

In the Name of God, the Most Merciful, the Most Kind



August 26, 2017

## The Dos and Don'ts of IHL

The International Humanitarian Law (IHL) which arranges the relations between states and international organizations and the issues regarding international law is one of the controversial issues. That is to say, IHL upholds the rights of the victims of armed conflicts like the soldiers who no more participate in war and civilians who are on the fence.

Warring parties are supposed to discriminate between combatants and non-combatants whose rights to life, liberty and property will have to be immune to attack. Only military bases should be targeted and there are also restrictions in using weapons and military tactic which may result in injuries and "unnecessary sufferings". According to IHL, torturing, wounding or killing the surrendered enemies or those not involved in conflicts are not allowed and their life, physical, and mental health should be respected. Likewise, war prisoners and locals residing the sites captured by enemies must be treated with humanity and their rights and dignity are not to be violated.

The IHL will be applied only during armed conflicts which are of two kinds: International Armed Conflict and non-International Armed Conflict. The first occurs when one or more states use arms against another state or international organization. National freedom fighting in which people fight against colonial powers and their allies or racists for defending their rights or autonomy, will be called International Armed Conflict under certain circumstances. The latter includes the conflicts between a state's soldiers and non-state organized armed groups or simply between non-state groups.

The IHL includes many principles: the principles of human treatment without discrimination, restriction in using arms, distinction, proportion, lack of reciprocity, and care.

Since the main objective of the IHL is restricting or reducing the pain and sufferings as a result of war and supporting victims, the aforementioned principles which were confirmed by Geneva Convention in 1864 must be observed.

It should be noted that when prisoners are arrested by the hostile army, whether or not they are surrendered, the law of prisoners of war will be applied in this case. In such an issue, they are not supposed to be prosecuted legally or persecuted. In fact, fighters are allowed to be directly involved in conflicts and be immune to prosecution or persecution. They will be prosecuted in case of committing war crimes. In other words, arresting war prisoners are not kind of punishment but a way of preventing them from war. Following the end of conflict, war prisoners should be released. It is emphasized that prisoners of war are supposed to be treated with humanity and any kinds of violence, threat or insult against them are banned.

All warring parties, involved in armed conflicts, states and international community are responsible to respect IHL. Hence, warring sides can only target combatants and military bases but locals, particularly women and children, must not be targeted. Military targets include infrastructures, buildings and sites where the enemies reside. However, when local instruments are used as military means such as using local rail road for carrying weapons will be also counted as military targets. Unluckily, the rule of law is hardly considered in conflicts these days and local places and individuals are targeted intentionally or unintentionally. Women and children are highly vulnerable in international and non-international armed conflicts.

Terrorism is a matter of great concern regarding violation of IHL. Terrorist networks neither know about the rule of war nor respect the international laws. They target anywhere with any possible weapons. Targeting locals, including women and children, religious figures, aid groups, instructors, lecturers, holy places, hospitals, schools, universities, local infrastructures, populated sites, etc. are targeted frequently and continue unabated. Similarly, militant fighters in Syria, Iraq, Afghanistan, Nigeria, etc. treat war prisoners in the most horrible and violent manners. They flagrantly violate their human rights and dignity and record and spread videos to fill the air with horror and terror which are a strong blow to the minds of people. The said practices are not only against IHL but also against religious and moral values. Thus, such inhuman issues must be stopped and the perpetrators will have to be prosecuted legally.

It is aptly said that conflict is not a connection between one human and another, but connection between states but individuals accidentally fall enemy against one another not on the basis of being human or resident but on the basis of being soldier. The main objective of war is the destruction of enemy's state. Therefore, eliminating their defenders are allowed until they carry arms. But when they surrender and put their arms down, they are no more considered enemies and will be changed into locals and targeting them is not allowed anymore.



## The Forgotten Hotbed of Radicalism

By Hujjatullah Zia

Fundamentalism is the product of radical ideology which is mainly promoted in some seminaries (madrassahs) both in Afghanistan and Pakistan. A large number of militant fighters have been trained in underground seminaries where ideologue figures carry much weight. The Taliban's uprising originated from seminaries as their founder the late Mullah Muhammad Omar prompted students to fight against Mujahedeen with arms borrowed from locals. Claiming to implement the divine rule in the divine land, they spilled streams of blood, without an iota of mercy, supported by their radical interpretation of religious tenets. It is believed that if diehard fundamentalists are housed in seminaries, they will be changed into hotbed of horror and terror rather than centers for religious and moral teachings. This issue is highly threatening and must not be downplayed.

Reports say that the organizer of Sar-e-Pul offensive has been captured from Daru-l-Ulum-e Herat (a religious seminary) by Afghan and Italian soldiers. This Daru-l-Ulum is said to be led by Muwlan Jilullah Muwlawi Zada along with his sons. Mulavi Zada was the head of Supreme Court during the Taliban's regime and worked as the Education Minister during Burhanuddin Rabbani's administration within the civil unrest. He reportedly had a close relationship with the Taliban's spiritual leader Mullah Omar and attended their significant meetings. This seminary, which is influenced by the radical schools of thought spreads fundamental mindset.

To show backlash against the capture of the mastermind of Sar-e-Pul offensive, Daru-l-Ulum has issued a fatwa (religious decree) declaring that the military forces invaded their privacy and the sacred place where religious Sunnah is taught. To wash their hands of spreading radicalism, the Daru-l-Ulum's scholars called it an insult to religious scholars, sacred place, and madrassah and "disgraceful invasion of foreign soldier occupiers and their slaves [Afghan soldiers]" and added that they could find no trace of danger claiming that the capture was taken outside Daru-l-Ulum.

Through issuing this fatwa, they seek two objectives: To undo the marred reputation of Daru-l-Ulum and trigger a sense of public hatred against foreign troops and the government. Their fatwa is replete with radical rhetoric which clearly aims to spark off the religious emotions of the public. On the other hand, when the Taliban and self-styled Islamic State of Iraq and the Levant (ISIL) spill the blood of innocent people in mosques (the sacred place of all Mus-

lims), kill women and children, and plant bomb inside sacred places, they issue no fatwa against such anti-religious practices, which reflects their double dealing towards an issue.

To further confirm the spread of radical mentalities in seminaries, the nightmare of Lal Masjid (Red Mosque) which is located in Islamabad still haunts Pakistani nation and state when Pakistani government attacked it in July 2007. The armed conflict between Pakistani soldiers and Islamic School Students lasted for eight days. Since January 2006, Lal Masjid and the adjacent Jamia Hafsa madrasah had been operated by Islamic militants led by two brothers, Abdul Aziz and Abdul Rashid. This organization advocated the imposition of Sharia in Pakistan and openly called for the overthrow of the Pakistani government.

It was said, "As the Operation Silence unfolded it was discovered that elements from militants groups like Lashkar-e-Taiba, Lashkar-e-Jhangvi, Jaish-e-Mohammad and Harakatul Jihadul Islami were present inside the seminary. Lal Masjid compound was being used as a hide-out by dozens of wanted militants who had Kalashnikov rifles, LMGs, hundreds of hand grenades and petrol bombs and a few rocket-launchers in stock".

It should be noted that radical figures still seek to continue spreading radicalism in sacred places and seminaries. There are seminaries both in Afghanistan and Pakistan led by religious fundamentalists who spread radicalism under sacred terms and capitalize on religious emotions of naïve individuals.

The two examples: emergence of the Taliban's spiritual leader from the heart of seminary and armed tension between Pakistani government and Islamic School Students of Lal Masjid unveil the fact that some seminaries have been changed into hotbed of horror and send a strong message of threat.

It is believed that if seminaries and the content of their text books are not scrutinized, the cycle of radicalism will not stop through combating terrorism militarily. In brief, the root causes of terrorism must be destroyed so that it be ended in germ. I have pointed out this threat for several times in many of my commentaries. The bulk of militant fighters are believed to come from seminaries. Combating terrorism regardless of their hotbeds, root causes and supporting factors will never lead to peace and stability.

To win the war on terror, both Afghanistan, along with its political allies, and Pakistan must target the root causes of radicalism and terrorism.

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## The New Nuclear Danger

By Joschka Fischer

As someone who was born in 1948, the risk of a nuclear World War III was a very real part of my childhood. That threat - or at least the threat of East and West Germany both being completely destroyed - persisted until the end of Cold War and the collapse of the Soviet Union.

Since then, the risk of nuclear-armed superpowers triggering Armageddon has been substantially reduced, even if it has not disappeared entirely. Today, the bigger danger is that an increasing number of smaller countries ruled by unstable or dictatorial regimes will try to acquire nuclear weapons. By becoming a nuclear power, such regimes can ensure their own survival, promote their local or regional geopolitical interests, and even pursue an expansionist agenda.

In this new environment, the "rationality of deterrence" maintained by the United States and the Soviet Union during the Cold War has eroded. Now, if nuclear proliferation increases, the threshold for using nuclear weapons will likely fall. As the current situation in North Korea shows, the nuclearization of East Asia or the Persian Gulf could pose a direct threat to world peace. Consider the recent rhetorical confrontation between North Korean dictator Kim Jong-un and US President Donald Trump, in which Trump promised to respond with "fire and fury" to any further North Korean provocations. Clearly, Trump is not relying on the rationality of deterrence, as one would have expected from the leader of the last remaining superpower. Instead, he has given his emotions free rein.

Of course, Trump didn't start the escalating crisis on the Korean Peninsula. It has been festering for some time, owing to the North Korean regime's willingness to pay any price to become a nuclear power, which it sees as a way to ensure its own safety. In addition, the regime is developing intercontinental ballistic missiles capable of carrying a nuclear warhead and reaching the West Coast of the US, or farther. This would be a major security challenge for any US administration. Ultimately, there are no good options for responding to the North Korean threat. A US-led pre-emptive war on the Korean Peninsula, for example, could lead to a direct confrontation with China and the destruction of South Korea, and would have unforeseeable implications for Japan. And, because the China-South Korea-Japan triangle has become the new power center of the twenty-first-century global economy, no country would be spared from the economic fallout. Even if the US continues to allude to the possibility of war, American military leaders know that the use of military force is not really a viable option, given its prohibitively high costs and risks.

When North Korea achieves nuclear-power status, the American security guarantee will no longer be airtight. A

North Korea with nuclear weapons and the means to use them would add pressure on South Korea and Japan to develop their own nuclear capacity, which they could easily do. But that is the last thing that China wants.

The situation in Asia today has the nuclear attributes of the twentieth century and the national-power dynamics of the nineteenth century. That could prove to be a highly inflammatory cocktail. And at the same time, the international system is becoming increasingly unstable, with political structures, institutions, and alliances around the world being upended or called into question.

Much will depend on what happens in the US under Trump's wayward presidency. The investigation into the Trump campaign's possible collusion with Russia ahead of the 2016 presidential election, and the failure to repeal the Affordable Care Act (Obamacare) have shown the US administration to be unstable and ineffective. And agenda items such as tax cuts, the Mexican border wall, and the renegotiation of the North American Free Trade Agreement - to say nothing of Trump's own emotional outbursts - are fueling America's radical right. Instability within the US is cause for global concern. If the US can no longer be counted on to ensure world peace and stability, then no country can. We will be left with a leadership vacuum, and nowhere is this more dangerous than with respect to nuclear proliferation. Another nuclear danger looms this fall. If the US Congress imposes new sanctions on Iran, the nuclear agreement between that country and the P5+1 (the five permanent members of the United Nations Security Council, plus Germany) could fail. Iranian President Hassan Rouhani publicly announced just last week that Iran could abandon the deal "within hours" in response to new sanctions.

In light of the North Korea crisis, it would be the height of irresponsibility to trigger a gratuitous nuclear crisis - and possibly a war - in the Middle East. And a return by the US to a strategy of regime change in Iran would likely be self-defeating, because it would strengthen the country's hardliners.

All of this would be taking place in a region that is already riven by crises and wars. And, because Russia, China, and the Europeans would stick to the nuclear deal, the US would find itself alone and at odds with even its closest allies.

Today's nuclear threats demand exactly the opposite of "fire and fury." What is needed is level-headedness, rationality, and patient diplomacy that is not based on dangerous and fanciful threats of force. If the last superpower abandons these virtues, the world - all of us - will have to confront the consequences. (Courtesy Project Syndicate)

Joschka Fischer, Germany's foreign minister and vice chancellor from 1998 to 2005, was a leader of the German Green Party for almost 20 years

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