Selected aspects of civil popular protection under conflict confidential

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ABSTRACT
For centuries, the period of war and peace was an essential stage in the development of the international order. Armed violence has been and continues to be an instrument of solving both internal and external problems. The nightmare of two world wars was an attempt to eliminate armed conflicts from the reality of international relations and the development of the idea of humanity. Over the centuries, effective legal and institutional arrangements have been sought to ensure the protection of the civilian population, which has been the subject of deliberate or accidental attacks. The current standards of international humanitarian law of armed conflicts allow for a certain degree of humanization of armed conflicts. However, there are known cases where these norms are not respected or even deliberately violated. In addition, it is left to wish that those who violate the civil protection legislation are held accountable.

Keywords: security system, safety, civil protection, conflict confidential

1. INTRODUCTION
International humanitarian law of armed conflicts lays down detailed dispositions concerning violations of legal norms, especially as to methods and means of fighting. It also includes the legal consequences of the state of war in the sphere of international relations, both for parties engaged in war and neutral. In a small but ever-increasing dimension, this law
deals with issues of in-state conflict. When analyzing the nature of contemporary conflicts, it seems that this aspect is now of key importance.

Hence, international humanitarian law rules on armed conflicts find many provisions relating to the methods and methods of conducting a struggle, and the categories of persons and property subject to legal protection [1].

According to the International Committee of the Red Cross, the contemporary concept of international humanitarian law of armed conflict means standards International established by contract or international custom, to solve directly humanitarian problems.

With international or non-international armed conflicts. For humanitarian reasons, these standards impose on the parties to armed conflict restrictions on methods and means of conducting armed operations, and protect persons and goods that are or may be affected by armed conflicts [2].

On the other hand prof. While pointing to the wide scope of such legislation, international law on humanitarian law is part of the law of armed conflict - regulating the armed struggle of states and other subjects of international law, limiting the scope of use of means and methods of harm to the enemy for humanitarian purposes, Wounded and sick fighting parties and the protection of prisoners, wounded and sick fighting parties, and the protection of civilian populations and objects, including cultural assets [2].

The above definitions show that the purpose of this law is to solve humanitarian problems. This task is carried out by limiting the rights of the parties to armed conflict to the freedom of use of methods and means of conducting armed activities. Thus the overriding objective of international humanitarian law of armed conflict (MPHKZ) is the implementation in practice of the principle of humanitarianism in the context of armed conflicts. It should be noted that MPHKZ is not intended to exclude or prohibit the use of sense largo in the realities of international relations. In the norms of this law, the question of the legitimacy and legitimacy of armed conflicts in vain [3] is in vain.

The nature of MPHKZ is thus reduced to the protection of potential victims of armed conflict, both among those directly involved in warfare and those affected by these activities.

2. GENERAL PROTECTION OF THE CIVIL POPULAR IN THE LIGHT OF MPHKZ

The legal status of persons participating in the reality of armed conflict is disjointed, distinguishing veterans and civilians. The membership of individuals in one of the above groups determines its status and legal situation and entails the need for different legal provisions. This is the expression of the cardinal principle of MPHKZ, which is the principle of distinction. Underlying this principle is the belief that attacks can only be targeted for military purposes and that civilian objects must be protected. Consequently, military action can only be reconciled to military objectives, never for civilian purposes, or for civilian purposes.

Division into combatants (combatants) and civilians makes it possible, moreover, to exclude circumstances in which specific persons may fight but may not be subjected to attacks or may be the target of attacks, but not capable of defending themselves. Protection deriving from the principle of differentiation is not absolute and, in specific cases, derogation from it is a rational necessity. Civil individuals may lose the privilege of protection if they
actively engage in war activities. This also applies to civilian objects (churches, hospitals, etc.) used by combatants. Article 27 of the Geneva Convention provides that civilian population not directly involved in armed operations shall be protected and respected in respect of any dangers arising from both international and internal conflicts. This standard follows from the cardinal principles and norms of human rights, and is reflected in numerous international conventions and customary law. With the obligation to protect the civilian population, there is a categorical ban on attacking the civilian population. Murder and heavy injuries in armed operations and during occupation in accordance with the rules in force constitute a war crime [4].

It is strictly forbidden to torture civilians, cruel and degrading treatment and medical experiments. All means of intimidation or terrorism are also forbidden. No physical or moral constraint may be applied to the civilian population, and in particular to specific information.

It is also forbidden to use retaliatory measures against protected persons. The law obliges the parties to the conflict to respect civilians, their dignity and morals, their creed and the right to privacy and family law [5].

According to the current regulations of MPHKZ, it is also prohibited to:

- Limiting basic needs;
- Depriving the civilian population of the goods needed to survive (food and farmland, irrigation equipment, wells, etc.);
- Limiting the activities of entities providing services to the civilian population;
- Robbery and retaliation;
- Destruction and appropriation of property;
- Occupying cultural goods;
- Compulsory inclusion in the armed forces;
- Compulsory resettlement and deportation of the population;
- The application of collective penalties;
- Criminal prosecution for acts and opinions committed by civilians before or during a break in occupation;
- Use civilians as live shields.

In addition, the parties to the conflict are obliged to allow all necessary assistance to the civilian population, including the free transportation of first aid and medicine, as well as objects for religious practice. In order to provide the necessary conditions for the civilian population, during the conflict, the parties should maintain basic institutions of general interest and enable the tasks of the civilian defense to be carried out [6].

3. SPECIAL PROTECTION OF CIVIL POPULAR IN THE LIGHT OF MPHKZ

Special protection for civilians during armed conflict is enshrined in humanitarian law, human rights and international law. It covers the protection of particular groups of civilians - women, children, refugees and journalists.

In the realm of the MPHKZ norms, women belong to one of the civilian groups, who in the conflict situation has special protection. Among the legal provisions protecting women
civilians, two subgroups should be distinguished. The first one is the mother, and the other one is the other women, with whom they commit crimes that harm their dignity and honour. These regulations are primarily related to the special role of women in society, which expresses the possibility of transferring life, and thus the guarantee of the survival of the group of a particular social group. It is not without effect that women often fall victim to violence, both physical and sexual, during conflicts because of their weaknesses and fulfilled roles. In addition to ensuring protection, women affected by armed conflict must also respect their special needs [7].

The next categories of civil persons, which under the law are entitled to special protection are children. As the history of many conflicts shows, children not only were victims of armed conflict but were heterogeneous and still active participants in armed activities. The provisions of MPHKZ provide legal safeguards for children who are living in areas of armed conflict, both international and internal. MPHKZ standards on child protection, like most similar standards, are subject to prohibition of derogation during armed conflict. It follows that each party to the conflict, in all circumstances, is obliged to respect the child protection guarantee. It is not permissible to rely on ignorance of these provisions, and not allow to be waived from their implementation.

The issue of protection of refugees, as one of the groups of civilian population subject to special protection, is currently causing a lot of controversy. The problem of migration and refugees is currently a pressing issue for Europe, which is linked to prolonged conflicts in Syria and Iraq. The refugee status was regulated mainly by the 1951 Convention on the Status of Refugees and the 1967 Supplementary Protocol. There are also many other acts of international law relating to the protection of refugees but not directly [5].

A refugee is a person who, due to a reasonable fear of persecution for his race, religion or other beliefs, belonging to a particular ethnic group, social group of certain political beliefs, is outside the borders of the state of which he or she is a citizen, and cannot or does not want Benefit from the legal protection provided by this state. This also applies to persons who do not have any nationality and are, as a result of similar circumstances, outside their home country.

Refugees are entitled to the same protection as civilians located in the region. Due to the possibility of belonging to one of the conflicting parties and lack of protection of the country of origin, refugees may be particularly exposed to the effects of armed activities and deliberate violations of MPHKZ. International norms also include the prohibition of treatment of the civilian population in such a way that it is forced to flee to other states.

The last group subject to special protection under the MPHKZ standards are war correspondents and journalists who frequently exposing their health and report the course of the conflict. They are particularly vulnerable to the effects of armed conflict. In international law, no uniform legislative act has ever been set up, which would comprehensively address the fate of war correspondents and journalists during armed conflicts, which does not mean that there are no partial provisions in this matter [8].

The most important elements of this protection can be found in the First Additional Protocol to the Geneva Conventions of 1949. The fundamental obligation of the parties to the conflict to protect journalists is to respect and protect. On the other hand, according to the Security Charter Journalists working in war zones or Dangerous Areas developed by Reporters Without Borders: Journalists serving dangerous jobs are considered civilians under Article 79, First Protocol to the Geneva Conventions, provided that they do not do anything...
that could be Contrary to this status, such as participation in combat, possession of weapons or spying. Any intentional attack on journalists who will cause death or serious injury is a serious violation of this Protocol and is considered a war crimes.

It is therefore emphasized that the legal protection afforded to journalists is conditioned not to take any action contrary to the status of civilians contained in other MPHKZ standards. Journalists located in areas of armed conflict should have an identity card issued by a competent authority or an editorial office of a given country [9]

4. CONCLUSIONS

The standards of international humanitarian law of armed conflict are well established in both Treaty law and international law. Hague and Geneva laws, additional protocols as well as other acts of international law provide a legal framework for the protection of the general public and of the civilian population during armed operations. This applies both to international conflicts and to internal ones.

While many of the MPHKZ standards referred to have an absolute legal status, this does not in itself constitute any guarantee of compliance by the parties to international law. In spite of the law and its instruments, effective methods of enforcing the infringement have not yet been developed. This does not mean, however, that the world remains completely passive to the suffering of the civilian population. The activities of non-governmental organizations, such as the International Red Cross / Crescent and Doctors Without Borders, deserve attention. Non-governmental organizations, which are not formally affiliated with any of the parties to the conflict, can often effectively assist the most affected in armed conflict.

Moreover, in the course of history, the international community has worked out the institutions of humanitarian intervention. In the practice of international relations, it is perceived as a specific method of resolving conflicts, especially those that violate the norms of humanitarian law. Humanitarian intervention covering both peaceful means of resolving conflicts (sanctions, etc.) and those related to the use of the force instrument (peace-keeping, military deployment in the buffer zone, etc.).

According to the definition of the Danish Institute of International Affairs, humanitarian intervention involves the use of armed force and is undertaken by States without the consent of the State of intervention subject to authorization or without the authorization of the United Nations Security Council to stop or end serious and serious human rights violations or international humanitarian law.

The example of Chechnya, as well as Syria and other chaotic countries, has shown that the practice of international relations is evident in the evasion of states from violent human rights violations, both internally and internationally. Researchers point out that this is mainly due to the predominance of the political paradigm (selfishly understood national interest) over the moral paradigm (humanitarian need).

References


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