

# **Implementing guidelines, based on the Geneva Convention, to safely rescue hostages**

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## **Introduction**

The Geneva Conventions are fundamental international treaties setting up the standards of international law for the humanitarian treatment of the victims of war. The first Geneva Convention treaty was created in 1864, followed by two other treaties in 1906 and 1929. The fourth Treaty was established in 1949, after the tragedy of the Second World War. Further protocols have been added: the two additional protocols of 1977, and the last protocol in 2005.

The Geneva Convention was immediately recognized for its positive impact and was consequently ratified by 74 states in the 1950's and obtained a further 48 ratifications in the 1960's. With the last few ratifications since the year 2000, the Geneva Conventions have today become universally applicable, with the ratification of 194 nations.

The four different Conventions cover humanitarian questions, such as the condition of the wounded and sick in armed forces in the field, or the question of the treatment of prisoners of war. This Convention allows the International Committee of the Red Cross (ICRC) to interfere within the conflict on a humanitarian basis. The Geneva Convention that is the most relevant to this issue is the fourth one, established in 1949. It concerns the protection of civilians during war time, more specifically: the prohibition of the taking of hostages.

## **General Overview**

Today, the Geneva Conventions remain important on the subject of international humanitarian law. They contain the main guidelines involved in protecting persons who are not or no longer taking a direct part in hostilities when they find themselves in the hands of an adverse party. The articles set in the Geneva Conventions are the core that regulates the evolution of an armed conflict, seeking to limit its effects on a human level. The 1949 Geneva Conventions have been ratified by 194 countries to date, which therefore mean that these Conventions are universally applicable. The article 3 of the Geneva Conventions takes a major step into ending armed conflicts, since it covers, for the first time, non-international war situations. For instance, the Geneva Conventions are applicable in

civil wars, armed conflicts within one conflict that extend to other countries, and conflicts where a military force or a multinational force supports the government.

The ICRC bases its actions on the Geneva Conventions. This organisation therefore managed to interfere in numerous conflicts, such as in Sudan, in the Democratic Republic of Congo, and in Libya. The fourth Geneva Convention, established in 1949, is relative to the Protection of Civilian Persons in Time of War. It therefore includes that civilians cannot be taken as hostages. Based on this Convention, an International Convention against the taking of hostages was established in 1979. This Convention prohibits any state, government and NGO into taking hostages.

However, different measures have been put into place to ease the rescue of hostages, and make the process safer. For instance, States have to certify that security is sufficient on its own territory. States also have to establish its jurisdiction over the offence in cases where the supposed offender is on the States territory.

For instance, in Libya, there has been hostage taking during the political crisis. These hostages were civilians and members of the security force captured by pro Gaddafi forces. In this context, the Geneva Convention was applicable. Indeed, within the fourth Convention, it states that during a period of war, no civilians should be taken as hostages. In Libya, the Geneva Convention, supported by the International Convention, had the right to intervene in the conflict.

### **Timeline :**

1864 : The Geneva Convention is created for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field

1929 : The Geneva Convention is made relative to the Treatment of Prisoners of War;

1949 : The Geneva Convention is made relative to the Protection of Civilian Persons in Time of War.

Jun 8<sup>th</sup> 1977 : A new protocol is added, which relates to the Protection of Victims of International Armed Conflicts

June 8<sup>th</sup> 1977 : A further protocol is added, which relates to the Protection of Victims of Non-International Armed Conflicts

18<sup>th</sup> December 1979 : The International Convention against the taking of hostages is adopted in the General Assembly

December 8<sup>th</sup> 2005: A further protocol is added, which relates to the Adoption of an Additional Distinctive Emblem

### **Previous Attempts to Resolve the Issue**

To conclude, the Geneva Conventions play a key role to the prevention of taking hostages. With the creation of the International Convention set in 1979, any State has to take serious actions to prevent hostages. In some countries such as Libya, the International Convention and the Geneva Conventions have been major agents in the process of releasing these hostages. Today, the Geneva Conventions is still applicable, for instance in the Democratic Republic of Congo, right after the post election crisis that the country faced. Human rights violations are the base for the Geneva Conventions to interfere in the conflict, whether it is a international conflict, or a civil war.

### **Possible Solutions**

Despite the relevance of the Geneva Convention to worldwide human rights abuses, especially concerning the taking of hostages, this convention does not go far enough to protect and set guidelines for the safe return of said hostages. Often these situations are handled ineffectively and insensitively. Evidently each hostage situation differs, both in for what reasons the hostage has been taken and also in the policy of his/her country concerning the freeing of the hostage. It is important to realize that nations may never come to the same conclusions on whether it is ethically correct to pay the ransom for a hostage or not, yet that each hostage situation deserves the utmost attention to its unique circumstances.

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