

Glossary

Terms used in EHL





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Exploring Humanitarian Law

Glossary



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Most of the terms in the glossary retain their usual meaning. However, some terms have a particular meaning, depending on their specific usage *'in the EHL programme,' 'in IHL,' 'with respect to the work of the ICRC,' or 'in humanitarian work.'*

Terms used in definitions are **bold** if they appear as separate glossary entries.

Additional Protocol I

A treaty adopted in 1977 that supplements the protection provided by the **four Geneva Conventions** and is applicable in **international armed conflicts**. It imposes additional constraints on the way in which military operations may be conducted and further strengthens the protection for **civilians**.

Additional Protocol II

A treaty adopted in 1977 that supplements the protection provided by the **four Geneva Conventions** and is applicable in **non-international armed conflicts** of higher intensity than the situations covered by **Article 3 common to the four Geneva Conventions**. Additional Protocol II covers non-international armed conflicts that take place on the territory of a State between the armed forces of that State and dissident armed forces or organized armed groups that operate under responsible command and that control part of the State's territory, with the ability to conduct sustained and concerted military operations.

Additional Protocol III

A treaty adopted in 2005 that supplements the protection provided by the **four Geneva Conventions** by establishing a new emblem: the red crystal. This new emblem, like the red cross and the red crescent, is a symbol of the protection granted to the medical and religious services of armed forces and to the components of the **International Red Cross and Red Crescent Movement**.

anti-personnel landmine

A mine designed to be set off by the presence, proximity or contact of a person and that is capable of incapacitating, injuring or killing one or more persons. (Mines designed to be detonated by the presence, proximity or contact of a vehicle instead of a person, and that are equipped with anti-handling devices, are not considered to be anti-personnel mines.)

apartheid

An Afrikaans word that means 'apartness'; it is the name given to the system of racial discrimination which enabled a white minority in South Africa to rule over the non-white majority.

armed conflict

An armed conflict is said to exist when there is an armed confrontation between the armed forces of States (**international armed conflict**) or between governmental authorities and organized **armed groups** or between such groups within a State (**non-international armed conflict**). Other **situations of violence**, such as **internal disturbances and tensions** are not considered to be armed conflicts.

armed group

In the EHL programme, this term refers to a group of people with an organized power structure who bear arms and engage in hostilities as a **non-State actor** bound by **IHL**; dissident members of a State's armed forces may also be considered to form an armed group.

Article 3 common to the four Geneva Conventions (common Article 3)

A provision that appears in each of the **four Geneva Conventions**, it applies to **non-international armed conflicts**. A "Convention in miniature," the Article contains a set of fundamental IHL rules that aim to protect persons who are not, or who are no longer, taking an active part in hostilities. It also includes an explicit reference to the right of an impartial humanitarian body, such as the **ICRC**, to offer its services to the parties to a conflict. The rules contained in **common Article 3** are considered to be **customary IHL** and represent a minimum standard from which belligerents should never depart.



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bystander (non-legal)

In the EHL programme, a bystander is a person who is aware of an incident, without being involved, where the lives or **human dignity** of others is in danger.

chain of consequences (non-legal)

A series of events; each event in the series causes, or affects, the next.

child

As defined in the 1989 United Nations Convention on the Rights of the Child, a child is a person “below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier.”

child soldier

In the EHL programme, this term refers to a child who has been recruited or used by an armed force or **armed group** in any capacity. This includes children who have been used as **fighters**, cooks, porters, messengers, spies or for sexual purposes. It does not refer only to children who take a direct part in fighting.

civilian

Any person who is not a **combatant**. When civilians take a direct part in fighting, they lose their protection from attack. (When there is any doubt about a person’s status, he or she shall be considered to be a civilian.)

civilian object

Any object that is not a **military objective**. When a civilian object is used in support of military action, it loses its protection and becomes a **legitimate military target**. (When there is any doubt about whether a civilian object is in fact being used in support of military action, it shall be considered to be a civilian object.)

cluster munition (including ‘cluster bomb’)

A canister that is dropped from an aircraft or fired from artillery, and which, at a pre-set altitude or after a specific time delay, opens and ejects many dozens or hundreds of submunitions (‘bomblets’) into the air; the ‘bomblets’ are usually designed to explode when they hit the ground.

code (non-legal)

In the EHL programme, this term refers to a set of written rules.

collateral damage

The incidental damage, loss or injury that is caused to **civilians** and **civilian objects** in the course of an attack against a **legitimate military target** despite the taking of all necessary precautions to prevent or to minimize such damage, loss or injury.

combatant

In the EHL programme, for the sake of simplicity, the term ‘combatant’ is used in the generic sense, and interchangeably with the terms ‘**soldier**’ and ‘**fighter**,’ to mean a member of armed forces or of an **armed group** under the orders of a party to the conflict.

In **IHL**, the term ‘combatant’ in **international armed conflicts** refers to members of the armed forces of a party to the conflict (except medical and religious personnel) who are entitled to take a direct part in hostilities. Combatants are obliged to distinguish themselves from **civilians** and to respect **IHL**. If combatants fall into the hands of their adversary, they are considered to be **prisoners of war**.

command responsibility

The principle of hierarchical accountability for cases involving the commission of **war crimes** whereby a person in a superior position can be held responsible not only for the crimes he or she ordered, but also for failing to prevent or punish the actions, or the inaction, of his or her subordinates.

common Article 3

See ‘**Article 3 common to the four Geneva Conventions**.’

confidentiality (non-legal)

A standard working procedure of the **ICRC**, used in its relationships with both State and **non-State actors**. The ICRC engages in bilateral confidential dialogue to ensure its access to people affected by **armed conflicts** or other **situations of violence** and its ability to undertake activities on their behalf. The ICRC may decide to speak out publicly against violations of **IHL** when confidential representations have failed to put an end to them, but only as a last resort.



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consequence (non-legal)

A condition resulting from an action or from a behaviour of a certain kind.

crime of aggression

In international law, 'aggression' is defined as the use of force by one State against another in violation of the provisions of the Charter of the United Nations. States are currently working on criminalizing similar acts committed by individuals and coming to an agreement on the definition of a 'crime of aggression' in this respect. When an agreement is reached, the **International Criminal Court** will have jurisdiction over this crime in addition to **genocide, crimes against humanity** and **war crimes**.

crimes against humanity

As defined in the **Rome Statute** of the **International Criminal Court**, the term refers to certain acts "committed as part of a widespread or systematic attack directed against any **civilian** population, with knowledge of the attack." The criminalized acts include murder, enslavement, deportation, imprisonment, torture, various acts of grave sexual violence, persecution of any identifiable group or collection of individuals, enforced disappearance, and **apartheid**. Crimes against humanity are considered to be crimes under international law whether they take place in times of peace or during war.

crimes against peace

As defined in the Nuremberg Charter of the International Military Tribunal of 1945, the term refers to the "planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties." Participation in a common plan or conspiracy for the accomplishment of of these acts is also considered as crimes against peace.

custom (non-legal)

Unwritten rule; generally accepted or established practice.

customary IHL

See '**customary international humanitarian law**'

customary international humanitarian law (customary IHL)

General practice accepted as law; such practice can be found in formal statements by States and in official accounts of military operations but it is also reflected in military manuals, national legislation and case law.

displaced person

See '**refugee**' and '**internally displaced persons**'

distinction

See '**principle of distinction**'

emergency (non-legal)

In humanitarian work, a situation in which it is necessary to meet the pressing needs of people who have been put at risk either by a natural or technological disaster or by **armed conflict**.

enforcement

A variety of means to ensure that international legal norms are properly implemented at the national level. They commonly take the form of monitoring mechanisms and coercive measures such as penal or disciplinary sanctions.

ethical dilemma (non-legal)

A situation in which the pursuit of one worthy goal conflicts with another or does harm as well as good.

explosive remnants of war

A wide range of unexploded or abandoned explosive munitions left behind in an area after the fighting has ended, such as artillery and mortar shells, grenades, **cluster munitions**, bombs, rockets and missiles.

fighter (non-legal)

In the EHL programme, for the sake of simplicity, this term – synonymous with '**combatant**' and '**soldier**' - refers to a member of the armed forces or of an **armed group** under the orders of a party to the conflict.

IHL does not provide a definition for 'fighter,' but in the texts of the Commentaries to the **four Geneva Conventions** and related literature it is used as a generic term to describe someone who is a member of an organized non-State armed group. **Civilians** may also be considered to be fighters for the time during which they take a direct part in hostilities.



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four Geneva Conventions

Four treaties adopted in Geneva in 1949, which form the basis of modern **IHL** and are universally accepted. As of 2006, they had been acceded to by every State in the world. The four Geneva Conventions provide protection for different categories of people during **armed conflict**: the wounded and sick of the armed forces in the field (First Geneva Convention), the wounded, sick and shipwrecked of the armed forces at sea (Second Geneva Convention), **prisoners of war** (Third Geneva Convention), and the **civilian** population (Fourth Geneva Convention).

genocide

A term fashioned from the Greek word *genos*, meaning race or tribe, and the Latin word for killing, *cidium*; the provisions of the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide and the **Rome Statute** of the **International Criminal Court** define genocide as those acts “committed *with intent to destroy, in whole or in part, a national, ethnical, racial or religious group.*” The criminalized acts include killing of or causing serious bodily or mental harm to members of one of these groups, deliberately imposing on the group conditions of life aimed at its physical destruction, and forcibly transferring children in the group to another group. Genocide is considered to be a crime under international law whether it is carried out in times of peace or during war.

grave breaches of IHL

The most flagrant violations of the **four Geneva Conventions** and of **Additional Protocol I**, committed in relation to an **international armed conflict** against certain categories of person (wounded, sick or shipwrecked **combatants**, **prisoners of war**, **civilians** who find themselves in the hands of a foreign State). Grave breaches are regarded as **war crimes**. The four Geneva Conventions and Additional Protocol I list the acts that are considered to be grave breaches: wilful killing, torture or inhuman treatment, wilfully causing great injury, causing serious injury to body or health, unlawful deportation or transfer and taking hostages.

hors de combat

A term whose literal meaning is “out of the fight”; it describes **combatants** who have been captured or wounded or who are sick or shipwrecked, or who have laid down their arms or surrendered, and thus are no longer in a position to fight.

human dignity (non-legal)

The true human worth of a person; a universal definition applicable to all peoples and without regard to race, colour, sex, language, nationality, religious beliefs, political or other opinions, property, birth, ethnic or social origins, or any other considerations.

human rights law

A set of international rules, established by treaty and custom, whose purpose is to protect the lives and **human dignity** of individuals from the arbitrary behaviour of governments. Human rights law applies to everyone at all times and in all circumstances.

humanitarian act (non-legal)

In the EHL programme, a humanitarian act is an act that is performed by a person to protect the life or **human dignity** of someone whom he or she may not know or would not ordinarily be inclined to help or protect; a humanitarian act is likely to involve personal risk or loss.

ICC

See ‘**International Criminal Court**.’

ICJ

See ‘**International Court of Justice**.’

ICRC

See ‘**International Committee of the Red Cross**.’

ICTR

See ‘**International Criminal Tribunal for Rwanda**.’

ICTY

See ‘**International Criminal Tribunal for the former Yugoslavia**.’

IHL

See ‘**international humanitarian law**.’



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immunity

A privilege enjoyed by certain persons (e.g. diplomats, parliamentarians, members of a government, heads of state or of government) enabling them to exercise their functions without fear of legal proceedings being brought against them.

impartiality (non-legal)

With respect to the work of the ICRC, it means not discriminating among people on the grounds of their nationality, race, gender, religious beliefs, social class or political opinions. The work of the ICRC is guided solely by the needs of the individual, with priority being given to the most urgent cases.

implementation

The act of giving practical effect to and ensuring respect for and fulfilment of international legal norms through concrete measures, such as the adoption of national laws and regulations or the establishment of structures and administrative arrangements.

independence (non-legal)

With respect to the work of the ICRC, the term means resistance to any pressure from outsiders – whether they are donors, international bodies, governments or **armed groups** – that would affect the ICRC's ability to respond effectively to humanitarian needs, in accordance with its fundamental principles.

indiscriminate attacks

Attacks that do not target specific **military objectives** or whose effects cannot be limited as required by **IHL** (owing to the **means and methods of warfare** employed) and, as a result, strike military objectives and **civilians** or **civilian objects** without **distinction**.

indiscriminate weapons

Those weapons that are incapable of distinguishing between **civilians** and military targets for either or both of the following reasons:

- they cannot be directed at a specific **military objective**;
- their effects cannot be contained.

internal conflict

See '**non-international armed conflict**'.

internal disturbances

See '**situations of internal violence**'.

internal tensions

See '**situations of internal violence**'.

internally displaced persons

The 1998 United Nations Guiding Principles on Internal Displacement define internally displaced persons as "people who have been forced to move from their home or place of habitual residence because of war or a situation of generalized violence, persecution, violations of human rights or natural or human-made disasters, and who [unlike '**refugees**'] have not crossed an internationally recognized State border."

international armed conflict

An international armed conflict is said to exist when armed force is used by at least two States against each other even if one of the States does not recognize that it is at war. A state of **occupation** or a **war of national liberation** also constitutes an **international armed conflict**.

International Committee of the Red Cross (ICRC)

An impartial, neutral and independent organization whose exclusively humanitarian mission is to protect the lives and the **human dignity** of victims of wars and other **situations of violence** and to provide them with assistance. The ICRC directs and coordinates international relief activities in situations of **armed conflict**. It also endeavours to prevent suffering by promoting and strengthening **IHL** and universal humanitarian principles.

International Court of Justice (ICJ)

The principal judicial organ of the United Nations with jurisdiction over disputes between member States.

International Criminal Court (ICC)

A permanent court established by a treaty adopted in 1998 in Rome to prosecute persons accused of committing **genocide**, **crimes against humanity**, **war crimes** and acts of aggression. The ICC has no primacy over national courts, but it complements their work when they are unable or unwilling to investigate or prosecute those responsible for the crimes under their jurisdiction. The authority of the ICC is not limited to specific situations.



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International Criminal Tribunal for the former Yugoslavia (ICTY)

A court established by the United Nations in 1993 to prosecute persons accused of committing **war crimes, genocide** and **crimes against humanity** in the territory of the former Yugoslavia since 1991. The ICTY has primacy over national courts.

International Criminal Tribunal for Rwanda (ICTR)

A court established by the United Nations in 1995 to prosecute persons accused of committing **genocide, crimes against humanity** and **war crimes** in the territory of Rwanda and by Rwandese in neighbouring States in 1994. The ICTR has primacy over national courts.

international humanitarian law (IHL)

A body of international law that consists of treaty and customary rules that seek, in times of **armed conflict**, to limit the suffering caused by war by protecting persons who are not, or who are no longer, taking part in hostilities and by restricting the **methods** and the **means of warfare** that may be employed (also known as the 'law of war', the 'law of armed conflict', or ***jus in bello***).

International Red Cross and Red Crescent Movement (Movement) – (non-legal)

An international humanitarian movement whose mission is to protect life and **human dignity**, and to prevent and alleviate suffering without any discrimination on the basis of sex, nationality, race, religion, class or political affiliation. The Movement is made up of the **International Committee of the Red Cross**, the International Federation of Red Cross and Red Crescent Societies, and National Red Cross and Red Crescent Societies.

jus ad bellum

A term whose literal meaning is "law on resort to war"; it refers to the legal circumstances, regulated by the provisions of the Charter of the United Nations, under which one State may use force against another.

jus in bello

A term whose literal meaning is "law in war"; it is also known as '**international humanitarian law**.'

legitimate military target

A person or object not entitled to protection under **IHL** that may lawfully be attacked; this may include a **combatant**, and a **civilian** who takes a direct part in hostilities as well as a place or object that qualifies as a **military objective**.

levée en masse

Civilians who spontaneously take up arms to resist invading forces.

Martens Clause

A fundamental principle of **IHL** dating back to 1899 that states that even in cases not covered by the written rules of international law, **civilians** and **combatants** remain under the protection and authority of the principles of international law derived from established **custom**, from the principles of humanity and from the dictates of public conscience.

means of warfare

The 'tools' of war; weapons and ammunition.

mercenary

A person who fights for any country or group that pays for his or her services.

IHL defines the term more narrowly, as a person who is specially recruited to fight in an **armed conflict**, and who takes a direct part in the hostilities and is motivated to do so essentially by the desire for private gain. A mercenary is not affiliated by nationality to a party to the conflict; nor is he or she a resident of territory controlled by a party to the conflict. To be considered a mercenary a person must not be a member of the armed forces of a party to the conflict; nor must he or she have been sent on official duty, by a State that is not a party to the conflict, as a member of its armed forces.

methods of warfare

Tactics and strategies applied in military operations to weaken or vanquish an adversary.



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military necessity

A principle of **IHL** requiring belligerents to use only as much force as is needed to defeat their adversaries militarily, and not to harm **civilians** or **civilian objects** to a degree that is excessive in relation to the concrete and direct military advantage that is anticipated.

military objective

An object that by its nature, location, purpose or use makes an effective contribution to military action and whose total or partial destruction offers a definite military advantage.

militia

A military force, composed of ordinary citizens who are not usually paid and do not serve a fixed term, that may or may not be linked to a State (although it is not part of a State's armed forces).

missing person (non-legal)

A person whose whereabouts are unknown to his or her family and/or who, on the basis of reliable information, has been reported missing in connection with an **armed conflict**, or other **situation of violence** or any other situation that may require the intervention of a neutral and independent intermediary.

Movement

See '**International Red Cross and Red Crescent Movement**.'

neutrality (non-legal)

With respect to the work of the ICRC, it means not taking sides in **armed conflicts** or **other situations of violence** or in controversies of a political, racial, religious or ideological nature, in order to secure the confidence of all parties.

non-combatant

A **civilian**, or a **combatant** who is *hors de combat*.

non-international armed conflict

The use of armed force between governmental authorities and organized **armed groups** or between such groups within a State.

Situations of **non-international armed conflict** are regulated by **common Article 3** and by **Additional Protocol II**.

non-State actors

Organized groups, whether armed or not, operating without State control. This category may include members of dissident armed forces, rebel opposition groups, non-State militias, private military or security companies, non-governmental organizations and multinational companies.

occupation

The exercise of effective control by hostile foreign armed forces over a certain territory, regardless of the absence of armed resistance and of fighting. **IHL** provides a range of rules to ensure that the occupying power respects and protects the population and property within the occupied territory.

Ottawa Treaty / Ottawa Convention

An international agreement signed in Ottawa, Canada, in 1997, comprehensively banning the development, production, stockpiling, transfer and use of **anti-personnel mines**, and requiring their destruction ("Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction").

outlaw (non-legal)

To declare illegal, to ban.

perfidy

Misleading an adversary by falsely claiming protection under **IHL**, and doing so with every intention of betraying the protection so acquired. The following are instances of perfidy: pretending to negotiate under a flag of truce, feigning incapacitation through injury or sickness, laying claim falsely to **civilian** or **combatant** status or to protection by using the signs, emblems or uniforms of the United Nations, of neutral organizations like the **ICRC**, or of neutral or other States not party to the conflict. Under IHL, resorting to such acts in order to kill, injure or capture an adversary is prohibited.



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persecution (non-legal)

The persistent mistreatment of an individual or group by another group; the most common forms are religious persecution, ethnic persecution, racial persecution and political persecution, though there is naturally some overlap between these terms.

principle of distinction

A rule of **IHL** requiring the parties to a conflict to always distinguish between **civilians** and **combatants** and between **civilian objects** and **military objectives** when planning or carrying out an attack.

principle of proportionality

A rule of **IHL** that requires that the expected **civilian** deaths, injuries to civilians and damage to **civilian objects** incidental to an attack on a **military objective** must not be excessive compared to the military advantage anticipated from that attack.

prisoner of war

A term in **IHL** to describe in an **international armed conflict** a **combatant**, or a person of equivalent legal status, who has fallen into the hands of an adverse party. Among the persons whose status is equivalent to that of combatants are war correspondents, supply contractors, merchant marines and the crews of civil aircraft. In case of doubt, any captured person who has taken part in hostilities is presumed to be a **prisoner of war**. A prisoner of war is entitled to special protection under the Third Geneva Convention.

proportionality

See '**principle of proportionality**.'

public emergency

A situation that threatens the life of a State; an exceptional crisis or emergency that affects the whole population and constitutes a threat to the organized life of the communities of which the State is composed.

racial segregation (non-legal)

The practice of restricting people to certain limited areas of residence or to separate institutions (e.g. schools, churches) and facilities (e.g. parks, playgrounds, restaurants) on the basis of their racial origins or of their alleged racial origins.

refugee

The 1951 United Nations Convention on the Status of Refugees and its Protocol of 1967 define a refugee as a person who, owing to a well-founded fear of persecution (because of his or her race, religion, nationality, membership of a particular social group or political opinion) or as a result of war or a situation of generalized violence is outside of his or her country of nationality or habitual residence.

ripple effect (non-legal)

The idea that a single action or deed can have wider **consequences**, just as a stone thrown into water can create an expanding circle of ripples.

Rome Statute

A treaty adopted in 1998 in Rome that established the **International Criminal Court**.

rule (non-legal)

Normative example that governs behaviour.

serious violations of IHL

In addition to **grave breaches of IHL**, those violations of treaty law or **customary IHL** that have grave **consequences** for victims; they breach rules protecting important values. Serious violations of **IHL** in both **international** and **non-international armed conflicts** are considered to be **war crimes**.

sexual violence

Any act of violence of a sexual nature (physical or psychological) that is committed against a person under coercive circumstances in times of peace and war alike.



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situations of internal violence

Serious disruptions of internal order, characterized by riots or isolated and sporadic acts of violence through which individuals or groups of individuals openly express their opposition, discontent or demands (**internal disturbances**). Also, the term covers situations of **internal tension** in which, even in the absence of any acts of violence, the State resorts to practices such as mass arrests of opponents and the suspension of certain human rights, often with the intention of preventing the situation from deteriorating into one that would qualify as internal disturbances.

Situations of internal violence do not constitute **armed conflict**.

situations of violence

See '**situations of internal violence**'.

social pressure (non-legal)

The influence exerted by family, friends or other people that causes an individual to behave in a particular manner.

soldier (non-legal)

In the *EHL programme*, for the sake of simplicity, this term, synonymous with '**combatant**' and '**fighter**', refers to a member of armed forces or of an **armed group** under the orders of a party to the conflict.

IHL does not use the term '**soldier**', which in common parlance refers to a member of the armed forces of a State.

tracing (non-legal)

The process of locating and identifying persons who may have become separated from their military unit ('missing in action') or from their family as a result of an **armed conflict** or other **situation of violence**.

transitional justice (non-legal)

A variety of mechanisms to promote justice, peace and reconciliation in response to violations of **IHL** and to **human rights law**.

underground (non-legal)

A secret group organized to overthrow a government or an occupying force.

universal jurisdiction

A principle of international criminal law that serves as a basis for States to bring criminal proceedings for **war crimes** irrespective of where they took place and of the nationalities of the perpetrators or the victims.

unnecessary suffering and superfluous injury

The pain, suffering or injury inflicted on a **combatant** that does not serve a military purpose.

war crime

The term encompasses **grave breaches of IHL** and other **serious violations of IHL** committed in both **international and non-international armed conflicts**. War crimes include deliberate attacks against **civilians**, pillage, rape, sexual slavery, enforced prostitution, forced pregnancy and the use of children under the age of 15 for active participation in hostilities.

war of national liberation

An **armed conflict** in which a people are fighting against a colonial power, an alien **occupation** or a racist regime. Under **IHL**, a war of national liberation is considered to be an **international armed conflict**.



Notes



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