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Conditions and Justifications for Armed Groups' Compliance with International Humanitarian Law

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Abstract

The importance of the topic arose after the scourges resulting from the effects of the two world wars and international conflicts that the world witnessed, which were followed by multiple and flagrant violations of the rules of international humanitarian law and a complete violation of their implementation and lack of respect for them. Especially after internal conflicts that were sometimes caused by international conflicts or conflicts that occurred as a result of persecutions practiced by the force controlling a region in a country, whose primary goal is to achieve victory regardless of the application of international humanitarian law or its violation and non-compliance with the laws of war. From this summary, the International Committee of the Red Cross has an important role in this field in order to spread the spirit of humanity and peace among all people. This committee worked to ensure that the provisions of the Geneva Conventions (international humanitarian law) are applied when any conflict occurs, and that they are applied and complied with by the second party to the conflict, even if they are armed groups outside the state, to ensure the protection of civilian individuals present on the territory of the state in which the conflict occurred.

Keywords: *International humanitarian law, armed groups, International Committee of the Red Cross, Geneva Conventions*

Introduction

After the world witnessed at the beginning of the last century many international conflicts, the beginning of which was the First and Second World War, which had catastrophic effects on humanity, and caused great damage at the international and internal levels, and these wars threaten international peace and security, so the international community paid attention to the necessity of desisting. About these wars and protecting people, their rights and freedoms from the scourge of these wars, by setting many conditions that must be adhered to if an armed conflict occurs, whether an international or internal conflict, in order to protect civilian individuals from the scourges of these wars and the resulting effects. It is difficult for these individuals.

Research Importance

The importance of the research lies in knowing the conditions that must be met by parties to armed conflicts to adhere to them in order to preserve the civilian lives of individuals, as well

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as to ensure the application of the rules of international humanitarian law and the extent to which these conditions comply with these rules so that individuals can achieve the simplest types of protection, especially for children, women, the elderly, and other vulnerable groups. As well as protecting civilian objects by complying with the rules of international humanitarian law during armed conflicts to ensure the protection of the rights of civilian individuals. The research problem is the extent of the International Committee of the Red Cross's ability to bind the parties to the conflict.

Research Problem

The inductive and descriptive approach was followed in studying these conditions and justifications that guarantee armed groups' compliance with the rules of international humanitarian law during armed conflicts.

Research Methodology

The inductive and descriptive approach was followed in studying these conditions and justifications that guarantee armed groups' compliance with the rules of international humanitarian law during armed conflicts.

The First Requirement

Conditions For Armed Groups to Comply with International Humanitarian Law

Armed groups' compliance with the rules of international humanitarian law can be summarized in four stages, which are as follows:

The First Stage: The stage of international law's recognition of the general system of combatants. It is a historical stage that extends from the American War of Independence from 1775 to 1873 until the outbreak of the Spanish Civil War in 1936, when it aimed to apply the rules of the law of war in civil wars in which the combatants fulfilled all forms and conditions of government organization. If they are recognized as combatants by the ruling government in the country³. The failure of armed groups to comply with the rules of international humanitarian law and the rules of the laws of war ⁴ makes them rebel groups carrying weapons and subject to the rules of internal law because they violated and threatened the state's prestige, sovereignty, and territorial integrity ⁵. Here you will bear responsibility. If the state does not recognize these groups as combatants, it will bear all the violations that occurred on conflict lands.

The Second Stage: The stage of ending recognition of the combatant system. This stage arose during the adoption of contemporary international law on the principle of non-interference in civil wars, the first features of which became clear coinciding with the Spanish War in 1936. Its first seed was formed in explicit compliance with the Geneva Conventions of 1949, where it was subjected to by compulsory force and for humanitarian reasons, all civil wars are subject to Common Article 3 of the Geneva Conventions ⁶.

³ Hazem Muhammad Atlam, *The Law of International Armed Conflicts, Introduction, Temporal Scope*, Dar Al-Nahda Al-Arabiya, Cairo, 2002, p. 154.

⁴ Ziad Berrabah, *Application of International Humanitarian Law to Civil Wars*, Master's thesis, University of Algiers, 2012, p. 23.

⁵ Hazem Muhammad Atlam, previous reference, p. 152.

⁶ *Ibid.*, p. 152

The Third Stage: The stage of confirming the compliance of armed groups with international humanitarian law, which is the stage of applying the Second Additional Protocol to armed groups. It is a legal stage that is more widely applicable than the previous two stages and has broad enforcement, since the first paragraph of Article 1 of the Second Additional Protocol stipulates that “this shall apply.” Annex “Protocol”, which develops and supplements Common Article 3 of the Geneva Conventions of 1949 without amending the current conditions for its application to all armed conflicts not covered by Article 1 of this Additional Protocol to the Geneva Conventions of 1949 relating to the protection of victims of international armed conflicts. Annex Protocol I Which takes place on the territory of one of the High Contracting Parties between armed forces and dissident armed forces or other regular armed groups that exercise, under responsible command, control over part of its territory, enabling them to carry out continuous and coordinated military operations.”

The Fourth Stage: The stage of implementing and embodying the armed groups' compliance with international humanitarian law. This stage was formed through the call made by international organizations and competent and non-competent bodies to respect the rules of international humanitarian law, most notably the Committee on the Rights of the Child in 2001, which called for confronting the violations committed by the groups. The armed struggle for children's rights in the Democratic Republic of the Congo ⁷. This stage is also considered the most important and clear stage, and this is confirmed by the practices of the Security Council and the various resolutions it has issued through which it deals with armed groups in countries and obligates them to respect the rules of international humanitarian law. Among these resolutions are those related to Greece ⁸, Cambodia⁹ and Iraq ¹⁰and Angola ¹¹and other countries that witnessed internal conflicts or those in which armed groups participated, such as Rwanda, Nepal, Sudan... etc.

The Second Requirement

Justifications for Armed Groups' Compliance with International Humanitarian Law

Jurisprudential views and interpretations differed about the obligation of international humanitarian law for armed groups, which some describe as irregular groups or splinter groups. The most common arguments with clear progress in this field are that armed groups are bound by the rules of international humanitarian law because their members are committed to the rules of international humanitarian law in their capacity. Individuals first, and that the standards of international humanitarian law are a tool of commitment for groups because they carry out governmental actions. Second, that customary international law applies to armed groups because of their international legal personality. Third, that armed groups are obligated, through the states on whose territories they operate, to apply international humanitarian law. Fourth, and that armed groups Because of its consent to international humanitarian law, it is bound by its provisions. Fifthly, we will discuss these propositions in the following:

1. Armed groups are bound by the rule of their individuals: Followers of this trend see that international humanitarian law makes a clear difference between two types of those addressed by the provisions of this law, which are states and armed groups on the one

7 Review document (CRC/15/Add.153).

8 Security Council Resolution on a Commission of Inquiry into the Greek Question of 1946 Reviewing Document S/Res/15/1946.

9 Review document S/Res/754.

10 Review document S/Res/688.

11 Review document S/Res/696.

hand and individuals on the other hand. The collective nature of armed groups is what develops a certain situation to reach the point of armed conflict, but if international humanitarian law may address all individuals, whether they are civilians or combatants, the parties in armed groups are not merely members with individual behavior, but rather the member in question acts as a member with the same capacity. Representing his armed group, since the latter resembles in its armed attacks the countries participating in the conflicts, as it possesses an organized force, multiple weapons, and an authority responsible for its actions¹².

Accordingly, any violation by a member or individual of an armed group of the provisions of international humanitarian law requires that he be held accountable within the framework of individual criminal responsibility, and at the same time requires collective accountability for his armed group because the latter bears, according to the humanitarian legal framework, different duties isolated from the duties of individuals¹³, and is therefore considered to be the same. Bound by international humanitarian law by virtue of their individuals.

2. Obligating armed groups to perform governmental tasks: Based on this, the binding force of international humanitarian law for armed groups is the actual exercise by those groups of governmental tasks. Therefore, exercising the responsible authority at the head of these groups effectively exercises their sovereignty, as they are obligated because they represent the country by rules. International humanitarian law in terms of respect for its rules¹⁴. This approach is also consistent with the rules of international responsibility because it equates the actions carried out by the state with those carried out by regular armed groups that are working hard to become a new government for the existing state¹⁵.

In this regard, the Supreme Court of Namibia supports one of its opinions, which says that the new government does not only abide by the laws, but also inherits responsibility for the actions committed by the previous organs of the state¹⁶.

3. Armed groups are bound by virtue of their international legal personality:

The international legal personality of armed groups has an important dimension, as the International Commission of Inquiry for Darfur stated, "The armed men who have reached a high degree of organization and effective control over the region possess an international legal personality, and are bound by the rules of international humanitarian law related to internal armed conflicts"¹⁷.

4. Armed groups are obligated through the states on whose territories they operate:

Armed groups, according to this approach, are bound by international humanitarian law because the mother state has accepted a rule of international humanitarian law. According to this interpretation, the state's authority to legislate is the right of its citizens, which has an effect and the right to impose obligations on them that stem from international humanitarian law, even if it carries. These groups arm themselves to fight this state or to fight another armed group against the same state, because when the state agrees to a certain rule of this law, it bears responsibility if it violates it¹⁸.

12 Jan K. Klenfer, *Applicability of International Humanitarian Law to Regular Armed Groups*, article published in the *International Review of the Red Cross*, Volume 93, Issue 882, 2011, p. 7.

13 *Ibid.*, p. 8.

14 Yearbook of the International Law Commission, 2001, Volume 2, Part 2, Document 10/56/A, Paragraph 16, p. 66.

15 Yearbook of the International Law Commission, 2001, Volume 2, op. cit., Part 2, Paragraph 76, pp. 32-33.

16 Yearbook of the International Law Commission, *ibid.*, paragraph 14, p. 56.

17 Report of the International Committee for Darfur submitted to the United Nations General Assembly pursuant to Security Council Resolution No. 1564 of 2004, paragraph 172, 2005, p. 156.

18 Jan K. Klenfer, *op. cit.*, p. 3.

5. Armed groups are bound by virtue of their consent: Common Article 3 is clear that each party to the conflict is obligated to apply the minimum obligations stipulated in Clauses 1 and 2, and this basis is the armed groups' confirmation of their commitment to international humanitarian law, as they expressed their consent in their commitment to those. The relevant rules of the law, and therefore the consent or abstention of an armed group is considered unimportant, especially since Common Article 3 of the four Geneva Conventions of 1949 urged all parties to conclude special agreements to implement all or some of the other provisions of the Geneva Conventions¹⁹.

Here the following question can be raised: What is the role of the International Committee of the Red Cross in the compliance of armed groups with international humanitarian law? The answer to this question can be said by reviewing the principles of this committee, which are more like fixed constitutional articles in the work and mandate of the International Committee, strengthening its work legally from the articles of the statute. These principles are that the committee does not discriminate or take sides and works completely independently, smoothly and impartially. From this standpoint, the International Committee has dealt with everyone and anyone who violates international humanitarian law in accordance with its principles and statute, and does not

It deals with distinguishing one side over the other. It looks at humanitarian issues and seeks respect and enforcement of the rules of international humanitarian law in all fields in peace, in war, and in all international and non-international conflicts. It does not favor a state or government over groups and vice versa, and is free of human racism. From this standpoint, it works with all alike, and since the armed groups are one of the parties to the conflict, the International Committee deals with any party regardless of its identity, the establishment of these groups, or their legal support, whether or not in terms of international and local legitimacy, as it is restricted in its principles and direction, and its visions are clear in Establishing the rules of international humanitarian law and working with everyone equally, but working to differentiate in only one case, which is humanitarian assistance according to priority from the most important to the most important for everyone who needs its relief according to relief gradations, whether that is by a governmental or non-governmental party, whether civilians or Victims in non-international armed conflict, and this is considered compliance and respect for the rules of international humanitarian law.

The Third Requirement

Compliance of Armed Groups with International Humanitarian Law

Compliance means conforming behavior with the concepts and rules found in international humanitarian law²⁰. There is no doubt that there is a difference between the state and armed groups in respecting the rules of international humanitarian law, so we will attempt to demonstrate armed groups' compliance with this law and the legal mechanisms to confirm compliance.

First: The extent to which armed groups comply with international humanitarian law

Armed groups cannot be accused as a whole of being groups that violate international humanitarian law and are unable to respect it, because violations committed in non-international armed conflict are the basis of responsibility between states and groups²¹, and

¹⁹ Ibid., p. 4.

²⁰ Hyeran Jo, Compliance with International Humanitarian Law by Non- state Armed Groups: How can it be Improved? In Gill, T.D, McCormack, T., Geib R., Krieger, H., Paulussen, C. (Eds.), Yearbook of International Humanitarian Law, Vol 19, 2016, P 65.

²¹ Salwa Al-Akyabi, Subjection of Armed Groups to International Humanitarian Law, a study of the rules of international humanitarian law and the extent of the possibility of developing them, research published in the Journal of Sharia and Law, UAE University, No. 91, 2022, p. 215.

this is confirmed by the report of the Secretary-General of the United Nations in 2018 on the protection of civilians in armed conflicts, in which he referred to: Protecting them from violations committed against them by groups and the state alike ²², which are as follows:

A. The extent to which armed groups are willing to comply

There are many reasons that urge armed groups to respect or violate international humanitarian law, but they search for any means to achieve their goals and gains, and respecting this law helps them achieve their goals first and gain the trust of public opinion and the international community secondly, and the most important goal of all of this is to attract legitimacy to them. Which distinguishes it from insurgents, riots, and any armed groups labeled as criminal.

Accordingly, armed groups' respect for the law is not random, but rather there are considerations that influence whether or not to respect it. These considerations are three:

The First Consideration: Military Advantages: The first motive for armed groups to respect or not respect international humanitarian law is to achieve military advantages, as they do not fight for the sake of fighting only, but rather aim to achieve certain goals, for example, toppling a government and replacing it, or promoting a purely religious idea, or imposing a doctrine with a specific political style ²³, and this is within reports prepared and qualified for full respect by armed groups for international humanitarian law. Among the reports is the report of the International Committee of the Red Cross through one of its representatives, which outlined the fruits and advantages of armed groups' respect for the law, which are

- The presence of a noticeable percentage of military values and customs among the fighter, and it is not permissible to kill children and unarmed civilians because that is described as a cowardly act and in violation of the norms of war. As the report indicates through the committee and the daily travel of its delegates in Lebanon and Sudan, killing civilians is considered an act of aggression of a despicable and inferior nature ²⁴.
- Civilians and the masses in general must be won, because this generates and produces beneficial benefits for armed groups, such as money, recruiting people, and providing them with information. Therefore, even if the armed groups have external support, they still need mass mobilization, which achieves their goals and achieves their victories, because this is important in winning the loyalty of peoples and attracting them. The idea and goals of armed groups are that good treatment in fair local administration is a factor that helps the armed groups gain legitimacy before public opinion.
- The goal of fighting is to weaken the enemy's ability and combat power to end it or destroy it completely. If total destruction is very costly and unnecessary, in order to defeat the enemy, it does not need to completely destroy its forces.
- The principle of reciprocity and the principle of great impact and a bright picture of respect for international humanitarian law by armed groups. Their treatment of enemy soldiers and prisoners in a good manner, aspiring to have their prisoners treated with the same treatment, devoting their attention to the military objectives entrusted to them only, and prohibiting the execution and torture of prisoners, is an important indicator of respect. Firstly, international humanitarian law and refuting any accusation of violations against it ²⁵.

22 Report of the Secretary-General of the United Nations entitled Protection of Civilians in Armed Conflicts, Security Council, United Nations, published on the United Nations website www.un.org.

23 Reactions to the standards of armed groups and the protection of civilians, from the publications of the Geneva Academy of International Humanitarian Law / January, Geneva, 2014, p. 11.

24 O. Bangeter, Reasons why armed groups choose to respect international humanitarian law or not, *op.cit.*, p. 362.

25 It should be noted that Rule 140 of the rules of customary international humanitarian law codified by the International Committee of the Red Cross states that "the obligation to respect and ensure respect for international humanitarian law does not depend on reciprocity."

The Second Consideration: the extent of the armed groups' ability to comply. The conviction of armed groups in terms of their goals is a form of respect and compliance of armed groups with international humanitarian law. Their conviction may be based on religious, moral, and political foundations. This conviction is also considered the directional compass for the armed group to proceed in achieving its goals, as is the case with Marxist movements that claim to have come. Fighting for the people, these convictions and the same humanitarian principles restrict groups to respect international humanitarian law and limit prohibited violations against civilians and prisoners and violence against women, and are an exemplary respect for the rules of international humanitarian law ²⁶.

The Third Consideration: Compliance in terms of respect for international humanitarian law: There are many reasons related to the nature of international humanitarian law that may make armed groups weak in respect for the rules, and the most important of these reasons are: -

- Restricting the signing of treaties to states only, even in negotiating and drafting them, which creates an obstacle for armed groups to comply with this law, and even in the Second Protocol of 1977, armed groups were invited only in an observer manner and did not participate in drafting.
 - Armed groups may not abide by international humanitarian law by rejecting the laws of the government that is their opponent in the conflict, and by declaring that they have not adhered to the treaties ratified by the government ²⁷.
 - Any member of an armed group can be punished under national law because they take up arms against the state, whether they respect international humanitarian law or not, while combatants in an international armed conflict are acquired as prisoners, which avoids prosecution due to their participation in the international conflict, so there is usually no recognition in the case. The national law applies to members of the armed group, which makes them vulnerable to punishment in all circumstances ²⁸.
 - Labeling armed groups as terrorists may lead to worsening humanitarian conditions, which encourages serious violations of international humanitarian law, as the inclusion of armed groups on lists of terrorist organizations prevents the humanitarian assistance available to them by international and humanitarian organizations to improve their compliance with international law, and once they are included in Terrorism regulations prohibit international organizations from providing any logistical, material, or technical support ²⁹. We, in turn, believe that banning armed groups and describing them as terrorists is one of the most important obstacles to their compliance with international humanitarian law, which may divert their noble path to an un noble one in terms of serious violations.
- B. The extent of the ability of armed groups to comply with the rules of international humanitarian law: In this area, it can be said that armed groups are fully prepared to comply and fully respect the rules of international humanitarian law, but circumstances arise that are outside their control, which makes them unable to do so. Perhaps the defect is diagnosed beyond their control. Armed groups, rather, the defect is related to the conflict itself, but the following reasons have nothing to do with armed groups respecting international humanitarian law or not, but rather relate to the extent of their ability to comply with and respect its rules, which are the diversity of the parties to the conflict, ignorance of the law, and failure to publish it, and they are as follows:

26 A. Bellal and others, *Enhancing Compliance with International Law by armed Non-State Actors*, P 20.

27 M. Sassoli, *Possible Legal Mechanisms to improve Compliance by armed Groups with International Humanitarian Law and International Human Rights Law*, Paper submitted at the armed Groups Conference, Vancouver, 13-15 November 2003, P 1.

28 *Reactions to Armed Group Standards and the Protection of Civilians*, op. cit., p. 12.

29 A. Bellal and others, op.cit, p 193.

- Diversity of the parties to the conflict: Non-international armed conflicts are conflicts whose form and features are not fixed. Some of them are sharp and violent conflicts, some of them have the traditional impact of the form of war, and some of them are conflicts that lack structure. This diversity of methods and conflicts may generate a new image and title, namely asymmetric wars, which results in Through it, the parties to the conflict adopt unconventional means of fighting, which creates a loss of control and difficulty in complying with international humanitarian law. Thus, groups have only one path, which is the deliberate violation of the rules of international humanitarian law, which means that compliance is beyond their ability.
- Ignorance of the law: There is a difference between a state's compliance with the rules of international humanitarian law and the compliance of armed groups with it, because many armed groups are poorly informed and do not communicate any information related to international legal concepts and obligations, which results in an inability to comply from the highest position to the lowest individual³⁰. Members of armed groups alike, and among these concepts is the concept of weapons of mass destruction. On the other hand, we see that international humanitarian law is not the unique law that governs the conflict. Armed groups must comply with the customs and traditions of the conflict land or the territory controlled by them, provided that these traditions are consistent with the rules of international humanitarian law, and applicable customs cannot be recognized if they are In violation of this law, such as kidnapping and looting that occurred in the incidents in South Sudan, which the parties to the conflict considered to be valid norms in time of war. Groups must also respect all religions and rituals specific to each party or the religion of the region under its control.

The most important legal mechanisms for confirming armed groups' compliance with international humanitarian law are special agreements, individual declarations, and codes of conduct.

First: Special Agreements: Common Article Three stipulates special agreements, which are a way to oblige armed groups to abide by international humanitarian law without affecting their legal status. The purpose of concluding these agreements is to create a purely humanitarian approach to spread the spirit of humanity and take into account the rules of international humanitarian law. These agreements cannot be considered agreements that change the special status of armed groups or give them any legitimacy³¹. Including the Hague Convention for the Protection of Cultural Property of 1954, which used the word "must instead of must" to confirm and strengthen the commitment, so the conflicting parties must try to conclude special agreements³². The special agreements concluded between the parties to the conflict are considered a valid procedure by the armed groups in compliance with international humanitarian law and its rules. There are agreements between two warring parties who are armed groups, such as the Sudan Liberation Army and the Justice and Equality Movement, which were referred to in the special report of the International Committee of the Red Cross in Darfur, which It states that special agreements are international agreements that give the parties to the conflict rights and obligations, and referred to the two groups above, noting that they have the authority under international law to enter into binding agreements with the official government through which the militants pledged to comply with international humanitarian law³³.

30 Reactions to the standards of armed groups and the protection of civilians, op. cit., p. 22.

31 Ahmed Abu Al-Wafa, The Mediator in Public International Law, 4th edition, Dar Al-Nahda Al-Arabiya, Cairo, 2004, p. 76.

32 J. Pictet, Commentary on the Geneva Conventions, op. cit. p. 60

33 Report of the International Commission of Inquiry on Darfur to the United Nations Secretary- General, 25 January 2005, para 174.

There is a type of agreement between the two parties to the conflict and a third mediator who is a supervisor and guarantor of their achievements and follows up on the stages of completion. It is one of the international organizations such as the International Committee of the Red Cross, as is the case in the agreement concluded between Bosnia and Herzegovina in 1992 ³⁴.

From this report it is clear that there are two types of agreements, first basic and second secondary ³⁵. It may be concluded by armed groups with the government.

However, private agreements have advantages and disadvantages that can be listed as follows:

1. Advantages of Special Agreements:

- Great moral value to the parties to the conflict, as it indicates the presence of good faith on the part of the parties for the purpose of negotiation, and the latter may pave the way for more positive matters for both parties.
- The armed groups' ratification of agreements by their leaders is an order that must be followed by them and all armed groups under their command.
- Special agreements place duties and obligations on both parties to the conflict, unlike unilateral declarations.
- The special agreements are publicly known agreements that are clearly visible and under the supervision of active and humanitarian actors, which many observers are aware of and the practices of those groups.

2. Disadvantages of Private Agreements:

- The difficulty of implementation in practice creates great concern for those negotiating countries.
- States consider these agreements as an indication of the legitimacy of the existence of armed groups, which constitutes an official acknowledgment or acknowledgment of their existence.
- Generating concern among states and concealing the enforcement of internal law, since the legitimacy generated from this binds the state to the burdens and obligations of the international community.
- This type of agreement may be limited to armed groups and not to all of them in general ³⁶, which creates negatives in this sentence ³⁷.

Second: Individual declarations: They are a type of legal acts issued by one party and carried out by armed groups either on their own or through an international humanitarian organization through exceptional and usually secret requests, such as Geneva Call, which calls on armed groups to comply by signing instruments of commitment. They are declarations in which armed groups pledge to abide by and comply with the rules of international humanitarian law, and one of the most famous of these declarations is the declaration of the Polisar movement, which represents the people of Western Sahara in 2015, according to which it became the first movement to issue a declaration acceptable to the depositary state, Switzerland ³⁸. The report of the International Committee of the Red Cross ³⁹ indicated that individual declarations are in a general form, which is followed by the issuance of codes of conduct that include in the text the relevant rules of international humanitarian law regarding the compliance of armed groups.

34 Agreement of 22 May 1992, under the auspices of the ICRC, (adopted 8 June 1977) entered into force 7 December 1978, 1125, UNTS 3.

35 Promoting respect for international humanitarian law in non-international armed conflicts, op. cit., p. 16.

36 M. Mack, *Increasing Respect for International Humanitarian Law in Non- International Armed Conflicts* (ICRC, Geneva, 2008), p. 17.

37 Dr. Salwa Al-Akyabi, previous reference, p. 268.

38 B. Saul, *Improving Respect for International Humanitarian Law*, op. cit. p. 3.

39 ICRC, *Increasing Respect for International Humanitarian Law in Non- International Armed Conflicts*, (Geneva, ICRC, 2008), p. 22.

Third: Codes of conduct, which are administrative procedures for military operations carried out by armed groups. They are organizational and disciplinary on the other hand. They also have other forms, such as archive orders, a guide for the group, and disciplinary punishments. It may explicitly or implicitly refer to the rules of international humanitarian law, through which it explains the extent of armed groups' compliance and respect for international humanitarian law.

Therefore, it must be understandable, concise and easy in content, which generates commitment and gradual compliance with the rules of international humanitarian law.

To ensure that armed groups comply with the law and its rules, internal disciplinary regulations must be established within the organization, integrated into its daily military activities, widely disseminated within the group, and appropriate just punishments decided ⁴⁰.

The International Committee of the Red Cross also has an important role in issuing codes to serve as the rules of procedure for those groups and special legislation that applies in conflict, provided that the rules of international humanitarian law are appropriately approved. As a result of the role of the International Committee of the Red Cross, positive factors have been generated for armed groups, which are:

First: Armed groups' full awareness of international humanitarian law and the mechanisms for respecting it.

Second: Armed groups' compliance with international humanitarian law may affect the polarization and support of international and local public opinion in order to be a helpful means to achieve goals and objectives.

Conclusion

After completing our research titled "Conditions and Justifications for Armed Groups' Compliance with International Humanitarian Law," we reached a number of conclusions and suggestions, which we include as follows:

First: Conclusions

1. International humanitarian law contains provisions and rules aimed at protecting human rights, and armed groups must comply with these rules while engaging in any conflict.
2. The International Committee's work with the parties to the conflict is based on confidentiality in order to gain the trust of these parties on the one hand, and to gain approval and allow it to carry out humanitarian work in the territories of these countries to achieve its ultimate goal of protecting the victims of armed conflicts and providing relief and aid to them on the other hand.
3. By adhering to the rules of international humanitarian law, armed groups have complied with the orders of this law and thus the protection of civilians is achieved during any conflict.

Second: Suggestions

1. The International Committee cannot carry out its duties and tasks assigned to it in armed conflicts in accordance with international humanitarian law except after the approval of the parties to the conflict, and this makes its role dependent on the will of the parties to accept its activity or not. Therefore, we propose creating international legal rules that allow the International Committee of the Red Cross to carry out fulfill its duties even if the parties to the conflict do not allow it to do so.

40 O. Bangerter, Internal Control: Codes of Conduct within Insurgent Armed Groups, Occasional Paper 31, Small Arms Survey, 2012, p 7-8.

2. We suggest setting certain conditions for armed groups if they want to comply with international humanitarian law and its rules in order to protect unarmed civilians. These conditions may not be violated, otherwise they will be held accountable if they belong to a specific country.
3. We suggest that there be a guarantor for armed groups when they enter into a specific conflict, and that this guarantor be a specific organization, whether international or regional, in order to ensure that these groups adhere to international humanitarian rules.

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