International Humanitarian Law
Rules about protecting people in armed conflict
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About us
How to use this booklet

In this booklet we talk about 2 different laws.

Most of this booklet tells you about International Humanitarian Law.

Near the back of the booklet we look at another law called International Human Rights Law.

We know this is a long booklet. There are lots of different things to understand in the law.

You do not have to read the booklet all at once. You can take a break or just read about the part you want to know more about.
Explaining some of the words we use

In this booklet there are some hard words that we use a lot.

We have put the hard words in **bold black writing**. You can look up what they mean here:

**Hard words**

**State**

A **state** is a country or place that has:

- its own government

and

- people who live there
**Armed conflict**

A conflict is a serious argument or disagreement. When fighting, violence and weapons are used, we call it an armed conflict.

There are at least 2 sides in the fighting. The sides attack each other. They may use things like guns, tanks or bombs.

There are 2 types of armed conflict:

- **international.** This is a conflict between 2 or more different states.

- **non-international.** This is a conflict within 1 state.

Most armed conflicts are non-international.
Civilians

Civilians are people who live in an area where there is armed conflict. They do not take part in the fighting.

Armed forces

Armed forces are official groups of the state like the army or navy. They do not include things like the police.

Armed forces can take part in armed conflicts.

Non-state armed group

A non-state armed group might fight in an armed conflict but they are not part of the armed forces.
About International Humanitarian Law

There are lots of laws that states all over the world have to follow.

These laws say how states should behave towards each other.

This booklet tells you about International Humanitarian Law.

In this booklet we will call it the law.

The law says:

- how states and non-state armed groups should act and treat people during an armed conflict.
what is not allowed to happen in the fighting

how to protect people who are not involved in the fighting or who are not fighting anymore

This law is not for things like riots, protests or a disaster like a flood.
What the law does

Lots of people all over the world live in places where there are armed conflicts.

They might be affected by things like:

- being bombed or attacked
- having lots of fighting all around them
- not being able to get things they need. Things like food, water and clothing
- worrying about getting hurt or being killed by the fighting
The law does not try to stop fighting from happening or make it illegal.

The law tries to stop armed conflict causing too much harm to civilian’s lives.

It wants to make sure that civilians are treated with respect.

All those involved in the fighting have to follow the law for as long as the armed conflict lasts.
Who should follow the law

It doesn’t matter who is fighting, or why, or if the fighting is legal. People fighting in all armed conflicts must still follow the law.

It is important that everyone knows about the law. This means:

- everyone will know the rules that must be followed

  and

- it is easier to check if people are following the rules properly

States should make sure their armed forces have training about the law.
Who is involved in armed conflict

Combatants
People who fight for a state’s armed forces are called combatants.

Combatants can fight in international and non-international conflicts.

Being a combatant means they:

- can take part in fighting. If they follow the law they won’t get in trouble for hurting or killing people

- can attack the other side and be attacked back

- get special treatment if they are captured by the other side. If this happens, they are called prisoners of war
Non-state armed groups

A **non-state armed group** is not part of the **state’s armed forces**. They are separate from the government of the **state**.

A **non-state armed group** must follow the law.

A **non-state armed group** must:

- have a leader and people who follow the leader
- be able to follow the law
- have a plan for what fighting they want to do and where they want to attack
- share the same reason for why they want to fight

A **non-international armed conflict** might involve:

- the **state** fighting against a **non-state armed group**

  or

- 2 or more **non-state armed groups** fighting each other
Fighters

People who fight for a **non-state armed group** are called fighters.

People who are fighting can attack each other. But the law says there are some weapons that they cannot use.

This is because these weapons are cruel. Things like lasers that can make people blind.

There are other rules to protect fighters and combatants who:

- have been caught by the other side
- are sick or have been hurt in the fighting
Civilians

Civilians are people who do not take part in the fighting.

The law protects civilians the most. Civilians can never have attacks aimed at them in the fighting.

Humanitarian assistance

Humanitarian assistance is emergency help for civilians when there is a conflict.

People who give assistance are called humanitarian workers.

Humanitarian workers try to make sure civilians have their needs met when there is an armed conflict.

This means making sure they have food, water, clothing, medicines and somewhere to live.
Humanitarian assistance is really important.

It can be hard to do in places where there is fighting. Humanitarian workers might not be able to get to civilians who need help.

People who are fighting should not stop humanitarian assistance from getting to civilians.

It is illegal to stop humanitarian assistance.
Rules about how to treat people during any kind of conflict

These rules must always be followed no matter what type of conflict is happening.

**Rule - civilians** must always be treated **humanely**. This means things like:

- treatment for people who are sick or have been hurt in the fighting

- never torturing or being violent or cruel to **civilians** on purpose

- looking after people who are in **detention**. **Detention** means locking someone up somewhere and they are not allowed to leave
- having respect for other people’s religion

**Rule** - people cannot be treated any worse than other people because of things like their:

- race
- colour
- religion
- gender
- disability
- age
Detention

Detention happens a lot in armed conflict. It is a time when people can be harmed more easily.

The law tries to protect people from harm when they are in detention.

The law says you can’t detain anyone you want to during armed conflict. There has to be a good reason for it.

The law has rules about:

- when someone can be detained
- how they should be treated when they are detained

These rules must be followed.
A person can be detained if:

- they have committed a crime
- they are a security risk. A Security risk means it is very likely the person will do something to help the other side win the conflict.

The person must be set free as soon as the conflict has ended.

People who are detained must be treated humanely.

They must get important things like food, water and medical treatment.
Rules about using force in armed conflict

The law has 3 very important rules about when and how much force can be used in any conflict.

Rule 1. Distinction
This rule protects civilians from attack.

It says that people who are fighting must tell the difference between:

- civilians

  and

- people who are fighting for the other side
Attacks can only be against combatants, fighters and military objects.

This is the most important rule in the law.

It is always against the law to attack civilians.

If a civilian starts fighting for a side, then they are not protected by this rule.

People should always be treated as a civilian unless you know for sure they are involved in the fighting.
It is also against the rules to attack a **civilian object**.

A **civilian object** means a building that is used for normal everyday life. For example, like a school or hospital.

All objects should be treated as a **civilian object** unless you know for sure it is being used for the fighting.

The law says that only **military objects** should be attacked in an **armed conflict**.

A **military object** is something that is important to one of the sides that is fighting. Destroying the object will help the other side.
Military objects can only be attacked if there is a good reason.

Some objects can be civilian or military. Places like a tv or radio station.

But they cannot be a civilian and military object at the same time.

It is important to know what an object is being used for before attacking.
Indiscriminate attacks are illegal.\textit{Indiscriminate} means you do not check if you are attacking \textit{civilians} or the other side.

For example:

You cannot drop lots of bombs all over a town where there are some military objects.

You might accidentally attack \textit{civilians} or a \textit{civilian} object in that area.

Only fighters or military objects can be attacked and this must be done carefully.
Rule 2. Proportionality

This rule looks at how much harm an attack will cause.

There might be a clear reason for a side to attack a military object. But it is illegal to attack if it will cause:

- too many civilians to be hurt or get killed
- too much damage to civilian objects

When combatants and fighters plan an attack, they need to think about what they will get from it.
They need to work out how much the attack will:

- help their side in the conflict
- cause harm to civilians

If an attack will cause too much harm, the side needs to think of a different plan.

**Rule 3. Precautions**

This rule says that a side who is fighting must plan an attack first.

This means doing things like:

- choosing carefully what weapons to use
- warning civilians that there is going to be an attack

- cancelling an attack if it is going to cause too much harm to civilians

- not putting military objects near civilian places.

This stops civilian objects getting damaged by accident because they are too close to military objects.
Occupation

This is when an **armed force** or a **non-state armed group** takes control over part or all of another **state**.

They take control and run what happens in the area.

Taking control of an area means that:

- the local government has not agreed for the **armed force** or **non-state armed group** to take control

- the **armed force** or **non-state armed group** run the area

- the local government cannot rule the area anymore. This is because the **armed force** or **non-state armed group** have taken control
There is a law that must be followed if there is an occupation.

The law says that:

- things should stay the same as they were before the occupation. They should not get worse

- the occupation should not last for a long time

- civilians living in the area should be looked after and have their needs met. This means they should have:

  - their rights respected
— things like food, medicines, somewhere to live and be able to go to school

If the **armed force** or **non-state armed group** do not follow these rules, they are breaking the law.

**Annexation** is a type of occupation.

This is when an **armed force** or **non-state armed group** takes over an area.

The **armed force** or **non-state armed group** says that:

- the area is part of their **state** now
- everyone in the area must follow their rules
Annexation is banned by the law.

If a state is annexed, the armed force or non-state armed group must still follow the law to look after civilians in the area.

**War crimes**

War crimes can include things like:

- attacking **civilians** or civilian objects on purpose

- attacking people who are giving humanitarian assistance

- doing an attack that will hurt or kill too many **civilians** or cause too much damage
A war crime is against the law. People who commit a war crime can be taken to court.

If they are found guilty they will go to prison for a long time.

Some war crimes are extra serious. They are called **grave breaches**.
A **grave breach** is things like:

- putting people in prison without checking properly if they really did commit a crime

- taking someone hostage or a slave.

  This means keeping someone in a place where they don’t want to be and can’t get out.

  They may be made to do things they don’t want to.

- torturing someone. This means hurting someone in a really cruel way

**All states** must find people who have committed grave breaches and take them to court.
All **states** in the world must make sure **states** who are fighting follow the law. **States** must not help any other **state** break the law.

Sometimes if a **state** cannot investigate a serious war crime, the International Criminal Court will do it.

**Commanders** are leaders of an armed group or force.

They are responsible for crimes done by people they are in charge of. This is called the rule of **command responsibility**.

There must be proof that the commander:

- knew about the crime
  
  **and**

- did not try to stop it or punish the person who did the crime
International Human Rights Law

Human rights are rights and freedoms that all people have all of the time.

Your rights are things you are allowed to do and how you should be treated.

Your rights cannot be taken away.

International Human Rights Law says that states should respect and protect people’s human rights.

This law should be followed in both times of peace and in armed conflict.
International Humanitarian Law is only in times of armed conflict.

Some of the rules of International Human Rights Law are similar to the rules of International Humanitarian Law.

Some of the rules are different.

Sometimes the laws might say different things. You might not know which law to follow.

The law that is the newest and protects people the most should be followed.
International Human Rights Law and the police

If an area is occupied by an armed force or non-state armed group, they need to do things the police in the area would usually do.

For example, arresting people that commit a crime.

The police, armed force or non-state armed group has to follow International Human Rights Law.

This says when and how much force they can use when arresting people and doing police work.
International Human Rights Law and detention

The law says it is illegal to detain someone without a good reason.

People who are detained might be taken to court. They should be allowed to have a **fair trial**.

A **fair trial** means the court listens to what has happened and does not take sides.

**International Human Rights Law** gives more information about rules on detention and a fair trial.
International Human Rights Law and terrorism

Terrorism is when a person or a group uses force or violence to scare civilians. They threaten governments to try and get their own way.

If there is a terrorist attack, it can be hard to know which law to follow.

If it happens outside of an armed conflict, then the International Human Rights Law is followed.

The police are involved to stop the terrorists.
Some people think that more violence is allowed under **International Humanitarian Law**.

They say that terrorist attacks are part of an **armed conflict**. They use **armed conflict** as an excuse.

Sometimes an attack might be called a terrorist attack. But it is really part of an **armed conflict**.

If this happens, fighters might think they don’t have to follow **International Humanitarian Law** any more.
Some states say that is illegal to give humanitarian assistance to terrorist groups.

This can make it hard to help civilians in areas where there are terrorist groups.
About us

We are the Diakonia International Humanitarian Law Centre.

We help organisations in places of conflict understand how laws can support their work.

Things we do:

- tell people about the laws of conflict
- share what we know about helping people and the law
- give help and advice
- give training
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