Chapter 6

Human Rights in Armed Conflict

Reuben E. Brigety II

The first bomb missed its target and slammed into the road a few hundred meters away, while the second hit the targeted home, also reducing it to rubble. Hamudi was able to save three people, his daughter and her two sons, a five-year-old, and six-year-old, all of whom were injured in the blast. The other ten people in his house perished. “Why did this happen?” Hamudi asked a reporter. “Ten lives are gone. The house was completely destroyed.... Innocent people are killed.”

1. Introduction

The nature of warfare has changed dramatically in the last century. Developments in technology ranging from modern combat aircraft to advances in infantry weapons have altered how war is conducted, increasing both its reach and its lethality. Global political developments have changed both where war is waged and who its most active participants are. Growth in urbanization makes it increasingly likely that belligerents will engage each other inside populated areas rather than on remote fields of battle, while the rise of armed non-state actors multiplies the number of potential sources of violence.

One of the most disturbing side effects of these changes in warfare is the deleterious effect that war has had on non-combatants. For certain, innocents have always suffered since the dawn of war. Yet the extent of civilian harm arguably reached unprecedented proportions in the twentieth century. Harm to civilians in warfare and its aftermath takes largely two forms. The first, and most obvious, are civilians who suffer death or serious injury as a direct result of combat, either accidentally or deliberately.
The second are those who suffer other assaults on their dignity (such as sexual assault, ethnic violence, etc.) as a result of the breakdown of law and order, resulting in a security vacuum in which such violations run rife. Such assaults often violate the letter, if not the spirit, of human rights norms designed to protect civilians.

This disturbing trend demands attention for at least two reasons. First, the international community has demonstrated the normative importance of protecting civilians and other non-combatants in time of war and in its aftermath. It has done so through the ratification of legal treaties that delineate the rights of civilians, through speeches and other statements by governmental officials condemning the suffering of non-combatants, and through the provision of material support to the victims of conflict. Second, states have increasingly come to recognize the strategic value of minimizing harm to civilians in war. In an age of instantaneous global media, the inadvertent death of civilians during warfare can undermine domestic and international support for the responsible party. This is even truer if such deaths are deliberate. Furthermore, human rights abuses that occur during or after conflict can both indicate and foment political instability that is generally counter to the interests of sovereign states.

Given both the normative and strategic value of protecting civilians during conflict and preserving their human rights afterward, it is important to understand why this problem persists and how it might be alleviated. This chapter will address this question by examining three issues: (1) the ethical and legal framework of civilian human rights protections, (2) current issues of civilian protection, and (3) the way forward in seeking solutions.

2. Ethical and Legal Foundations

“In time of war, the law is silent,” Cicero famously declared. Yet soldiers, statesmen, scholars and theologians have struggled for centuries to establish boundaries that would mitigate the horrors of warfare. Two of the most important intellectual bases for civilian protections in time of war are just war theory and international humanitarian law.

Just War Theory

Developed by Christian theologians such as St. Augustine, St. Thomas Aquinas,
Francisco Vittoria and others between the fifth and sixteen centuries, just war theory (JWT) provides a moral framework for analyzing the proper resort to war (jus ad bellum) and proper conduct during war (jus in bello). Though jus ad bellum precepts serve as useful guideposts regarding the morality of a war's purpose, it is the tenets of jus in bello which offer the more important guidelines for how civilians should be treated during warfare. There are essentially two fundamental concepts in jus in bello: discrimination and proportionality. Discrimination notes that there are essentially two classes of people in the realm of warfare, combatants and non-combatants. As such, combatants have a moral obligation not to attack non-combatants or otherwise make them objects of violence. Proportionality suggests that only such force should be used as is absolutely necessary to accomplish a valid military objective.

Seventeenth-century European jurists such as Hugo Grotius used the theological precepts of Christian JWT, as well as concepts of natural law, to derive secular legal codes of behavior for sovereign states engaged in warfare. In writings such as Grotius' De Jure Belli et Pacis, these jurists began to lay the groundwork for modern international law, to include the Laws of War. This trend continued with nineteenth century jus in bello treaties such as the 1899 Hague Regulations that developed restrictions on certain weapons considered inhumane and the 1864 Geneva Convention that prescribed basic treatment for prisoners of war.

International Humanitarian Law

The most comprehensive legal framework for the protection of civilians during armed conflict to that point in history was contained in the Fourth Geneva Convention of 1949. Following a series of abuses in World War II such as the Allied firebombings of Tokyo and Dresden and the brutal Axis occupations of Poland and Manchuria, members of the international community decided that international norms regarding conduct in warfare needed to be strengthened and enhanced. The Fourth Geneva Convention lays out obligations of combatants vis-à-vis noncombatants in wartime, such as the prohibition of "(a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; b) taking of hostages; and c) outrages upon personal dignity, in particular, humiliating and degrading treatment."²

The brutality of wars of colonial liberation in the 1960s and 1970s suggested that
the protections delineated in the Fourth Geneva Convention were not strong enough. As a result, some members of the international community negotiated and ratified the 1977 Additional Protocols I and II to the 1949 Geneva Conventions. Focusing on international and non-international armed conflict respectively, the Additional Protocols delineated further protections for noncombatants in conflict. Among the most significant protections were the admonition that:

\[
\text{neither the civilian population as such, nor individual civilians may be the object of attacks; moreover, acts of terrorism against them are prohibited. Civilians benefit from this protection as long as they do not take a direct part in hostilities. Starvation of civilians is a prohibited method of combat. The displacement of the civilian population may only be ordered if its safety or imperative military reasons require it, and only after all possible measures have been taken to ensure it will be received under satisfactory conditions.}^3
\]

The 1949 Geneva Conventions are considered universally binding by nature of the number of states that have acceded to them and the amount of time that they have been in force. Yet the Additional Protocols do not enjoy the same level of universality as such, despite the fact that many of their provisions are considered by most states to be binding under customary international law.

In the 1990s, other *jus in bello* international treaties were negotiated and ratified principally on the basis of the humanitarian impact on the civilian population. Chief among them are the 1997 Ottawa Convention (Mine Ban Treaty), which bans the use, production and stockpiling of antipersonnel landmines, and the 1998 Rome Statute of the International Criminal Court that creates a permanent tribunal to try war crimes and describes actions for which individuals can be held accountable. This general body of law has come to be known as International Humanitarian Law (IHL).

*Human Rights Law*

Enlightenment philosophers like John Locke developed political notions of natural rights emphasizing the inherent dignity and worth of every individual. Concepts of
natural rights led to the idea that restraints must be placed on the powers of government in order to protect individuals from abuse of these fundamental rights by the state. These ideas served as the basis for groundbreaking political documents such as the French Declaration of the Rights of Man, the U.S. Declaration of Independence and the U.S. Constitution. Furthermore, it was these Enlightenment ideas, among others, that served as the basis for the most path-breaking international human rights instrument: the Universal Declaration of Human Rights of 1948.

The Universal Declaration, “proclaimed that all people everywhere possessed certain basic and identifiable rights, that universal standards existed for the world as a whole, and that human rights were matters of legitimate international concern and no longer within the exclusive domestic jurisdiction of nation-states as in the past.” By advancing a vision of human rights that has been widely ratified by national governments, its provisions have largely become binding under customary international law and have served as the basis for a number of other international and regional human rights instruments, the full corpus of which comprises international human rights law.

IHL and Human Rights Law
Both IHL and international human rights law are designed to protect the dignity and security of individuals by “guaranteeing and safeguarding human rights generally and in situations which require specific treatment.” Nevertheless, there are some critical differences between the two that merit consideration.

The first, and perhaps most significant, is the focus of these bodies of law. IHL is principally concerned with obligations of the state. Until the ratification of Additional Protocol II of the Geneva Conventions in 1977, law of war treaties addressed responsibilities of contracting parties (i.e., sovereign governments) toward the combatants and protected persons of other states and limitations on the methods of warfare. In this sense, IHL is not different from other parts of international law in that the rights and responsibilities it delineates lie principally with sovereign states. In human rights law, however, the rights principally belong not to sovereign states, but to individuals. For the first time, people became not simply objects of international law through state obligations, but subjects of the law empowered to demand affirmative
expectations of governments with regard to their own treatment.

Second, IHL is only applicable during periods of armed conflict and belligerent occupation. Human rights law, however, is applicable at least in all other circumstances besides armed conflict and, for certain actions (such as slavery and torture), during armed conflict as well.\(^9\) This expansive scope of human rights law has arguably affected the development of IHL, advancing the notion that all people are “entitled to the enjoyment of human rights, whether in time of peace or war.”\(^10\)

Related to this is the third principal difference. Whereas IHL permits and even presumes harm done to individuals under certain circumstances, human rights law prohibits assaults on the dignity and security of individuals under virtually all circumstances. Theordor Meron notes:

> Unlike human rights law, the law of war [or IHL,] allows, or at least tolerates, the killing and wounding of innocent human beings not directly participating in an armed conflict, such as civilian victims of lawful collateral damage. It also permits certain deprivations of personal freedom without convictions in a court of law.... The law of armed conflict [IHL] regulates aspects of a struggle for life and death between contestants who operate on the basis of formal equality....Human rights laws protect physical integrity and human dignity in all circumstances. They apply to relationships between unequal parties, protecting the governed from their governments. Under human rights law, no one may be deprived of life except in pursuance of a judgment by a competent court. The two systems, human rights and humanitarian norms, are thus distinct and, in many respects, different.\(^11\)

This distinction is of crucial significance. While all civilian deaths and injuries in warfare are tragic, they are not all violations of international law. The concept of proportionality in IHL permits attacks that will cause foreseeable harm to noncombatants so long as that harm is not out of proportion to the direct and concrete military advantage anticipated by the attack. While such judgments are clearly subjective, they are permitted under IHL because of the inherently chaotic nature of
warfare and the assumption that innocents will inevitably be touched by it. Human rights law, however, makes virtually no exceptions because it presumes that, short of the exigencies of warfare, there is no rationale to justify derogation of fundamental rights; and even in war, there are still prohibitions which cannot be violated under any circumstances.

3. Current Issues

_Civilian Harm in Conventional War_

One of the most important, and indeed most visible, problems in this arena is the killing or injury of civilians during armed conflict. As noted above, in a strict legal sense this problem is governed by humanitarian law rather than human rights law. Nevertheless, it goes to the very heart of both of these legal regimes, which is protection of the dignity and security of the individual, in both peace and war.

The baseline for understanding the problem of civilian protections in warfare is arguably World War II. Some estimates suggest that at least 27 million civilians died during that war,¹² not only from disease and hunger but also as a direct result of hostilities. While no conflict since that war has claimed as many civilian lives, the trend of civilian protections since then have been decidedly mixed.

From the early 1990s to the present, three independent forces have come together to significantly improve civilian protections during armed conflict in certain circumstances. The first is the development and strengthening of international norms designed to shield noncombatants from unnecessary combat violence. The second is the rise in global, instantaneous news media which can transmit images of civilian casualties throughout the world and across national boundaries in real-time. The third is the development of precision-guided munitions (PGMs) that allow an attacker to pinpoint destructive force against a particular target while largely limiting damage to unintended objects. These three forces have simultaneously increased the ability of technologically advanced militaries to minimize civilian casualties, especially in aerial warfare, at the same time as they have raised the international expectations of such militaries to protect civilians and increased the strategic costs for failing to do so.

This pattern is most readily observed by examining major U.S. combat actions

Operation Desert Storm was the first time since the age of instantaneous global media that PGMs were extensively employed in combat, as part of an extended forty-day aerial bombardment campaign. Though only nine per cent of the weapons employed were PGMs,\textsuperscript{13} news briefings by coalition officials during the war showing video images of pinpoint strikes through windows and ventilation shafts of buildings gave the impression U.S. air forces could be very precise if they so chose. This impression, combined with the video broadcast of some spectacular bombing errors (such as the attack on the Al Firdos bunker in February 2001 that killed over 200 civilians)\textsuperscript{14} and second order effects (such as the civilian harm caused by the destruction of Iraq’s electrical grid) fostered condemnation of U.S. military forces and raised expectations for civilian protections in future conflicts.

As a result, during Operation Allied Force in 1999, U.S. air forces were careful both to increase the percentage of PGMs they employed and to avoid previously questionable targeting practices, such as the destruction of electrical generation capacity, which had disastrous consequences for the civilian population.\textsuperscript{15} Despite the fact that only about five hundred civilians were killed in seventy-eight days of bombing and general agreement that IHL was largely respected by allied forces there were still recriminations.\textsuperscript{16} The employment of laser-guided PGMs by coalition pilots from very high altitudes in order to avoid enemy ground fire caused some of these weapons to miss their target and harm civilians. It can be argued that such tactics inappropriately transferred risk from combat pilots to defenseless civilians.

In both Operations Enduring Freedom and Iraqi Freedom, American officials claimed that these campaigns were the most humanely planned and executed in military history.\textsuperscript{17} They did so because they clearly understood that in a war such as the Global War on Terror in which it is critical to maintain domestic and international support for the cause, it is essential to protect the human rights of civilians and to uphold the humanitarian obligations of combatants. Precision technology had improved to allow the use of satellite-guided bombs that could be dropped accurately from high altitudes, thus protecting both pilots and noncombatants on the ground. Furthermore, the vast
majority of aerial weapons employed in both of those conflicts were PGMs as opposed to unguided bombs that pose a greater threat to civilians.

By almost any objective standard, both the ability and the willingness of advanced military forces such as those of the United States to improve civilian protections in warfare have increased dramatically since World War II. Nevertheless, substantial problems remain for at least three reasons.

First, most militaries in the world are not advanced post-industrial militaries and most conflicts do not have a substantial aerial component. The precision capability of U.S. military forces, particularly air forces, is almost *sui generis*. Even its closest NATO allies do not have the same sophistication in their weaponry, ability to plan “humane” bombing campaigns, or inventory of weapons. Thus, it cannot reasonably be expected that other armed forces will be able to display the same level of precision vis-à-vis civilians in their military campaigns for the foreseeable future.

Second, and related to the previous point, it must be noted that the vast majority of conflicts in the world today and since the end of the cold war have largely been between ground forces. This is significant because, contrary to some conventional wisdom, ground combat can be much more harmful to noncombatants than conventional aerial bombardment, especially when it takes place in populated areas.

Finally recognizing that they do not have the technological capability to match advanced militaries successfully, many states and armed groups have adopted tactics to mitigate this advantage that also endanger civilians. Serb military forces in Kosovo, for example, used Kosovar Albanians as human shields during Operation Allied Force.18 Iraqi forces hid themselves and their military equipment amongst hospitals, schools and mosques to protect themselves from coalition attack during Operation Iraqi Freedom.19 In both cases the defending forces did not have the technological capability to confront their adversaries directly, but they understood that coalition forces were constrained by the strategic imperative to adhere to humanitarian norms and took steps to take advantage of it, resulting in increased harm for civilians.

**Ethnic Cleansing and Terrorism**

The Geneva Conventions and their additional protocols were written under the assumption that warfare would take certain broad parameters. The drafters of the
conventions assumed that warfare would be conducted largely by uniformed personnel accountable to sovereign states and that they would perpetrate acts of violence against each other in support of the political objectives of their governments.20 Yet in the last fifteen years two forms of warfare have re-emerged with disastrous consequences for civilian protections: ethnic cleansing and terrorism.

One of the most important provisions of international humanitarian law is the strict prohibition on attacking civilians as a method of warfare. Yet precisely this strategy has been used to devastating effect. Saddam Hussein's assault on the Kurds of northern Iraq during the Anfal campaign of 1987-1989 deliberately killed tens of thousands of men, women and children.21 Between 1992 and 1995 Bosnian Serb forces systematically attacked Bosnian Muslim and Croat civilians to create an ethnically pure Republica Srbska, committing many other human rights abuses (such as systematic rape) as well.

There is vigorous debate about why such deliberate targeting of civilians continues over fifty years since the discovery Nazi concentration camps in Eastern Europe and the drafting of the 1949 Geneva Conventions. Samantha Power has argued that such killings occur during armed conflict, and in other circumstances, at least in part because states have an immediate political interest in ignoring the true magnitude and significance of massive human rights abuses to civilians. Recognizing such actions for what they are would require states to commit the necessary political, financial and military resources necessary to stop them. Despite their solemn pledges in a variety of international instruments to do so, Power argues that most states are strongly disinclined to make such commitments in support of anything other than their vital national interests. Hence, the international system works to protect the prerogatives of nation states at the same time as it fails to provide for the physical security of individuals threatened by ethnic cleansing and genocide.22 Others suggest that the rise of ethnic cleansing is a result of the demise of the Cold War. In the absence of a strong hegemonic power to ensure that competing ethno-political groups suppress their differences in support of loyalty to a higher political authority, such groups may seek dominance against each other through forceful means. This is the dynamic which arguably led to ethnic cleansing in Bosnia and Kosovo in the 1990s, and which many fear could lead to ethnic violence against civilians in Iraq after it achieves full independence. Regardless of the reasons underling systematic attacks against civilians
by military forces or organized armed groups, they remain a serious human rights problem for the international community to confront.

Whereas ethnic cleansing and genocide were the most pressing security issues for the 1990s, terrorism is arguably the most significant security issue today. It is also considerably more vexing. The attacks of September 11, 2001 demonstrated that terrorist groups could inflict damage on a civilian populace on the same scale as attacks launched by organized militaries or militias. Furthermore, they re-emphasized the notion that non-state actors, unaccountable under international law, could use force with near impunity in support of their particular political objectives. They do so by inflicting terror in civilian populations through random acts of violence, hoping to force sovereign governments to respond to their demands in exchange for an end to bloodshed. This strategy has been pursued by groups as disparate as the Irish Republican Army against the British government, by HAMAS and the Palestinian Liberation Organization against the Israeli Government, by the “Tamil Tigers” against the Sri Lankan government, and by Al-Qaeda against the United States and its allies. What each of these groups has in common is that their strategy depends on the deliberate violation of the human rights of innocent civilians as a means of achieving their ends.

As with ethnic cleansing, the international community is divided on how to respond to this threat. One example of this division is the failure of the United Nations to develop a commonly acceptable definition of terrorism, let alone an international treaty banning it. Countries such as the United States would prefer a definition that focuses on the illegitimacy of the perpetrator and of the means of attack in addition to the victims. Others, such as Syria, focus on the civilians who are the subject of violence in order to demonstrate that sovereign states in addition to non-state actors can be culpable of acts of terrorism. Furthermore, there is profound disagreement on proper responses to terrorism. In the aftermath of September 11, the government of the United States decided that terrorism could only be stopped through offensive action against terrorist groups, and the states that support them, regardless of where they were. This aggressive approach mirrors and amplifies the strategy employed by other states, such as the Egyptian government against the Muslim Brotherhood. While such measures are enacted to stop terrorist groups from randomly killing and injuring civilians, it has been argued that such aggressive responses can lead to other human rights violations such as
arbitrary detention, suppression of freedom of speech, and extrajudicial killing.

_Human Rights and Insecurity_

One of the most important problems for civilian protections in armed conflict is ambient insecurity. In addition to the organized violence perpetrated by armed groups against each other and against civilians (either purposefully or inadvertently), warfare also brings with it a general breakdown in the norms that ordinarily govern society. This occurs either because strong governments curtail personal freedoms for purposes of national security, or because governments lose some portion of their ability to monopolize violence and enforce the rule of law. As a result, civilians in conflict zones around the world find their human rights violated, often without meaningful recourse either to their national governments or to the international community. This is especially the case regarding the protection of refugees, sexual violence against women, and trafficking of persons.

Refugees are particularly vulnerable to human rights violations both in their countries of origin and in their countries of refuge. By definition, they are people who have left their homes and crossed international borders because of a well-founded fear of persecution. By early 2003, the total number of refugees in the world exceeded 20 million people. Many of these people fled their countries to escape the violence of warfare. Yet when civilians flee war, armed groups who are party to the conflict are often intermixed in the exodus. As Secretary General of the United Nations Kofi Annan has noted:

...[T]he presence of armed elements in refugee camps and internally displaced person settlements has very specific and serious humanitarian consequences. Women and children are particularly vulnerable to serious human rights violations, such as trafficking, forced recruitment, rape and other forms of physical and sexual abuse.... When combatants are intermingled with civilians, Governments sometimes resort to extraordinary measures to address the problem.... Examples of such responses, which have themselves resulted in further threats to civilian security and rights to protection, include regroupement [sic] camps, forced relocation, protected
villages and, in the Middle East, punitive measures directed at civilians. Such actions violate international humanitarian law and human rights law and should be condemned.24

Such abuses occur not only to refugees but also to civilians still living within the borders of their home countries. In northern Uganda, for example, elements of the Lord's Resistance Army (LRA), which is fighting an insurgency against the central government, have abducted children for use as armed fighters and as sex slaves.25 Similarly, in the Darfur region of western Sudan, government-backed militias have been implicated in the systematic rape, torture, forced migration and killing of civilians. Over 10,000 people have been killed in this region since February 2003 and over one million people internally displaced.26 Finally, in Afghanistan, women have been harassed, forced to wear the burqa and prevented from seeking education and healthcare. This is particularly true in the south and southeast of the country where the authority of the central government is weak and hostilities continue between resurgent Taliban forces and coalition/Afghan National Army troops.27

Human rights abuses such as these abound in virtually every armed conflict around the world. The international community increasingly recognizes the scope and complexity of such problems as fundamental threats to human security. Yet in the absence of credible government or international authority acting in accordance with international humanitarian and human rights standards, such abuses will inevitably continue.

4. Way Forward

The problem of human rights protection in armed conflict is both complex and urgent. Millions of people suffer abuses in the context of warfare every year. Just as the problem is complex, so is the solution. There are at least three major elements to improving the protection of human rights in armed conflict.

First, it is vital that all actors in the international community accept and reaffirm the standards of conduct in warfare stated in IHL treaties in order to make such norms universal. While the 1949 Geneva Conventions have been widely ratified and their
provisions have achieved the force of customary international law, the same cannot be said for the provisions of the 1977 Additional Protocols, which contain even stricter standards for the protection of civilians. This need for universality of norms in the conduct of warfare is made all the more urgent by two trends: the entrance of non-state actors on the battlefield and the transformation of modern warfare. The international community must find ways to hold non-state actors like the LRA in Uganda or the RUF in Sierra Leone accountable for their actions on the battlefield so that they have an incentive to refrain from deliberate attacks or careless violence directed at civilians. In addition, the resurgence of attacks on civilians as a method of warfare and the use of civilian populations as shields against advanced military forces requires not only renewed commitment to existing norms, but perhaps even new international norms to cope with these emerging trends.

Second, states must develop the tactical capacity to wage war in a manner that protects civilians as they engage the enemy. The United States has achieved great success in this area regarding air warfare. Yet it, and most other countries, have substantial room for improvement in land warfare. The development of non-lethal and less-than-lethal weaponry may hold great potential in this area, as does the development of infantry tactics for more humane fighting in urban areas. States may prove more willing to invest in such weapons and tactics as they come to recognize the strategic value of protecting civilians in armed conflict above and beyond the inherent humanitarian value.

Finally, the international community must take more active steps to ensure ambient security in conflict and post-conflict areas in order to prevent human rights abuses that can run rife in such situations. This can happen largely in two ways. First, the UN Security Council, recognizing threats to the human rights of civilians as a threat to international peace and security, can authorize additional peacekeeping missions to protect civilians as necessary. Second, national governments can expend additional resources to ensure a secure environment in areas of conflict and thus protect civilians from abuses associated with lawlessness.

All of these solutions will require additional political commitment to the promotion and protection of human rights on behalf of states, both individually and collectively. Yet it is essential that such steps be taken if the promises of human rights
are to have any true meaning in both peace and war.

Notes

3 Ibid.
6 Ibid.
8 APII is applicable to movements of national liberation that are not yet recognized as sovereign governments but are nonetheless presumed to be the functional equivalent as they organize themselves to conduct warfare against the forces of an existing sovereign state.
9 Espiell, p. 353.
15 In Kosovo, allied forces attacked electrical distribution facilities in such a way that temporarily disrupted the electrical supply for a matter of hours but allowed it to be restored in relatively short order, thus avoiding substantial civilian harm.
For example, upon declaring an end to major combat operations in Iraq, U.S. President George W. Bush stated, “Operation Iraqi Freedom was carried out with a combination of precision and speed and boldness the enemy did not expect, and the world had not seen before…. Today, we have the greater power to free a nation by breaking a dangerous and aggressive regime. With new tactics and precision weapons, we can achieve military objectives without directing violence against civilians. No device of man can remove the tragedy from war; yet it is a great moral advance when the guilty have far more to fear from war than the innocent.” “President Bush Announces Major Combat Operations in Iraq Have Ended.” Remarks by the President from the USS Abraham Lincoln At Sea Off the Coast of San Diego, California, May 1, 2003. <http://www.whitehouse.gov/news/releases/2003/05/iraq/20030501-15.html>, accessed May 17, 2004.


Though APII recognizes that guerilla forces supporting a liberation movement (i.e., not a sovereign government) can be legitimate combatants, it nonetheless assumes that it will conduct violence against the armed forces of sovereign states and imposes certain obligations on them for protecting noncombatants.


