

OPINION

The Crumbling Islamic State: The Violations of Humanitarian Law

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In simultaneous, if not necessarily coordinated operations, there are attacks against the forces of the Islamic State (ISIS or Daech in its Arabic abbreviation) in Syria and Iraq. ISIS had abolished in practice the frontier between Iraq and Syria, which had been created in 1916 by the agreement of Sir Mark Sykes for the UK and Francois Georges-Picot for France. Particular attention must be paid to the current battle for Fallujah and reports of mass violations of the laws of war.

When the Allied forces landed in North Africa in 1942, Winston Churchill was asked if this was the beginning of the end of the Axis. He replied to the effect that it was perhaps not the beginning of the end,

but it was certainly the end of the beginning of the Second World War. Current events, however, may be the beginning of the end of ISIS but not of its capacity for violence and continuing violations of humanitarian law.

The United Nations Secretariat has raised an alarm concerning the fate of some 400 Iraqi families held by the ISIS forces for possible use as “human shields” in the battle for the city of Fallujah, held by ISIS since January 2014. The use of civilians as “human shields” is a violation of the laws of war set out in the Geneva Conventions. ISIS leaders have been repeatedly warned by the International Committee of the Red Cross, which, by treaty, is responsible for the respect and application of the Geneva Conventions.

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In addition to the some 400 families who have been rounded up and are being held as a group in the center of Fallujah, there are a large number of children -UNICEF estimates 20,000 -trapped in the city and who may be used in military ways, either to fight or as suicide bombers.

The danger from the disintegrating ISIS is that there are no longer the few restraints that existed among some of the ISIS leadership for the laws of war. As Iraqi troops have drawn closer to Fallujah, they have found mass graves with both soldiers and civilians killed. One of the fundamental aspects of the laws of war is the protection of prisoners of war. Once a person is no longer able to combat, he must be treated as a prisoner and no longer a combatant. Not killing a prisoner is a core value of humanitarian law, and ISIS has deliberately violated this norm.

However, ISIS may not be alone in the systematic violation of the laws of war. The NGO Human Rights Watch has reported that it has received credible allegations from the areas around Fallujah of summary executions, enforced disappearances and mutilations of corpses by Iraqi government forces

or militias such as the Popular Mobilization Forces supported by the Iraqi government.

There is a real danger that, as the Islamic State disintegrates and no longer controls territory, it will increase terrorist actions and deliberate violations of the laws of war. The Association of World Citizens has stressed that the laws of war have become part of world law and are binding upon States and non-State actors even if they have not signed the Geneva Conventions and the 1977 Additional Protocols.

World law does not destroy violence unless it is bound up with an organized, stable and relatively just society. No society can be stable unless it is broadly based in which all sectors of the population are involved. Such stability does not exist in either Syria or Iraq. However, repeated violations of the laws of war will increase the divide among groups and communities. Only by a wide public outcry in defense of humanitarian law can this danger be reduced. These grave violations by ISIS and others must be protested by as wide a coalition of concerned voices as possible. The time for action is now. ■