INTERNATIONAL HUMANITARIAN LAW PERSPECTIVE ON THE ARMISTICE BETWEEN RUSSIA AND SYRIA

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Abstract
This paper aims to analyze how the perspective of International Humanitarian Law and The 1949 Geneva Conventions are related to the armistice case between Russia and Syria involving civilians as victims of war crimes. By analyzing the applicable international law as the legal basis for the armed conflict case, it is possible to produce an explanation regarding the legal protection provided to civilians as victims of the armistice carried out by Russia in Syria. The type of writing used in this paper is a normative legal study that contains comments, summaries, and thought from several sources written based on the data collected and explained in a statement, not in the form of numbers. The research method used in writing this paper is a normative legal research method that refers to several laws and regulations as guidelines in solving a problem. In the case of the armed conflict in Syria, which has not yet been resolved, even though it has been resolved through an armistice which in fact still result in conflict, the United Nations, as one of the supporters of the world security forum, seeks to resolve it through diplomatic negotiations in order to realize the agreement in the 1949 Geneva Convention as a point of departure clearly related to the resolution of the armed conflict in Syria.

Keywords: Armistice, 1949 Geneva Convention, International Humanitarian Law

Abstrak
Penulisan makalah ini bertujuan untuk menganalisis tentang bagaimana perspektif Hukum Humaniter Internasional beserta Konvensi Jenewa 1949 terkait dengan kasus gencatan senjata antara Rusia dan Suriah yang melibatkan warga sipil sebagai korban kejahatan perang. Dengan menganalisis hukum internasional yang berlaku sebagai dasar hukum terkait kasus konflik bersenjata tersebut, maka dapat menghasilkan penjelasan terkait perlindungan hukum yang diberikan kepada warga sipil keluarga dari gencatan senjata yang dilakukan oleh Rusia di Suriah. Jenis penulisan yang digunakan dalam penulisan makalah ini adalah studi hukum normatif yang berisi komentar, ringkasan, dan pemikiran dari beberapa sumber yang ditulis berdasarkan data yang terkumpul dan dijelaskan dalam suatu pernyataan bukan dalam bentuk angka. Metode penelitian yang digunakan dalam penulisan makalah ini ialah metode penelitian hukum normatif yang dimana metode tersebut merupakan pendekatan hukum yang mengacu pada beberapa peraturan perundang-undangan sebagai pedoman dalam penyelesaian suatu masalah. Dalam kasus konflik bersenjata di Suriah yang hingga kini belum dapat diselesaikan meskipun dengan penyelesaian melalui gencatan senjata yang faktanya masih mengakibatkan konflik, maka PBB sebagai salah satu pendukung forum keamanan dunia berupaya untuk melakukan penyelesaian melalui negosiasi diplomatik agar dapat mewujudkan perjanjian dalam Konversi Jenewa 1949 sebagai titik terang terkait penyelesaian konflik bersenjata yang terjadi di Suriah.

Kata Kunci: GencatanSenjata, KonvensiJenewa 1949, Hukum HumaniterInternasional
Introduction

A. Background

The relationship formed between countries is an international system with separate aspects in certain situations and conditions. In essence, international relations are interactions that exist between one country and another. International Relations is a binding relationship between countries based on political units according to territory, population, and regional autonomy that can effectively control an area and its inhabitants regardless of ethnic differences. The establishment of international relations in every country in the world has included all forms of relations between nations, between community groups, and the way of thinking of each different human being.

This relationship with the initial goal as an effort of cooperation between countries in realizing peace is now believed to be fading along with the times. The individualist and egocentric attitude that began to increase with the times became one of the sources of conflict over the relationships built by each country. In modern times today's sensitivity to situations that occur is very prone to conflicts, such as differences of opinion or the existence of a power struggle between countries that can plunge one country into another, which triggers misunderstandings and leads to armed conflict and war. That way, the power of the state becomes something that can determine the direction of political policy in order to achieve its goals.

The emergence of armed conflict begins with a conflict of interest with other nations or conflicts between groups within a nation itself. Armed conflict is a declared war or armed confrontation between two or more countries, where the state of war is not recognized by one of the countries involved in the conflict. In recent times, there is still much discussion about several countries experiencing armed conflicts, causing many victims in these actions.

Like the ceasefire carried out by Russia against Syria as one of the conflicts that are still the center of attention of every country globally because the unilateral ceasefire action carried out by Russia against civilians in Syria has violated the international law of war that has been agreed upon by each country in terms of applicable international humanitarian law. Russia's ceasefire was aimed at reducing the number of fights that caused the destruction of humanity and also an effort to increase the fear of conflict in their troops. However, the decision made by the President of Russia, Vladimir Putin, together with the president of Turkey, Recep Tayyip Erdogan, after the increasing violence in Idlib, the northwestern region of Syria actually claimed many victims who did not come from the Syrian army but civilians who had no connection with ongoing armed conflict.¹ The existence of an armed conflict carried out by Russia against Syria is one example of an international armed conflict. It is said to be an international armed conflict because the conflict that occurs is not only within the internal scope of one country but also an armed conflict that involves two countries at once. With the occurrence of the armed conflict, many victims were caused, both from the combatants (a person who has the right to fight during an international armed conflict) and civilians. Military casualties in armed conflict are often considered as a consequence that must be accepted from the war. Meanwhile, civilian casualties should not have happened because civilians who are unarmed and have no involvement in the conflict and their freedoms are guaranteed, as well as protected by the military on duty.

Of the many consequences that can be caused through the occurrence of armed conflict, both international and international, the armed conflict has regulations that are formed in several Conventions, inclu-

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¹Miranti Kencana Wirawan, Russia and Turkey Agree to a Ceasefire in Idlib, https://www.kompas.com/global/read/2020/03/06/131411870/rusia-turki-sepakati-gencatan-senjata-di-idlib?page=all accessed on June, 28th 2021
ding the 1949 Geneva Conventions with Additional Protocol 1 of 1977, as well as International Humanitarian Law known as the law of war. Even though there are regulations that regulate the procedures and tools of war as well as arrangements regarding the protection of war victims, there are still many victims who fall not from the military but from civilians. This shows that the existence of any regulations that are formed related to armed conflict still cannot have a positive impact and cannot be realized properly.

Basically, the most important person involved in the issue of armed conflict is a combatant (a person who has the right to fight during an international armed conflict). Therefore, the regulations that are formed are very necessary as an effective protection effort for people in conflict areas to avoid armed violence. People who should be guaranteed protection in armed conflict are people who are not actively involved in the conflict, including members of the armed forces who have laid down their weapons due to injury, illness, etc.

People who are not involved in the conflict but who are in the conflict area are a group of civilians who should be protected. The regulations established in humanitarian law aim to guarantee the rights of every resident in conflict areas and limit the powers of the belligerent parties to prevent acts outside the limits of humanity.

B. Problem Formulation

Based on the background that has been described previously, this article would like to answer this question “how is the legal protection for civilians who are victims in Syria related to the Armistice carried out by Russia in terms of the 1949 Geneva Conventions and International Humanitarian Law?”

C. The Purpose of Article

The purpose of writing this article is to find out, understanding, and analyze the legal protection that can be given to civilians as victims of the armistice carried out by Russia in Syria through an analysis of the 1949 Geneva Conventions and International Humanitarian Law.

D. Research Method

The authors in the work of writing this paper do a research method. The type of writing used in writing this paper is a normative legal study which contains comments, summaries, and thoughts from several library sources such as literature analysis, articles, books, journals related to the theme and discussion of problem statements, which are written based on the collected data and described in words or statements, not numbers. The research method used in writing this paper is a normative legal research method, namely a legal approach method that refers to several laws and regulations as guidelines for solving problems.

The technique used by group members or authors in data collection begins with the search for trusted journals for solutions to problems related to the international legal framework governing the protection of civilians as victims in the armed conflict carried out by Russia in Syria. The data can be obtained from various internet sources such as Google Scholar, analysis of data information that has been collected from books, journals, and references. The data collected to produce solutions to the problems became the evaluation material in writing this paper.

I. Result and Discussion

A. Armed Conflict in Syria

The emergence of armed conflict can start from a conflict of interest with other countries or conflicts between groups within the scope of the country itself. Based on armed conflicts that still often occur in various countries in the world today, armed conflicts can be divided into international armed conflicts and non-international armed conflicts. The armed conflict between Russia and Syria began with a sense of disappointment of the Syrian people against the Bashr Al-Assad regime, which was
corrupt, authoritarian, and arbitrarily behaved towards its people. At first, the Syrian people carried out a peaceful action to demand justice, but unfortunately, it was responded with violence by the Bashar Al-Assad regime.

The situation was felt to be getting hotter when several boys were caught, detained, and then tortured. As a result, the Syrian people who initially used peaceful actions began to carry out a revolution (resistance) or rebellion against the Bashar Al-Assad regime. Based on the Office of the United Nations High Commissioner for Human Rights (OHCHR) as the United Nations agency tasked with protecting human rights, reported on February 12, 2014, that government troops had committed serious violations of human rights and committed war crimes, including murder, hostage-taking, torture, sexual violence, recruiting and involving children into the conflict and making civilians the target of the shooting.3

Attacks by the Syrian government began to increase significantly since the emergence of the Russian Federation, which started military operations simultaneously with the Syrian government on September 30, 2015. They cooperated in carrying out Incendiary weapons attacks that could cause excessive injury and unnecessary suffering to civilians. Russia continues to carry out attacks using incendiary weapons 18 times in the cities of Aleppo and Idlib, Syria. In the attacks carried out by the Syrian government and Russia carried out on August 26, 2013, as well as on June 5th to August 10, 2016, with the use of weapons of war that can cause unnecessary suffering in war, not only that Russia has done to civilians in Syria, Russia together with Turkey agreed on a ceasefire agreement in Syria's troubled Idlib province. The truce was enforced since March 6, 2020, with the initial aim of preventing the two countries, which often clash with their political goals in Syria, from becoming a direct military conflict. The ceasefire brokered by the Russian regime's allies and supporters of the Turkish rebels continues to experience clashes, killing more than 380,000 people and displaced millions in 2011 as brutal suppression of anti-government protests.4

The armed conflict carried out by the Syrian and Russian governments by committing violence against civilians who do not even participate in the conflict has become the center of attention of various countries in the world after many violations of international law, especially in human rights violations. Therefore, it is indispensable to have regulations regarding the procedures and tools of war that are allowed in armed conflicts as well as regulations regarding the guarantee of protection for non-combatants, such as civilians whose rights to freedom must be protected. Thus, there is a need for effective protection for civilians and civilians living in conflict areas in order to avoid the violence of the armed conflict. Armed conflicts, both international and non-international, have been regulated in several conventions, including the 1949 Geneva Conventions with Additional Protocol 1 of 1977, as well as international humanitarian law is known as the law of war. An armed conflict is an event filled with violence and hostility between the parties concerned. Armed conflict becomes a conflict of conflict that is carried out unfairly and causes cruelty.

An attitude of concern for victims of atrocities in armed conflict may not be very helpful if we only want to get involved and help avoid conflict or war. Thus, forming an attitude objectively as well as efforts in


solving a problem must be accompanied by law as a solution to regulate every action that is taking place so that it can be properly and precisely accounted for. Therefore, International Humanitarian Law (IHL) was formed specifically to protect the human rights of victims and non-combatants in the ongoing armed conflict.

B. The 1949 Geneva Convention and International Humanitarian Law as The Legal Basis for Armed Conflict

The birth of the term Humanitarian Law or more fully referred to as International Humanitarian Law Applicable in Armed Conflict, initially better known as the law of war, which then over time began to develop into the law of armed conflict, and in the end, known as humanitarian law. The term Humanitarian Law is a new term in international law that was born in the 1970s with the Conference of Government Experts on the Reaffirmation and Development in Armed Conflict in Armed Conflict in 1971. Known as a new field in international law, Jean Pictet provides a definition regarding humanitarian law, namely "International humanitarian law in the wide sense is the constitutional legal provision, whether written and customary, ensuring respect for individual and his well being." Rather than that, International Humanitarian Law is a set of rules established for humanitarian reasons to limit the consequences of armed conflict. Humanitarian law is formed to reduce or limit the suffering of individuals who do not have the right to participate in the conflict and to limit the areas where armed conflict can be applied.5

International Humanitarian Law is an independent branch of public international law that seeks to keep different nations and countries from maintaining peaceful and friendly relations rather than resolving a conflict or problem through war.6 The main objective of International Humanitarian Law in assisting the maintenance of peace and security when there is an armed conflict or war between countries still requires cooperation and collaboration between parties experiencing conflict. Thus, if there is cooperation or collaboration between the parties experiencing conflict and there is reconciliation between the two parties so that they can limit their interference only to military capabilities, which are priorities for International Humanitarian Law, including the Red Cross, ICRC, and other international organizations. In the event of an armed conflict or ongoing war, the main goal to be achieved is to hold the war in limited destruction only to the intended military target, not to accelerate hostilities against civilians by carrying out various acts of violence and atrocities. Therefore, respecting every human right and maintaining human dignity in times of war are at the center of International Humanitarian Law jurisprudence and jurisdiction.

Events of armed conflict can cause fatal consequences that are not desired by anyone in the world. Thus international humanitarian law was established with the aim of protecting physically and mentally both the combatants and the civilian population in conflict areas from unnecessary suffering; guaranteeing certain human rights of persons who fall into enemy hands; allow the return of peace; and limiting the powers of the belligerents.7 The establishment of International Humanitarian Law as a norm for world countries makes it part of international law which can be used as one of the tools and methods that can be used by every country, including peaceful countries and neutral countries, to be able to participate in reducing the suffering caused by international humanitarian law.

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5 Wahyu Wagiman, “Hukum Humaniter dan Hak Asasi Manusia”, Lembaga Studi dan Advokasi Masyarakat, 2007, p. 5
experienced by every society due to the occurrence of wars that occurred in various countries. Generally, some sanctions or punishments in International Humanitarian Law related to war violations can be in the form of protest, hostage-taking, compensation, reprisal, as well as giving punishment to perpetrators who are caught.

International Humanitarian Law has two main branches contained in the 1949 Geneva Conventions, which were established with the aim of protecting military personnel who can no longer engage in combat and persons who are not actively involved in hostilities with the civilian population, as well as The Hague Law which determines the rights and obligations of each belligerent state regarding conduct during military operations and restrictions on the means of war used in the attack. The Geneva Conventions are part of international law known as humanitarian law in armed conflict, the purpose of the convention being to serve as a guiding standard in treating victims of war. So far, there have been 196 countries in the world that have signed and ratified the 1949 Geneva Conventions.

The Geneva Conventions have four conventions which include, the First Convention, which is to protect wounded soldiers and ensure humane treatment without discrimination of race, color, religion, and belief as well as the amount of wealth; the second convention is an agreement to extend protection as in the first convention to the navy in the event of a shipwreck, including protection for ship hospitals; the third convention is the agreement established in the 1949 convention regarding prisoners of war who must be treated humanely as in the first convention; the fourth convention is an agreement that civilians are entitled to protection and humane treatment the same as soldiers who are sick or injured as stated in the first convention.8

International Humanitarian Law is a special regime that plays a very good role because the law only applies specifically to war and population. Rationally, the majority of the rules contained in International Humanitarian Law apply from the beginning until the cessation of hostilities or occupation. Regarding the applicable personal limitations, it is necessary to distinguish between the benefits of International Humanitarian Law and its recipients. The Geneva Conventions have limited those identified in the category of “protected persons”, which are certain civilian groups and combatants who need to be protected for certain reasons.9

The fourth Geneva Convention of 1949 clarifies how combatants should behave towards civilians and the prohibition of engaging in acts of hostility against civilians. Combatants are members of the armed forces who actively participate in a war or armed conflict. Therefore, civilians or civilians who are in zones of armed conflict need to be guaranteed their protection in the ongoing armed conflict. Geneva Convention IV has an important role in humanizing war, respecting the principle of distinction, and applying the principle of proportionality in providing protection to combatants, civilians, and civilian objects in war and armed conflict. Civilian objects that are one of the things that need to be protected are all objects that do not have an effective place for any military action which, if completely or partially destroyed, captured, or neutralized, will not provide a significant military advantage.

The background for the formation of Additional Protocol I is because the methods of war used by each country have undergone many developments so that the rules regarding war procedures have also developed. Additional Protocol I aims to

8Pandasurya Wijaya, Mengenal Isi Konvensi Jenewa, Hukum Perang di Seluruh Dunia, https://www.merdeka.com/dunia/mengenal-isi-
9Flavia Zorzi Giustiniani, 2021, International Law in Disaster Scenarios. Cham: Springer Nature Switzerland AG.
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determine that the rights of the disputing parties to choose the means and tools used are not limited. In addition, Additional Protocol I also prohibits the use of weapons or projectiles and other means that can cause excessive injury or unnecessary suffering.

C. Protection of Civilians from Armed Conflict Under The Applicable of International Law

Judging from the regulations, principles, and principles of Humanitarian Law, the use of Incendiary weapons by the Syrian Government and Russia in the armed conflict in Syria, as well as the ceasefire that Russia agreed to with Turkey in Syria are considered war crimes because the attacks carried out resulted in losses. Excessive use of the civilian population and civilian objects in Syria. War crimes include all violations committed against any protection provided for by the laws of war, as well as failure to comply with the norms, ordinances, or rules of war. Based on the facts, it can be seen that the Syrian and Russian governments are not subject to the prevailing norms, procedures, or rules of war, even though both countries have ratified the four 1949 Geneva Conventions and Additional Protocol I regarding the protection of victims in international armed conflicts.

The impact of the attacks carried out by Russia and the two countries violated the Deen Haag Convention IV 1907 in articles 23 letters (a) and (e), which relates to the principle of prohibiting the use of weapons or materials that can cause unnecessary suffering. It is significant to prevent the impact of the attack from causing excessive injuries and unnecessary suffering. In addition, the attacks carried out by the Syrian and Russian governments on August 26, 2013, as well as June 5 to August 10, 2016, which used air-delivered incidental weapons, were both deemed to have violated Article 8 Paragraph 2(b) of the 1998 Rome Statute which has it is explained in it regarding the prohibition of using weapons, projectiles, and materials with warfare methods which have a nature that can cause extraordinary losses or unnecessary suffering.

Based on the principle of proportionality, the attacks carried out by the Syrian government and Russia have violated Protocol I of the Geneva Conventions Article 51 paragraph 5 letter (b), which requires the belligerent parties to take into account the attacks carried out not to cause harm, nor excessive casualties, damage, and suffering, especially the damage to non-military and non-combatant objects.

Based on Article 32 of the Geneva Convention IV relating to the protection of civilians in time of war, it has been explained that it is prohibited to take any action that is capable of causing physical suffering, as well as the extermination of protected persons in their possession. The prohibition does not only apply to acts of murder, torture, corporal punishment, medical experiments, or scientific experiments that are not required by a protected person in medical care but also applies to every other act of power, whether originating from the instruments of the civil state, as well as those from the military.

With regard to the use of incidental weapons in armed conflict as stated in Article 32 of the Geneva Convention IV by prohibiting any action that causes physical suffering or destruction of protected persons and civilians who do not participate in military operations, it is not in accordance with the law which Syria has ratified in the 1949 Geneva Conventions relating to the protection of civilians. Thus, Article 29 of Geneva Convention IV states that each party to the conflict is responsible for any treatment given to his equipment to protected persons in his hands, so regardless of individual responsibility that may exist.

The protection given to civilians residing in areas of armed conflict, as well as to persons not taking part in hostilities, have all been regulated in Article 27 of Geneva Convention IV 1949, which prohibits physical or mental coercion from
obtaining information; prohibition of things that can cause physical suffering; prohibition of imposing collective punishment; prohibition against intimidation, terrorism, and robbery; prohibition on acts of retaliation against the civilian population, as well as the prohibition of arresting persons held as hostages.10

Judging from the legal principle, namely lex specialis derogat generali, which in Roman law became a general principle in government and was often used as a means of resolving conflicts between legal norms, it explains that the law that regulates is more specifically about a subject matter (the lex specialis). Then the law can be enforced above the rules or above the general law that applies (lex generalis). Therefore, the link between Human Rights and International Humanitarian Law in resolving armed conflict problems is deliberately enforced to regulate any hostile behavior because, in principle, every human being has the right not to be arbitrarily deprived of his life by anyone including in hostilities, so that punishment should be given by the parties to an armed conflict can be determined by a special law (lex specialis), such as International Humanitarian Law which plays an important role in regulating people protected in armed conflict.11

In settlement of international crimes, there is the Universal Jurisdiction principle, which is a legal concept that grants permission to a state or international organization to claim jurisdiction regardless of the place of occurrence of a case and regardless of the suspect's nationality, residence, or relationship with the prosecution. Thus, the Syrian government and Russia must be held accountable for their actions that have caused harm to civilians as a result of the use of incendiary weapons.

To overcome problems that exist or arise in an international or non-international armed conflict by limiting the rights of the parties involved in the conflict to use certain weapons and methods of war, as well as providing protection to the victims and property affected by the conflict. Armed forces have been regulated in International Humanitarian Law. In international law, there are several rules regarding the responsibility of the state in the act of violation of international law committed by another party if the state has the ability to stop the act of violating international law but cannot do anything even though it is capable. The occurrence of civilian casualties in armed conflict clearly violates the provisions of international humanitarian law. Humanitarian law has provided special protection to civilians and other humanitarian personnel who are impartial in armed conflicts, for example, members of the National Red Cross and other members of the Volunteer Association, including members of civil defense, who are usually given many facilities when carrying out social (civil) duties including when carrying out special tasks. In carrying out their duties which could at any time endanger the condition of the members of the association, their existence must continue to be protected.

In their protection as members of the association known by several terms called "Respect," i.e., they must be allowed to carry out social duties during an armed conflict, and by the concept of "protected," which means they are not allowed to be the target of military attacks.12 Each group in armed conflict has differences in capabilities, composition, and tactics used in carrying out attacks. Some groups operating at the local level consisted of migrants who worked together to fight alongside civilian groups. On the other hand, the existence of a larger armed group succeeded in unifying

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11Flavia ZorziGiustiniani, 2021, International Law in Disaster Scenarios. Cham: Springer Nature Switzerland AG.
12 UN Commission on the Truth for El Salvador, Report. P. 69
several smaller groups under it by controlling certain areas openly to attack the government's armed forces.\textsuperscript{13}

The formation of several provisions in the law of war gives very significant attention to the protection of the civilian population as well as some of the losses they can experience as a result of a war. The existence of criminal responsibility in settlement of a dispute, especially in international armed conflicts, aims to provide demands to try each individual as a perpetrator of a crime. In the case of the armed conflict carried out by the Syrian and Russian governments, they can be said to be individuals as perpetrators of crimes that must be tried in international criminal law. Therefore, this incident is a form of violation of international humanitarian law, so there are several actions from several international laws as an effort to resolve the armed conflict.

One of the judicial institutions at the international level which has the task of trying several subjects of international humanitarian law who have committed extraordinary crimes is called the International Criminal Court or ICC. The legal basis for the establishment of the ICC is in accordance with Article 5 of the 1998 Rome Statute, in which the overall jurisdiction of the International Criminal Court or the ICC is the crime of genocide, crimes against humanity, war crimes, and crimes of aggression. The authority of the International Criminal Court depends on the fulfillment of the jurisdiction of rationemateriae, rationae loci (territorial), temporis, and ratione personae. Provided that there is state revenue that is not within the jurisdiction of the International Criminal Court in its territory.

The international criminal court is one of the complementary courts because the international criminal court adheres to the complementary principle in which a state

\textsuperscript{13}Louise Arimatsu dan Mohbuba Choudhury, op. cit., p. 11.
realized in the Geneva Conference. Thus, the results of these negotiations are expected to form a transitional government in Syria.

In contrast to the International Criminal Court, which handles cases against individuals, the International Court of Justice or ICJ is tasked with handling disputes between several United Nations member states and violations of United Nations agreements which are the highest judicial bodies in the world. The use of armed force to protect populations from humanitarian crises by the international community does not have a widely accepted legal basis. Thus, in settlement of the case, the International Court of Justice or ICJ rejected the possibility that the right to coercive intervention was carried out under international law. Based on the International Court of Justice's submission that whatever happens within international organizations, the right to intervene by force is not legal when viewed under international law. The International Court of Justice also stated that the use of armed force is not an appropriate method to ensure the protection of human rights. The International Court of Justice's main function is to resolve disputes between United Nations member states. It also has the right to provide advice to the official bodies and specialized agencies of the United Nations. In addition to referring to the United Nations Charter, the duties and functions of the International Court of Justice are also regulated in The Statute of The International Court of Justice. Based on Article 34 of the Statute, it has been written about the provision that only a few countries can become parties to a case before the International Court of Justice. One of the primary sources in international law is the position of customary international law which regulates state responsibility.

The emergence of a sense of state responsibility in international law is to foster the belief that no single country can enjoy any given rights without respecting the rights of other countries. Therefore, any violation against another country that can cause a country to repair or be responsible for the affected country is interpreted as an obligation to make reparation for losses resulting from actions that can be questioned because they have violated international obligation.

II. CONCLUSION
1. The Geneva Conventions, which have been signed and ratified by 196 countries, have the aim of being a basic guideline related to the protection of victims of war. Based on the principle of proportionality, the attacks carried out by the Syria governments and Russia have violated Additional Protocol I to the Geneva Conventions in Article 51 Paragraph 5(b), namely the obligation of the belligerent party to take into account the attack so as not to cause loss of life, damage, and excessive suffering, especially the damage caused experienced by civilians and non-combatants. With regard to the use of incendiary weapons, in the armed conflict that occurred in Syria, there is a violation of Article 32 of The 1949 Geneva Conventions concerning the prohibition against any action that causes physical suffering or destruction of protected persons and civilians who do not participate in military operations.

2. In terms of the regulations, and the principles of International Humanitarian Law, the use of incendiary weapons by the Syrian government and Russia in the armed conflict in Syria is considered a war crime because it has caused excessive losses to the civilian object in the country. One of the judicial institutions at the international level which has the task of trying several subjects of International Humanitarian Law who have committed extraordinary crimes is called the International Criminal Court or ICC. The legal basis for the establishment of the ICC is in accordance with Article 5 of the 1998 Rome Statute, in which the overall jurisdiction of the International Criminal Court or the ICC is the crime of
genocide, crimes against humanity, war crimes, and crimes of aggression.

Until now, the war in Syria cannot end if the country is not free from the threat of terrorism. UN efforts to agree on an armistice have failed under international pressure led by Russia, which has continued to carry out bombings despite announcing a halt to attacks. Due to the unfavorable situation in the proper settlement of the case, through diplomatic negotiations assisted by the United Nations, it is hoped that it can help in finding a bright spot in resolving the armed conflicts in Syria in accordance with the agreements contained in the 1949 Geneva Conventions and the International Humanitarian Law.

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