

GLOSSARY

IHL FOR MEDIA PROFESSIONALS



ICRC

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IHL for Media professionals
Glossary of key terms

International Humanitarian Law

GLOSSARY OF KEY TERMS

Additional Protocols to the Geneva Conventions

<https://www.icrc.org/casebook/doc/glossary/additional-protocols-glossary.htm>

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 of 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 an additional emblem: the red crystal. This additional 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.

amnesty

A measure of clemency that the authorities in power are invited by the law of armed conflict to grant as widely as possible at the end of hostilities in a [non-international armed conflict](#) to persons who participated in the conflict or are detained or interned for reasons related thereto.

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.

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

A provision that appears in each of the four Geneva Conventions and 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.

bacteriological (biological) weapons

Weapons that use harmful insects or other living or dead organisms or their toxic products to inflict diseases and pathological changes on human beings and animals. They can also destroy or damage crops. The use, manufacture or stockpiling of bacteriological (biological) weapons is prohibited.

chemical weapons

Weapons which cause injuries of various kinds and degrees to man and beast by the use of the asphyxiating, toxic, irritant, paralysing, growth-regulating, anti-lubricating or catalytic properties of a solid, liquid or gaseous chemical. Chemical weapons may also pollute food, beverages and materials. Their use, manufacture and stockpiling are prohibited.

civilian

Civilian means, in an international armed conflict, any person who does not belong to the State [armed forces](#) and does not take part in a [levée en masse](#). In case of doubt whether a person is a civilian or not, that person must be considered to be a civilian. Civilian means, in a non-international armed conflict, all persons who are neither members of state armed forces nor members of an [organized armed group](#).

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 sub-munitions ('bomblets') into the air; the 'bomblets' are usually designed to explode when they hit the ground.

combatant

In IHL, the term 'combatant' in international armed conflicts refers to those persons with a right to directly participate in hostilities between States. Combatants are mainly 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 entitled to the prisoners of war status.

crimes against humanity

The legal definition of crimes against humanity, as they are understood today, can be found in the International Criminal Court (ICC) Statute. A crime against humanity is one of the acts listed below when committed "as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack": murder; extermination; enslavement; deportation; persecution on political, racial, national, ethnic, cultural, religious, gender or other grounds; apartheid; arbitrary imprisonment; torture; rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization or any other form of sexual violence; enforced disappearance of persons; or other inhumane acts intentionally causing great suffering or serious injury to the body or to mental or physical health.

customary international humanitarian law

Customary international humanitarian law is a set of unwritten rules derived from a general, or common, practice which is acknowledged as law. It is the basic standard of conduct in armed conflict accepted by the world community. Customary international humanitarian law is applicable universally – independently of the application of treaty law – and is based on extensive and virtually uniform State practice regarded as law.

<https://www.icrc.org/eng/resources/documents/interview/2014/07-29-customary-international-humanitarian-law-cihl.htm>

direct participation in hostilities

In international humanitarian law the concept of "direct participation in hostilities" refers to conduct which, if carried out by a civilian, suspends his protection against the dangers arising from military operations. Most notably, for the duration of his direct participation in hostilities, a civilian may be directly attacked as if he were a combatant.

International humanitarian law does not define direct participation. The ICRC issued an [Interpretive Guidance](#) which provides recommendations concerning the interpretation of international humanitarian law as it relates to the concept of direct participation.

displaced person

Also called "internally displaced person" (IDP). International law has strictly defined the term "[refugee](#)", but not the term "displaced person". The latter is usually applied to persons fleeing from their homes because of an [armed conflict, other situations of violence](#) or natural disaster, but without crossing the border of the State in which they are resident.

distinction (principle of)

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.

embedded journalist

"Embedded journalist" is a modern term that is used to refer to journalists accompanying armed forces. The term does not occur in any provision of international humanitarian law and, so far, has not been defined. It is safe to say that war correspondents are commonly, although not necessarily, equated with so-called "embedded journalists." But embedded journalists are not considered war correspondents unless they are officially authorized by the relevant armed force to accompany them (see war correspondents).

enforced disappearances

According to the International Convention for the Protection of All Persons from Enforced Disappearance, "enforced disappearance" is considered to be the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.

explosive remnants of war

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.

fair trial

Trial affording all essential judicial guarantees, such as trial by an independent, impartial and regularly constituted court, presumption of innocence, information on the nature and cause of the accusation.

forced displacement

Displacement of the civilian population, for reasons related to the conflict, unless the security of the civilians involved or imperative military reasons so demand.

Geneva Conventions of 1949

Four treaties which form the basis of modern IHL and are universally ratified. 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 crime that may take the form of the following acts, whether committed in time of peace or in time of war, with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group:

- a. killing members of the group;
- b. causing serious bodily or mental harm to members of the group;
- c. deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- d. imposing measures intended to prevent births within the group;
- e. forcibly transferring children of the group to another group.

Genocide includes conspiracy to commit genocide, direct and public incitement to commit genocide, attempts to commit genocide and complicity in genocide. If committed in time of war genocide is a [war crime](#). It is not considered as a political crime for the purpose of extradition.

grave breaches of international humanitarian law

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, etc.

hors de combat persons

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. A [combatant](#) is hors de combat if:

- a. he is in the power of an adverse party;
- b. he clearly expresses an intention to [surrender](#); or

c. he has been rendered unconscious or is otherwise incapacitated by wounds or sickness, and is therefore incapable of defending himself.

Provided that in any of these cases he abstains from any hostile act and does not attempt to [escape](#), he may not be made the object of [attack](#).

A fundamental rule of international humanitarian law is that persons who are *hors de combat* must not be attacked and must be treated humanely.

hostage-taking

The seizure or detention of a person (the hostage), combined with threatening to kill, to injure or to continue to detain the hostage, in order to compel a third party to do or to abstain from doing any act as an explicit or implicit condition for the release of the hostage.

human shield

“Human shield” is not defined in international humanitarian law. However it is prohibited to use civilians to shield military objectives from attack.

human rights law (see international human rights law)

humane treatment

Fundamental principle underlying the four Geneva Conventions according to which human beings are treated with respect for their inherent dignity.

incendiary weapons

Weapons or munitions primarily designed to set fire to objects or to cause burn injury to persons through the action of flames, heat, or a combination thereof, produced by the chemical reaction of a substance delivered on the target. Incendiary weapons can take the form of flamethrowers, fougasses, shells, rockets, grenades, mines bombs and other containers of incendiary substances (e.g., napalm, phosphorous).

indiscriminate attacks

Indiscriminate attacks are prohibited. Indiscriminate attacks are: (a) those which are not directed at a specific military objective; (b) those which employ a method or means of combat which cannot be directed at a specific military objective; or (c) those which employ a method or means of combat the effects of which cannot be limited as required by IHL; and consequently, in each such case, are of a nature to strike military objectives and civilians or civilian objects without distinction.

Among others, the following types of attacks are to be considered as indiscriminate: (a) an attack by bombardment by any methods or means which treats as a single military objective a number of

clearly separated and distinct military objectives located in a city, town, village or other area containing a similar concentration of civilians or civilian objects; and

(b) an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.

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 disturbances and internal tensions

There are internal disturbances, without being an armed conflict, when the State uses armed force to maintain order; there are internal tensions, without being internal disturbances, when force is used as a preventive measure to maintain respect for law and order.

International Committee of the Red Cross

An impartial, neutral and independent organization whose exclusively humanitarian mission is to protect the lives and dignity of victims of armed conflicts and other situations of violence and to provide them with assistance. [The ICRC](#) also endeavours to prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles. Established in 1863, the ICRC is at the origin of the Geneva Conventions and the International Red Cross and Red Crescent Movement. The ICRC directs and coordinates the international activities conducted by the Movement in armed conflicts and other situations of violence.

International Criminal Court (ICC)

A permanent international criminal 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.

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 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 humanitarian law

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 human rights law

A set of international rules, established by treaty and custom, of which 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.

International Red Cross and Red Crescent Movement

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.

judicial guarantees

Procedural safeguards and fundamental guarantees designed to ensure that individuals receive a fair trial and are protected from being unlawfully or arbitrarily deprived of their fundamental human rights and freedoms.

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', the 'law of war,' or the 'law of armed conflict,'

means of warfare

Means of warfare refers to the weapons and weapon systems by means of which violence is exercised against the enemy.

methods of warfare

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

military advantage

A term used in the law of armed conflict in defining “military objective” and in stating the precautions to be taken in attack so as to spare the civilian population, civilian persons and civilian objects to the greatest extent.

military necessity

The principle of military necessity permits only that degree and kind of force required to achieve the legitimate purpose of a conflict, i.e. the complete or partial submission of the enemy at the earliest possible moment with the minimum expenditure of life and resources. It does not, however, permit the taking of measures that would otherwise be prohibited under IHL.

Military necessity generally runs counter the principle of humanity. Consequently the purpose of international humanitarian law is to strike a balance between military necessity and humanitarian exigencies.

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, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage.

missing person

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. International humanitarian law requires each party to the conflict to take all feasible measures to account for persons reported missing as a result of armed conflict and must provide their family members with any information it has on their fate.

mixed tribunals or courts

Special courts set up to prosecute domestic and international crimes.

non-derogable human rights

Rights that can be derogated from (e.g.: right to life, prohibition of torture, etc.).

occupation

The exercise of authority 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.

organized armed group

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 organized armed group.

pillage

Pillage (or plunder) is defined in Black’s Law Dictionary as “the forcible taking of private property by an invading or conquering army from the enemy’s subjects”. The Elements of Crimes of the Statute of the International Criminal Court specifies that the appropriation must be done “for private or personal use”. As such, the prohibition of pillage is a specific application of the general principle of law prohibiting theft. This prohibition is to be found in national criminal legislation around the world. Pillage is generally punishable under military law or general penal law.

precaution in attacks

In the conduct of military operations, constant care must be taken to spare the civilian population, civilians and civilian objects. All feasible precautions must be taken to avoid, and in any event to minimize, incidental loss of civilian life, injury to civilians and damage to civilian objects.

precautions against the effects of attacks

Specific measures which every Power must take in its own territory in favour of its nationals, or in territory under its control to protect the civilian population, individual civilians and civilian objects under their control against the dangers resulting from military operations.

principles of the International Red Cross and Red Crescent Movement

<https://www.icrc.org/eng/assets/files/other/statutes-en-a5.pdf>

The Fundamental Principles, proclaimed in Vienna in 1965, bond together the National Red Cross and Red Crescent Societies, the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies, and guarantee the continuity of the Movement and its humanitarian work. The seven principles are:

Humanity The International Red Cross and Red Crescent Movement, born of a desire to bring assistance without discrimination to the wounded on the battlefield, endeavours, in its international and national capacity, to prevent and alleviate human suffering wherever it may be found. Its purpose is to protect life and health and to ensure respect for the human being. It promotes mutual understanding, friendship, cooperation and lasting peace amongst all peoples.

Impartiality It makes no discrimination as to nationality, race, religious beliefs, class or political opinions. It endeavours to relieve the suffering of individuals, being guided solely by their needs, and to give priority to the most urgent cases of distress.

Neutrality In order to continue to enjoy the confidence of all, the Movement may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature.

Independence The Movement is independent. The National Societies, while auxiliaries in the humanitarian services of their governments and subject to the laws of their respective countries, must always maintain their autonomy so that they may be able at all times to act in accordance with the principles of the Movement.

Voluntary Service It is a voluntary relief movement not prompted in any manner by desire for gain.

Unity There can be only one Red Cross or one Red Crescent Society in any one country. It must be open to all. It must carry on its humanitarian work throughout its territory.

Universality The International Red Cross and Red Crescent Movement, in which all Societies have equal status and share equal responsibilities and duties in helping each other, is worldwide.

prisoner of war (POW)

A term in IHL mainly used to describe in an international armed conflict a combatant, who has fallen into the hands of an adverse party. Other persons, such as war correspondents, can be entitled to the POW status. In case of doubt, any captured person who has taken part in hostilities shall be treated as a prisoner of war. A prisoner of war is entitled to special protection under the Third Geneva Convention.

proportionality (principle of)

The principle of proportionality prohibits attacks which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be

excessive in relation to the concrete and direct military advantage anticipated, is prohibited.

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.

red cross / red crescent / red crystal emblems

The red cross, red crescent and red crystal emblems are the visible manifestation of the protection enjoyed by military medical services and relief workers in armed conflicts. Moreover, the emblems are also used by National Societies of the Red Cross and Red Crescent Movement in each country for identification purposes.

refugee

The 1951 Refugee Convention spells out that a refugee is someone who "owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality, and is unable to, or owing to such fear, is unwilling to avail himself of the protection of that country."

reprisal

A "reprisal" is a breach of international humanitarian law, which would otherwise be unlawful but in exceptional cases is considered lawful as an enforcement measure in response to a previous breach of international humanitarian law by the enemy, with the purpose of terminating the enemy's violation. Thus, reprisals are intended to put pressure on the enemy in order to obtain the enemy's compliance with international humanitarian law. Reprisals are only allowed under very strict conditions and there is a trend towards outlawing reprisals in international humanitarian law.

Rome Statute of the International Criminal Court (see International Criminal Court).

A treaty adopted in 1998 in Rome that established the International Criminal Court (ICC).

serious violations of IHL

"Serious violations of international humanitarian law" can take place in international or non-international armed conflicts. Violations are serious, and are war crimes, if they **endanger protected persons** (e.g. civilians prisoners of war, the wounded and sick) **or objects** (e.g. civilian objects or infrastructure) or if they **breach important values**. The majority of war crimes involve death, injury, destruction or unlawful taking of property. Acts can amount to war crimes because they breach

important universal values, even without physically endangering persons or objects directly. These include, for example, abusing dead bodies and recruiting children under 15 years of age into the armed forces.

sexual violence

Acts of a sexual nature imposed by force, or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power directed against any victim – man, woman, boy or girl. Taking advantage of a coercive environment or of the victim's incapacity to give genuine consent is also a form of coercion. Sexual violence encompasses: rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilization, or any other form of sexual violence of a comparable gravity.

superior responsibility

The fact that a [breach](#) was committed by a subordinate does not absolve his superiors from penal or disciplinary responsibility, as the case may be, if they knew or had information which should have enabled them to conclude in the circumstances at the time that he was committing or was going to commit such a [breach](#) and if they did not take all feasible measures within their power to prevent or repress the [breach](#).

Special Court for Sierra Leone

The Special Court for Sierra Leone was set up in 2002 as the result of a request to the United Nations in 2000 by the Government of Sierra Leone for "a special court" to address serious crimes against civilians and UN peacekeepers committed during the country's decade-long (1991-2002) civil war.

Special Panels for Serious Crimes in Timor Leste

In March 2000, following the establishment of the United Nations Transitional Administration of East-Timor (UNTAET), Special Panels functioning within the framework of the Dili District Court were created in Timor-Leste. The Panels are composed of one national and two international judges and are tasked with prosecuting serious crimes committed in 1999, including genocide, war crimes, crimes against humanity and torture.

superfluous injury and unnecessary suffering

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

torture

As defined by the United Nations, any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as:

- a. obtaining from him or a third person information or a confession;
- b. punishing him for an act he or a third person has committed or is suspected of having committed;
- c. intimidating or coercing him or a third person; or
- d. for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.

truth commissions

Official, temporary bodies established to investigate a pattern of violations over a period of time that conclude with a final report and recommendations for reforms.

universal jurisdiction

Based on the notion that certain crimes are so grave that they affect the international community as a whole, the principle of universal jurisdiction, which entitles a State to prosecute offenders even in the absence of any link between the crime committed and the prosecuting state, is one means of facilitating and securing the repression of such crimes. The rationale of universal jurisdiction is to avoid impunity and to prevent those who committed serious crimes from finding a safe haven in third countries. Indeed, universal jurisdiction enables all states to fulfill their duty to prosecute and punish the perpetrators of such crimes.

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 correspondent

Accredited correspondents who have a special authorization permitting them to accompany the armed forces. Accredited correspondents accompany the armed forces without being members thereof. Their status must be attested by an identity card. Captured accredited correspondents are prisoners of war. A journalist embedded with an armed force is considered a war correspondent under IHL only if he or she is officially accredited by the armed forces.



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