitals:

The Fourth Geneva Convention concerned civilian hospitals during armed conflicts, working to protect them and the special care they provided to the civilian population. Accordingly, it imposed on the parties to the conflict not to attack and respect them, as Article 18 of the Fourth Agreement stipulates: “Civilian hospitals organized to provide care for the wounded, the sick, the infirm, and postpartum women may not be attacked in any way, and the parties to the conflict must respect and protect them at all times, provided that they are not used for a purpose that may It deprives them of protection in the sense of Article 19. The protection also includes the employees in those facilities, as Article 20 stipulates that: “The employees who are devoted entirely regularly to the operation and management of civilian hospitals must be respected and protected, including persons in charge of searching for, collecting and transporting the wounded and sick civilians, the infirm and postpartum women.” And treat them.

5 - Means of transportation:

One of the advantages of the Fourth Geneva Convention is that it guarantees respect and protection for transporting the wounded, sick civilians, the infirm, etc. The means covered by this protection are convoys of vehicles, hospital trains, ships designated for transport, and aircraft, as Article 21 of the Fourth Convention stipulates that: The transfers of the wounded and sick civilians, the infirm, and women that take place on land by vehicle convoys and hospital trains, or at sea by specialised ships must be respected and protected. for this transfer.

6- Relief and aid:

The Fourth Geneva Convention guarantees the free passage of medicines and food destined for the civilian population and tonics for children under fifteen years of age, pregnant or postpartum women, the elderly and disabled persons. In this context, Article 23 of the Fourth Convention stipulates: “Each of the High Contracting Parties shall guarantee the free passage of all consignments of medicines, medical supplies, and requisites of worship despatched exclusively to the residents of another Contracting Party, even if it is an adversary, and shall also authorise the free passage of any consignments of essential food.” Clothing and tonics intended for children under fifteen years of age, pregnant women and postpartum women.

7- Child care:

The Geneva Convention has taken a great interest in alleviating children’s suffering during armed conflicts and has established special measures for them. Among these measures is facilitating their maintenance and

education in all circumstances and working to accommodate them in a neutral country throughout the duration of the conflict. These necessary measures were stipulated to ensure that children under fifteen years of age who were orphaned or separated from their families because of the war are not neglected, and to facilitate their maintenance, the practice of their religion and their education in all their education is entrusted, if possible, to persons belonging to the same cultural traditions. The parties to the conflict shall facilitate the accommodation of these children in a neutral country for the duration of the conflict, with the consent of the Protecting Power, if any.

8- The arrival of the separated families and their news:

In this context, any individual residing in the country of one of the parties to the conflict or in territories occupied by a party to the conflict is allowed to inform his family members, wherever they are, of news of a purely family nature and to receive their news, following Article 140 of the Fourth Geneva Convention. The provision for these rules came from the Fourth Convention in Article 25: “Any person residing in the territory of one of the parties to the conflict in lands occupied by a party to the conflict is allowed to inform his family members wherever they are of news of a purely family nature. The Fourth Geneva Convention stipulates rules in favour of reuniting separated families, as it obliges the parties to the armed conflict to facilitate the search work carried out by members of the families separated due to the armed conflict to renew contact between them and reunite them if the opportunity arises.

Protection prescribed in the Geneva Protocols of 1977:

The two Additional Protocols to the Geneva Conventions of 1949 are a complement and an addition to the shortcomings of the Geneva Conventions, especially with regard to the protection of civilians during international armed conflicts [21]. The First Protocol devoted Part Four, Section One to the general protection of the civilian population from the effects of conflicts and fighting in Articles (48) to (71), which is a complement and a new addition to the rules contained in the Fourth Geneva Convention, as Article 51 of the First Protocol stipulates: “He shall enjoy The civilian population is generally protected against the dangers arising from military operations.

Protection of women during international armed conflicts:

Women have benefited from the protection stipulated in the Fourth Convention and all the guarantees for civilians and their rights during international armed conflicts in the First Protocol.

Protection of children during international armed conflicts:

Under the Fourth Geneva Convention and its Additional Protocols, children enjoy a set of legal rules to provide them with protection during international armed conflicts, including:

- Healthcare: the first protocol came in the first paragraph of Article 77 to develop the rules and the principle of special protection for children, as it stipulates that “children must be the subject of special respect and protection against any form of indecency, and the parties to the conflict must provide them with the care they need, whether because of their age or any other reason.

Legal principles for the protection of civilians in international armed conflicts:

The Fourth Geneva Convention of 1949 and the two Additional Protocols stipulate a set of principles that must be observed and applied to civilians during armed conflicts and hostilities to protect them, which can be clarified as follows:

Distinguishing between civilians and combatants.

Article 50 of the First Additional Protocol stipulates that any person does not belong to one of the categories of persons referred to in Items One, Two, Three and Six of Paragraph (a) of Article Four of the Third Agreement and Article 43 of this Protocol. If a person is civil or not, that person is considered a civilian.

Prohibition of targeting civilians during combat:

Article 51 of Protocol I stipulates that “civilians may not be targeted during combat, terrorized, or resort to the use of indiscriminate attacks. It is also prohibited to use weapons of mass destruction such as nuclear, chemical, and biological weapons, and other attacks whose consequences are grave, especially in the lives and property of civilians.

The inadmissibility of using civilians as human shields: Under international law, the use of civilians as human shields is considered a war crime. The Fourth Geneva Convention stipulates in Articles 28 and 49 and Additional Protocol I in Article 51-7 that “it is prohibited to direct the movement of protected persons with the aim of using them as shields to protect military objectives or operations.”

Prohibition of reprisals: The text of Article (3/23) of the Fourth Geneva Convention emphasises “measures of retaliation against protected persons and their property.”

Not to starve civilians: Article (1) of Additional Protocol I and Article 14 of Protocol II prohibit starvation of civilians as a method of warfare by depriving them of basic materials that are indispensable for their continued survival.

The inadmissibility of collective punishment: According to Article (75/2) of the First Additional Protocol, collective punishments are prohibited in accordance with the established principle in criminal law and the principles of justice regarding the nature of punishment.

Results and conclusion:

1- International humanitarian law with regard to the protection of civilians during armed conflicts does not lack in many issues the legal mechanisms for its implementation insofar as the absence of the political will of states stands in the way of this.

2- The issue of protecting civilians during armed conflicts in international humanitarian law in the various humanitarian agreements that preceded the Fourth Geneva Convention of 1949 was intended to protect the wounded and sick of the armed forces in the field before it later included the protection of prisoners of war and civilian objects, but it did not apply to persons. civilians during armed conflict.

3- Through the First Geneva Protocol of 1977, a remarkable development and an important expansion were achieved in the definition of civilians who have the right to obtain protection during armed conflicts.

4- According to the first protocol, the term “civilian” has become applied to any person who does not belong to the armed forces, according to Article 50.

5- Women have also become protected as part of civilians, as stipulated in the First Protocol.

References

1. Abdel Karim Mohamed Al-Dahoul (1998) Protection of Victims of International Armed Conflicts, Cairo University, Egypt
2. Albert Camus, The Practical Dictionary of Humanitarian Law
3. Al-Taher Bin Ahmed (2011) Protection of Minorities in Light of Armed Conflicts, Treasures of Wisdom Foundation for Publishing, Algeria

4. Article (51), paragraph 3, of the First Protocol, and Article 13, paragraph 3, of the Second Additional Protocol
5. Article 36 of the first additional protocol on the regulation of weapons in international humanitarian law
6. Article 38 (1) (b) of the Statute of the International Court of Justice
7. Article 38 of the Statute of the International Court of Justice
8. Hussein Qadri (2009), *International Conflicts Study and Analysis*, Dar Al-Kitab Al-Thaqafia, Algeria
9. Ibn Manzoor (1997). *Lisan Al-Arab*, Dar Saber for printing and publishing, Beirut, Lebanon.
10. Miloud Abdelaziz, (2009) *Protection of Victims of Armed Conflicts*, Dar Houma, Algeria
11. Muhammad Hafez Ghannam (1961) *Principles of Public International Law*, Dar Al-Nahda Al-Arabiya, Egypt.
12. Muhammad Khalil Al-Basha (1999) *Modern Arabic Dictionary*, Publications Company for Distribution and Publishing, Lebanon
13. Ramadan Abdel-Baqi Ismail (2016) *Protection of cultural property during armed conflicts*, Dar Al-Kitab Al-Alamiyyah, Lebanon.
14. Salah El-Din Amer (1976) *Introduction to the Study of the Law of Armed Conflicts*, Dar Al-Fikr Al-Arabi, Cairo.
15. Suhail Hussein Al-Fatlawi (2010) *Public International Law in Peace*, House of Culture, Amman
16. *The Basic Arabic Dictionary*, written and prepared by a group of senior linguists, Larousse 1989.
17. *The Biological Weapons Convention and the Chemical Weapons Convention*
18. *The Convention on the Prohibition of Anti-Personnel Mines and the Convention on Cluster Munitions*
19. *The Protocol Concerning Blinding Laser Weapons and the Fourth Protocol to the Convention on the Prohibition of Certain Weapons of 1980*
20. *The Third Protocol to the Convention on the Prohibition of Certain Conventional Weapons*
21. *Vienna Convention on the Law of Treaties*, 1969