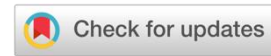




Research Article



## Strengthening the Enforcement of Geneva Convention Policies in Response to Israeli Violations

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**Abstract:** International humanitarian law regulates armed conflict through a framework of customary and treaty-based norms, with the Geneva Conventions imposing legally binding duties on conflict parties to safeguard civilians and civilian objects. Despite this normative framework, enforcement mechanisms continue to demonstrate limited effectiveness, particularly in protracted armed conflicts. This study examines alleged violations of the Fourth Geneva Convention during the 2023, armed conflict in the Gaza Strip and evaluates the capacity of existing international humanitarian law enforcement mechanisms to protect Palestinian civilians. The research further analyzes avenues for strengthening judicial accountability through international criminal justice processes. Employing a socio-legal research design, the study integrates just war theory and law enforcement theory and applies qualitative descriptive-analytical methods to primary and secondary legal materials. The findings demonstrate that, first parties to the conflict committed serious breaches of the Fourth Geneva Convention affecting civilian protection. Second, international enforcement mechanisms, including international judicial institutions, operated ineffectively due to political interference and limited State compliance. Third, expansive interpretations of military necessity weakened accountability for grave breaches of international humanitarian law. The study concludes that strengthening enforcement requires restricting such interpretations and ensuring the consistent implementation of international criminal court decisions to enhance legal accountability.

**Keywords:** Accountability; Conflict; Enforcement; Geneva Conventions; Humanitarian law;



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## INTRODUCTION

Armed conflict has constituted a persistent and defining feature of human history, repeatedly resulting in extensive human suffering, social disintegration, and large-scale material destruction.<sup>1</sup> Despite the transformation of warfare in terms of technology, actors, and intensity, the humanitarian consequences of armed conflict remain profoundly devastating.<sup>2</sup> Civilian populations increasingly bear the brunt of contemporary hostilities, facing displacement, deprivation, and direct violence.<sup>3</sup> This enduring reality has consistently generated normative and legal questions concerning

<sup>1</sup> Maksym Solokha and others, 'Soil Degradation and Contamination Due to Armed Conflict in Ukraine', *Land*, 13.10 (2024), 1614 <https://doi.org/10.3390/land13101614>

<sup>2</sup> Yordan Gunawan and others, 'The Effectiveness of International Law in Limiting Humanitarian Disasters in the Palestine-Israel Conflict', *Journal of Human Rights, Culture and Legal System*, 5.1 (2025), 217–45 <https://doi.org/10.53955/jhcls.v5i1.307>

<sup>3</sup> Osman Sirajeldein Ahmed and others, 'Is Calling the SAF-RSF Conflict a "Dirty War" an Objective Description or a Moral Judgment? A Critical Analysis of the Ongoing War in Sudan (2023–Present)', *Cogent Social Sciences*, 11.1 (2025) <https://doi.org/10.1080/23311886.2025.2586199>



the permissible limits of violence, the protection of human dignity, and the responsibility of parties engaged in armed conflict. In response to these concerns, the international community has progressively developed legal and moral frameworks designed to restrain the conduct of hostilities and mitigate their humanitarian consequences.<sup>4</sup>

Within this normative evolution, international humanitarian law (IHL) emerged as a specialized body of legal norms aimed at reconciling the realities of armed conflict with fundamental principles of humanity.<sup>5</sup> IHL does not seek to legitimize war, nor does it assess the political or moral justifications for resorting to armed force. Rather, it regulates behavior once hostilities have commenced, imposing binding obligations on all parties to a conflict. A proper understanding of IHL therefore requires a clear distinction between *jus ad bellum*, which governs the legality of the use of force, and *jus in bello*, which governs conduct during armed conflict. While the former addresses whether force may be lawfully used, the latter applies irrespective of the legality of the conflict and focuses on limiting suffering, protecting civilians, and regulating the means and methods of warfare.<sup>6</sup> Humanitarian considerations arise not from the justification of war itself, but from the legal imperative to preserve a minimum standard of humanity even in situations of extreme violence.<sup>7</sup>

The normative foundations of IHL predate its modern codification and can be traced to historical practices across diverse civilizations. Ancient societies developed customary restraints on warfare that sought to protect non-combatants and limit unnecessary cruelty.<sup>8</sup> Humanitarian principles were articulated in Indian and Chinese military traditions, customary norms emerged in African societies, and detailed legal doctrines were formulated within Islamic jurisprudence. Islamic law, in particular, articulated sophisticated rules concerning distinction between combatants and civilians, humane treatment of prisoners of war, protection of the wounded, and limitations on military necessity. These principles reflect an early recognition that warfare must be

<sup>4</sup> Anis Mashdurohatun, Eid Abed Alhaleem Maslat Harahsheh, and others, 'Contemporary Reassessment of Punishment in Islamic Sharia and Secular Law: A Comparative Study of Justice and Penal Philosophy', *MILRev: Metro Islamic Law Review*, 5.1 (2026), 80–100 <https://doi.org/10.32332/milrev.v5i1.11887>

<sup>5</sup> Seema Gul, Arusa Saman and Fayaz Ahmad, 'The Convergence of Human Rights and Humanitarian Law: Recalibrating Legal Boundaries in Contemporary Conflict', *The Critical Review of Social Sciences Studies*, 3.2 (2025), 1391–1403 <https://doi.org/10.59075/g559yx51>

<sup>6</sup> Muhammad Azam and others, 'Harmonizing Contemporary International Commercial Law with Sharia-Based National Legal Systems: A Comparative Study of Pakistan, Turkey, Indonesia, Malaysia, and Saudi Arabia', *MILRev: Metro Islamic Law Review*, 4.2 (2025), 1074–96 <https://doi.org/10.32332/milrev.v4i2.11334>

<sup>7</sup> Hagar Kotef and Merav Amir, 'Torture's Bureaucracy and the "Legitimacy Effect"', *Perspectives on Politics*, 23.4 (2025), 1307–23 <https://doi.org/10.1017/S1537592724001105>

<sup>8</sup> Gadi Zerach, Ariel Ben-Yehuda and Yossi Levi-Belz, 'The Impact of Exposure to Morally Injurious Events on Posttraumatic Stress Symptoms among Israeli Combat Veterans: A Longitudinal Moderated Mediation Model of Moral Injury Outcomes and Dispositional Forgiveness', *Psychiatry Research*, 353 (2025), 116747 <https://doi.org/10.1016/j.psychres.2025.116747>



subject to ethical and legal constraints, many of which resonate strongly with contemporary humanitarian norms.<sup>9</sup>

Modern international humanitarian law evolved through the gradual codification of these principles into treaty and customary law, most notably through the development of the Hague Law regulating the conduct of hostilities and the Geneva Law focusing on the protection of victims of armed conflict.<sup>10</sup> This process culminated in the adoption of the Geneva Conventions of 1949 and their Additional Protocols of 1977, which consolidated existing humanitarian protections and significantly expanded their scope. These instruments extended protection not only to international armed conflicts but also to non-international armed conflicts, reflecting the changing nature of warfare and the increasing prevalence of internal conflicts. Crucially, IHL applies from the outset of armed conflict and affirms that humanitarian obligations operate independently of any assessment of the conflict's legality under international law.<sup>11</sup>

The protection of civilians constitutes a central pillar of international humanitarian law and represents one of its most significant normative achievements.<sup>12</sup> This protection is articulated most clearly in the Fourth Geneva Convention of 1949, which establishes the protected status of civilians and recognizes a comprehensive set of rights designed to shield them from the effects of hostilities. The principle of distinction, which obliges parties to a conflict to differentiate at all times between civilians and combatants, serves as the cornerstone of civilian protection. Additional Protocol I of 1977 reinforces this principle by defining civilians in relation to combatant status and by further regulating attacks, military objectives, and proportionality. Together with Additional Protocol II governing non-international armed conflicts, these instruments constitute the principal legal framework for civilian protection in contemporary armed conflict.<sup>13</sup>

Despite the clarity and maturity of this normative framework, the effective protection of civilians under IHL remains deeply problematic. Persistent violations, including indiscriminate attacks, forced displacement, destruction of essential civilian infrastructure, and deprivation of objects indispensable to survival, continue to occur in armed conflicts across different regions.<sup>14</sup> This persistent gap between legal norms

<sup>9</sup> Oleksii VOLOKHOV and others, 'Contemporary Armed Conflicts in Ukraine as a Challenge for IHL: Cases, Prospects and Paradigms', *Revista de Cercetare Si Interventie Sociala*, 2025, 177–93 <https://doi.org/10.33788/rcis.90.10>

<sup>10</sup> Giovanni Mantilla, 'From Treaty to Custom: Shifting Paths in the Recent Development of International Humanitarian Law', *Leiden Journal of International Law*, 37.2 (2024), 359–78 <https://doi.org/10.1017/S0922156523000705>

<sup>11</sup> Luigi Daniele, 'Incidentalities of the Civilian Harm in International Humanitarian Law and Its Contra Legem Antonyms in Recent Discourses on the Laws of War', *Journal of Conflict and Security Law*, 29.1 (2024), 21–54 <https://doi.org/10.1093/jcsl/krae004>

<sup>12</sup> Rosemary Foot, 'Institutional Design and Rhetorical Spaces: China's Human Rights Strategies in a Changing World Order', *Journal of Contemporary China*, 33.150 (2024), 1053–66 <https://doi.org/10.1080/10670564.2023.2299958>

<sup>13</sup> Clara Pettoello-Mantovani and others, 'International Legal Implications for Children in Conflict Zones', *Global Pediatrics*, 14 (2025), 100285 <https://doi.org/10.1016/j.gpeds.2025.100285>

<sup>14</sup> Gus Waschefort, 'The Alchemy of the Right to Life during the Conduct of Hostilities: A Normative Approach to Operationalizing the "Supreme Right"', *European Journal of International Law*, 34.3 (2023), 615–46 <https://doi.org/10.1093/ejil/chad045>



and empirical realities raises fundamental questions about the effectiveness of enforcement mechanisms within the IHL system. Normative recognition alone has proven insufficient to ensure compliance, particularly in situations characterized by prolonged hostilities, asymmetric warfare, and entrenched political interests.<sup>15</sup>

At the national level, States bear the primary responsibility for implementing and enforcing international humanitarian law.<sup>16</sup> This responsibility encompasses ratification of relevant treaties, harmonization of domestic legislation, dissemination of humanitarian norms, and the exercise of criminal jurisdiction over serious violations. National courts are accorded priority in prosecuting grave breaches of humanitarian law, reflecting the principle of complementarity. In practice, however, domestic enforcement often remains weak due to political unwillingness, lack of capacity, selective application of the law, or direct involvement of State actors in the alleged violations. As a result, national guarantees frequently fail to provide effective accountability or meaningful protection for civilian populations.<sup>17</sup>

International mechanisms are intended to complement domestic enforcement and address situations where national systems are unwilling or unable to act. The International Committee of the Red Cross plays a central role in monitoring compliance, engaging in confidential dialogue with parties to conflict, and promoting respect for humanitarian norms. The United Nations Security Council has adopted numerous resolutions addressing the protection of civilians and authorizing measures aimed at restoring international peace and security. International criminal justice further reinforces this framework through the establishment of ad hoc tribunals and the creation of the permanent International Criminal Court, which entered into force in 2002. Collectively, these institutions represent the principal international guarantees for accountability under international humanitarian law.<sup>18</sup>

Nevertheless, the persistence of widespread and systematic violations reveals structural and doctrinal limitations within the existing enforcement architecture. Political considerations, selective engagement, jurisdictional constraints, and challenges in securing cooperation have significantly undermined the effectiveness of international mechanisms.<sup>19</sup> While existing scholarship has extensively analyzed the substantive obligations imposed by international humanitarian law, comparatively

<sup>15</sup> Muhamad Yofhan Wibianto, Hartiwiningsih Hartiwiningsih and I Gusti Ayu Ketut Rachmi Handayani, 'Real Justice, Real Impact with the Prosecutors in Action', *Journal of Human Rights, Culture and Legal System*, 5.3 (2025), 1015–41 <https://doi.org/10.53955/jhcls.v5i3.804>

<sup>16</sup> Christel Querton, 'Protection from Indiscriminate Violence in Armed Conflict: The Scope of Subsidiary Protection in the European Union', *International Journal of Refugee Law*, 37.1 (2025), 36–59 <https://doi.org/10.1093/ijrl/eeaf006>

<sup>17</sup> Layan Kateb and Rania Al-Faqih, 'Colonial Carcerality and Systematic Torture: An Analysis of Israeli Detention Practices Post-October 7th, 2023', *Torture Journal*, 35.2–3 (2025), 79–89 <https://doi.org/10.7146/torture.v35i2.157357>

<sup>18</sup> Frédéric Casier and Laura De Grève, 'The Role of National Red Cross and Red Crescent Societies in the Development of International Humanitarian Law: Lessons Learned and Perspectives Based on the Belgian Red Cross Experience', *International Review of the Red Cross*, 104.920–921 (2022), 2027–51 <https://doi.org/10.1017/S1816383122000583>

<sup>19</sup> Md Syful Islam and ASM Mahmudul Hasan, 'Rethinking UNCLOS Dispute Mechanisms: Jurisdiction, Sovereignty, and Reform Pathways through Case Law Insights', *International Environmental Agreements: Politics, Law and Economics*, 25.4 (2025), 539–74 <https://doi.org/10.1007/s10784-025-09690-0>



limited attention has been paid to the structural weaknesses that impede enforcement, particularly in politically sensitive and protracted conflicts. This gap in the literature underscores the need for a more critical examination of enforcement mechanisms and their capacity to translate legal norms into effective protection.<sup>20</sup>

This study seeks to address that gap by critically examining the enforcement of international humanitarian law within the Geneva Convention framework, with particular attention to the legal, institutional, and political factors that weaken accountability for serious violations against civilians. The scientific novelty of this study lies in its integrated analysis of normative protections and enforcement failures, moving beyond doctrinal exposition to assess the systemic constraints that undermine compliance.<sup>21</sup> The urgency of this inquiry is reinforced by the continued occurrence of large-scale humanitarian harm despite the maturity of the IHL regime and the existence of multiple enforcement institutions.<sup>22</sup> Accordingly, this study aims to evaluate the effectiveness of existing enforcement mechanisms, identify their structural limitations, and propose pathways for strengthening compliance and enhancing the protective function of international humanitarian law in contemporary armed conflicts.<sup>23</sup>

Previous scholarly research has extensively analyzed the enforcement deficits of international humanitarian law and the Geneva Conventions in contemporary armed conflicts. Sassòli (2019) demonstrates that, despite the comprehensive normative structure of the Geneva Conventions, enforcement remains weak due to the absence of effective compliance mechanisms during active hostilities.<sup>24</sup> Swed (2023) empirically shows that treaty commitments do not consistently constrain military behavior, particularly in conflicts involving asymmetric warfare and dense civilian populations. Studies by Akande and Gillard (2018) emphasize that political considerations and security narratives frequently override humanitarian obligations, thereby limiting accountability for violations.<sup>25</sup> Crawford (2020) further argues that international judicial mechanisms suffer from structural and political constraints that undermine their capacity to enforce humanitarian norms effectively. In the specific

<sup>20</sup> Stephen Chitengi Sakapaji and others, 'Navigating Legal and Regulatory Frameworks to Achieve the Resilience and Sustainability of Indigenous Socioecological Systems', *Resources*, 13.4 (2024), 56 <https://doi.org/10.3390/resources13040056>

<sup>21</sup> Ammar Zafar, 'Quantum Computing in Finance: Regulatory Readiness, Legal Gaps, and the Future of Secure Tech Innovation', *European Journal of Risk Regulation*, 16.4 (2025), 1535–66 <https://doi.org/10.1017/err.2025.10050>

<sup>22</sup> Paul B. Stephan, 'The Crisis in International Law and the Path Forward for International Humanitarian Law', *International Review of the Red Cross*, 104.920–921 (2022), 2077–96 <https://doi.org/10.1017/S1816383122000285>

<sup>23</sup> Rustamaji Muhammad and others, 'The Reduction of Criminal Justice Policy in Indonesia: Justice versus Virality', *Journal of Human Rights, Culture and Legal System*, 5.2 (2025), 442–72 <https://doi.org/10.53955/jhcls.v5i2.637>

<sup>24</sup> Patrycja Grzebyk and Marco Sassòli, 'International Humanitarian Law : Rules , Controversies , and Solutions to Problems Arising in Warfare', *POLISH YEARBOOK OF INTERNATIONAL LAW*, 2019, 0–3 <https://doi.org/10.24425/pyil.2020.134486>

<sup>25</sup> Dapo Akande and Emanuela-Chiara Gillard, 'Arbitrary Withholding of Consent to Humanitarian Relief Operations in Armed Conflict', *International Law Studies*, 92.483 (2016), 482–511. <https://digital-commons.usnwc.edu/ils/vol92/iss1/15/>



context of Israel–Palestine, Kretzmer (2012) identifies persistent failures in applying the principles of distinction and proportionality, while Ben-Naftali, Gross.<sup>26</sup>

This study examines the armed conflict in the Gaza Strip since October 7, 2023, which remains ongoing at the time of writing. The research analyzes conduct associated with this conflict that raises serious concerns under international humanitarian law, particularly with respect to the prohibition of starvation of civilians and attacks on objects indispensable to civilian survival, as articulated in Additional Protocol I. The study further evaluates these acts in light of international criminal law, focusing on the classification of widespread civilian harm, deprivation of essential resources, and large-scale destruction as potential war crimes, crimes against humanity, and acts of genocide. By adopting an international humanitarian law perspective, this research seeks to explain the failure of existing enforcement mechanisms to provide effective protection for Palestinian civilians and to assess how international criminal justice, particularly through the International Criminal Court, may be strengthened to operate independently of political pressure.

## METHOD

This study employs a descriptive socio-legal methodology to examine the enforcement of international humanitarian law, particularly the Fourth Geneva Convention of 1949, by viewing law not only as a set of prescriptive norms but also as a practice shaped by institutional, political, and compliance contexts. Grounded in a constructivist paradigm, the research integrates normative legal analysis with a “law in action” approach through hermeneutic and analytical interpretation of legal texts and enforcement mechanisms at both national and international levels. Qualitative data are obtained through a systematic literature review of primary and secondary legal sources and are analyzed descriptively and critically to assess effectiveness, identify enforcement gaps and structural weaknesses, and explain the limitations of international humanitarian law implementation as well as the prospects for strengthening accountability mechanisms.<sup>27</sup>

## RESULT AND DISCUSSION

### *Strengthening the Enforcement of Geneva Convention Norms to Safeguard Civilians and Civilian Assets*

The four Geneva Conventions of 1949 represent the fundamental normative framework of international humanitarian law, universally ratified and enforced as binding legal rules for the conduct of armed conflict.<sup>28</sup> Central within this framework, the Fourth Geneva Convention concerning the Protection of Civilian Persons in Time of War establishes the principal legal standards for safeguarding civilians and civilian

<sup>26</sup> Marcus Crawford, ‘Ecological Systems Theory: Exploring the Development of the Theoretical Framework as Conceived by Bronfenbrenner’, *Journal of Public Health Issues and Practices*, 4.2 (2020) <https://doi.org/10.33790/jphip1100170>

<sup>27</sup> Abdul Kadir Jaelani, Anila Rabbani and Muhammad Jihadul Hayat, ‘Land Reform Policy in Determining Abandoned Land for Halal Tourism Destination Management Based on Fiqh Siyasa’, *El-Mashlahah*, 14.1 (2024), 211–36 <https://doi.org/10.23971/el-mashlahah.v14i1.8051>

<sup>28</sup> Ahmad Talha, Amina Iqbal and Faisal Shahzad Khan, ‘Revisiting the Geneva Conventions: Are the Four Core Conventions Sufficient for 21st Century Warfare?’, *The Critical Review of Social Sciences Studies*, 3.2 (2025), 2213–29 <https://doi.org/10.59075/97c2c362>



objects in situations of international and non-international armed conflict.<sup>29</sup> Articles 2 and 3 define the scope of these obligations, stipulating unequivocally that humanitarian protections apply from the very onset of hostilities, independent of the legal justification for the conflict itself. As a result, parties engaged in conflict assume an immediate and non-derogable duty to respect civilian immunity, protect civilian property, and ensure access to essential resources required for the survival of civilian populations.<sup>30</sup>

In the context of the ongoing armed conflict in the Gaza Strip, the Fourth Geneva Convention imposes clear, legally binding obligations on Israel as the occupying power.<sup>31</sup> These include the protection of the civilian population, the active avoidance of actions that may endanger civilians, and the facilitation of humanitarian assistance necessary for daily survival. The duties imposed by the Convention arise from both treaty law and customary international humanitarian principles, which reinforce the primacy of civilian protection and the prohibition of collective punishment.<sup>32</sup> The First Additional Protocol of 1977 further strengthens the protective framework by elaborating on the principles of distinction, proportionality, and precaution. These principles mandate that parties to a conflict always distinguish between civilians and combatants, and between civilian objects and military objectives, while taking all feasible precautions to avoid or minimize incidental harm to civilian persons and infrastructure.<sup>33</sup>

This study adopts a systematic analytical approach, structuring the results in two principal sections. The first section examines the substantive legal rules governing the protection of civilians and civilian objects under the Fourth Geneva Convention of 1949 and Additional Protocol I of 1977.<sup>34</sup> This section expounds on the normative content of humanitarian obligations, including the prohibition of indiscriminate attacks, the requirements for the protection of medical facilities, and the safeguarding of objects indispensable to civilian survival. The second section evaluates the documented violations of these legal provisions during the 2023 Gaza conflict,

<sup>29</sup> Raphaël van Steenberghe, 'The Impacts of Human Rights Law on the Regulation of Armed Conflict: A Coherency-Based Approach to Dealing with Both the "Interpretation" and "Application" Processes', *International Review of the Red Cross*, 104.919 (2022), 1345–96 <https://doi.org/10.1017/S1816383122000133>

<sup>30</sup> Berkant Akkuş, 'Deepfakes and the Geneva Conventions: Does Deceptive AI-Generated Misinformation Directed at an Enemy During Armed Conflict Violate International Humanitarian Law? A Critical Discussion', *Laws*, 14.6 (2025), 83 <https://doi.org/10.3390/laws14060083>

<sup>31</sup> Safaa Sadi Jaber and Ilias Bantekas, "The Status Of Gaza As Occupied Territory Under International Law," *International and Comparative Law Quarterly* 72, no. 4 (October 5, 2023): 1069–88, <https://doi.org/10.1017/S0020589323000349>

<sup>32</sup> Avraham Russell Shalev, 'The Death of Siege? The Future of Siege Warfare in the Wake of Gaza', *SSRN Electronic Journal*, 2025 <https://doi.org/10.2139/ssrn.5067897>

<sup>33</sup> Rohmad Adi Yulianto and Abdul Mufid, 'The Principle of Proportionality in Armed Conflict under International Law and Islam', *AHKAM: Jurnal Ilmu Syariah*, 25.1 (2025), 105–24 <https://doi.org/10.15408/ajis.v25i1.42273>

<sup>34</sup> Gawhar Ahmad Khan, 'Protection of Civilians in War: The Role of International Humanitarian Law', *JUSTICES: Journal of Law*, 3.3 (2024), 204–14 <https://doi.org/10.58355/justices.v3i3.131>



identifying and analyzing patterns of civilian harm, destruction of civilian infrastructure, and restrictions on humanitarian access.<sup>35</sup>

The comprehensiveness, and binding force of humanitarian norms, widespread civilian casualties, infrastructure destruction, and humanitarian suffering continue to occur. This persistent reality highlights a fundamental enforcement deficit within the international humanitarian law regime. The continued occurrence of violations, coupled with only partial or selective compliance with international decisions and resolutions, makes evident that normative regulation alone is insufficient to guarantee effective civilian protection.<sup>36</sup> The research thereby underlines the necessity for activating robust judicial and punitive mechanisms capable of ensuring accountability for violators and creating genuine deterrence against future breaches.<sup>37</sup> Effective civilian protection thus requires not only the existence of clear legal norms but also the implementation and activation of strong enforcement structures that bridge the gap between law and practice in the realities of armed conflict.<sup>38</sup>

International humanitarian law establishes a differentiated and layered system of protection that supplements the general safeguards afforded to civilians by recognizing the distinct vulnerabilities of certain groups during armed conflict.<sup>39</sup> Beyond the baseline protections articulated in the Fourth Geneva Convention and Additional Protocol I, international humanitarian law confers special protective regimes on individuals whose age, gender, health status, or professional function renders them particularly exposed to the risks of hostilities. These vulnerable groups include children, women, the wounded, the sick, the shipwrecked, the elderly, and medical and humanitarian personnel. The rationale for such differentiated protection lies in the objective incapacity of these persons to withstand the physical, psychological, and structural consequences of armed conflict, and in the recognition that these groups are often disproportionately affected by the conduct of hostilities.<sup>40</sup>

Special protection, as defined in the legal framework, does not replace but rather augments general civilian protection, operating cumulatively alongside it. Parties to an armed conflict are precluded from selectively applying only general rules while disregarding special guarantees; both sets of norms impose concurrent and

<sup>35</sup> Aleksandra Nieprzecka, 'Interconnected Norms and the Crimes and Offences within the ICC Jurisdiction', in *Participation in Crime Falling within the Subject-Matter Jurisdiction of the International Criminal Court* (The Hague: T.M.C. Asser Press, 2024), pp. 63–123 [https://doi.org/10.1007/978-94-6265-623-9\\_3](https://doi.org/10.1007/978-94-6265-623-9_3)

<sup>36</sup> Jie Guo, 'The Ethical Legitimacy of Autonomous Weapons Systems: Reconfiguring War Accountability in the Age of Artificial Intelligence', *Ethics & Global Politics*, 18.3 (2025), 27–39 <https://doi.org/10.1080/16544951.2025.2540131>

<sup>37</sup> M. Rafsan Jzani, 'The Effectiveness of Restorative Justice in Resolving Criminal Acts: Interaction Between Ocu Customary Law and Positive Law', *Jurnal Ius Constituendum*, 10.3 (2025), 394–414 <https://doi.org/10.26623/jic.v10i3.12234>

<sup>38</sup> SINE VORLAND HOLEN, 'A Duty to Protect? Legal Consciousness among Military Officers in Armed Conflict', *Journal of Law and Society*, 50.1 (2023), 17–38 <https://doi.org/10.1111/jols.12405>

<sup>39</sup> Johnny Sakr, 'The Jurisprudence of Functional Identity: Artificial Intelligence as a Combatant in Warfare Under Article 43(2) of Additional Protocol I to the Geneva Conventions', *Laws*, 14.6 (2025), 91 <https://doi.org/10.3390/laws14060091>

<sup>40</sup> Raphaël van Steenberghe, 'The Interplay between International Humanitarian Law and International Environmental Law', *Journal of International Criminal Justice*, 20.5 (2023), 1123–54 <https://doi.org/10.1093/jicj/mqac062>



complementary obligations.<sup>41</sup> For example, children are granted enhanced protection due to their physical and mental immaturity, which restricts their ability to comprehend, avoid, or survive the dangers of war. International humanitarian law accordingly obliges parties to ensure respect for children's life, dignity, and development, prohibits their recruitment and participation in hostilities below a defined age threshold, and requires humane treatment in cases of detention or displacement.<sup>42</sup>

Women benefit from specific protective measures, primarily in recognition of their exposure to gender-based violence and their social role in caregiving, particularly during pregnancy and motherhood.<sup>43</sup> International humanitarian law explicitly prohibits all forms of sexual violence, prioritizes the protection of pregnant women and mothers in detention, and restricts the imposition of capital punishment on women in these circumstances. These protections aim to uphold both individual dignity and the broader integrity of the social fabric impacted by armed conflict. Similarly, the wounded, sick, and shipwrecked are entitled to unconditional protection based on medical need, regardless of their status or affiliation. Their status triggers an immediate obligation for respect, care, and non-discrimination, with humanitarian considerations overriding military classifications. The elderly also receive additional protection as civilians whose age-related vulnerabilities necessitate evacuation assistance, access to medical care, and exemption from the adverse effects of siege or displacement.<sup>44</sup>

Medical and humanitarian personnel occupy a distinct protected status due to their irreplaceable role in saving lives and alleviating suffering.<sup>45</sup> International humanitarian law guarantees their safety, freedom to perform medical duties, and immunity from punitive measures for actions consistent with professional ethics. Attacks on medical units or interference with humanitarian functions are classified as serious violations of humanitarian law. These special protection regimes reflect the evolution of international humanitarian law toward a more nuanced and human-centered framework.<sup>46</sup> They reinforce the legal imperative to adapt protective norms to the

<sup>41</sup> Peter I. Gasiokwu and others, 'Critical Examination of Emerging Issues in Refugee Protection: A Transnational Legal Perspective', *Jurnal IUS Kajian Hukum Dan Keadilan*, 12.2 (2024), 423–46 <https://doi.org/10.29303/ius.v12i2.1364>

<sup>42</sup> Shovita Dhakal Adhikari, "'Bichara", "Katthai": Countering the Discourse: Understanding Risk and Resilience in Response to Child Trafficking in the Entertainment Sector of Nepal', *Children and Youth Services Review*, 179 (2025), 108607 <https://doi.org/10.1016/j.childyouth.2025.108607>

<sup>43</sup> Laura Guercio and Paolina Massidda, 'Creating an International Institution for the Rehabilitation and Reintegration of Children Involved in Armed Conflict', 2024, pp. 61–86 [https://doi.org/10.1007/978-3-031-55478-0\\_4](https://doi.org/10.1007/978-3-031-55478-0_4)

<sup>44</sup> Petra Kleindienst and Matevž Tomšič, 'Human Dignity and Transitional Justice in European Post-Conflict Societies', *International Journal of Politics, Culture, and Society*, 2025 <https://doi.org/10.1007/s10767-025-09515-7>

<sup>45</sup> Mohammad Abir Mamun, 'How Can the Protection of Medical Personnel and Facilities under International Humanitarian Law Be Strengthened?', *Medicine, Conflict and Survival*, 40.3 (2024), 276–84 <https://doi.org/10.1080/13623699.2024.2382833>

<sup>46</sup> Columba Achilleos-Sarll and others, 'Unhappy Birthday! Women, Peace and Security at 25', *International Feminist Journal of Politics*, 2025, 1–47 <https://doi.org/10.1080/14616742.2025.2600069>



realities of vulnerability in modern armed conflicts, while upholding the indivisibility and universality of civilian protection.<sup>47</sup>

The legal framework for the protection of civilian objects is equally comprehensive. The Fourth Geneva Convention and its Additional Protocols define civilian objects to include homes, schools, hospitals, places of worship, public utilities, agricultural facilities, and all other resources essential for civilian survival.<sup>48</sup> The law presumes that facilities ordinarily devoted to civilian purposes retain their protected status unless clear evidence demonstrates effective military use. The Protocols explicitly forbid not only direct attacks on these objects but also any actions that would deprive civilians of indispensable resources, such as the targeting of food supplies, crops, livestock, water facilities, and irrigation networks.<sup>49</sup> The distinction between civilian objects and military objectives is foundational: military targets must, by their nature, location, purpose, or use, contribute effectively to military action, and their destruction must yield a definite military advantage. Dual-use objects, when converted to military use, may lose their immunity, but this loss must be supported by clear and convincing evidence.<sup>50</sup>

Despite the existence of rigorous legal norms, actual implementation remains problematic in contemporary armed conflicts. The 2023 conflict in Gaza, as documented in this study, demonstrates a pattern of systematic violations: indiscriminate and disproportionate attacks on densely populated civilian areas, extensive destruction of civilian infrastructure, deliberate obstruction of humanitarian access, and the targeting of medical personnel and facilities.<sup>51</sup> These violations resulted in large-scale civilian casualties, the forced displacement of over two million people, and the imposition of famine conditions in several regions. The targeting and destruction of homes, hospitals, schools, and places of worship, as well as the use of weapons with indiscriminate effects in urban environments, were in clear contravention of the obligations established by the Geneva Conventions and their Protocols.<sup>52</sup>

<sup>47</sup> Anis Mashdurohatun, Yusfandi Usman, and others, 'Rethinking Palm Oil Plastic Regulations for Sustainable and Ecological Justice', *Journal of Human Rights, Culture and Legal System*, 5.2 (2025), 500–530 <https://doi.org/10.53955/jhcls.v5i2.681>

<sup>48</sup> Yara Asi and others, "'Nowhere and No One Is Safe': Spatial Analysis of Damage to Critical Civilian Infrastructure in the Gaza Strip during the First Phase of the Israeli Military Campaign, 7 October to 22 November 2023", *Conflict and Health*, 18.1 (2024), 24 <https://doi.org/10.1186/s13031-024-00580-x>

<sup>49</sup> Julia E. Sullivan and Dmitriy Kamensky, 'Putin's Power Play: Russia's Attacks on Ukraine's Electric Power Infrastructure Violate International Law', *The Electricity Journal*, 37.2 (2024), 107371 <https://doi.org/10.1016/j.tej.2024.107371>

<sup>50</sup> Douglas Guilfoyle, Tamsin Phillipa Paige, and Rob McLaughlin, "The Final Frontier Of Cyberspace: The Seabed Beyond National Jurisdiction And The Protection Of Submarine Cables," *International and Comparative Law Quarterly* 71, no. 3 (July 25, 2022): 657–96, <https://doi.org/10.1017/S0020589322000227>

<sup>51</sup> Guadalupe Francia and Tabisa Arlet Verdejo Valenzuela, 'The Rights to and Within Education in Armed Conflicts: The Case of Gaza 2023–2025', *Social Sciences*, 14.9 (2025), 524 <https://doi.org/10.3390/socsci14090524>

<sup>52</sup> Justin George and Adesoji Adelaja, 'Armed Conflicts, Forced Displacement and Food Security in Host Communities', *World Development*, 158 (2022), 105991 <https://doi.org/10.1016/j.worlddev.2022.105991>



The persistent gap between the legal obligations codified in international humanitarian law and their practical enforcement is attributable to multiple factors. These include the absence of effective judicial mechanisms at the international level, the lack of political will among key actors to enforce accountability, the limited operational capacity of international institutions, and the complex realities of asymmetric warfare and urban conflict.<sup>53</sup> As a result, even comprehensive legal frameworks, such as the Geneva Conventions, cannot by themselves guarantee the protection of civilians without the activation of strong enforcement mechanisms.<sup>54</sup>

The Geneva Conventions and their Additional Protocols provide a robust and comprehensive legal framework for the protection of civilians and vulnerable groups in armed conflict.<sup>55</sup> However, the persistence of large-scale violations, as observed in the Gaza Strip, reveals the inadequacy of normative regulation in the absence of effective enforcement.<sup>56</sup> The research concludes that the international community must prioritize the strengthening of judicial, punitive, and operational mechanisms of enforcement, in order to ensure that the protections guaranteed by international humanitarian law are translated into real and effective protection for civilian populations in contemporary armed conflicts.<sup>57</sup>

### ***Challenges International Mechanisms Face in Enforcing International Humanitarian Law in Persistent Conflicts***

The implementation of IHL encounters considerable obstacles owing to the lack of a centralized authority with the power to monitor compliance and apply punishments.<sup>58</sup> In contrast to domestic law, which depends on courts and administrative bodies for the enforcement of legal obligations, international law is devoid of an executive authority capable of ordering governments or persons to comply with its standards. As a result, breaches of International Humanitarian Law frequently escape punishment, and responsibility is constrained.<sup>59</sup> The growing global awareness of humanitarian issues has resulted in the formation of numerous international organizations and demands for the acknowledgment of significant violations of International Humanitarian Law as war crimes, the identification of

<sup>53</sup> Marco Sassòli, 'How Will International Humanitarian Law Develop in the Future?', *International Review of the Red Cross*, 104.920–921 (2022), 2052–76 <https://doi.org/10.1017/S1816383122000431>

<sup>54</sup> Taylor Kate Woodcock, 'Human/Machine(-Learning) Interactions, Human Agency and the International Humanitarian Law Proportionality Standard', *Global Society*, 38.1 (2024), 100–121 <https://doi.org/10.1080/13600826.2023.2267592>

<sup>55</sup> Khoirunnisa Khoirunnisa and others, 'The Ukraine-Russia Conflict: An International Humanitarian Law Review of the Involvement of Foreign Fighters', *Social Sciences & Humanities Open*, 11 (2025), 101340 <https://doi.org/10.1016/j.ssaho.2025.101340>

<sup>56</sup> Richard Illingworth, 'Gaza and the Failure of Atrocity Prevention: Placing the Responsibility to Protect on Stronger Cosmopolitan Foundations', *Cooperation and Conflict*, 2025 <https://doi.org/10.1177/00108367251321440>

<sup>57</sup> Ni Putu Rai Yulianti and others, 'From Retribution to Restoration: Human Rights-Based Legal Protection for Women Victims of Sexual Violence', *Jurnal Media Hukum*, 32.2 (2025), 281–300 <https://doi.org/10.18196/jmh.v32i2.26214>

<sup>58</sup> Fabio Calzolari and Wipa Phantanaboon, 'Homo Machina: Italian Perspectives on Drone Warfare within International Humanitarian and Human Rights Law', *Sriwijaya Law Review*, 9.1 (2025), 22–48 <https://doi.org/10.28946/slrev.Vol9.Iss1.3199.pp22-48>

<sup>59</sup> Oqab Jabali, 'Beyond the Barriers: Analyzing Implementation, Consequences, and Coping Mechanisms of Collective Punishment in Palestine', *Punishment & Society*, 2025 <https://doi.org/10.1177/14624745251394739>



offenders as war criminals, and the appointment of appropriate judicial entities, including national courts, ad hoc tribunals, or international courts, empowered to prosecute them.<sup>60</sup>

The principal aim of IHL is to safeguard individual rights and guarantee their security during armed conflicts. Realizing this purpose demands more than simply finalizing treaties; it involves the integration of coercive procedures within international accords to ensure compliance, especially during conflicts. The four Geneva Conventions of 1949, along with their Additional Protocols, have established a thorough framework for the implementation of International Humanitarian Law at both national and international levels.<sup>61</sup> Enforcement is conducted globally by states, multilateral organizations, and other entities tasked with upholding humanitarian standards. States nationally apply International Humanitarian Law through legislation, administrative acts, and judicial proceedings, ensuring the principles are incorporated into local legal frameworks.<sup>62</sup>

The 1998 Rome Statute established the International Criminal Court (ICC), conferring upon it independent legal personality and competence to punish those accountable for the gravest international offenses. The Geneva Conventions designate a pivotal function for both the protecting state and the International Committee of the Red Cross in overseeing adherence, while the 1977 Additional Protocols established additional enforcement mechanisms, such as the International Fact-Finding Commission and the supportive role of the United Nations.<sup>63</sup> The domestic implementation of International Humanitarian Law (IHL) entails the incorporation of international treaties into national legislation, a procedure regulated by either dualist or monist principles. Dualists regard international and domestic law as distinct systems, with domestic courts favoring national law in instances of conflict. Monists perceive international and domestic law as an integrated system, wherein international responsibilities take precedence over contradictory home regulations. Successful execution at the national level necessitates legislative integration, judicial acknowledgment, and the education and training of military and civilian personnel to foster adherence.<sup>64</sup>

The ratification and adhesion to the Geneva Conventions and Additional Protocols obligate states to adhere to International Humanitarian Law, compelling both

<sup>60</sup> Esmat Zaidan and Imad Antoine Ibrahim, 'AI Governance in a Complex and Rapidly Changing Regulatory Landscape: A Global Perspective', *Humanities and Social Sciences Communications*, 11.1 (2024), 1–18 <https://doi.org/10.1057/s41599-024-03560-x>

<sup>61</sup> Kasim Balarabe, 'Africa and the Domestic Implementation of the Geneva Conventions and Additional Protocols: Problems and Solutions', *Journal of African Law*, 66.2 (2022), 175–99 <https://doi.org/10.1017/S0021855322000109>

<sup>62</sup> Tareq Al-Billeh and others, 'The International Framework for Cyber-Attacks Under the Rules of International Humanitarian Law', *Journal of Human Rights, Culture and Legal System*, 5.2 (2025), 412–41 <https://doi.org/10.53955/jhcls.v5i2.534>

<sup>63</sup> Doina Popescu Ljungholm, 'Realities and Perspectives on the Application of International Humanitarian Law Norms', *Interdisciplinary Journal of Research and Development*, 12.1 S1 (2025), 301 <https://doi.org/10.56345/ijrdv12n1s140>

<sup>64</sup> Anis Mashdurohatun, Deny Arly Asmara, and others, 'The Independence of Civil Servant Investigators in Indonesian Immigration: A Fiqh Siyasah Perspective', *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan*, 12.1 (2025), 345 <https://doi.org/10.29300/mzn.v12i1.5120>



governments and individuals to comply with its regulations. By 2005, almost all governments had accepted the four Conventions, although the Additional Protocols garnered extensive, if slightly reduced, ratification.<sup>65</sup> Compliance with these agreements serves as a fundamental mechanism for ensuring that both national authorities and individuals adhere to International Humanitarian Law, thus protecting civilians and mitigating the effects of armed conflicts.<sup>66</sup> The enforcement of international humanitarian law (IHL) largely depends on the dedication of governments to uphold and guarantee adherence to its regulations. The Geneva Conventions of 1949, along with Additional Protocol I of 1977, specifically mandate that parties involved in an international armed conflict must implement all necessary steps to ensure compliance by all authorities and individuals under their control. This dual obligation includes both the direct adherence to International Humanitarian Law by states and the proactive responsibility to enforce its regulations among all parties, including combatants and non-signatory nations. Article 1 of the Geneva Conventions and the related article in Additional Protocol I enshrine the obligation of high contracting parties to uphold international humanitarian law (IHL) unconditionally and to guarantee its enforcement, embodying the essential principle of *pacta sunt servanda* as established in customary international law and articulated in Article 26 of the Vienna Convention on the Law of Treaties (1969).<sup>67</sup>

The obligation to uphold respect transcends the parties involved in the war, requiring neutral, allied, or even adversarial nations to promote adherence when they endorse and implement the conventions, therefore strengthening the customary and universal character of specific International Humanitarian Law regulations. Compliance is additionally reinforced by the promotion of International Humanitarian Law (IHL), which serves as a crucial preventive tool to alleviate human suffering in armed situations. States must disseminate, instruct, and advocate for International Humanitarian Law (IHL), focusing on both military personnel and civilian populations to foster awareness, humanitarian principles, and compliance with the law.<sup>68</sup> This process initiates in peacetime to equip civilians and military forces, persisting throughout and following conflicts to avert violations, minimize casualties, and reestablish peace. The International Committee of the Red Cross asserts that ignorance of International Humanitarian Law is “the worst enemy” of its enforcement, underscoring the imperative for extensive educational and awareness initiatives.<sup>69</sup>

<sup>65</sup> Muneeb Khan, Yen-Chiang Chang and Aiman Bibi, ‘Navigating Pakistan’s Maritime Industry Potential in Context of Blue Economy: An Analysis of the Necessity for Ratification of Maritime Labour Convention 2006’, *Marine Policy*, 165 (2024), 106150 <https://doi.org/10.1016/j.marpol.2024.106150>

<sup>66</sup> Aris Sarjito, ‘The Role of Private Military Companies in Defense Policy and Military Operations’, *Andalas Journal of International Studies (AJIS)*, 12.1 (2023), 38 <https://doi.org/10.25077/ajis.12.1.38-53.2023>

<sup>67</sup> Naek Siregar and others, ‘The Use of Artificial Intelligence in Armed Conflict under International Law’, *Hasanuddin Law Review*, 10.2 (2024), 189 <https://doi.org/10.20956/halrev.v10i2.5267>

<sup>68</sup> Naziye Dirikgil and Charalampos Efstathopoulos, ‘Good International Citizenship and the Protection of Internally Displaced Persons: Examining Kenya’s Law and Policy’, *The International Journal of Human Rights*, 28.10 (2024), 1640–61 <https://doi.org/10.1080/13642987.2024.2362836>

<sup>69</sup> Saba Sotoudehfar and Jeremy Julian Sarkin, ‘Drones on the Frontline: Charting the Use of Drones in the Russo-Ukrainian Conflict and How Their Use May Be Violating International Humanitarian Law’, *International and Comparative Law Review*, 23.2 (2023), 129–69 <https://doi.org/10.2478/iclr-2023-0018>



States are required to train skilled people and legal advisors to ensure the enforcement of IHL. Article 6 of Additional Protocol I stipulates the training of specialized individuals during peacetime to aid Protecting Powers and offer direction to national authorities in the implementation of International Humanitarian Law, encompassing humanitarian operations, family reunion, and the safeguarding of civilians and property.<sup>70</sup> Legal advisers, as outlined in Article 82, are responsible for interpreting, advising, and ensuring adherence to International Humanitarian Law (IHL) in the planning of military operations and throughout actual conflicts.<sup>71</sup> Their responsibilities encompass evaluating operational plans, advising commanders, assisting investigations, and ensuring compliance with International Humanitarian Law in intricate operational contexts.<sup>72</sup> Notwithstanding these requirements, the national execution of IHL encounters considerable hurdles. States frequently postpone the ratification of treaties, obstructing the prompt legal implementation of accords and constraining liability for infractions. The incorporation of international duties into domestic legislation often faces problems with national legal systems, especially where local law claims superiority over international law. Ambiguities in treaty wording and the absence of specified punishments hinder enforcement and limit national courts' ability to prosecute violations. The harmonization of criminal law presents significant challenges, frequently leading to impunity for severe violations.<sup>73</sup>

The successful execution of International Humanitarian Law necessitates a comprehensive strategy: prompt ratification of treaties, legislative integration of international commitments, extensive distribution and education, training of skilled individuals, and the hiring of legal advisors.<sup>74</sup> These methods collectively guarantee that nations not only adhere to International Humanitarian Law (IHL) but also actively foster compliance, mitigate human suffering during conflicts, and defend the fundamental humanitarian ideals that form the foundation of international law. The presence of international humanitarian law (IHL) in treaties and conventions does not automatically assure adherence, as legal standards necessitate efficient methods for enforcement. The 1949 Geneva Conventions and their Additional Protocols form the basis for the implementation of International Humanitarian Law, assigning obligations to governments, neutral protecting powers, and specialized entities like the International Committee of the Red Cross (ICRC). The First Additional Protocol of 1977 established supplemental institutions, such as the International Fact-Finding

<sup>70</sup> Tom Kirk, Naomi Pendle and Anastasia Vasilyeva, 'Humanitarian Protection Activities and the Safety of Strangers in the <sc>DRC</sc> , Syria and South Sudan', *Global Policy*, 16.1 (2025), 69–85 <https://doi.org/10.1111/1758-5899.13378>

<sup>71</sup> Anis Mashdurohatun, Bambang Sugihartono, and others, 'Combating Digital Defamation: Regulations, Challenges and Protecting Reputation', *Journal of Sustainable Development and Regulatory Issues (JSDERI)*, 3.3 (2025), 486–514 <https://doi.org/10.53955/jsderi.v3i3.147>

<sup>72</sup> Anis Mashdurohatun, Rizky Amalia Solichin, and others, 'A Justice and Maslahah-Based Reconstruction of Notary Removal Regulations', *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan*, 12.2 (2025), 739 <https://doi.org/10.29300/mzn.v12i2.9406>

<sup>73</sup> Agusmidah Agusmidah and others, 'ASEAN's Migrant Rights Policy Dilemma and Deadlock on Migrant Worker Protection', *Journal of Human Rights, Culture and Legal System*, 5.3 (2025), 714–48 <https://doi.org/10.53955/JHCLS.V5I3.581>

<sup>74</sup> Saqib Jawad and Ahmad Ghouri, 'International Humanitarian Law and Its Application in Pakistan', in *Pakistan and International Law* (London: Routledge, 2025), pp. 189–223 <https://doi.org/10.4324/9781003642251-8>



Commission, involvement of the United Nations, and the International Criminal Court.<sup>75</sup>

These institutions together seek to oversee compliance, safeguard victims of armed conflict, and promote dispute resolution among parties. Nonetheless, real implementation frequently faces considerable impediments stemming from political, logistical, and operational difficulties. This talk thoroughly analyzes these international structures and the challenges they encounter in practice.<sup>76</sup> The United Nations serves as a pivotal entity in the enforcement of International Humanitarian Law, offering institutional assistance to governments, overseeing adherence, and promoting international collaboration in instances of grave violations. The Security Council preserves peace and security, the General Assembly tackles wider human rights and policy issues, and the International Court of Justice resolves disputes among governments that recognize its authority.<sup>77</sup> The UN strengthens International Humanitarian Law by multilateral agreements and resolutions, such as the Genocide Convention, bans on nuclear and specific conventional weapons, and the convention regarding the non-applicability of legislative limitations to war crimes and crimes against humanity. Article 89 of the First Additional Protocol requires governments to collaborate with the UN in instances of grave violations, highlighting both collective and individual accountability. Notwithstanding these measures, enforcement frequently relies on political will and the willingness of member nations to fulfill international obligations.<sup>78</sup>

The notion of a protective state, established by the Geneva Conventions, allows a neutral entity to defend the interests of protected individuals and oversee the enforcement of International Humanitarian Law in occupied regions. States safeguarding mediation of conflicts, overseeing the treatment of prisoners of war, and facilitating civilian protection, so assuring adherence to the provisions of the agreements. Nonetheless, the system's efficacy is constrained by its dependence on the consent of all parties involved, including the neutral state, the occupied state, and the aggressor or occupying state. Historical examples, such as the 1956 Suez Crisis, illustrate both the potential advantages and operational limitations of this approach. The First Additional Protocol of 1977 mandates the establishment of protective states, obligating parties to assist in their duties and furnish essential support to guarantee protection and humanitarian aid.<sup>79</sup>

<sup>75</sup> Khaled Alser and others, 'Trauma Care Supported through a Global Telemedicine Initiative during the 2023–24 Military Assault on the Gaza Strip, Occupied Palestinian Territory: A Case Series', *The Lancet*, 404.10455 (2024), 874–86 [https://doi.org/10.1016/S0140-6736\(24\)01170-X](https://doi.org/10.1016/S0140-6736(24)01170-X)

<sup>76</sup> Mark Kramer, 'War Crimes in Russia's Invasion of Ukraine', in *The Russian-Ukrainian Conflict and War Crimes* (London: Routledge, 2024), pp. 3–37 <https://doi.org/10.4324/9781003493785-2>

<sup>77</sup> Omar Al-Makhzoumi and Dina Hatem Eid Al-Amro, 'The Future of Humanitarian Response in Crises: The Role of the International Committee of the Red Cross in Achieving Sustainability Through Advanced Technology', in *Studies in Systems, Decision and Control*, 2026, pp. 1201–15 [https://doi.org/10.1007/978-3-031-95310-1\\_89](https://doi.org/10.1007/978-3-031-95310-1_89)

<sup>78</sup> Zohar Lederman, 'International Humanitarian Law and the Immunity of Hospitals in Gaza', *Bioethics*, 40.1 (2026), 12–20 <https://doi.org/10.1111/bioe.13433>

<sup>79</sup> Jérôme de Hemptinne, 'Safeguarding Rangers in Conflict Zones: Bridging Humanitarian and Environmental Law', *International Review of the Red Cross*, 2026, 1–21 <https://doi.org/10.1017/S1816383125100957>



Non-governmental groups, especially the International Committee of the Red Cross, are essential in the enforcement of International Humanitarian Law. Established in 1863 by Henry Dunant after the Battle of Solferino, the ICRC functions as a neutral intermediary, offering aid to victims of armed conflict, overseeing adherence to humanitarian laws, executing relief operations, and reuniting separated families. Its dual duty includes legal advocacy for the advancement of International Humanitarian Law and the execution of humanitarian activities, such as monitoring the treatment of prisoners of war and ensuring civilian protection.<sup>80</sup> The ICRC operates within international legal frameworks, including the Geneva Conventions, customary international law, and the laws of the International Red Cross and Red Crescent Movement. The group upholds values of neutrality, impartiality, and independence, providing humanitarian assistance without bias or political interference, and holds observer status in the United Nations.<sup>81</sup>

Notwithstanding the creation of these procedures, considerable obstacles impede the effective implementation of IHL. Access to combat zones is frequently limited by security circumstances, political factors may override legal responsibilities, and states may postpone treaty ratification or neglect to incorporate international humanitarian law into domestic laws. The protective state structure is constrained by consent prerequisites and political limitations, while the ICRC must perpetually adjust to intricate and dynamic armed conflicts while upholding neutrality and operational integrity. These mechanisms collectively establish a systematic framework for the promotion, monitoring, and enforcement of IHL, reconciling legal requirements with real humanitarian efforts, and safeguarding the rights of victims of armed conflict in alignment with international legal duties.<sup>82</sup>

The ICRC holds a distinctive status in international law owing to its acknowledged international legal identity. Legal personality enables an entity to possess rights and obligations under international law and to operate with legal capacity within a defined framework. Historically, states constituted the principal subjects of international law; however, the advent of international organizations, such as the United Nations, broadened recognition to include entities beyond states. The International Court of Justice elucidated in its 1949 advisory opinion regarding compensation for injuries incurred in the service of the United Nations that legal personality is not dependent on state membership but rather on two fundamental criteria: the possession of rights that must be respected by other states and the capacity to assert the benefits of those rights or to assume international responsibility for infringements. The ICRC satisfies both criteria, as it exercises rights enshrined in international treaties, such as the visitation of prisoners of war under the Third Geneva Convention of 1949, and utilizes methods like negotiation, public advocacy, and arbitration to uphold these rights. Although originating from Switzerland and including individuals rather than nations, the international community universally

<sup>80</sup> Carmen Chas, 'Against the Laws of Humanity: Expanding Bullets and the 1899 First Hague Peace Conference', *International Review of the Red Cross*, 2026, 1–21 <https://doi.org/10.1017/S1816383125100982>

<sup>81</sup> Faiza Rab and others, 'Strengthening Public Health Education and Humanitarian Response through Academic Volunteerism', *BMC Medical Education*, 25.1 (2025), 93 <https://doi.org/10.1186/s12909-025-06676-z>

<sup>82</sup> Lederman.



acknowledges the ICRC's legal identity, highlighting its capacity to operate autonomously in meeting humanitarian responsibilities.<sup>83</sup>

The ICRC holds a unique position between governmental and non-governmental organizations, exhibiting a hybrid status that grants it legal and operational advantages rare among standard non-governmental organizations. Although it does not recognize state membership, it operates similarly to international governmental organizations, especially in its diplomatic dealings with states and through permanent missions. Its permanent observer position at the United Nations General Assembly illustrates this hybrid status, conferring rights that differ from those of organizations possessing consultative status in the Economic and Social Council.<sup>84</sup> This status enhances the ICRC's collaboration with states, guaranteeing access to conflict areas and assistance for its operations. Its distinctive recognition facilitates global operations, coordinating relief efforts, upholding impartiality, and managing relationships with both conflicting parties and humanitarian benefactors. Thus, the ICRC's legal and operational position enables it to function efficiently, connecting state power and civil society within the international legal framework.<sup>85</sup>

The ICRC's function in international armed conflicts includes protection, assistance, and humanitarian intervention in accordance with the Geneva Conventions and their Additional Protocols. The mandate encompasses visiting prisoners of war and civilian detainees, delivering medical assistance and relief supplies, reestablishing family connections, and commencing humanitarian initiatives with the consent of the conflicting parties. The ICRC's visitation of detainees facilitates the oversight of treatment conditions, the prevention of torture, and the preservation of legal protections. Providing aid to civilians and injured combatants guarantees adherence to the principle of distinction and maintains protections for individuals hors de combat. Relief efforts encompass occupied regions, refugees, and internally displaced persons, illustrating the organization's ability to address various humanitarian crises. Furthermore, entities like the International Fact-Finding Commission offer investigative scrutiny for purported breaches of international humanitarian law, however their efficacy is limited by the necessity of state consent. Notwithstanding these constraints, the ICRC continues to be an essential entity in preserving human dignity throughout armed conflict, demonstrating both its acknowledged legal status and its practical proficiency in executing international humanitarian law.<sup>86</sup>

<sup>83</sup> Avni H. Alidemaj and others, 'Compliance with International Humanitarian Law and Peacebuilding in Post-Conflict Kosovo', *Hasanuddin Law Review*, 2025, 319–38 <https://doi.org/10.20956/halrev.v1i13.6645>

<sup>84</sup> Ion Chesov and others, 'Scaling Emergency Care Capacity during Concurrent Public Health and Humanitarian Crises: Outcomes of WHO-ICRC Basic Emergency Care Course Implementation in the Republic of Moldova', *International Journal of Emergency Medicine*, 19.1 (2026), 12 <https://doi.org/10.1186/s12245-025-01111-y>

<sup>85</sup> Ingrid Tjoflåt and others, 'Improving Postoperative Nursing Care in an International Committee of the Red Cross Supported Hospital in Nigeria: A Qualitative Study', *International Journal of Africa Nursing Sciences*, 24 (2026), 100933 <https://doi.org/10.1016/j.ijans.2025.100933>

<sup>86</sup> Nichole Michaeli and others, 'A Prospective, Longitudinal, Comparative Analysis of the World Health Organization / International Committee of the Red Cross Basic Emergency Care Course on Emergency Medicine Knowledge and Confidence among Recent Medical School Graduates',



The enforcement of international humanitarian law (IHL) encounters considerable obstacles at both global and national tiers, especially within the framework of contemporary armed conflicts. The United Nations (UN), as the foremost international organization responsible for upholding peace and security, faces structural and functional constraints that hinder its efficacy. The UN Charter, established in 1945, fails to address modern combat modalities, such as cyber-attacks, unmanned weaponry, and asymmetrical battles, which can cause substantial damage to civilian populations and essential infrastructure.<sup>87</sup> The rising frequency of non-international armed conflicts, intricate coalitions, and international terrorism challenges the implementation of International Humanitarian Law (IHL). The UN's failure to fully define terrorism or to create enforceable legal criteria underscores a recurring disparity between the organization's mandate and current realities. Moreover, decision-making within the UN is restricted by the disparity among its branches; while the Security Council possesses binding authority, the resolutions of the General Assembly are non-binding, so constraining the organization's capacity to enforce humanitarian commitments. The veto power of permanent members intensifies this issue, enabling large nations to prioritize political interests over humanitarian concerns, as evidenced by recurrent wars in Palestine, Iraq, and other areas. As a result, the UN encounters systemic challenges in implementing IHL measures in alignment with its foundational values.<sup>88</sup>

The operational efficacy of protective powers and non-governmental organizations (NGOs) is likewise limited. States frequently refrain from undertaking the role of protecting power due to possible diplomatic, legal, and political ramifications, along with the logistical challenges presented by contemporary conflicts. Identifying a universally acceptable neutral state is difficult, particularly when historical, ideological, or geographic circumstances engender suspicion. The conventional protective power structure, intended for inter-state wars, is insufficient for non-international armed conflicts, such as insurgencies and confrontations involving internal armed groups. Non-governmental organizations, such as the International Committee of the Red Cross (ICRC), encounter supplementary challenges, including limited access to conflict areas, impediments to humanitarian assistance, the disintegration of state institutions, and security risks to staff. Contemporary armed conflicts, marked by internal discord, terrorism, and identity-driven violence, intensify these issues. Financial limitations further restrict NGOs' ability to respond effectively, especially when donor stipulations undermine their operational autonomy. These logistical and political impediments collectively hinder the capacity of both protecting governments and

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*International Journal of Emergency Medicine*, 18.1 (2025), 8 <https://doi.org/10.1186/s12245-024-00797-w>

<sup>87</sup> Kimberly A. Lowe, 'The Red Cross and the Lessons of the Russian Civil War, 1918–26', *Contemporary European History*, 34.4 (2025), 1082–98 <https://doi.org/10.1017/S0960777325000669>

<sup>88</sup> Hayat Ahmed and others, 'Comparative Analysis of Patient Satisfaction Levels with ICRC Molding Technology and Modular Laminated Technology Transtibial Prosthesis', *Biomedical Materials & Devices*, 3.2 (2025), 1341–50 <https://doi.org/10.1007/s44174-024-00255-4>



NGOs to enforce International Humanitarian Law and provide humanitarian aid to at-risk communities.<sup>89</sup>

The constraints of formal international supervision systems further impede adherence to International Humanitarian Law (IHL). The International Fact-Finding Commission, created under the First Additional Protocol of 1977 to examine grave violations, encounters legal and operational limitations. Its jurisdiction is limited to member states, excluding minor infractions and non-member states, and its recommendations are non-mandatory. Moreover, the findings of inquiries are frequently classified, limiting the impact of public sentiment and diplomatic coercion on transgressors. The structural and operational shortcomings collectively demonstrate the disparity between the legal framework of International Humanitarian Law and its practical application. To address these issues, it is essential to fortify national legislation, establish independent oversight entities, enhance international collaboration, provide training for humanitarian and legal professionals, improve resources, and build effective sanction procedures. These procedures are crucial to reconcile IHL responsibilities with their implementation in practice, thereby ensuring accountability and safeguarding civilians in modern armed situations.<sup>90</sup>

#### ***Activating the Role of Punitive Mechanisms to Implement International Humanitarian Law***

Punitive measures for the enforcement of international humanitarian law (IHL) comprise a broad array of mechanisms embedded within both national and international legal systems, each designed to deter and address violations of humanitarian norms during armed conflict. These enforcement mechanisms, including criminal prosecution and judicial remedies, are fundamentally derived from the core international treaties governing armed conflict, most notably the four Geneva Conventions of 1949 and their First Additional Protocol of 1977. These legal instruments prescribe comprehensive rules for the conduct of hostilities in international armed conflicts and, crucially, delineate the roles of both national and international courts in prosecuting serious breaches of IHL.<sup>91</sup>

The intersection of punitive enforcement and the protection of human rights in the context of international criminal law has evolved as a principal concern of public international law. The urgency of this issue stems from the inherent vulnerability of human rights to widespread abuse in armed conflict and the persistent absence of robust deterrence and accountability mechanisms. Recognizing the gravity of this challenge, the international community has progressively developed legal frameworks, codified in international agreements, declarations, and charters, including the Statute

<sup>89</sup> Ali Masyhar and Silaas Oghenemaro Emovwodo, 'Techno-Prevention in Counterterrorism: Between Countering Crime and Human Rights Protection', *Journal of Human Rights, Culture and Legal System*, 3.3 (2023), 625–55 <https://doi.org/10.53955/jhcls.v3i3.176>

<sup>90</sup> Ni Luh Gede Astariyani and Julio de Araujo da Silva, 'Legal Protection of Doctors in the Handling of Medical Emergencies', *Contrarius*, 1.3 (2025), 214–31 <https://doi.org/10.53955/contrarius.v1i3.215>

<sup>91</sup> Jayra Usmany and others, 'Attacks on Healthcare in Conflict-Affected Countries: A Comparison of Temporal Trends in Ongoing Conflicts in Lebanon, Myanmar, Occupied Palestinian Territory, Sudan and Ukraine Using WHO SSA and SHCC Data, 2018–2024', *Population Health Metrics*, 24.1 (2025), 5 <https://doi.org/10.1186/s12963-025-00442-5>



of the International Criminal Court (ICC) to ensure that perpetrators of grave violations are subject to prosecution at both national and international levels.<sup>92</sup>

The concept of employing criminal law to protect human rights is not novel. Since 1945, the United Nations and other international bodies have promulgated a succession of declarations, treaties, and conventions aimed at enhancing human rights protections globally. Among these, the Universal Declaration of Human Rights (1948) remains the foundational document, establishing the baseline for subsequent legal instruments such as the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Other milestone agreements include the Declaration on the Rights of Indigenous Peoples and the International Convention on the Suppression and Punishment of the Crime of Apartheid (1976), all contributing to a robust and evolving system for the international protection of human rights.<sup>93</sup>

The responsibility for upholding and enforcing human rights protections through criminal law has shifted from the exclusive purview of individual states to a collective responsibility of the international community. This transformation is reflected in the principle of universality, which posits that the obligation to protect human rights transcends state boundaries and mandates global application.<sup>94</sup> The French Declaration of the Rights of Man and of the Citizen (1789), though rooted in a specific national context, articulated universal values that have since informed international legal standards. International criminal law has thus emerged as a critical branch of public international law, with a distinct, though sometimes contentious, relationship with domestic legal systems. The establishment of international criminal courts and tribunals, including the ICC, constitutes a pivotal development in this regard. These institutions are mandated to prosecute individuals accused of the most serious crimes of concern to the international community: genocide, war crimes, crimes against humanity, and the crime of aggression. The ICC, as a permanent international court, addresses the historical limitations of ad hoc tribunals and diplomatic immunities by asserting jurisdiction over individuals regardless of official capacity, in accordance with the principle that diplomatic immunity does not shield perpetrators of international crimes.<sup>95</sup>

The framework established by the Geneva Conventions and the First Additional Protocol underscores the importance of punitive enforcement mechanisms. These treaties codify the principle of individual criminal responsibility, obligating states to prosecute or extradite individuals suspected of grave breaches. Such breaches include, but are not limited to, willful killing, torture or inhuman treatment, unlawful

<sup>92</sup> Gisela Hirschmann, 'Organizational Sense-Making in International Institutions: The International Criminal Court's Response to Contestation by African States Parties', *Journal of International Relations and Development*, 29.1 (2026), 3 <https://doi.org/10.1057/s41268-025-00366-5>

<sup>93</sup> Katie Morris, 'A Forgotten Element of the Right to Adequate Food: Redressing the Normative Gap Regarding Consumer Acceptability', *Human Rights Law Review*, 25.3 (2025) <https://doi.org/10.1093/hrlr/ngaf020>

<sup>94</sup> Mashdurohatun, Solichin, and others.

<sup>95</sup> Mehmet Onder and Malek Abduljaber, 'A Novel Legal Approach for Justifying Economic Sanctions and Tariffs: A Semiotic Analysis of the Second Trump Administration Position', *International Journal for the Semiotics of Law - Revue Internationale de Sémiotique Juridique*, 39.1 (2026), 363–84 <https://doi.org/10.1007/s11196-025-10339-z>



deportation, the taking of hostages, attacks on civilians, and the deliberate destruction of cultural property.<sup>96</sup> The Conventions differentiate between grave breaches, which require criminal prosecution, and lesser violations, which may be addressed through administrative or disciplinary measures. To fulfill their treaty obligations, High Contracting Parties are required to incorporate IHL into their domestic legislation, ensure the availability of effective penal sanctions, and establish judicial procedures for the prosecution of alleged offenders. States must also provide for fair trial guarantees and legal representation for the accused, thereby aligning domestic enforcement with internationally recognized standards of due process.<sup>97</sup>

National courts serve as the primary enforcers of IHL, exercising jurisdiction over violations committed within their territory or by their nationals abroad. States are obliged to translate their international obligations into domestic legal provisions, to establish competent judicial authorities, and to prosecute or extradite individuals accused of grave breaches. Historical precedents such as the Leipzig Trials after World War I and the subsequent Nuremberg and Tokyo Tribunals after World War II illustrate the application of these principles. However, national courts often confront significant challenges, including the tension between state sovereignty, domestic political considerations, and the imperative to prosecute IHL violations impartially.<sup>98</sup>

The integration of IHL into national legal systems is further complicated by the diversity of legal traditions and the varying willingness of states to exercise universal jurisdiction over international crimes. Universal jurisdiction permits national courts to prosecute certain crimes, such as war crimes and crimes against humanity, regardless of where the act occurred or the nationality of the perpetrator or victim. While some states, such as Canada and the United Kingdom, have enacted comprehensive legislation to enable such prosecutions, others have been more reluctant to cede sovereignty or to pursue cases with extraterritorial dimensions.<sup>99</sup> The Geneva Conventions and their protocols obligate states not only to prosecute grave breaches but also to facilitate international cooperation in the investigation, arrest, and extradition of suspects. This includes the sharing of evidence, mutual legal assistance, and, where necessary, the intervention of international police organizations such as Interpol. Nevertheless, effective enforcement is frequently undermined by obstacles such as conflicting claims of jurisdiction, political interference, limitations on the scope of universal jurisdiction, and the invocation of diplomatic immunity or political offenses as grounds for refusal to extradite.<sup>100</sup>

<sup>96</sup> Jasafat Jasafat and others, 'Da'wah as Civilizational Infrastructure: Rethinking the Aceh-Türkiye Knowledge Network in Islamic Education and Scientific Exchange', *Jurnal Ilmiah Peuradeun*, 13.3 (2025), 2073–96 <https://doi.org/10.26811/peuradeun.v13i3.1912>

<sup>97</sup> Mashdurohatun, Asmara, and others.

<sup>98</sup> Layan Kateb and Rania Al-Faqih, 'The Legal Architecture of Apartheid: Israel's Carceral Policies and the Erosion of Palestinian Rights', *Torture Journal*, 35.2–3 (2025), 135–48 <https://doi.org/10.7146/torture.v35i2.157404>

<sup>99</sup> Ni Komang Sutrisni and others, 'The Compliance of Governance on Family Data Protection Regulation', *Journal of Human Rights, Culture and Legal System*, 4.3 (2024), 706–41 <https://doi.org/10.53955/jhcls.v4i3.293>

<sup>100</sup> Abdul Kadir Jaelani, 'Land Procurement for Infrastructure Projects under the Job Creation Law', *Contrarius*, 1.1 (2025), 20–27 <https://doi.org/10.53955/CONTRARIUS.V1I1.80>



The ICC and other international judicial bodies play a complementary role, addressing cases that national courts are unwilling or unable to prosecute. The Rome Statute, which established the ICC, affirms the principle of complementarity, whereby the ICC exercises jurisdiction only when national systems fail to act.<sup>101</sup> The ICC's powers include the investigation and prosecution of genocide, crimes against humanity, war crimes, and crimes of aggression, as codified in Articles 5–8 of the Statute. The Court's authority is triggered by referrals from States Parties, the United Nations Security Council, or the Prosecutor acting *proprio motu*. Since its establishment, the ICC has investigated and prosecuted cases in multiple jurisdictions, including the Democratic Republic of the Congo, Uganda, the Central African Republic, Sudan (Darfur), and Palestine, among others.<sup>102</sup>

The effectiveness of punitive enforcement in IHL, however, is tempered by political realities and institutional limitations. The ICC, for example, is dependent on state cooperation for the arrest and surrender of suspects, and its jurisdiction is limited to crimes committed by nationals of States Parties or within their territory, unless the Security Council refers a situation under Chapter VII of the UN Charter. Moreover, the Security Council retains the power to suspend ICC investigations or prosecutions for renewable 12-month periods, reflecting the intersection of international justice and the political considerations of major powers.<sup>103</sup> The challenge of jurisdictional conflicts frequently arises when multiple states assert the authority to prosecute the same crime, or when states decline jurisdiction to avoid involvement. Jurisdictional disputes may be positive, with several states claiming competence, or negative, with none willing to proceed. These conflicts are particularly acute in cases involving transnational crimes, offenses committed across multiple jurisdictions, or crimes with multinational victims and perpetrators. The absence of a supranational authority to resolve such disputes exacerbates the difficulties of coordination and enforcement.<sup>104</sup>

The enforcement of IHL through punitive measures is further complicated by practical impediments, such as the destruction or concealment of evidence, the flight of suspects across borders, and delays in initiating investigations. The principle of universal jurisdiction, while theoretically empowering any state to prosecute international crimes, is often constrained by political, legal, and practical barriers, including the reluctance of states to cooperate in investigations or extradition, especially where high-ranking officials or politically sensitive cases are involved. International courts, including both *ad hoc* tribunals (e.g., for the former Yugoslavia and Rwanda) and hybrid courts (e.g., the Special Court for Sierra Leone), have made significant contributions to the development of IHL and the prosecution of serious violations. These institutions, established through the cooperation of the United

<sup>101</sup> Abdul Hamid and others, 'Peace-Oriented Dakwah and Peacebuilding: A Critical Discourse Analysis in Conflict-Affected Middle East Societies', *Jurnal Ilmiah Peuradeun*, 13.3 (2025), 2043–72 <https://doi.org/10.26811/peuradeun.v13i3.2057>

<sup>102</sup> Ninda Soraya, Ali Muhammad and Suyatno Ladiqi, 'ICC Jurisdiction: Against Israeli War and Humanitarian Crimes Targeting Palestinian Civilians 2023', *Jurnal Media Hukum*, 31.1 (2024), 59–77 <https://doi.org/10.18196/jmh.v31i1.20938>

<sup>103</sup> Joni Aasi, 'Israeli Territorial Annexation in Occupied Palestinian Territory: The Ambivalence of International Law', *Yuridika*, 37.3 (2022), 539–62 <https://doi.org/10.20473/ydk.v37i3.38691>

<sup>104</sup> Serhii Ablamskyi and others, 'Assessing the Responsibilities of the International Criminal Court in the Investigation of War Crimes in Ukraine', *Novum Jus*, 17.2 (2023), 353–74 <https://doi.org/10.14718/NovumJus.2023.17.2.14>



Nations and affected states, have advanced the legal standards for accountability and provided important precedents for the prosecution of crimes such as genocide, forced marriage, and the use of child soldiers. However, the ad hoc nature of many of these tribunals, their limited temporal and geographic jurisdiction, and their dependence on international political will have limited their long-term impact.<sup>105</sup>

The United Nations Security Council, as the principal organ responsible for the maintenance of international peace and security, possesses the authority to impose both non-military and military sanctions under Chapter VII of the Charter. The Council may authorize investigation commissions, peacekeeping missions, or the establishment of international tribunals to address violations of IHL. Sanctions may include arms embargoes, asset freezes, travel bans, and, in extreme cases, the use of force. However, the effectiveness of these measures is contingent on the political consensus among Council members and the willingness of states to implement and enforce sanctions.<sup>106</sup>

The relationship between international and domestic law is governed by principles of incorporation and supremacy, whereby ratified international treaties and customary international law may be given direct effect within national legal systems. In cases of conflict, international humanitarian norms should take precedence, ensuring that domestic courts are able to adjudicate violations in accordance with the highest standards of international law. To enhance the effectiveness of punitive enforcement of IHL, several reforms are necessary. These include strengthening international cooperation and mutual legal assistance mechanisms, harmonizing national legislation with international standards, improving judicial capacity and training, ensuring the independence and impartiality of prosecutorial authorities, and providing adequate protections and support for victims and witnesses. Additionally, the establishment of regional courts and the integration of IHL into domestic legal education can foster a culture of accountability and respect for humanitarian norms.<sup>107</sup>

The enforcement of international humanitarian law through punitive measures is a complex and multifaceted endeavor, requiring the coordinated efforts of national and international judicial systems, political institutions, and civil society. While significant progress has been made in constructing legal frameworks and institutions capable of addressing serious violations, the persistence of impunity and the challenges of jurisdiction, cooperation, and political interference underscore the need for continued vigilance and innovation. By reinforcing the legal, institutional, and normative foundations of punitive enforcement, the international community can move closer

<sup>105</sup> Anis Mashdurohatun, I Made Dwi Jayantara, and others, 'Delayed Justice in Protecting Emergency Medical Workers', *Journal of Sustainable Development and Regulatory Issues (JSERI)*, 3.2 (2025), 347–71 <https://doi.org/10.53955/jsderi.v3i2.116>

<sup>106</sup> Marta Bo, 'Autonomous Weapons and the Responsibility Gap in Light of the Mens Rea of the War Crime of Attacking Civilians in the ICC Statute', *Journal of International Criminal Justice*, 19.2 (2021), 275–99 <https://doi.org/10.1093/jicj/mqab005>

<sup>107</sup> Gabrielè Chlevickaitė, Barbora Holá and Catrien Bijleveld, 'Suspicious Minds? Empirical Analysis of Insider Witness Assessments at the ICTY, ICTR and ICC', *European Journal of Criminology*, 20.1 (2023), 185–207 <https://doi.org/10.1177/1477370821997343>



to the realization of justice, accountability, and the effective protection of human rights in situations of armed conflict.<sup>108</sup>

## CONCLUSION

Based on the foregoing discussion, several conclusions can be drawn. *First*, this study confirms that international humanitarian law, particularly the Fourth Geneva Convention of 1949, plays a fundamental role in protecting civilians during armed conflicts and upholding human dignity through comprehensive norms that prohibit attacks on civilians, protect rights in occupied territories, regulate humanitarian assistance, and provide a legal basis for accountability for war crimes and genocide. *Second*, the implementation of the Convention is supported by a range of enforcement mechanisms at international and national levels, including international criminal tribunals, domestic prosecutions, fact-finding bodies, diplomatic and United Nations initiatives, humanitarian organizations, media scrutiny, and international sanctions, all of which are intended to promote compliance and deter violations. *Third*, despite these mechanisms, the effective application of the Fourth Geneva Convention remains severely constrained by normative ambiguities, weak political will, the evolving nature of armed conflict and military technology, non-compliance by state and non-state actors, evidentiary and access limitations, and geopolitical interests, as illustrated by the 2023 Gaza conflict, which exposes persistent gaps between legal norms and their enforcement in practice.

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<sup>108</sup> Céline Braumann, 'The Settlement of Tax Disputes by the International Court of Justice', *Leiden Journal of International Law*, 36.4 (2023), 907–23 <https://doi.org/10.1017/S0922156523000158>



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