
THE SYRIAN CIVIL WAR AND *JUS-IN-BELLO*: AN OVERVIEW

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ABSTRACT

The Syrian Civil War has been discussed across several global platforms due to its widely popular events that have staggered the humanity around the world. The callous means and methodology of warfare has also been a mockery of the principles guided by jus-in-bello. This paper provides a general overview viz-a-viz the Syrian armed conflict, including, but not limited to, the timeline of conflict; the parties involved in the conflict; the use of weaponry and applicable laws to the conflict. Furthermore, it provides an insight with regard to presence of customary and statutory principles of International Humanitarian Law, or Law of Armed Conflict. It also envisages the actual, practical and real approach of the International Organisations towards this armed conflict, stressing upon the sanctions imposed by the United States of America and its allies, upon the Syrian Arab Republic, but more importantly, it can be sought that the actions against the Non-State Organisations have either not been effectuated, or they were never enough within themselves. It further highlights the transformation of the civil conflict on the domestic front, existing between the government and its rebels to an internationalized armed conflict involving the major world powers such as the Russian Federation and the United States of America.

INTRODUCTION

Ab-initio, the Syrian Civil War is one of the deadliest conflicts in the contemporary world, which has claimed the lives of half a million people, *either dead or severely wounded*, and sets an example of a formidable power exercising the use of chemical weapons on its own civilians. It is merely a result of the public uprising in the Syrian Arab Republic, which began during March of 2011. During this conflict, the state has witnessed multiple violations of International Humanitarian Law.

The acts, such as extrajudicial killings, unlawful arrests, torture, and enforced disappearances, are at the top of the list of violations suffered by the Syrian citizens. These anti-Assad regime protests broke out due to the enormous unemployment, economic crisis, corruption and the lack of political freedom which had been constantly creeping up, even before 2011.

It is imperative to highlight that *pro-democracy* protests had divided the Syrian civilization into two different sections, one was *for the Assad regime*, while the other one was *against the Assad regime*. The state's devastation begun through the violent events of a ravaging civil war that escalated into an internationalized conflict, wherein the armed forces such as rebel militants, forces empowered by the Syrian government, terrorist groups, the extremists, and vital international powers played a crucial role in shaping the future of the Syrian Arab Republic.

TIMELINE OF THE CONFLICT

A series of unfortunate events between Syrian Arab Republic and the United States of America had begun in 2001, which eventually resulted in an internal unrest in the Syrian Arab Republic after ten years of continuous downfall. The tensions began to take an immense incline during May of 2002, when senior United States officials included the Syrian Arab Republic in a list of nations that jointly form an "*Axis of Evil*" first listed by the then-President George Bush in January 2002. John Bolton, the Under Secretary for the State, alleged that the Syrian city of Damascus had been acquiring *Weapons of Mass Destruction* (hereinafter referred to as *WMDs*). Later in 2004, the United States of America imposed economic sanctions against the Syrian Arab Republic over what was called the country's support in favor of terrorism and failure to restrict the movement of militants.

Several meetings with the United States House of Representatives also included the likes of Speaker Nancy Pelosi, French President Nicolas Sarkozy, and Jeffrey Feldman, bringing a ray of light towards liberalizing the state-controlled economy in the Syrian Arab Republic.

Nevertheless, in 2010, the United States of America alleged that the country still supports terrorist groups and seeks WMDs, as they renewed its sanctions against Syria. It was further alleged that the Syrian Arab Republic supplied *Scud missiles* to the *Hezbollah* of Lebanon in contravention with the United Nations Resolutions.

Consolatory measures were announced by the President of Syria, Bashar-Al Assad, in March of 2011, which released several political prisoners and dismissed the Government after protestors were shot, resulting in several deaths at Deraa.¹ Release of political prisoners was demanded by the masses, and later, it triggered a ferocious unrest that spread steadily through the nation in the following months. As the anti-regime protest got more influential, armed vehicles entered in different cities across the nation. At the same instance, the United States of America, and the European Union, on the other hand, tightened their sanctions against the country. The following month, the Syrian Arab Republic was reported to the United Nations Security Council, by the *IAEA Nuclear Watchdog*, over an alleged covert nuclear program reactor.

The Government received major backlash from the international community, and the tensions inside Syria started to multiply. Military troops were deployed in several major cities after there was any mass demonstration presented, such renovation was performed at the expense of many livelihoods.² The Arab League subsequently banned Syria and charged it with not implementing the Arab Pacific Plan and enforced further penalties.³

In June 2012, Syria shot the Turkish plane⁴, which changed the rules of engagement between Turkey and Syria. Besides, the Turkish Government proclaimed that it would be a security threat if Syrian soldiers were discovered right on the border. Three security chiefs were blown up by Free Syria Army in Damascus, and Aleppo's eastern provinces were also raided. The tensions led to such worsened conditions that the Syrian families began to flee their own homes, and the first refugee camps were opened in Turkey.⁵ In 2012, several opposition gains were raised against the regime. For example, the Syrian rebellion National Coalition and opponents' armies were established in Qatar. In resistance to the government's administration, the

¹ <https://in.reuters.com/article/syria/syrian-rebels-kill-27-soldiers-in-south-idINDEE7BD0H220111215>

² <https://www.reuters.com/article/us-syria-nuclear-iaea/syria-faces-pressure-at-u-n-atomic-agency-diplomats-idUSTRE74M57I20110523>

³ <https://www.reuters.com/article/us-arabs-syria/arab-league-suspends-syria-as-global-pressure-rises-idUSTRE7AB0CP20111112>

⁴ <https://www.reuters.com/article/us-syria-crisis/syria-downs-turkish-jet-ankara-to-act-decisively-idUSBRE85D0IS20120622>

⁵ <https://www.unhcr.org/5245a72e6.pdf>

historical market in Aleppo was destroyed in a fire. There were no Islamist groups present in the war until then.

The Z'aatari refugee camp in Jordan⁶ was established by UNHCR and Jordanian governments as the conflict inclined. By the end of 2012, there were half a million Syrians desperately looking for asylum in other nations.⁷

The officer of *United Nations Weapons* found that chemical weapons⁸ were deployed in August 2013 in an aggressive attack on the Ghouta region of Damascus. The killing led to the Syrian Government allowing the United Nations to destroy the stockpile of chemical weapons. This cycle finished in June 2014. Geneva has skipped international peace negotiations as the Syrian authorities had declined to negotiate a political transition.

After retrieving *Yabrpud* near the Lebanese frontier with the Syrian government, the nation saw the increase, from Aleppo to Diyala in the eastern Iraqi province of Iraq and Syria, of the Islamic State of Iraq and Syria's militants who also asserted the Caliphate. For the following year, conflicts were lasting for months, between several armies present in the Syrian territory and the Islamic State fighters, which one by one seized different cities like Palmyra in central Syria, *Idlib* province, and Latakia. By March of 2013, about a million Syrian refugees were registered with UNHCR, and by August, the number of Syrian Refugee children only reached a count of 1 million.⁹

It is pertinent to note that the aviation raids against ISIS began in Syria between the United States and Arab Allies in 2014 to broaden their project on Iraq. Washington stood as the most significant contributor to this coalition as they deployed over 2,000 soldiers, and most of them were from the special forces. In order to curb the problem of ISIS militants' intervention, the Russian Federation carried out its first airstrike in Syria in 2015. The same airstrike was criticised and condemned on statement as it was overwhelmingly targeting anti-Assad rebels.

It took the authoritarian regime, an elongated duration of four years, when the Syrian Army finally allowed rebels to evacuate the remaining area of the city of Homs. It was statistically analysed that over nearly half of Syria's 22 million population was affected by this conflict and

6 <https://www.unhcr.org/news/latest/2013/7/51f698ee6/year-jordans-zaatari-refugee-camp-mushrooms-major-urban-centre.html>

7 *Ibid* (5)

8 <https://news.un.org/en/story/2013/09/449052-clear-and-convincing-evidence-chemical-weapons-use-syria-un-team-reports>

9 <https://www.unhcr.org/5245a72e6.pdf>

required immediate humanitarian aid.¹⁰ Several Syrians risked their life on sea journeys to reach Europe and were found dead on boats to achieve a better place of living.¹¹ The continuing crisis caused the number of Syrian refugees to cross the mark of 4 million, and there were over 12 million displaced people.¹²

In 2016 the Turkish soldiers passed over to Syria to assist the militant factions to retreat the so-called militants of the Islamic State and the Kurdish leading rebel groups. The latter bought a segment of the border of two nations.

Aleppo city had been restored. It is Syria's largest city, which has been prohibited by the Russian aviation force and Iranian backers, and rebel insurgents have been stripped off the last significant urban center. It contributed to an understanding that the government should ceasefire rather than the Islamist Rebels after the Kazakhstan talks.¹³

In 2017, Donald Trump ordered a missile attack on an airbase while the Syrian government purportedly staged chemical weapons on the town of *Khan Sheikhoun*, which was captured by rebels. They decided to cause harm to the *YPG Kurdish* accessible protection units. They fought alongside the main opposition of season democratic forces and later won the important *Tabka dam* from ISIS.

A group militant of Hezbollah and the Syrian Army began several joint operations in July 2017, which were aimed at dislocating the jihadist group near the Syrian Libya border. After 2017, the Islamic State has been ousted from several cities, including Raqqa, where its previous successes had been accomplished. Nearly all the country's South was occupied by the Syrian army, up to the boundaries of Jordan and Israeli territories. In 2018, President of the United States, Donald Trump announced the withdrawal of over 2000 United States troops from Syria and the defeat of the ISIS group. The United States withdrew from the northernmost region of Syria in October 2019. In the Idlib province of Syria, the Islamic State leader was found dead.¹⁴ In late March 2019, the army was able to swamp the ISIS group in the village of *Baghouz* from north-eastern Syria.

10 <https://www.unhcr.org/559d67d46.html>

11 <https://www.unhcr.org/5461e60716.html>

12 <https://www.unhcr.org/542c07e39.html>

13 <https://www.unhcr.org/news/latest/2016/8/57a98e934/fears-grow-aleppo-residents-amid-latest-violence.html>

14 <https://in.reuters.com/article/mideast-crisis-baghdadi/trump-hails-death-of-depraved-islamic-state-leader-baghdadi-in-u-s-raid-idINKBN1X70KC>

PARTIES INVOLVED IN THE SYRIAN CONFLICT

I. Role of the Russian Federation and the Syrian Government and Victimization of Civilians

- **Deployment of barrel bombs** - Several reports have noticed irregular bombardments of civilian areas by deploying weapons, which leaves effects causing harm in a wide radius inclusive of artillery shelling and unguided high explosive barrel bombs, which caused numerous civilian deaths and injuries to minors.¹⁵ Adding to it, barrel bombs were also dropped on the markets, schools, medical facilities, and squares to maximize fatalities and injuries, even if this was not enough. The second wave of bombardment dropped on those who gathered to help the victims of such attacks.
- **Use of cluster munitions** – It is imperative to highlight that the use of arms and ammunitions included lethal instruments such as cluster munitions was deployed by airstrikes on densely populated regions of *Idlib* province, *Douma*, *Dayr az-Zawr*, and *Aleppo Governorate* and the city of *Aleppo*.
- **Schools have repeatedly been targeting during this conflict** - It is pertinent to note that schools were targeted & students were being victimized since the employment of teachers was in the hands of the Syrian Government. There were several instances wherein the attacks took place when the students were inside the school buildings.
- **Targeting the Healthcare Providers** – The medical and healthcare infrastructure such as hospitals, medical centers, and clinics of regions that were in control of armed groups, were intentionally and wantonly attacked to destroy the structure and depleted the needy from medical personnel.
- **Use of Chemical Weapons** – It is imperative to understand that the deployment of two-barrel bombs took place on the 1st August 2016 which allegedly included the possibility of containing chlorine gas and were dropped off by an aircraft which was suspected as Syrian government's, at residential neighborhoods controlled by non-stamped armed groups in the city of *Saraqeb*, *Idlib*. It was just one of those attacks which were in the pattern that was of use in which improved eyesight chlorine munitions were dropped

15 The Syrian Situation – International Human Rights Violations and a Call for Justice. Arab Human Rights Centre in Golan Heights- <http://golan-marsad.org/wp-content/uploads/The-Syrian-Situation-International-Law-Violations-and-the-Call-for-Justice-A-Summary.pdf>

off through a rocket-assisted by the Syrian forces, these ammunitions when deployed as a weapon, the pattern of dispersion of the gas found in the bombs was not controlled rendering the arms indiscriminate.¹⁶

- **Siege of civilian areas and denial to humanitarian access** - Any area controlled by civilians is contested by the government's armed forces that were kept in a siege. Such regions were subjected to recurrent airstrikes, including artillery shelling and several other militant attacks. To make the lives of civilians invariable to attain their surrender, the government forces used starvation and terror methods in these areas. It is staggering that even the United Nations aid convoys were also prohibited from going.
- **Targeting humanitarian personnel and logistics**- Several convoys of the United Nations and its staff focused their way to provide humanitarian aid, including medical and food supplies. These convoys were ruthlessly attacked during the civil war, which is in contravention with the codified as well as the customary laws of armed conflict.
- **Enforced disappearances, Unfair torture trials, Unlawful killings, and Human Rights** - Advocate Khalil and his companion Muhammad went missing during October of 2012, and are nowhere to be found, which constitutes only one of such disappearances. Detainees have reported that they have seen the missing persons, but the government authorities deny holding men. Since 2012, the government sources have conducted thousands of innocent people in detention without allowing them to be heard before the court of law and depriving the family members of the detainees' fate and whereabouts.
- **Barbarism towards hostage** - Records point out on the pattern where agencies funded by the government have been engaging in misconduct and persecution of masses held captive in prisons. The method was wide-spread and systematic, leading to thousands of deaths since they have been in custody. The authorities actively used sexual violence against both men and women, beating, suspension, and electrocution to torment the hostages.
- **Sexual violence** - Children and young women were often abducted at checkpoints or during house searches if the forces believed that the person was affiliated with the opposition. To spread a wave of fear and resentment, the abducted women were

16 <http://www.bbc.co.uk/news/world-middle-east-39500947>

returned to their families with the intent of exposing them as victims of rape, subjecting them to shame and rejections.

- **Unfair trial and Unlawful killing** - There have been reports of extrajudicial execution. Confessions obtained under torture or other ill-treatment of victims and later on used against them in the anti-terrorism code or the military field code it has also been reported that these court hearings and trials are unlawful and flagrantly unfair where judges are failing to order an investigation into the situation.

II. Syrian Opposition Troops including Radical Groups Extensive and Aggressive Sieges

- **Extensive Attacks** - The opposition and groups have shelled and used mortars, locally made rockets against the government forces in a rebellious nature in order to persuade the Syrian Government to comply with their demands.
- **Enforced seizures** - The anti-government groups also impose sieges by cutting off their food and medical supplies later. They also had the control of electricity and the water supplied to the Government-held neighborhoods in several cities, depriving masses of access to clean water and hygiene.

III. Islamic State of Iraq and Levant

- **Directed broad attacks on civilians** - The prevalent radical group of Islamic State of Iraq and Levant actively participated in killing masses, which also included innocent civilians and other troops, in order to take control over multiple cities. These moves inflicted several civilian casualties and displacement of individuals *in futuro*.
- **Suicide bombers** - Islamic state has made pervasive use of suicide bombing, which frequently targeted the population. *Jus in bello* does not prohibit suicide bombing and *idem* doesn't constitute a war crime, whereas there is an imperative requirement to penalize such offences, and deploying the special tracking procedures upon the organizations or individuals involved in aiding, abetting or instigating such events.
- **Chemical weapons** - The Islamic state forces executed suspicious chemical weapon attacks. In one instance, the troops fired rounds, which caused similar symptoms when exposed to a mustard agent. It cannot be denied that the access to chemical weapons of

such radical terrorist organizations is a vehement failure of the world-class intelligence agencies.

- **The imposition of religious laws in the areas controlled by the forces** - This had rigorous imposition of strict ethical rules that included women wearing a strict dress code and always accompanying a male companion when going out in public. A woman accused of adultery or man charged with sodomy, harsh punishments, usually the death penalty, was carried out by the forces.
- **Public executions and summary killing**- The individuals who were accused of spying, smuggling, adultery, and blasphemy were often the frequent targets of general performance in the controlled areas. A majority of such individuals were convicted and sentenced to public executions in a summary trial by the forces. It has been observed that such sentences were undisputedly unethical, as the framework of judicial system was not established by the elected government, and rather was introduced by the militant forces.
- **Violence against women**- The radical forces implemented the contrivance of sexual abuse and rape of the Syrian women as a weapon of war. Thousands of women and girls were victims of sex and human trafficking wherein they were forcibly immigrated from Iraq and Syria, and were eventually sold off in the market. These actions, *with obvious logic*, established that the militant forces treated women as their chattel and exploited them for slavery, including sex trafficking.
- **Sharia Law System** - The Islamic State wished to establish a Sharia law system. To do so *in toto*, they actively destroyed the artifacts having cultural significance or any monuments with idolatry.¹⁷ It is pertinent to note that they used the civilians as a human shield for themselves from any sort of attack.

IV. The Kurdish People Protection Units or *Yekîneyên Parastina*

- **Deracination of the populace** - Reports show that the offenses have led to mass displacement of residents. This operation was carried out by the “*Syrian Democratic*

17 <https://www.usatoday.com/story/news/world/2017/01/20/syria-isil-destroys-part-roman-theater-palmyra/96822822/>

forces". The displaced population is nowhere to be found and is considered internally displaced persons or IDPs and have no access to humanitarian aid.

- **Looting and demolition of homes** - The forces ransacked the houses of civilians and later on demolishing them. An Amnesty report¹⁸ states the circumstances in which displacement was made forcefully was to retaliate for civilians' perceived responsiveness towards members of the opposition. This would constitute collective punishment, which is a violation of international humanitarian law'.¹⁹

V. International Coalition

- **Impacting civilians** - In October 2016, an aircraft backed by the United States coalition was set to target the Islamic State fighters who were suspected to be hiding in *Teltana* Village in the Aleppo Governate. This operation ended up killing more than 25 persons, out of which 13 were civilians and nine minors. It was reported that the strike which was aimed to kill the terrorists resulted in killing more civilians.
- **Precautions** - This established the fact that airstrikes which were carried out by the foreign forces have been impacting the population of Syria, which later on raised concerns about the medium of distinction and proportionality as well as the precautions that shall be taken for the attacks under the International Humanitarian Law.

VI. Justice system and Summary Execution

- The armed groups in their control of territory stimulated Courts following the Sharia law to educate on discords, removing the existing judicial system. Infighting and rivalries have led to summary executions of fighters and sometimes summary execution of civilians as well.
- It has been observed by multiple activists that the organizations in control of the territory made the courts run on their fingertips, and pronounced decisions based on ideology personalized laws, which were diametrically indifferent in different parts of Syrian Arab Republic.

18 <https://www.amnesty.org/en/countries/middle-east-and-north-africa/syria/report-syria/>

19 <http://www.al-monitor.com/pulse/files/live/sites/almonitor/files/documents/2015/AI.WeHadNowhereElseToGo.PDF>

APPLICABLE LAW TO THE CONFLICT

I. *Jus-in-bello*

The Law of Armed Conflict, International Human Rights Law and the customary international law are bound to be applicable in the events of non-international armed conflict. It is pertinent to note that there is no specified definition for the term “*Non-International Armed Conflict*”, but on the other hand, *Article 8 (2) (f)* of the *Rome Statute of International Criminal Court* explicitly states that situations inflicting through the internal tensions, for instance riots, isolated or sporadic acts of violence, or other such events, do not constitute as *Non-International Armed Conflict*.

Under the instances of an *International Armed Conflict*, there is an essential requirement of two vital ingredients, as enshrined under *Common Article 2* of the *Geneva Conventions of 1949*. These two ingredients include the presence of a dispute between at least two or more *High Contracting Parties*, and the conflict shall either be *declared war*, or it must be *armed* in nature. Within the conflict in Syria, there have been arguably two such events which have astonishingly taken place between two states, including the use of armed force. It was widely observed that the Turkish troops, *deliberately* and *intentionally* shot down a Russian military jet. The second of such conflict has been the use of force by the United States of America with an objective to eliminate the troops belonging to radical organizations such as ISIS, within the Syrian territory. It has been broadly argued that use of armed force in another territory, even if not targeted towards its armed troops or civilians, shall be considered as a ground for invocation of *Common Article 2*.

It is imperative to highlight that the intrusion of the external powers such as foreign fighters and armed groups, whether *direct* or *indirect*, undisputedly establishes the conflict as internationalized in nature. It has also been well observed that *Common Article 3* of the *Four Geneva Conventions of 1949*, as well as the customary International Humanitarian Law, shall be applied in such cases even though the conflict has been assumed to be as internal.

It is pertinent to note that all armed groups are incumbent to respect the norms of International Humanitarian Law irrespective of the support, interest, and obedience displayed by the other actors as the obligation of International Humanitarian Law is not dependent upon reciprocity.

It is undisputed that all armed groups prevalent in the Syrian Arab Republic have vehemently disregarded the *principle of distinction*, which constitutes the fundamental principle of humanitarian law. This principle lays down the subjects of military attacks wherein civilians, or civilian objects are provided with immunity against such attacks and only the combatants who may be inclusive of the regular armed forces, its members, or any other armed parties involved in military-led operations can be subjected to such attacks.

II. *Jus-ad-bellum*

While the *Charter of the United Nations* laid down its purposes within *Article 1*, it also enforced the Organization as well as the members to act in accordance with a set of principles as enshrined under *Article 2*. It typically restricts the member states to *threaten*, or to *use force*, against any state's political independence or territory integrity through the application of *Article 2(4)*, excluding the circumstances as provided under *Article 39, 42 and 51* of the *United Nations Charter*. Additionally, it is imperative to mention that certain exceptions are also provided beyond the codified law, such as the consent of a state to use force within its own territory, or in cases of a humanitarian intervention

The exceptions include the inherent *right to self-defense*, as enshrined under *Article 51* of the *Charter*. It provides that if at any instance, an armed attack occurs, the state may individually or collectively respond with the use of armed force. It has been widely accepted that use of the *self-defense* mechanism shall be proportionate and instant in nature. Iraq and Syria have never used armed force beyond their own respective territories, whereas, they have requested intervention of other states to act jointly on their behalf in exercise of their *right to self-defense*.

It is pertinent to note that *Article 39* empowers the United Nations Security Council to determine and make recommendations regarding the activities threatening the existence of peace, any violation of peaceful environment or the acts of aggression. The Council shall be responsible to take imperative measures within the application of *Article 41 and 42* in order to ensure the maintenance of international peace and security. By virtue of *Article 42*, the Security Council shall even authorize the use of *necessary force*, in order to establish peace internationally. Under these circumstances, the member states are generally authorized by the Council to use armed force.

Inter-alia, Iraq's valid consent to the United States of America has been the sole reasoning to the presence of United States troops in the Iraqi territory, and the similar situation appears to be in case of Russian military activities within the Syrian territory. It has also been universally

accepted that consent shall always be valid in nature. Any instances wherein the consent has been provided under a certain threat, or fear, then it automatically submerges within the ambit of *coerced consent*, which is invalid in nature. It has been judicially acknowledged that consent is not necessary to be formal, as it may even be implicit under certain circumstances.

ANALYSIS

The reports and the evidence, which have been gathered by several organizations and fact-finding missions, working towards providing International aid to the Syrian conflict, have indicated that the attacks continue to be directed towards civilians and civilian objects. The allied forces of the Syrian Arab Republic and the Russian Federation have committed several crimes, including but are not limited to extrajudicial killings, unlawful arrest, cruel treatment of detainees, and enforced disappearances of suspected individuals.

Apart from the customary and statutory International Humanitarian Law, there have been various instances wherein the *United Nations Security Council Resolutions*, which also constitute a source of international law, have been violated by the Government of the Syrian Arab Republic. These resolutions include the *UNSCR 2139* and *2042*, which provides for the release of detainees and *UNSCR 2254*.

No transcripts were suggesting that either the Syrian administration, Russian forces, or the international coalition forces issued any warnings before any attack, which is an essential requirement under the International Humanitarian Law. This has been exemplified since the beginning of the popular movement providing another blatant and demonstration of the force's total disregard for the civilians of Syria.

The *UNSC Resolution 2139*, as mentioned above, which prohibits attacks that result in loss of civilian lives or accidental injuries, which are considered to be in contravention with customary International Humanitarian Law, was violated by multiple sects of the armed opposition in the Syrian conflict.

Islamic extremist groups have also violated customary International Humanitarian Law, by putting an end to multiple civilian lives as well as causing damage to vital civilian facilities. The magnitude and frequency of the violations that are proportional to the use of military force in the bombing's indiscriminate manner have only proved that such attacks are entirely intentional and are built upon superior commands.

All the attacks ever documented regarding this crisis, particularly bombings, have caused the mass collateral damage, which must involve deaths, injuries to civilians, and significant destruction to the civilian objects. It has been strongly indicating that such vandalization was excessively put in contrast with foreseen military comfort.

The use of explosives on to talk a densely populated area reflects a criminal and wholly deliberate mindset with the perpetrators intended to inflict the highest possible casualties, which is apparently in violation of *Article 27, 31, and 32* of the *Fourth Geneva Convention* and law concerning *International Human Rights*.

A state not a participant to the International Criminal Court's Treaty recognises the judiciary for the crimes concerned by presenting the apparent response to the court. *The International Criminal Court*²⁰ has the authority of reviewing the cases against people accused of crimes against humanity perpetrated after 1st July 2002. It can only exercise competence over crimes, however, if:

- Crimes have taken place on the territory of a State which forms part of the Treaty on the ICC.
- The defendant is a citizen of a state which is a party to the International Criminal Court's Treaty.
- The UN Council recommends the case to the Prosecutor of the International Criminal Court.
- The Convention creating the International Criminal Court is not a full member of the Statute of Rome, but Syria. Consequently, the ICC only acquires authority over crimes in Syria. The general assembly refers to the condition to the court in the exclusion of the Syrian government ratifying the constitution and recognising the judicial power by announcing the issue.

Global tribunal relating to a country's right to examine and punish offences against other citizens, even if not perpetrated in its jurisdiction by either of its people or against all of its peoples, shall extend to particular types of heinous crimes in breach of international law, such as war criminals and slavery.²¹ It is also commonly acknowledged that States may convict those

20 <https://www.icc-cpi.int/about>

21 <https://www.hrw.org/news/2009/10/19/basic-facts-universal-jurisdiction>

responsible for the violence such as mass slaughter or offences against cruelty, such as the *Treaty of Geneva* in 1949 and the treatment or punishment, which obliges state governments to external trade or prosecuted suspects of performers within or within its region and the customary international law.

CONCLUSION

The armed conflict that arose merely because of differences between the Bashar-al-Assad's regime and the unemployed, economically staggered, and exploited civilians, or victims, of an immensely corrupt government, resulted in millions of deaths, casualties and displacements including the women and children. The conflict was internationalized with global major powers playing their proxy-war within the territory of Syrian Arab Republic, and tremendously impacting the lives of its civilians and its resources. *Inter-alia*, the bombings involving the use of chemicals, such as *Chlorine gas*, have been widely condemned by the international community. But herein, the vital concern is raised upon the governance which ordered the deployment of such chemical bombings upon its own civilians, and within its own territory.

Furthermore, it cannot be denied that the rules and principles established by the statutory and customary laws of armed conflict have been recurrently violated by the majority of parties playing a role of vital importance within the Syrian armed conflict. It rather comes as a saying that the Syrian Arab Republic is not a ratifying party to the Geneva Conventions, whereas the same individuals often forget to highlight that the rules of customary International Humanitarian Law are binding upon all states involved in an armed conflict, irrespective of their ratification. Therefore, it can be said, that a party to the conflict can violate the customary rules of the armed conflict, even without ratifying a single instrument.

The importance of implementing the International Humanitarian Law brings out the possibilities of referring the armed conflict to the *International Criminal Court* through the enactment of *Chapter VII* of the *United Nations Charter*, substantiated through a United Nations Security Council Resolution. A similar draft was prepared by the delegation of French Republic, but was later vetoed by the Russian Federation upon its voting. These votes strongly question the power to veto and set a precedent to eliminate legal consequences against the war criminals during any such conflicts arising *in-futuro*.