

# Customary Sources of International Humanitarian Law, Geneva Conventions and their Relationship with the Second Additional Protocol of the Geneva Conventions of 1949 Relating to the Protection of Victims in the Non- International Armed Conflicts

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## ABSTRACT

This paper will address the importance of customary humanitarian law as a source of international humanitarian law which is one of the main pillars in the protection of human rights and freedoms during the war. The focus of the paper is the importance of the Geneva Conventions of 1949 and the second additional protocol dealing with the protection of victims during non-international armed conflicts.

The purpose of this paper is to analyze the actual role of the Geneva Conventions and Additional Protocol II in providing legal protection to individuals in non-international armed conflicts. Article 3, is a common Article for all the Geneva Conventions of 1949, which aims to assist and serve as a mandatory norm in non-international armed conflicts. On the other hand, this Article is "assisted" by the second additional protocol which provides slightly more explanations separately from these conventions, regarding the protection of victims during armed conflicts of a non-international character. We are witnessing that the world is evolving more and more every day and armed conflicts are becoming more and more frequent due to different interests that certain social groups have. In this regard, it is necessary to draft more detailed norms with binding force for the parties to the conflict, in order to reduce or avoid consequences on people. The question raised in this paper is: why should the Additional Protocol II to the Geneva Conventions be binding and enforceable along with the four 1949 Conventions? In this paper, the case of Kosovo will be addressed. In this paper are used the analysis, comparison, historical methods of research.

## METHOTOLOGY

In this paper are used the analysis, comparison, historical methods of research.

## FINDING

From the findings in this paper, we can say that the implementation of the second protocol between the parties in a non-international armed conflict is mandatory regardless of whether this protocol was signed and ratified by one party or both parties. Consequently, this makes us understand that the content of military actions that severely hit the unarmed population constitute a violation of international humanitarian law, i.e. a war crime.

**Keywords-** Additional Protocol II, International Conflicts, International Customs, Geneva Conventions.

## I. INTERNATIONAL HUMANITARIAN LAW

International Humanitarian Law (IHL) consists of a set of rules which seek to limit negative effects of armed conflicts. IHL is contained within Public International Law, as it is made up of: treaties, international customary law and general principles of law<sup>1</sup>.

IHL originated from the rules of ancient civilizations and religions, as there were brutal wars throughout human history and there have been intentions to restrict ways and methods of warfare. IHL aims at regulating conduct of the parties during the armed conflict, however it does not extend further, e.g. as to the legitimacy of the initiation of the armed conflict.

IHL is also referred to by terms such as the Law of War or the Law of Armed Conflict (H.P, 1994 & Picket J., Development and Principles of International Humanitarian Law, 1985).

The actual codification of the IHL began in the 19<sup>th</sup> century, in particular with the adoption of the Geneva Convention of 1864 for the Amelioration of the Condition of the Wounded in Armies in the Field<sup>2</sup>, as well as the Declaration of Saint Petersburg of 1868<sup>3</sup>, which prohibited the use of certain types of projectiles in times of war.

For a full implementation, Customary International Law needs what is considered “a general practice accepted as law” by states in general. The Geneva Conventions and their Additional Protocols, essentially contain the rules that directly limit atrocities in times of war, as well as protect people who do not take part in combat (civilians, medical personnel, humanitarian aid workers) and those who cannot to fight any longer (wounded, sick and shipwrecked, prisoners of war) (ICRC, Sources of IHL: Treaties and customary law).

## II. CUSTOMARY INTERNATIONAL HUMANITARIAN LAW

Customary International Law is directly related to state practices that apply customary rules on continuous basis. These rules are generally accepted by the states. As

a prerequisite, the following criteria shall apply for the identification of an international custom:

- Implementation of state practice at the same scale by states;
- Implementation of the state practice in a general way and for a certain duration; and
- State practice directly affects states in conflict situations.

The importance of Customary IHL lies in the fact that in armed conflicts it fills the gaps arising from the law of treaties applicable to both international and non-international conflicts. At the same time, it strengthens the protection provided to the victims of these conflicts. Nowadays, Customary IHL keeps on being important and applicable in today's conflicts for two main reasons; The first is that, although some states have expressed reservations or have not ratified the Geneva Conventions of 1949, they still remain bound by the rules of Customary IHL. The second issue is the relative weakness of the Law of Treaties governing non-international armed conflicts, involving armed groups, conflicts which usually take place within the borders of a country, and the operation or jurisdiction of international acts on the domestic law of states is limited. Another aspect of the importance of Customary IHL is to reduce the number of human lives lost during an armed conflict. Victims of armed conflict not always enjoy protection, and for this reason, the rules of Customary IHL are set, and apply regardless of the obligations of the states signatory to the treaties concerned. Customary International Law is also important to regulate matters not covered by the treaties of the Law of Armed Conflict (ICRC, The law of armed conflict: teaching file). A study by the International Committee of the Red Cross (ICRC) has concluded that there are 161 rules of customary IHL (ICRC, IHL Database: Customary IHL).

### 2.1 Customary Sources of International Humanitarian Law

The two essential elements of customary IHL are: state practice and *opinio juris*. State practice is established by a significant number of states practicing a customary rule over a period of time. *Opinio juris* depends on the internal will of the state to recognize and apply a

<sup>1</sup> (ICJ, Permanent Court of International Justice, 1946) *Article 38* was originally adopted by the in 1920 and was re-enacted into the 1946 statute. Article 38(1) of the ICJ divides the sources of international law into those of a primary and secondary nature.

<sup>2</sup> The Geneva Committee invited governments of all European countries and some American states to a diplomatic conference for the purpose of adopting a convention for the treatment of wounded soldiers in combat. The Conference lasted from 8 – 22 August 1864. The main principles laid down in the Convention and maintained by the later Geneva Conventions are:

- relief to the wounded without any distinction as to nationality;

- neutrality (inviolability) of medical personnel and medical establishments and units;

- the distinctive sign of the red cross on a white background (Avalon Project, 1864).

<sup>3</sup> (The Declaration of Saint Petersburg , 1868) is the first formal agreement prohibiting the use of certain weapons in war. This Declaration was initiated by the Russian Government. The purpose of this Declaration was to prohibit the use of any explosive projectile of a weight below 400 grams. With this Declaration, the use of projectiles was considered as inhumane instruments. The main aim of the Declaration was to prohibit the use of this type of projectile by international agreement.

customary rule. These also form the basis of binding Customary Law<sup>4</sup>. Regarding the "Opinio Juris", we are referring to some examples from the practice of the International Tribunal for War Crimes for Rwanda and the former Yugoslavia. Since its earliest cases, the International Criminal Tribunal for the former Yugoslavia has provided insightful elaborations on obscure IHL topics, such as the distinction between international and non-international armed conflict, and has provided more information on persons protected by the Geneva Conventions. It is worth mentioning the judgment of the Appeals Chamber of the Hague Tribunal in the case of Duško Tadić<sup>5</sup>. It is also important to mention the trial case of the senior commander of the Croatian forces during the war in Croatia, General Ante Gotovina, where a Trial Chamber of the Tribunal issued a 1,377-page ruling that included highly controversial conclusions regarding the obligations of states while carrying out attacks. According to these conclusions, the Chamber convicted the two Croatian generals of war crimes. The reasoning behind the decisions on convictions relates to the Croatian artillery bombardment of areas inhabited by civilians. Among other controversial findings, the Trial Panel concluded that shell craters were located more than 200 meters from pre-planned military targets in a civilian-populated area, proved a criminal violation of the principle of distinction. The Appeals Chamber of the Hague Tribunal not only changed but also rejected the conclusions of the Trial Chamber of the first instance. The judgments caused a series of reactions among the IHL experts in relation to the judgments of the Trial Chamber and the Appeal Chamber (Case no. IT-06-90-T, 2588, & Case no. IT-06-90-A, 2012). *Opinio juris* has no specific legal obligation as to providing assistance to unarmed persons, victims of fighting, etc. Both in Customary International Law and in International Law, *opinio juris*, is a debated upon and unresolved notion in terms of obligation regarding implementation (Heintze, H.J;et.al, 2011).

### III. THE GENEVA CONVENTIONS - 1949

The four Geneva Conventions adopted in 1949 and the two Additional Protocols of 1977 are international legal instruments that have been signed and ratified by the states party to it. Conventions are also known as Humanitarian "Law".

The purpose of the Conventions is to ensure minimum permanent conditions for humane treatment

<sup>4</sup> (ICJ, 1945, . art.38.b. ) & , see also( Jennings R.; Watts A, 1996) hereinafter OPPENHEIM ("The wording in the ICJ Statute serves to stress that the essence of international custom and *opinio juris* is found in the practice of states.")

<sup>5</sup> ((Case no. IT-94-1-A, Appeals Chamber Judgment, (15 July 1999), (pp.68–145)). describes when victims become protected persons under Article 2, such as when an internal armed conflict reaches the level of international armed conflict.

and protection of the identity of victims of war. The Geneva Conventions are international acts for the treatment of civilians, prisoners of war and soldiers who are not active or who have now given up combat (Geneva Convention and their additional protocols). The basic rules of International Humanitarian Law are contained in the aforementioned Conventions. The Conventions have been supplemented by three subsequent agreements: Two Additional Protocols of 1977 regarding the protection of victims during international and non-international armed conflict, while Additional Protocol III of 2005 relates to the adoption of an additional distinctive emblem. Almost every country in the world has agreed to commit to comply with implementation of these acts.

***The Geneva Conventions adopted on August 12<sup>th</sup>, 1949 contain four agreements:***

- The First Geneva Convention: For the Amelioration of the Condition of the Wounded in Armies in the Field;
- The Second Geneva Convention: For the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea;
- The Third Geneva Convention: Relative to the Treatment of Prisoners of War;
- The Fourth Geneva Convention: Relative to the Protection of Civilian Persons in Time of War.

The Geneva Conventions of 1949 shall serve as guidance for the parties to the conflict for respect for human dignity, humane treatment of civilians, prisoners and other persons who for certain reasons cannot participate in war (Politics, Law & Government : International Relations : Geneva Conventions). During the conflict, parties to the conflict must guarantee protection for these categories, because the Geneva Conventions are valid under all circumstances. Non-compliance with these Conventions by the parties would have direct consequences for vulnerable persons. Since the Geneva Conventions are valid and binding in times of war, they are often violated and have consequently led to the establishment of international courts for war crimes. It is worth mentioning the international courts established in Tokyo, Nuremberg and lately in The Hague.

#### ***3.2 Cases of violation of the Geneva Conventions***

1. The most well-known case of abuse that occurred during the transport of prisoners is the Death March on the Bataan Peninsula of the Philippines during the 1942 war between Japan on one side, and Filipinos and Americans on the other. This war cost the lives of around 30,000 soldiers<sup>6</sup>.

<sup>6</sup> The deaths occurred during the transport of approximately 70,000 American and Filipino troops captured by the Japanese on the Bataan Peninsula and Corrigidor Island in Luzon in the Philippines to Camp O'Donnell more than 100 kilometers away from April 10<sup>th</sup>, 1942 onwards. Due to limited number of trucks available, except for a stretch of 40 kilometers where rail transport was used, most of the prisoners had to march on foot under the scorching sun for a distance of more than 100 kilometers. Japanese troops also suffered from shortages of

2. The Americans imprisoned in North Vietnam underwent various tortures while in captivity. Until 1969 or 1970 the American prisoners were kept out of the public eye even though the war was over. Visits by international humanitarian organizations were prohibited (Treatment of American Prisoners of War In Southeast Asia 1961-1973). The Vietnamese held exhibition camps where visitors were allowed to observe healthy-looking prisoners going about their daily tasks. Movies were produced showing prisoners relaxing in groups, or playing volleyball. Sometimes they couldn't wait for all the scenes that showed the guards in the background threatening those prisoners. The Americans imprisoned in North Vietnam underwent various tortures while in captivity in these prisons<sup>7</sup>.

These two cases constitute a violation of the third Geneva Convention that applies to prisoners of war. According to this Convention, the conditions of treatment in captivity are determined, especially the conditions related to the work of prisoners of war, the relief that prisoners receive when court proceedings are initiated against them. Inhumane treatment of prisoners in the case of the Vietnam war where the provisions relating to the general protection of prisoners were violated, such as: the provisions related to the humane treatment of prisoners, respect for the dignity and integrity of prisoners, welfare of prisoners and their equal treatment (ICRC, Geneva Convention III of 1949 relating to the Treatment of Prisoners of War, 1949).

#### **IV. NON-INTERNATIONAL ARMED CONFLICTS - PROTOCOL II**

Since World War II, there has been an increase in non-international armed conflicts. Non-international armed conflicts have been considered internal disturbances, however there was a gap in International Law in terms of definition of such conflicts. Although some authors have tried to give a definition to the international humanitarian conflict, such as, According to Hans Peter Gasser "Non-international armed conflicts are armed confrontations that take place within the territory of a state between the government on the one hand and armed insurgent groups on the other hand, as a result of which various groups fight each other in the struggle for power and government authorities crumble" (International Humanitarian Law: An Introduction, in: *Humanity for All: The International Red Cross and Red*

water and food and provided prisoners with little water, food or rest during the march. Although many of the prisoners were not only exhausted from the battle, but also suffering from diseases such as dysentery and malaria due to malnutrition, as medicine was in short supply and those who were sick did not receive proper medical treatment. Prisoners who stayed behind or left the march were kicked and beaten, and some were shot or bayoneted to death by Japanese soldiers on guard duty.

Crescent Movement, 1993). On the other hand, D. Schindler proposes another definition: "The hostilities have to be conducted by force of arms and exhibit such intensity that, as a rule, the government is compelled to employ its armed forces against the insurgents instead of mere police forces. Secondly, as to the insurgents, the hostilities are meant to be of a collective character, [i.e.] they have to be carried out not only by single groups. In addition, the insurgents have to exhibit a minimum amount of organization. Their armed forces should be under a responsible command and be capable of meeting minimal humanitarian requirements" (The Different Types of Armed Conflicts According to the Geneva Conventions and Protocols, 1997).

For a conflict to be considered as an armed conflict of a non-international character, two essential criteria must be met: First, there must be "prolonged armed violence" in the sense that a certain threshold of armed violence has been reached in terms of intensity. Second, at least one party to the conflict is an organized armed group (Academy, Classification of armed conflicts, 2017). Non-international armed conflicts involve states and organized armed groups (ICRC, International Humanitarian Law and the Challenges of Contemporary Armed Conflicts, 2011). In these conflicts, the intensity of violence is often higher if compared with international armed conflicts (Milanovic M., et al., 2012).

Article 3 common to the four Geneva Conventions does not clearly define non-international armed conflict. Despite the lack of a clear definition of this Article, however, it is considered a success that for the first time it was possible to intervene in these types of conflicts. This Article is also referred to as a mini-convention within conventions due to the importance of dealing with one category of conflict.

Essentially, the states concluded that, although Article 3 dealt with conflicts of a non-international character, there was still a need for deeper elaboration on this type of conflict. As a result, Additional Protocol II was drafted and adopted, which supplemented Article 3 by providing greater protection to victims of combat in non-international armed conflicts than what was provided as a basis in Article 3 of the Geneva Conventions of 1949.

A controversial issue in International Humanitarian Law is whether violations of applicable norms in internal armed conflicts constitute violations of International Law and can be deemed as such? The International Criminal Tribunal for the former Yugoslavia faced this question in the context of a preliminary motion

Prisoners who left the line to drink water at nearby wells were shot or bayoneted to death.

<sup>7</sup> By the second half of 1972, the Vietnamese knew that the war was almost over. Food and medical care improved and more physical activity was allowed. Prisoners who were after 1970 had some changes. In late 1969 Ho Chi Minh died and three prisoners were released by the North Vietnamese. For the first time, released prisoners spoke publicly about their treatment as prisoners, particularly about torture.

filed by the defense claiming lack of jurisdiction in the *Tadić* case. In the case of *Tadić*, the Chamber of Appeals, ruled on the motion filed by the defense which disputed the jurisdiction of this Tribunal. The motion was submitted to the Tribunal on October 2<sup>nd</sup>, 1995, on the grounds that Article 3 common to the Geneva Conventions does not contain any clear reference to criminal liability for the violation of its provisions. The International Tribunal of the Hague, namely the Appeals Chamber arguing the Tribunal's jurisdiction in the ruling states that: The International Military Court for War Crimes in Nuremberg concluded that finding individual criminal responsibility is not hindered by the lack of treaty provisions on the punishment of violations. The Appeals Chamber argues that it is an individual responsibility the clear recognition of the rules of war in International Law and state practice. The Appeals Chamber took as an example the conclusions of the Nuremberg Tribunal. The Nuremberg Tribunal emphasized that "Crimes against International Law are committed by men, not by abstract entities, and only by punishing individuals who commit such crimes can the provisions of International Law be enforced". The Appeals Chamber concluded that "Applying the criteria of above for the violations concerned, we have no doubt that they entail individual criminal responsibility, regardless of whether they were committed in internal armed conflicts or international armed conflicts. The principles of International Humanitarian Law reflect 'elementary considerations of humanity' widely recognized as the mandatory minimum for conduct in armed conflicts of any kind. No one can doubt the weight of the acts in question, nor the interest of the international community in stopping them"<sup>8</sup>.

## V. KOSOVO BETWEEN A NON-INTERNATIONAL CONFLICT AND AN INTERNATIONAL CONFLICT - NATO INTERVENTION

During the conflict in Kosovo in the years 1998-99, the elements of the non-international conflict were interwoven with the elements of international conflict, referring to three basic segments: the Kosovo Liberation Army (KLA), NATO intervention and the Technical-Military Agreement "NATO-Federal Republic of Yugoslavia". The conflict took place between the armed forces of the former FRY and the KLA, which was a guerrilla force.

Article 3 common to the four Geneva Conventions applies in a situation of internal armed

conflict, which conflict objectively exists in the territory of a state party to the conventions. This Article expressly binds all parties to the applicability of this Article in internal conflict, including insurgents, albeit insurgents do not have the legal capacity to sign the Geneva Conventions. The factual situation showed that the former FRY, namely Serbia, and the KLA forces were parties to the conflict. Based on the binding provisions of the Convention for the parties to the conflict, the KLA was now also responsible for the implementation of the provisions from Article 3 common to the four Geneva Conventions (FEDERAL REPUBLIC OF YUGOSLAVIA: Human Rights Developments, 1999). It is worth noting that the former FRY was the successor of the former Socialist Federal Republic of Yugoslavia and within international obligations it took over, there has also been the obligation to implement (Protocol Additional to the Geneva Conventions of 12 August 1949 and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)) the Additional Protocol II of the Geneva Conventions relating to non-international armed conflicts.

In a statement given by the former spokesman of the KLA, Mr. Jakup Krasniqi, to newspaper Koha Ditore in July 1998, he expressed the readiness of the KLA to implement and comply with the Geneva Conventions of 1949<sup>9</sup>. In the Communiqué No. 51 issued by the "General Staff of the KLA" on August 26<sup>th</sup>, 1998, it is stated that "the KLA is an institutionalized and organized army, which is becoming more and more professional and ready to fight until victory" (KLA Communiqué No.51, 1999). In spite of the massive armed conflict which already turned into an international armed conflict as NATO was directly involved with bombing of the Serbian military targets, the parties to the conflict were obliged to abide by all the rules of international conflicts. NATO's intervention was preceded by the Rambouillet Agreement, which is an international agreement. With the Rambouillet Agreement, practically the conflict in Kosovo underwent a transformation from an armed conflict of a non-international character to an international armed conflict. The Rambouillet Agreement has recognized the legal and political legitimacy of Kosovo as an international entity. According to Chapter VIII, three years after the entry into force of this Agreement, an international meeting shall be convened to determine a mechanism for a final settlement for Kosovo, on the basis of the will of the people, opinions of relevant authorities, each Party's efforts regarding the implementation of this Agreement, and the Helsinki Final Act, and to undertake a comprehensive assessment of the

<sup>8</sup> *Tadic*, (Appeals Chamber, Decision on Defense Motion for Interim Appeal on Jurisdiction, 2 October 1995, par. 98): "Some treaty rules have gradually become part of customary law. This holds true for common Article 3 of the Geneva Conventions of 1949. Duško Tadic was the chairman of the Local Board of the Serbian Democratic Party in Kozarac. Duško Tadic was found guilty and sentenced to 20 years of

imprisonment for violating the laws or customs of war and for crimes against humanity.

<sup>9</sup> (Jakup Krasniqi interview in Koha Ditore, 1998). Jakup Krasniqi was the spokesman of the Kosovo Liberation Army 1998-1999.

implementation of this Agreement and to consider proposals by any party for additional measures<sup>10</sup>. The Rambouillet Agreement preceded to and resulted in the UN Security Council Resolution 1244, which actually legitimizes the international military and political presence of the international community in Kosovo. All these international documents were drafted during the war in Kosovo.

Regarding the rules defined in Protocol I of the Geneva Conventions, Part IV, Articles 48 to 58 and Part IV of the Protocol II, the former FRY-Serbia, being a signatory party, has deliberately violated the rules of these protocols. Based on Article 48 of the Protocol I, the military forces of the FRY have violated the obligation to refrain from attacks on civilian objects and against civilian population (ICRC, Protocol I of Geneva Convention of 1949, 1977). Part IV of Protocol II provides protection for the civilian population and individual civilians from risks arising from military operations. In addition, Article 14 of this Protocol provides for the protection of objects indispensable to the survival of the civilian population. Since its establishment the International Tribunal for War Crimes in the former Yugoslavia based in The Hague has indicted 161 high-ranking officials who participated in the wars in the former Yugoslavia from 1991-2001 for violations of International Humanitarian Law. For 140 of them, the court proceedings ended. Due to violation of International Humanitarian Law, namely violation of the Geneva Conventions of 1949 and their Protocols in the Kosovo conflict during the years 1998-1999, political and military officials of the state of Serbia have been punished. Of them, it is worth mentioning: former FRY Deputy Prime Minister, Nikola Šainović, Yugoslav Army General, Nebojša Pavković and Serbian Police General, Sreten Lukić, each were sentenced to 22 years' of imprisonment for crimes against humanity and violation of the laws or customs of war<sup>11</sup>. In most cases, Serbian forces violated the provisions of the Geneva Conventions and their additional protocols. During the 1998-1999 war in Kosovo, over 400 massacres were committed, resulting in over 13,000 deaths. There are still 1643 missing persons from 1999 until today (Radio Free Europe, 2020).

## VI. CONCLUSION

The Geneva Conventions and Additional Protocols as an integral part of International Humanitarian Law constitute one of the most affirmative parts of the

protection of fundamental human rights in International Law. These international instruments also outline the responsibility of certain entities in terms of their enforcement, the responsibility for the consequences in case of violations of these documents. The responsibility of the parties to the conflict derives from the obligation of the parties to the conflict, even though in conflicts of a non-international character, the insurgent party does not have the political and legal subjectivity to be a party to these conventions. There have been various obstacles from the international factor to Kosovo in terms of being a party to the conventions, implying that they have been an obstacle for the institutions of Kosovo to contribute to international peace. The reason why Protocol II should be binding and applicable along the Geneva Conventions is that the Protocol II provides a more complete protection for victims of armed conflicts, compared to Article 3 of the Geneva Conventions. With Protocol II, human personality and dignity are protected and at the same time security is increased for better protection for victims of armed conflicts.

## DISCUSION

The topic we have treated has given expected results which the authors have discussed before and during the drafting of this paper. What is determinant and which stems from the question posed in this paper: why should the second protocol be binding and enforceable together with the four Geneva conventions of 1949? The reason lies in the fact that armed conflicts, especially non-international ones, hit a narrower social circle. This is the first argument that emphasizes the need for the existence of the obligation for the simultaneous implementation of these international documents. This is the first argument that emphasizes the need for the existence of the obligation for the simultaneous implementation of these international documents. Another argument, the same legal effect produced by the conventions and the II protocol in terms of individual responsibility in the command hierarchy. The argument for this is the tribunal for war crimes in the former Yugoslavia, which issued judgments based on violations of conventions and the II protocol. A concrete example is the case when the II protocol was signed and ratified, and the former FRY was not implemented. The former SRFY, as the predecessor of the former FRY (which has been a party to armed conflicts in Slovenia, Croatia, Bosnia and Herzegovina as well as in Kosovo) has signed and ratified the II protocol.

<sup>10</sup> (The Rambouillet Agreement, 1999) The Rambouillet Agreement started on February 6<sup>th</sup>, 1999 and lasted until March 18<sup>th</sup>, 1999, where Kosovo delegation also signed the Rambouillet Agreement. In Chapter VIII of the Agreement, the political will of the Albanian people is also foreseen, which culminated with the declaration of Kosovo's independence on February 17<sup>th</sup>, 2008.

<sup>11</sup> In addition, Yugoslav Army General, Vladimir Lazarević and Chief of the General Staff, Dragoljub Ojdanić were found

guilty of aiding and abetting the commission of a number of charges of deportation and forcible transfer of the ethnic Albanian population of Kosovo and each sentenced to 15 years' imprisonment.

International Criminal Tribunal for the former Yugoslavia, (26 February 2009) Five Senior Serb Officials Convicted of Kosovo Crimes, One Acquitted, (UNTC, International Residual Mechanism for Criminal Tribunals, 2009).

The FRY was the successor of the Former RSFJ with all international rights and obligations. In this case, it did not implement and violated these international documents.

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