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Terrorism and International Humanitarian Law (IHL): Defining the Status of Islamic State of Iraq and Syria (ISIS)

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Zahirul Bashbar

Abstract

The wings of terror of ISIS has started since 2014. By 2019, ISIS the terrorist organization, spreading its wings over Syria, Iraq, and many other states around the world causing the death of thousands. The suffering due to acts of terrorism is innumerable. The conflict in Syria has reached a threshold that triggered the application of the Geneva Conventions and its Additional Protocols. ISIS is violating the International Humanitarian Law in every phase of its operation. Though ISIS is not a party to the aforesaid Conventions, the rules of IHL apply to it. This paper has envisaged the conflict in the Syrian Arab Republic and the classification of the armed conflicts. In addition, it has shown the origin of ISIS and their terrorist attacks during the last five years and how the parties in the conflicts including ISIS have responsibilities under the IHL. In doing so, the paper has relied on existing scholarly articles, books, newspaper reports as well as other international instruments.

Keywords: *Terrorism, International Humanitarian Law, IS, International Criminal Law*

Introduction

When ISIS emerged in 2014, it spread its wings of terror not only in Iraq and Syria but also in other parts of the globe. Several attacks have been committed by the members of ISIS and many have suffered as casualties. The armed group took hostages and executed them. In addition, the group committed genocide against *Yazidis*, Christians, *Shias*.¹ These are the tip of the iceberg whereas many unfortunate incidents have occurred due to the actions of ISIS.² Approximately thirty thousand people were killed and injured by the attacks of ISIS in the last five years.³ ISIS has been recognized as a terrorist organization and several states have started the war against ISIS. During the war, certain laws are applicable known as the Laws of Armed Conflict (LOAC) or International Humanitarian Law (IHL). Though IHL does not prohibit war, the act of terrorism is prohibited under the IHL. ISIS is a terrorist organization that not only spreads terror in many states but also does not comply with the provisions of IHL.

¹ Editorial, Reuters, 'ISIS commits mass murder, advertises it: Iraq executions detailed' *RT, World News*, 27 June 2014, available at <https://www.rt.com/news/168916-isis-iraq-war-crimes>, accessed on 15 March, 2021.

² Rashidul Hasan, 'Those who could cite Quran were spared: Gulshan attack victim's family' *The Daily Star*, Bangladesh, 2 July 2016, available at <https://www.thedailystar.net/city/those-who-cited-quran-verse-were-spared-1249228>, accessed on 15 March, 2021.

³ Jason Ditz, 'ISIS Attacks Kill at Least 215 in Southern Syrian City' *Antiwar*, the United States, 25 July, 2018, available at <https://news.antiwar.com/2018/07/25/isis-attacks-kill-at-least-150-in-southern-syrian-city>, accessed on 15 March, 2021.

Nevertheless, when there is an armed conflict there is an IHL. Hence, in this paper, the actions of ISIS under the jurisdiction of IHL, their status as a terrorist organization, the armed conflict in Syria, the obligation of ISIS under IHL shall be inked with black and white.

Criteria Threshold

The paper has several focus points. The first is to determine the nature of conflict in the Syrian Arab Republic. Secondly, what are the criteria that need to be fulfilled by ISIS members to get entitled under IHL, and what rules shall be applicable to the members of ISIS? To be more specific, the members of IS can have the protection under combatant status and under the Geneva Convention III or the Addition Protocol I.

Henceforth, for better understanding the discussions are divided into several questions, which are, a) whether the conflict in Syria is of international or non-international nature or not, b) Whether the conflict is internationalized or not, c) What is the status of terrorist in IHL, d) Whether IS is fighting for the exercise of their right to self-determination or not, e) Whether ISIS can be obligated under IHL or not.

Syrian Conflict and ISIS: Through the Specs of International Humanitarian Law

Syrian conflict

In March 2011 Independent International Commission of Inquiry issued the first report regarding the Syrian Conflict.⁴ According to the report, the armed group named Free Syrian Army (FSA), the structure was not able to be identified and the international humanitarian law was not applicable in that state.⁵ The reason was that; the armed conflict was still on the national level.⁶ It did not reach a higher level of recommended intensity as per IHL.⁷ The group was local and carried out anti-government activities. Later on, FSA was the prime organization affiliated with other organizations.⁸ In 2012, FSA established its command structure by amalgamating all other armed groups and making coordination among them.⁹ Due to this FSA took control of *Hama, Dar'a*,

⁴ Mohamad Ghazi Janaby, 'The Legal Status of Hezbollah in the Syrian Conflict: An International Humanitarian Law Perspective' *Arizona Journal of International & Comparative Law*, Volume 33:2, pp. 384-400, available at http://arizonajournal.org/wp-content/uploads/2016/11/03_Janaby_383.pdf, accessed on 15 March, 2021.

⁵ Ibid.

⁶ Ibid.

⁷ Ibid.

⁸ Human Rights Council, 'Report of the Independent International Commission of Inquiry on the Syrian Arab Republic', *Nineteenth session*, United Nations, 2012, Geneva, A/HRC/19/69, available at <https://undocs.org/en/A/HRC/19/69>, accessed on 6 April 2021.

⁹ Ibid.

Homs and *Idlib* by using anti-tank missiles and mortars.¹⁰ During 2012, the Conflict was termed as non-international armed conflict as per various international organizations.¹¹ The third report of the Independent International Commission was given in July 2012.¹² The report concluded that due to the duration and intensity of those conflicts in Syria, the conflict triggered the applicability of Common Article 3 of the 1949 Geneva Convention IV along with other customary law in respect of non-international armed conflict.¹³ In addition, Human Rights Watch took the same approach as ICRC concerning the Syrian conflict and concluded that it became a non-international armed conflict in 2012.¹⁴ According to the report given by the Independent International Commission in 2019, ISIL attacked in the south part of the state killing women, men, and children while they were asleep.¹⁵ In *Sumayda'* city, ISIL launched a suicide attack killing approximately 200 civilians and injuring hundreds and the same occurred in *Baghdad*.¹⁶ Moreover, in *Dayr al-Zawr* Governorate ISIL operated attack on civilians.¹⁷

International Armed Conflict

By the virtue of LOAC or IHL, armed conflicts are of two types.¹⁸ One, International Armed Conflict (IAC), second, Non-International Armed Conflict (NIAC). According to Common Article 2 of the Geneva Conventions 1949, IAC occurs when an armed conflict takes place between 'High Contracting Parties'.¹⁹ In addition, The First Additional Protocol 1977 to the Geneva Conventions 1949 (AP I) states that armed conflicts occur in respect of territory of a state.²⁰ To be more precise, the fighting against colonial domination or racist regime to gain 'right of self-determination'.²¹ Additional Protocol I of Geneva Conventions has enumerated the rules and conditions of the international armed conflicts.²²

¹⁰ Commission Inquiry (n 8), Annex III, 9, Paras 13 & 14.

¹¹ Janaby (n 4), pp. 384-400.

¹² Ibid.

¹³ Commission Inquiry (n 8), Para 12.

¹⁴ Human Rights Watch, *They Burned My Heart* (1st edn, HRW 2012) 2-13.

¹⁵ Ibid. *See also*, Kareem Khadder and Sarah el Sirgany, 'ISIS says it's behind the attacks in Syria that killed 166' *CNN*, United States, 25 July 2018, available at <https://edition.cnn.com/2018/07/25/middleeast/syria-bombing-intl/index.html>, accessed on 12 April 2021.

¹⁶ Tim Hume and Kareem Khadder, 'Death toll from devastating ISIS truck bomb in Baghdad rises to nearly 300' *CNN*, United States, 7 July 2016, available at <https://edition.cnn.com/2016/07/07/middleeast/iraq-baghdad-bomb-toll-rises>, accessed on 15 March, 2021.

¹⁷ Human Rights Council, 'Report of the Independent International Commission of Inquiry on the Syrian Arab Republic', *Fortieth session*, United Nations, 2019, Geneva, A/HRC/40/70, available at <https://undocs.org/en/A/HRC/40/70>, accessed on 6 May 2021.

¹⁸ Janaby (n 4), pp. 384-400.

¹⁹ *Geneva Convention Relative to the Protection of Civilian Persons in Time of War* (Fourth Geneva Convention), 21 October 1950, 75 UNTS 287, 12 August 1949, art. 2.

²⁰ *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts* (Protocol I), 7 December 1978, 1125 UNTS 3, 8 June 1977, art. 2.

²¹ Janaby (n 4), pp. 384-400.

²² Ibid.

Non-International Armed Conflict

On the other hand, Common Article 3 of the Geneva Conventions 1949 along with Additional Protocol II has illustrated the Non-International Armed Conflict (NIAC).²³ NIAC means when an armed conflict happens within the territory of a state.²⁴ The concept of NIAC canvasses the armed conflict as an internal matter of a state and IHL applicability depends upon the intensity of the armed conflict.²⁵ The common insignias are the occupation of the military instead of the police, the time limit of the conflict as well as the injured and victims' level of those armed conflicts.²⁶ There is another organizational threshold regarding the armed groups in NIAC.²⁷ To come under the purview of international humanitarian law the armed group has to reach the threshold.²⁸ The superior command in the group along with the capability to carry out systematic operations.²⁹ Thus, meeting the aforementioned standards the Non-International Armed Conflict will be applicable. By virtue of The International Criminal Tribunal for Former Yugoslavia (ICTY) decision regarding the Kosovo Liberation Army (KLA) has provided some criteria to constitute an armed conflict³⁰. The Kosovo Liberation Army (KLA) had some perks which are internal instruction, issuing orders, superior command, supplying weapons, having its uniform, equipped with military-grade weapons.³¹ In the twentieth century, some organization has become NIAC or recognized as such by state or international organizations.³² For example, the United States of America recognized *Al-Qaeda* as a party of NIAC.³³ In the case of FARC and LITTE, who were registered as both terrorist organizations and a party of non-international armed conflict.³⁴ The reason was the organizations were classified as Non-State terror organization which means some organizations does not have an alliance with a particular state rather, they want to establish their state and have occupied certain places.³⁵ An organized Chain of Command may or may not be existed among

²³ *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts* (Protocol II), 7 December 1978, 1125 UNTS 609, 8 June 1977.

²⁴ Ibid.

²⁵ Ibid.

²⁶ Ibid.

²⁷ Ibid.

²⁸ Ibid.

²⁹ Additional Protocol II art. 1(1).

³⁰ *Prosecutor v. Limaj et al*, ICTY, Judgement summary, 2007, Case no. IT-03-66-A, pp. 1-5.

³¹ Janaby (n 4), pp. 384-400.

³² Rogier Bartels, 'When Do Terrorist Organizations Qualify as Parties to an Armed Conflict under International Humanitarian Law', *Research Paper no. 2018-20, Amsterdam Center for International Law*, 2018, available at <https://ssrn.com/abstract=3209305>, accessed on 15 May 2021.

³³ Ibid.

³⁴ Ibid. FARC, otherwise known as Revolutionary Armed Forces of Colombia; Tamil Tigers are also known as Liberation Tigers of Tamil Eelam (LTTE).

³⁵ Darin E W Johnson, 'The Problem of the Terror Non-State: Rescuing International Law from ISIS and Boko Haram', *Brook Law Review*, Volume 84:2, 2019, pp. 5-48, available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3380809, accessed on 15 May, 2021.

these forces.³⁶ They come under the jurisdiction of national law.³⁷ They are sometimes deemed as rebel or mercenaries' groups.³⁸ Despite these characteristics, some non-state actors (NSA) can gain control of a particular territory as well as can establish outposts beyond the territory of a state.³⁹ *Al-Qaeda* has been inspired to establish Caliphate. Some territory has been captured by ISIS in Iraq and Syria to establish a new 'Caliphate'.⁴⁰ Similarly, Boko Haram has occupied territory in Nigeria. Under international law, those are organizations, not states.⁴¹

Internationalized Armed Conflict

Besides IAC and NIAC, another type of armed conflict known as 'internationalized armed conflict', happens when a civil war is sponsored by an alien power.⁴² This type of armed conflict is hybrid having both characteristics of IAC and NIAC.⁴³ In *Tadic* Case, it was held that an internal armed conflict may be international if the circumstances are dire or a foreign state arbitrates in the territory of a state by sending troops or the contestants acting on behalf of the foreign country.⁴⁴ When NATO intervenes in the conflict between the Federal Republic of Yugoslavia and the Kosovo Liberation Army it constituted an 'internationalized armed conflict'.⁴⁵

Syrian Conflict and ISIS

After the Arab Spring, turmoil raised in Syria regarding leadership.⁴⁶ This turmoil made a vacuum in the government.⁴⁷ In the distress time, ISIS became a belligerent force and declare the 'Caliphate' in Syria then Iraq.⁴⁸ Subsequently, both Iraq and Syrian forces

³⁶ Waseem Ahmad Qureshi, 'Applicability of International Humanitarian Law to Non-State Actors', *Santa Clara Journal of International Law*, Volume 17:1, 2019, pp. 5-18, available at <https://digitalcommons.law.scu.edu/scujil/vol17/iss1/2>, accessed on 15 May 2021.

³⁷ Ibid.

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ Ibid.

⁴¹ *Convention on Rights and Duties of States adopted by the Seventh International Conference of American States*, 26 December 1934, 165 LNTS 19, Montevideo, 26 December 1933, art. 1.

⁴² Peter G. Gasser, 'Internationalized Non-International Armed Conflicts: Case Studies of Afghanistan, Kampuchea, and Lebanon', *American University Law Review*, Volume 33:1, 1984, pp. 142-145.

⁴³ Janaby (n 4), pp. 384-400.

⁴⁴ *Prosecutor v. Tadic*, ICTY, Appeals Chamber Judgement, 1999, Case No.IT-94-1-A, para. 84, 130.

⁴⁵ James G. Stewart, 'Towards a Single Definition of Armed Conflict in International Humanitarian Law: A Critique of Internationalized Armed Conflict', *International Review of the Red Cross*, Volume 85:2, 2003, pp. 313-323, available at <https://www.icrc.org/en/doc/resources/documents/article/other/5pyaxx.htm>, accessed on 15 May, 2021.

⁴⁶ Johnson (n 35), pp. 5-45.

⁴⁷ Ibid.

⁴⁸ Ibid.

were overthrown by ISIS.⁴⁹ Due to the grievance of ISIS, the United Nations Security Council took steps to eliminate ISIS by passing 'Resolution 2249'.⁵⁰ The political instability and civil war in both Syria and Iraq have paved the way to spread terror and propagate ISIS operations.⁵¹ For this reason, ISIS has gained financial positions as well as recruited members along with training them.⁵² Due to the dysfunctional government, Mosul is under the control of ISIS.⁵³ The origin of ISIS will be shown in the next chapter.

The ISIS and its Nature, Actions, Methods, and Operation

History of ISIS

Islamic State or "IS" is a group of rebels. The origin of the group can be traced back to 2004 when the group was denoted as "Islamic State of Iraq and Levant" (ISIL).⁵⁴ Another term of the name was "DAESH" which was an Arab abbreviation of their name.⁵⁵ The group was affiliated with *Al Qaeda*. Henceforth, during the origin time, the group worked under the name of "*Jama 'at al-Tawhid wal-Jihad*".⁵⁶ It was as a herald of "*Tanzim Al Qaedaft Bilad al-Rafidayn*", which means *Al Qaeda* of Iraq.⁵⁷ The progress of the group was accelerated in 2006 by forming the "Mujahideen Shura Council".⁵⁸ Later they morphed into the Islamic State of Iraq and established their presence.⁵⁹ Under the leadership of *Abu Bakr al-Baghdadi*, the name changed to ISIL.⁶⁰ After the separation from *Al Qaeda*, the group was renamed ISIS in 2014.⁶¹ The army of Saddam Hussein turned into ISIS.⁶² The army was inclined to government services and before

⁴⁹ Johan D van der Vyver, 'The ISIS Crisis and the Development of International Humanitarian Law', *Emory International Law Review*, Volume 30:4, 2016, pp. 535-555, available at <https://scholarlycommons.law.emory.edu/eilr/vol30/iss4/1/>, accessed on 15 May 2021.

⁵⁰ Monica Hakimi, 'Defensive Force Against Non-State Actors: The State of Play', *International Law Studies*, Volume 91:1, 2015, pp. 1-27, available at <https://repository.law.umich.edu/articles/1380>, accessed on 15 July 2021.

⁵¹ Johnson (n 35), pp. 5-45.

⁵² Ibid.

⁵³ Ibid.

⁵⁴ Vyver (n 49), pp. 535-555.

⁵⁵ Ibid.

⁵⁶ Ibid.

⁵⁷ Ibid.

⁵⁸ Ibid.

⁵⁹ Ibid.

⁶⁰ Martin Chulov, 'Islamic State names new leader after the death of Abu Bakr al-Baghdadi', *The Guardian*, United Kingdom, 31 October 2019, available at <https://www.theguardian.com/world/2019/oct/31/islamic-state-new-leader-abu-bakr-al-baghdadi-abu-ibrahim-al-hashimi-al-qurayshi>, accessed on 15 March 2021.

⁶¹ Ibid.

⁶² Michael P Scharf, 'How the War against ISIS Changed International Law', *Case Western Reserve Journal of International Law*, Volume 48: Faculty Publications. 1638, 2016, available at https://scholarlycommons.law.case.edu/cgi/viewcontent.cgi?article=2637&context=faculty_publications, accessed on 8 May 2021.

the invasion of Iraq by the United States, it had its glory as of the largest armies on the earth.⁶³ To counter the U.S. invasion in Iraq, Prime Minister of Iraq *Nouri al-Maliki* started the rebellious group named, “Al Qaeda of Iraq” which is aforementioned.⁶⁴ On the other hand, in Syria in 2011 the protest against Assad dictatorship and subsequently a civil war in 2014, paved the way for the IS to spread its wings across the state.⁶⁵ “*Al Raqqa*” became the “capital” of IS in Syria.⁶⁶ Thus, as aforementioned, the name changed to “ISIS”. Gaining control of the oil refineries as well as banks in both Iraq and Syria, ISIS accumulated its financial capacity.⁶⁷ Due to the immerse of financial capability, ISIS conquered cities both in Iraq and Syria.⁶⁸

Though the root members of ISIS are from Saddam Hussein’s army, foreign people also joined ISIS from Western Europe and Arab states.⁶⁹ Since the ideology of ISIS is based on Sunni Muslims, it was easy to accustom to their ideology.⁷⁰ The motto of ISIS is to establish an “Islamic Caliphate” across the globe.⁷¹ Due to this, they have attacked many Christians and beheaded many foreigners in Iraq and Syria.⁷² Not only this but also, they destroyed archeological monuments in those countries.⁷³ The tactics of ISIS are similar to that of *Al Qaeda*.⁷⁴ The first major operation was in Sinjar, Iraq.⁷⁵ The ISIS preyed on “*Yazidis*”, who was Kurdish Minority.⁷⁶ The incident was solved by the airstrike of the US in the area during President Obama’s regime.⁷⁷ Subsequently from 2014, the war against ISIS by the United States has begun and it was followed by several airstrikes.

Terrorism & IHL

Though International Humanitarian Law and Terrorism are not co-related, ingredients of acts of terror are embedded in the principles of IHL.⁷⁸ To understand how the armed

⁶³ John M broder& Douglas Jehl ‘Iraqi Army: World’s 5th Largest but Full of Vital Weaknesses: Military: It will soon be even larger but its senior staff is full of incompetents and only a third of its troops are experienced’ *L.A. Times*, United States, 13 Aug 1990, available at <https://www.latimes.com/archives/la-xpm-1990-08-13-mn-465-story.html>, accessed on 15 March 2021.

⁶⁴ Ben Smith and Rob Page, ‘ISIS and the sectarian conflict in the Middle East’, *House of Commons Library*, 2015, pp. 7-12, available at <https://researchbriefings.files.parliament.uk/documents/RP15-16/RP15-16.pdf>, accessed on 9 April 2021.

⁶⁵ Scharf (n 62), p. 20.

⁶⁶ Ibid.

⁶⁷ Ibid, p. 21.

⁶⁸ Ibid.

⁶⁹ Scharf, (n 62).

⁷⁰ Ibid.

⁷¹ Ibid.

⁷² Scharf (n 62), p. 21.

⁷³ Ibid, p. 21.

⁷⁴ Ibid.

⁷⁵ Ibid.

⁷⁶ Ibid.

⁷⁷ Ibid.

⁷⁸ Rogier (n 32).

conflict has triggered and which acts trigger the armed conflict, terrorism needs to be analyzed.⁷⁹ Under the International Humanitarian Law, terrorism acts are not permitted.⁸⁰

Terrorism means to do some acts either in a conflict or during peacetime which are banned, erroneous and illicit under any law.⁸¹ However, terrorist conducts have its perks that can be distinguishable from the other crimes.⁸² Firstly, terrorism is an organized crime that has motivation.⁸³ Secondly, the operations of the terrorist groups are unique since the members most of the time conceal their identity to pursue their goals.⁸⁴ By the virtue of the European Union, terrorism befalls when any individual or a group takes violence against a state or institution or certain individual motivated by some ideology or beliefs. The distinction of terrorism as crimes, in general, is that firstly there is a physical target and primary target.⁸⁵ The primary target is to send a message to the government or to establish a certain goal due to the political, religious clause.⁸⁶ Physical targets are the victims who are daunted by the acts of the group.⁸⁷ By this two things are understandable, one is the motivation of doing the crimes and another is to establish the goal by doing the crimes. There are several conventions on terrorism⁸⁸ that was adopted by the United Nations Counter-Terrorism Committee and Terrorism Prevention Branch.⁸⁹ The UN Security Resolution listed some offenses as ‘trigger offense’ which constitute ‘terrorist activities’.⁹⁰ The offenses are causing death, insinuating the citizens, obligating the government, or restraining through these acts.⁹¹ Such acts should come under the definition of the offense under either national or international statutes or conventions.⁹² Moreover, the terrorist conduct must not be retroactive and it must be sufficiently accessible and precisely inked in black and white

⁷⁹ Ibid.

⁸⁰ J. Henckaerts and L. Doswald-Beck, *Customary International Humanitarian Law*, ICRC and Cambridge University Press, UK, volume I, 2005, pp. 9-10.

⁸¹ Dr. Alex Conte, *Human Rights in the Prevention and Punishment of Terrorism*, Springer Heidelberg Dordrecht, New York, 1st edition, p. 9.

⁸² Ibid, p. 10.

⁸³ Ibid.

⁸⁴ Ibid.

⁸⁵ Conte (n 81), p. 21.

⁸⁶ Ibid.

⁸⁷ Ibid.

⁸⁸ Conte (n 81), p. 40.

⁸⁹ The Conventions are the Convention on the Safety of United Nations and Associated Personnel 1994, the Convention for the Reciprocal Recognition of Proof Marks on Small Arms 1969, the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction 1972, the Convention on the Non-Proliferation of Nuclear Weapons 1968, Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction 1993, the four Geneva Conventions of 1949 and its two Additional Protocols of 1977.

⁹⁰ Conte (n 81), p. 29.

⁹¹ Human Rights Council, ‘Report of the United Nations High Commissioner for Human Rights on the protection of human rights and fundamental freedoms while countering terrorism’, *Eighth session*, United Nations, 2008, Geneva, A/HRC/8/13, available at <https://undocs.org/A/HRC/8/13>, accessed on 12 May 2021.

⁹² Conte (n 81), p. 34.

in a statute.⁹³

Actions of ISIS

After accentuating the aforesaid backdrop, ISIS does the act which falls under the ‘crimes against humanity is preserved by many.’⁹⁴ To bind them under the law, it should be found out whether the acts of ISIS do or do not fall under the three thresholds of UN Security Resolution. ISIS has kidnapped as well as taken hostages of women and children.⁹⁵ It is one of the core principles of IHL that non-combatants should be exempted from the war, and women and children should be given protection.⁹⁶ Based on the reports of Human Rights Watch, International Criminal Court initiated an investigation into these crimes.⁹⁷ ISIS has killed many people, taken hostage of women and children, and even disagreeing with their ideology, many people have died.⁹⁸ In August 2014, in the town of Sinjar, ISIS executed a large number of Yazidis.⁹⁹ Many Yazidis women were taken as ‘*Jibadi* Brides’.¹⁰⁰ Some took refuge in Kurdistan to flee away from ISIS.¹⁰¹ All the actions of ISIS violate Rome Statutes and Geneva Conventions.¹⁰²

Right of Self-determination & ISIS

Movement of liberation may resort to violence, or even sometimes take a course to acts of terrorism.¹⁰³ The rights of self-determination and the armed conflict are not interlinked with each other.¹⁰⁴ However, when the rebels wear stigma and blend with citizens who intend to attack them, the question comes whether their rights of self-determination need to be taken into consideration.¹⁰⁵ To demonstrate the issue

⁹³ Conte (n 81), p. 435.

⁹⁴ Reuters, ‘ISIS accused of crimes against humanity’ *Al Arabiya English*, United Arab Emirates, 15 November 2014, available at english.alarabiya.net/en/News/2014/11/14/ISIS-commits-crimes-against-humanity-in-Syria.html, accessed on 12 May, 2021.

⁹⁵ Ibid.

⁹⁶ Ibid.

⁹⁷ Ibid.

⁹⁸ Bobby Ghosh, ‘A Short Political History of the Terrorists Who Call Themselves the “Islamic State”’ *Quartz*, United States, 13 August 2014, available at <http://qz.com/248787/a-short-political-history-of-the-barbaric-terrorists-who-call-themselves-the-islamic-state>, accessed on 11 August 2021; *Rome Statute of the International Criminal Court*, 1 July 2002, 2187 UNTC 38544, Italy, 17 July 1998, art. 7.

⁹⁹ Ghosh (n 98).

¹⁰⁰ Ibid.

¹⁰¹ Ibid.

¹⁰² Rome Statute (n 98).

¹⁰³ E. Chadwick ‘A. P. V. Rogers, ‘Self-Defense, Terrorism and the International Humanitarian Law of Armed Conflict’, *International & Comparative Law Quarterly*, Volume 46:4, 1997, p. 970, available at <https://doi.org/10.1017/S0020589300061364>, accessed on 17 May 2021.

¹⁰⁴ Ibid.

¹⁰⁵ Ibid.

Elizabeth Chadwick has written in her book, “*Self-Defence, Terrorism and the International Humanitarian Law of Armed Conflict*” that:

“Use of terrorist-violence may reflect group desire to disseminate the anticipated fact of a loss of psychological commitment to governmental goal systems, or to create the appearance of political frameworks sufficient to construct a legal relationship for international consumption.”¹⁰⁶

With regards to the quoted lines, international humanitarian law consists of how armed conflict will be conducted and however also comprise anti-terrorism procedures.¹⁰⁷ To get the status of the right to self-determination, it needs to be established the elements to be a state, and later recognition from the international community. The acts of ISIS have already become infamous. The right to self-determination is supported by the international community whereas terrorism is not. The relationship between ISIS and IHL will be discussed in the subsequent chapter.

ISIS and International Humanitarian Law

ISIS under Geneva Convention

At the outset, ISIS is not a nation. For that reason, ISIS cannot become a party to the Geneva Convention. To entitle the advantages under the Geneva Convention, the situation will determine whether those privileges will be applicable or not.¹⁰⁸ This chapter will discuss, whether IS has the status of combatant or not. Before that, they can be term as ‘illegal combatant’ which was not mentioned in the Geneva Convention but was used in the *Ex parte Quirin* case.¹⁰⁹ Supreme Court of the United States opined that the agreements of laws of war create a distinction between lawful combatants as well as unlawful combatants.¹¹⁰ This principle draws the objective of the laws of war which are to lessen the human suffering and the turmoil incited by war.¹¹¹ The rules of customary international humanitarian laws try to limit unnecessary wars and reduce human misery in times of war.¹¹² To guarantee human safety, it is needed to distinguish between civilians and combatants.¹¹³ In addition, the responsibility to protect civilians is vested upon the combatants.¹¹⁴ Under the basic principles of LOAC, a combatant will use minimal force

¹⁰⁶ Ibid.

¹⁰⁷ Ibid.

¹⁰⁸ John C Yoo, ‘The Status of Soldiers and Terrorists under the Geneva Conventions’, *Chinese Journal of International Law*, Volume 3:1, 2004, pp. 135-150 available at <https://doi.org/10.1093/oxfordjournals.cjilaw.a000505>, accessed on 8 June 2021.

¹⁰⁹ *Ex Parte Quirin*, Supreme Court of United States, 1942, 317 U.S. 1.

¹¹⁰ Ibid.

¹¹¹ W. Thomas Mallison & Sally V. Mallison, ‘The Juridical Status of Irregular Combatants under the International Humanitarian Law of Armed Conflict’, *Case Western Reserve Journal of International Law*, Volume 9:1, 1977, pp. 40-60, available at <https://scholarlycommons.law.case.edu/jil/vol9/iss1/5>, accessed on 9 August 2021.

¹¹² Yoo (n 108), pp. 135-150.

¹¹³ Ibid.

¹¹⁴ Ibid.

to stop the enemy.¹¹⁵ Besides that, any dishonorable acts are prohibited.¹¹⁶ Under the principles of LOAC¹¹⁷, the civilians are protected, and even once engaged in combat, the act of Cheverly and principles of distinction need to be followed. To enjoy the legal protections under the purview of the Geneva Convention, certain criteria have to be fulfilled. Article 4(A)(1) of the Geneva Convention Relative to The Treatment of Prisoners of War benchmarked such requirements, such as “Members of the armed forces of a party to the conflict as well as members of militias” or “belonging to a Party to the conflict and operating in or outside their territory”.¹¹⁸ The situation is ISIS members are the party to the conflict as rebel groups fighting for their ideology and they have all other norms that fall under Article 4 but one other condition that was envisaged in Article 4 which is “that of conducting their operations by the laws and customs of war.”¹¹⁹ This one threshold bars the ISIS members to get the protection of POW since they not only follow the law but also breach the fundamentals of the laws of war. The four conditions of Article 4 are important to get status under LOAC.¹²⁰ Among the four, the first and fourth condition is inserted to make the civilians or the non-combatants protected from the unlawful acts by the combatants.

LOAC & ISIS

Besides the aforesaid discussion, can the non-state armed groups be bound by the principles of LOAC or not. This part of the paper shall analyze the customary international law as well as the judicial discussion regarding the matter. Before World War II, the states had power concerning international law, and international law was exclusively vested upon them.¹²¹ After the War and enactment of the Geneva Conventions, 1949 gave a new dimension of the matter.¹²² Not only the state but also the international organization come under the purview of international law. In this part, several principles shall be discussed whether the non-state armed groups are obliged to maintain the provisions of International Humanitarian Law or not.¹²³ The principles are Customary law, General Principles, and third-party consent.¹²⁴

¹¹⁵ Robert Kolb and Richard Hyde, *An Introduction to the International Law of Armed Conflict*, Hart Publishing, UK, 1st edition, 2008, pp. 43-51.

¹¹⁶ *Ibid*, p. 68.

¹¹⁷ The Main principles of LOAC: are principles of humanity and military necessity as well as the principles of distinction, necessity, and proportionality.

¹¹⁸ *Geneva Convention Relative to The Treatment of Prisoners of War*, 21 October 1950, 75 UNTS 135, Switzerland, 12 August 1949, art. 4.

¹¹⁹ *Ibid*.

¹²⁰ Yoo (n 108), pp. 135-150.

¹²¹ Daragh Murray, ‘How International Humanitarian Law Treaties Bind Non-State Armed Groups’, *Journal of Conflict and Security Law*, Volume 20:1, 2015, pp. 105-120, available at <https://doi.org/10.1093/jcsl/kru010>, accessed on 8 April 2021.

¹²² *Ibid*.

¹²³ Antonio Cassese, ‘The Status of Rebels under the 1977 Geneva Protocol on Non international Armed Conflicts’, *The International and Comparative Law Quarterly*, Volume 30:2, 1981, pp. 416-439, available at <https://www.jstor.org/stable/759535>, accessed on 9 May 2021.

¹²⁴ Murray (n 121), p. 102.

Customary Law Theory

Regarding applicability of the customary law, in the case of *Decision on Challenge to Jurisdiction: Lome ' Accord Amnesty* in the Special Court for Sierra Leone it was held that the customary international law is obligated upon the armed group under the Article 3 of the Geneva Conventions 1949.¹²⁵ Nevertheless, the custom comes from state practices and the opinion of the state.¹²⁶ The issue arises whether the practices of other armed groups have binding force on the other armed group or not.¹²⁷ As aforesaid, states were considered as the primary subjects of international law including customary law. But from the *North Sea Continental Shelf Case*, it was upheld that the customary rules have equal force over all members in the international community.¹²⁸ The term 'all members' means all the entities such as international organizations and personnel who possess the international legal personality.¹²⁹ This judgment was supported by other scholars of international law. In addition, the European Court of Justice stated that all subjects of international law are under the jurisdiction of international law.¹³⁰ Even the International Criminal Tribunal for the former Yugoslavia (ICTY) was pragmatic to use customary law on the non-state actor.¹³¹

On the contrary, state practices created customary law and only a state holds the international legal personality. Hence the applicability of international customary law applies only to the state.¹³² But in modern times the idea is rebutted since, besides the state, other entities such as international organizations as well as persons are subject to international law.¹³³ Moreover, the international organization has the authority to create laws.¹³⁴ The problem arises with the creation of customs by the armed groups. In *Tadic Case* it was mentioned, the actions of an armed group can be regarded as the custom of NIAC.¹³⁵ However, it was not supported much. On the other hand, the ICRC has studied that, the actions of armed groups are not precise and it does not go with the state practices. To come under the customary law, one must ratify the Vienna Convention

¹²⁵ Ibid, p. 103.

¹²⁶ *Statute of the International Court of Justice*, art. 38(1).

¹²⁷ S Sivakumaran, 'Binding Armed Opposition Groups', *The International and Comparative Law Quarterly*, Volume 55:2, 2006, pp. 370-390, available at <https://www.jstor.org/stable/3663166>, accessed on 9 May 2021.

¹²⁸ International Court of Justice (ICJ), *Analysis of North Sea Continental Shelf Cases (Federal Republic of Germany v. Denmark; Federal Republic of Germany v. Netherlands)*, 20 February 1969, available at <https://www.refworld.org/docid/4023a4c04.html>, accessed 10 June 2021.

¹²⁹ Murray (n 121), p. 106.

¹³⁰ August Reinisch, 'European Court of Justice: Yassin Abdullah Kadi And Al Barakaat International Foundation V. Council of The European Union and Commission of The European Communities', *International Legal Materials*, Volume 47:3, 2008, pp. 923-967, available at doi:10.1017/S0020782900005696, accessed on 16 May 2021.

¹³¹ *Prosecutor v Simic et al*, ICTY, Decision on The Prosecution Motion Under Rule 73 For A Ruling Concerning the Testimony of a Witness, 1999, Case no. IT-95-9, para. 72-75.

¹³² Murray (n 121), p. 107.

¹³³ Ibid.

¹³⁴ Ibid.

¹³⁵ *Prosecutor v. Tadic*, ICTY, Appeals Chamber Judgement, 1999, Case No.IT-94-1-A, para. 84, 130.

on the Law of Treaties between States and International Organizations or between International organizations.¹³⁶ The main actor is the international legal personality. If the element is present, the law applies inevitably. The customary international law can arise from Common Article 3 of the Geneva Convention 1949.¹³⁷ Though it can be exclusively stated that, the armed groups are bound under the aforesaid Article but if the international legal personality is embedded in the group, the non-state armed group does come under the purview of the customary law.¹³⁸

Consent Theory

Besides the Customary Law theory, the third-party theory or the Consent theory is also a test to see whether ISIS is obligated under the IHL principles. The third-party theory is based on a principle called, *Pacta Tertiis*.¹³⁹ The principle denotes that a state cannot step aside from a treaty that is ratified by it through making another treaty with the third party.¹⁴⁰ The concept of this principle is that international law creates compulsion upon a state due to acceptance of the laws/treaties. However, if a state does not give any consent to the treaty, the state cannot be bound under the law.¹⁴¹ Additionally, the treaties are bound only to the states who are the parties, it has no implementation on the third party.¹⁴² But to trigger the principle of *Pacta Tertiis*, Intention and Consent are needed.¹⁴³ The 'Intention' indicates that the creators of the treaties must have the intention to bind the third party regarding the right or the obligation.¹⁴⁴ The 'Consent' is the fundamental part while constituting a treaty. On the application of the third party, the treaty of another is applicable but through acquiescence or implied consent, some part of the treaty can be enforced.¹⁴⁵

An armed group is not a country. Neither they possess the elements nor do they accrue the rights and duties of a state.¹⁴⁶ But when a state adopts the treaty it applies to the

¹³⁶ *Vienna Convention on the Law of Treaties between States and International Organizations or between International Organization*, 1150 UNTC 331, Vienna, 23 November 1969, art. 84(1).

¹³⁷ Murray (n 121), p. 109.

¹³⁸ Ibid.

¹³⁹ Andrew Serdy, 'Pacta Tertiis and Regional Fisheries Management Mechanisms: The IUU Fishing Concept as an Illegitimate Short-Cut to a Legitimate Goal', *Ocean Development & International Law*, Volume 48:3, 2017, pp. 345-364, available at DOI: 10.1080/00908320.2017.1349525, accessed on 9 May 2021.

¹⁴⁰ Juan Antonio Carrillo Salcedo, 'Reflections on the Existence of a Hierarchy of Norms in International Law', *European Journal of International Law*, Volume 8:4, 1997, pp. 583-595, available at <https://doi.org/10.1093/oxfordjournals.ejil.a015608>, accessed on 10 April, 2021.

¹⁴¹ H Kelsen, 'The Principle of Sovereign Equality of States as a Basis for International Organization', *Yale Law Journal*, Volume 53:2, 1994, pp. 210-220, available <https://digitcomons.law.yale.edu/yj/vol53/iss2/1>, accessed on 8 May, 2021.

¹⁴² Murray (n 121), p. 111.

¹⁴³ Ibid.

¹⁴⁴ Ibid.

¹⁴⁵ *France v Switzerland, Free Zones of Upper Savoy and the District of Gex*, PCIJ, Judgement, 1932, PCIJ Series A/B No 46, para 125.

¹⁴⁶ Murray (n 121), p. 121.

inhabitants of that state.¹⁴⁷ In that way, the rebel forces or the belligerent group do come under the ratified treaty.¹⁴⁸ Consent in this sense has no meaning. On the other hand, *Pacta Tertius* cannot create any obligation on the insurgent group.¹⁴⁹ It can be also said that the principle cannot exclude the armed groups either. Some treaties have innate characteristics that are embedded with the national law.

Syria and Iraq are members of the Geneva Convention 1949 as well as Addition Protocol I 1977. Iraq has been member since 1962 and the Syrian Arab Republic since 1953. Therefore, it is clear that ISIS/ISIL can be obligated under the Geneva Convention 1949 along with Additional Protocol I since both Iraq and Syria are member country.

To respect the law of humanitarianism depends on the structure or the leader of the organization group. Sometimes the organization does not uphold a strong hierarchy.¹⁵⁰ Even the ratified states do not always have the LOAC, then why the belligerent group should follow.¹⁵¹ A witness of *the DAG-080* case at the Special Court for Sierra Leone stated that 'however effective the detection and reporting of crimes if the top man [to whom reports are sent] chooses to ignore it, crimes remain unpunished.'¹⁵²

Nevertheless, a non-state actor needs to hear and understand international humanitarian law. Without making them understand the prisoners taken by them, especially women and children are at risk.¹⁵³ The armed groups fight for their goal, for their ideology, and their vision.¹⁵⁴ They usually are not concerned about other people.¹⁵⁵ Civilians are seen as a mere tool to use to obligate the state to gain their objective.¹⁵⁶ But, Sudan People's Liberation Movement (SPLM) honored the rules of war since they understood their fight is for the people of Southern Sudan.¹⁵⁷ After making a public commitment they respected IHL as well as human rights.¹⁵⁸ In addition, Ugandan National Resistance Army (NRA) became president in Uganda in 2008.¹⁵⁹ Later he addressed the guerrilla

¹⁴⁷ Ibid.

¹⁴⁸ *Nuclear Test Case; New Zealand v France*, ICJ, Judgement Summaries, 1974, ICJ Rep 457, pp. 1-3.

¹⁴⁹ Antonio Cassese, *International Law*, Oxford University Press, United Kingdom, 2nd edition, 2004, pp. 170-182, available at <https://doi.org/10.1093/he/9780199259397.003.0009>, accessed on 11 May 2021.

¹⁵⁰ Olivier Bangerter, 'Reasons why armed groups choose to respect international humanitarian law or not', *International Review of the Red Cross*, Volume 93: Number 882, 2011, pp. 355-370, available at <https://international-review.icrc.org/sites/default/files/irrc-882-bangerter.pdf>, accessed on 10 May 2021.

¹⁵¹ Ibid.

¹⁵² *Prosecutor v. Issa Hassan Sesay*, Special Court for Sierra Leone, Judgment (Trial Chamber), Case no. SCSL-04-15-T, 2 March 2009, para 711, p. 233.

¹⁵³ Bangerter (n 150), pp. 355-370.

¹⁵⁴ Ibid, p. 358.

¹⁵⁵ Ibid.

¹⁵⁶ Ibid.

¹⁵⁷ Ibid.

¹⁵⁸ Ibid, p. 359.

¹⁵⁹ Ibid.

force to avoid attacking non-combatants.¹⁶⁰ He warned the guerrilla force to sidestep the outbreak in a bar since the people are not political in the bar.¹⁶¹ Hence, it depends on the leader whether the laws will be followed or not. Terrorist groups fight for their principles and those principles vary from group to group.¹⁶² If their principles and the IHL principles are not consistent, they are reluctant to follow LOAC. However, sometimes their principles and IHL principles are not inconsistent.¹⁶³ The *Houthi* rebel force in Yemen, their leader followed the international human rights law and stated that the human rights law and their religion have no conflict.¹⁶⁴ They took measures to protect and treat civilians in a humanely manner.¹⁶⁵

Advantage of following IHL

The privileges gained by following LOAC is the self-image of the group.¹⁶⁶ But, to the terrorist groups' self-image is less than to gain the objective of their fighting.¹⁶⁷ In former soldiers in Colombian, Lebanese, Sudan, Chad armed groups subsequently understand the importance of IHL since helping vulnerable people is a sign of courage, not cowardness.¹⁶⁸ This concept of protecting civilians is rare in armed groups.¹⁶⁹ *Al Qaeda* in Iraq attacked civilians whereas Rebel movements in Chad protect the local people.¹⁷⁰ During the armistice, the peace treaty needs to be made with the local people or with the civilians but when the armed groups attack the local people, peace is hard to come by.¹⁷¹ During Colombia and Nepal turmoil, the People's Liberation Army of the Maoist Communist Party of Nepal (CPN-M) treated the fallen soldier with dignity and even the treatment was far better than the mentioned provisions of IHL.¹⁷² In Colombia, FARC treated a Colombian armed force soldier with consideration and subsequently released him.¹⁷³ The motive was, if the FARC did well with the enemy, it will have a similar approach from the opposite party.¹⁷⁴

After the aforesaid discussion, some armed groups during mayhem uphold the IHL principles even though they were not a party to the Geneva Conventions. Due to the human conscience and morality, the prisoner was honored in the custody of the

¹⁶⁰ Ibid.

¹⁶¹ Ibid.

¹⁶² Bangerter (n 150), p. 360.

¹⁶³ Ibid.

¹⁶⁴ 'All Quiet on the Northern Front?', *Human Rights Watch*, 2010, United States of America, pp. 6-7.

¹⁶⁵ Bangerter (n 150), p. 360.

¹⁶⁶ Ibid, p. 361.

¹⁶⁷ Ibid.

¹⁶⁸ Bangerter (n 150), p. 362.

¹⁶⁹ Ibid, p. 364.

¹⁷⁰ Ibid.

¹⁷¹ Bangerter (n 151), p. 366.

¹⁷² Ibid.

¹⁷³ Ibid.

¹⁷⁴ Bangerter (n 150), p. 367.

adversary. In the end, those good behaviors were well received and it showed why armed groups were fighting. Sometimes people fight because they have to not, they choose to do so. ISIS has killed many foreigners, Iraqi soldiers, or even the people who did not accept their beliefs. It only showed ISIS has humanity among them. The ideology they believe in is not appropriate. During an attack by ISIS in Bangladesh, known as the “*Holy Artisan*” incident. In addition, Kayla Mueller who was worked in Iraq in a hospital to help people.¹⁷⁵ She went missing in 2013 and was announced dead in 2015.¹⁷⁶ This American citizen worked with humanitarian aid groups in different states in the world.¹⁷⁷ While she was in prison under ISIL, she was tortured even raped by the former leader of ISIS *Al-Baghdadi* himself.¹⁷⁸ Hence, the actions of ISIS only showed they can follow the IHL yet they decided to ignore those.

Discussion and Conclusion

The terror of ISIS was originated in Syria and Iraq. But it was subsequently spread out all over the world. The genocides, suicide bombing, taking hostages, killing, bombing by ISIS have been seen in the last five years. Not only this but also women and children are detained in the ISIS camps living in degrading situations. The activities of ISIS have triggered new aspects of IHL. Before states were the high contracting parties, at present the state is fighting against the belligerent groups. Though the armed conflict in Syria is non-international, it does come under the jurisdiction of IHL.

ISIS is not like the other terrorist organizations and many unfortunate incidents around the world have been linked with them. Through this dissertation, it was envisaged that ISIS can come under the purview of IHL, and despite not being parties to any treaties the laws of armed conflict apply to them.

Based on the jurisprudence developed in the matters which are discussed in Chapter IV, the paper finds that terrorist organizations can follow IHL. IHL shall apply to ISIS which means they are bound by LOAC. The *hors de combat* and the civilians must be protected during the armed conflict. In LOAC the war is not prohibited however there are certain rules which apply to both parties. To elaborate, the detained ISIS members will get the IHL treatment mentioned in Geneva Convention III and the Additional Protocol I. As it was enshrined in Additional Protocol I, the Combatant status has been extended. Hence, the irregular combatants, the guerrilla fighters, and the non-state actors come within the purview of IHL.

¹⁷⁵ Reuters, ‘Family of slain ISIL hostage ‘touched’ by US operation’ *AL Jazeera*, United Arab Emirates, ISIS/ISIL News, 28 October 2019, available at https://www.aljazeera.com/news/2019/10/family-slain-isil-hostage-touched-operation-191028072620641.html?utm_campaign=trueAnthem%3A+T, accessed on 10 May 2021.

¹⁷⁶ *Ibid.*

¹⁷⁷ *Ibid.*

¹⁷⁸ *Ibid.*

In addition, the application of international humanitarian law applies to both parties.¹⁷⁹ However, due to self-interest, lack of mutual respect the parties do not follow IHL.¹⁸⁰ As it is known, without the parties to the treaties, one cannot be bound by the principles of international law. Nevertheless, by the virtue of IHL principles, if one party does not follow, it does not mean the obligation of the other party is waived.¹⁸¹ The principle of the IHL applies to all parties of the armed conflict even though there is no treaty.¹⁸² It was upheld by the ICJ. To ensure the IHL, both non-belligerent States, as well as belligerent parties, have their duty to fulfill.¹⁸³ Even the belligerent party ignores the IHL, the other parties must comply with the IHL principles during the armed conflict.¹⁸⁴

However, while fighting against terrorist groups, it must be kept in mind that one should not set aside the virtues of a human. As Frederich Nietzsche stated, “He who fights monsters should be careful lest he thereby becomes a monster. And if thou gaze long into the abyss, the abyss will also gaze into thee”¹⁸⁵ Similar situations were observed in The Supreme Court of Canada that to defeat the terrorists while sacrificing the rule of law, the victory will become a “Pyrrhic Victory”.¹⁸⁶

As at the endnote, based on the discussions of Chapter II, Common Article 2, as well as Additional Protocol II, shall be applicable in Syria. In addition, ISIS is a terrorist group and a non-state actor based on the discussions in Chapter III. The acts of terror by them cannot become under the right to self-determination. Moreover, since ISIS is a non-state actor and belligerent group, the laws of armed conflict shall apply to them. Whether they will follow, cannot be ascertained. However, while countering terrorism, the laws will always be applicable.

¹⁷⁹ Nils Melzer, *International Humanitarian Law: A Comprehensive Introduction*, International Committee of the Red Cross, Geneva, Switzerland, 1st edition, 2016, p. 265.

¹⁸⁰ Ibid.

¹⁸¹ Ibid.

¹⁸² *Nicaragua v. United States of America*, ICJ, Judgement summaries, 1986, Case no. I.C.J. 14, pp. 1-12.

¹⁸³ Melzer (n 179).

¹⁸⁴ Ibid.

¹⁸⁵ Conte (n 81), p. 391.

¹⁸⁶ *Suresh v. Canada (Minister of Citizenship and Immigration)*, Federal Court of Appeal, Canada, 2002, SCC 1, available at <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1937/index.do>, accessed on 16 May 2021.