

INTERNATIONAL HUMANITARIAN LAW:

HUMAN

STORIES



Celebrating 70 years of the Geneva Conventions



The 1949 Geneva Conventions 70 years on

The Geneva Conventions of 1949 were amongst humanity's greatest accomplishments of 20th century. As the basis of the law that protects vulnerable people during war, they have saved countless lives and prevented vast suffering. In the aftermath of World War II, the Conventions were universally agreed upon by States because they reflect universal values of moral and ethical behaviour. 70 years on, they remain as necessary and lifesaving as they were intended to be.

To celebrate 70 years of these landmark Conventions and to reaffirm the importance of protecting humanity even at the worst of times, on August 5th 2019 the Rt Honorable Jacinda Ardern hosted a reception on behalf of the New Zealand Red Cross at New Zealand Parliament, which was attended by MPs, judges, ambassadors, NZRC members, and young humanitarian leaders. This report features some highlights of this event.

Philippa Stewart

NATIONAL VICE-PRESIDENT, NEW ZEALAND RED CROSS



**E ngā mana,
E ngā reo,
E ngā karangatanga whānui.
Tēnā koutou, tēnā koutou, tēnā tātou katoa.**

My name is Philippa Stewart and it is my privilege on behalf of New Zealand Red Cross to welcome you all to this event to mark the 70th anniversary of the Geneva Conventions.

We are very grateful to the Prime Minister for hosting this event, and for her leadership and commitment to reaffirming the importance of these Conventions.

Humanitarian assistance, and the strong legal frameworks to protect the most vulnerable people in humanitarian emergencies, are core concerns of the global Red Cross and Red Crescent movement.

In the Red Cross, we say these Conventions are part of the DNA of the Red Cross and Red Crescent movement. They set out the legal remit for humanitarian assistance in armed conflict.

We have called this event 'International Humanitarian Law: Human Stories' because human stories, people and their needs, are at the centre of the Geneva Conventions.

We acknowledge with gratitude the many Kiwis who have played a role in the development of this international law, and these human stories.



Colombia, 2002

Prime Minister Jacinda Ardern

Why the Geneva Conventions matter more than ever.



Whenever our country, or indeed, whenever our world, has faced a humanitarian crisis, it has been Rīpeka Whero Aotearoa that has been there to help. From World War One, when volunteers collected supplies for our wounded, to standing alongside the families affected on March 15th, the Red Cross has been a consistent and powerful collective force for good. I want to recognise the many dedicated and talented New Zealanders who have provided support and have provided hope to people in desperate situations across the world, often at considerable personal cost. But I also want to acknowledge what has underpinned that work.

The heart of the Red Cross global action is international humanitarian law, and its modern foundations, the Geneva Conventions of 1949 and their Additional Protocols. Together, they are a great legal, moral and political achievement. They seek to reduce human suffering, limit the effects of armed conflict, protect civilians, and restrict the means and methods of warfare. They also record a baseline for our common humanity – that no matter what conflicts divide us, we are united in basic shared dignity and treatment of our fellow humans. In an increasingly polarised world, these records and instruments of our collective humanity are even more important than perhaps ever.

Today I'd like to briefly reflect on what the Conventions mean for New Zealanders, consider the challenges that these laws face, and reiterate again New Zealand's commitment to their promotion. The 1949 Conventions were built on a long history of people tempering the ravages of armed conflict, and here in Aotearoa we have our own stories of acts of humanity in the face of adversity and conflict. Harking back to our history, in 1864 Chief Henare Taratoa gave his order of the day at Gate Pa, specifying the humanitarian limits of conflict with the British.

It's said that he risked his own life as he carried water to a wounded British soldier. And at Gallipoli, our wounded ANZACs were evacuated under the protection of the Red Cross emblem. It's appropriate that I take this opportunity to recognise specifically the contributions of Sir Ken and the late Quintin Baxter to the development of the 1977 Protocols to the Geneva Conventions. Their valuable contributions to those negotiations is part of New Zealand's legacy in the development of international humanitarian law. And it's a legacy we can then all trade on, Sir Ken, and feel very proud of.

In 2019, the 1949 Conventions have been adopted by 194 countries. What we have yet to achieve however is universal respect for these laws. The challenges to them are real. Protracted urban warfare affects civilians in their thousands, harming the prosperity and prospects of adults and children. Today's battlefields are more complex spaces. Red Cross research shows more armed groups have emerged in the last six years than in the previous six decades. But tonight, in spite of that, it's some point that we continue to affirm the continuing relevance of the 1949 Conventions to the world we live in now. Even war has limits. I want to reaffirm that international humanitarian law has protected and will continue to protect people at their most vulnerable. The principles are universal and they must be enduring.

Left to right: Dr. Rebecca Dudley; Sir Ken Keith; Prime Minister Jacinda Ardern; New Zealand Red Cross Vice President, Philippa Stewart; New Zealand Red Cross Secretary General, Niamh Lawless



Judy Owen

A story from Ethiopia and Somalia

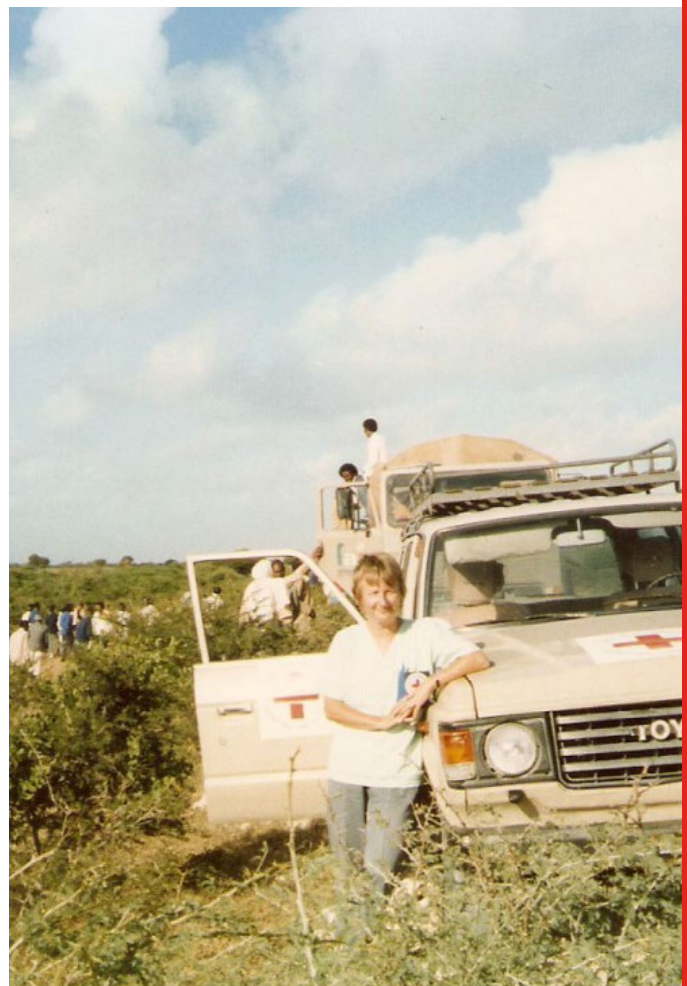


Judy Owen is a New Zealand nurse in an ICRC surgical team who was deployed to Mogadishu in 1988 to treat people wounded as a result of the conflict in the northern part of Somalia. This week, as we meet here tonight, 30 years later, she has just traveled to Somalia again, as part of a new deployment.

August 1988, just over 30 years ago, I had the privilege of being involved with the release and repatriation of prisoners of war who were flown back to their country to be with their families. The Ogaden war took place from July 1977 to March 1978 between Somalia and Ethiopia due to a territorial dispute over the Ogaden region. It was claimed by both countries. During the war, the International Committee of the Red Cross together with the Somali Red Crescent Society provided medical and surgical assistance to wounded combatants and civilians in Mogadishu. I was trained as a nurse and as part of an ICRC surgical team, was charged with looking after these weapon-wounded. At the time, the Somali government had flown in military and civilians from fighting in the North and brought them back down to Mogadishu. They were put in a building right on the coast, a big empty warehouse-like compound which was a military hospital known locally as Martini Hospital.

On April 3, 1988, Ethiopia and Somalia signed an agreement normalizing their relations. The Agreement provided for the repatriation of all prisoners of war and civilian internees. With the agreement of both countries, the ICRC facilitated the process, in conformity with its specific mandate. As a result, thousands of individuals returned home after years in their places of detention.

As one of my colleagues, Ali Sidow Osoble of Somali Red Crescent said, 'It was a happy time. I felt it was a happy moment, a moment of trust, for all of us.'



^ Mogadishu, 1988

I remember when the prisoners of war finally saw the plane, and they went up, that was when the excitement got a bit contagious. It was something you couldn't envision. People being prisoners in another country and all of a sudden they have got the opportunity to go back home. You know, they walked down the gangplank from the plane and kissed the ground. I found it a very emotional experience as you could feel the emotions of the people in the plane waiting to disembark. When they started to kiss the ground I was very grateful for my sunglasses!

Kevin Riordan

A story from Bosnia



Kevin Riordan is the Judge Advocate General and is an honorary lecturer in law at Victoria University of Wellington. He has been involved in some of the major developments in international law in the last two decades, including the establishment of the International Criminal Court and the Convention Banning Cluster Munitions. In his former career with the New Zealand Defence Force Kevin deployed to a number of conflicts including in the Middle East, Afghanistan, and Bougainville. He will share an experience from Bosnia Herzegovina.

When this nation sends its young men and women overseas to war-zones, it does so in the certain knowledge that they must deal with - perhaps daily - with some distinctly cruel and often lawless people. This what Canadian General Romeo Dallaire dramatically referred to as “shaking hands with the devil”. And it incurs risks at both the physical and emotional level. We do not, however, send our soldiers, sailors and air men and women to stable democracies in Europe to keep the peace. We send them to places where torture and murder is commonplace. As a commander of the of the Bougainville Revolutionary Army observed to me once, “there are no angels on Bougainville” and yet New Zealanders played a vital role in bringing peace to that island.

When I deployed for a short time to Bosnia Herzegovina in 1995 it was to the Lasva Valley, where some ghastly atrocities, including the Ahmici Massacre, had recently taken place. By the time I had arrived the front-line of this part of the war had largely stabilised, with Bosnian Croats on one side Bosnian Muslims (and other presidency supporters), on the other. War crimes, including the torture and shooting of prisoners and the murder of civilians because of their ethnicity were continuing, as were sporadic attacks on peacekeepers. I had a job to do concerning a tragic accident involving a New Zealand armored fighting

vehicle and some young Bosnian Croat children. To do this required me to deal with individuals from the local Bosnian Croat military police unit (well-practiced in torture), the local brigade commander, a warlord of no particular official authority and some judges (who in distinction to judges in this country, were ostentatiously well-armed).

Some of these individuals subsequently stood in the dock at the ICTY for war crimes, and others, in my view, should have done. But to get anywhere with our mission we had to deal with these people. This is the difference between actually advancing respect for the rule of law through your actions, or just writing a law journal article about it. You actually have to roll up your sleeves, hold your nose and deal with these people, not retrospectively chastise them from a safe distance.

This required me to argue with a senior commander that he had to comply with a treaty - and a treaty that had been signed by the very politician he was hoping to destroy. He was not keen. So how do you convince a person who has serially broken perhaps two thirds of the laws of war to comply with international law? The only way I know is to persistently advocate the value of doing so. If you win this battle, I said, what nation will want to recognise your claims if you demonstrate that you cannot honour your obligations as a state? What do you think will happen when you start waiving treaties that are to your benefit under the noses of neighbouring powers? The whole idea of war is to secure in peace the value of that which you have fought and died for - and disregarding your treaty obligations will not gain you that. To my surprise he replied, in English: “okay”. However, more inspiring to me than that one brief incident, was the relentlessly cheerful work done by our young men and women, standing in the snow of a Bosnian winter and demonstrating by their actions to the local fighter and population that respect for the international rule of law is not only possible, but preferable, as a defence strategy.

Felicity Gapes

A story from South Sudan



Felicity Gapes is a registered nurse. During 10 years in the New Zealand Army, Felicity completed two peacekeeping tours in Bosnia 1995 and East Timor 2000. She also completed several disaster response missions. She has since worked with the ICRC seconded from New Zealand Red Cross, in Sudan, Somalia, South Sudan and various South East Asian locations.

Let me take you to South Sudan, December 2013: a conflict has broken out among many different armed groups spreading fear and panic. One of the main groups was one local people called the White Army. Little was known about them, apparently the name is linked to the white ash from burnt cow dung which they cover themselves in to protect against insects. They are rural Nuer youth known for cattle raiding, with no conventional education or command structure.

After some serious networking, the White Army agreed to spend one day with the ICRC. That meant four hours of IHL and four hours of first aid divided by two groups of about twenty each. What to do in four hours? How to engage and keep them engaged while bringing in elements of IHL and raising awareness of protection of health care workers, which is intrinsic to ICRC first aid? Powerpoints are pointless. There may be no electrical power, for one thing. Flip charts and lecturing can be boring. IHL is sometimes written in quite dry legal form.

I sat with the Nuer Field Officer I would work with. I asked him about sports and what he did as a child growing up. He told me that they grew up practicing Kwer – non-weaponised wrestling - and Dwar - wrestling with sticks and knives.

At the training day, there was little initial engagement. Some clearly weren't interested in first aid. So, I grabbed two of the not so engaged ones. Through the Field Officer's translation, told them to "pretend that they were five year olds and to wrestle each other". "We're not 5 year olds!"



was the pretty quick response. However, after bit of convincing and some encouragement from the now engaged audience, they started pretend fighting.

Eventually one man was down and I told him to "kick him while he's down". I pretended to boot him. An immediate response from the group: "You can't do that!" and "That's not allowed!". "Why not?" I asked. "Because he is hurt and can't fight back" they said. "Ah so you have rules about your fighting and about injured people" I said. We discussed a bit more about their rules – the fighting stops when someone is down, or, with Dwar if someone is bleeding, and senior people control the fight. I then brought in what international humanitarian law and the Geneva Conventions say about treatment of injured combatants, relating it to their rules.

After some practical first aid it was time to transport the casualty. I picked two healers and two stretcher bearers and promptly 'shot' them all. That generated discussions on protection health care workers and the impact on injured weapon bearers, not only from their group but the responsibilities to injured opposition. The team all agreed that the engagement and interest was obvious and some of the questions were thoughtful and very relevant. The combination of first aid and IHL sessions seemed to consolidate the messages, and this experience highlighted the need know your audience. From this initial engagement, ICRC has managed to strengthen the relationship with the White Army, and still work with this group today to promote better livelihoods.

Sakhr Munassar

A story from Yemen



As a Yemeni, Sakhr describes himself as ‘a humanitarian by choice and by force.’ Sakhr is a former Rotary global grant scholar in Peace & Conflict studies at Otago University. He has worked with Human Rights Watch, the World Bank, and other relief and humanitarian organizations. Currently he works to empower young people in New Zealand with New Zealand Red Cross.

The 25th of March 2015 was a regular Wednesday night for me in Beirut. However, things back home in Yemen were hectic. A military group had taken over the capital city and the President had gone into hiding. During my university days I called every day to let my family know what was happening in Beirut and how great I was doing at Uni even if I wasn't. I now worry that one day they will never be able to pick up that phone at all.

That was the night military operations had begun in Yemen. The attacks started, and have continued, in heavily populated areas. Neighbourhoods, hospitals, schools, markets have all been hit. Since that night, landmines have been laid out in the streets I used to know.

When I think of the Yemen from my childhood, I remember our family's house and all sweet memories and holidays. I remember the streets where I played most of my childhood football games, the source of joy and sometimes cries of the unlucky ones slipping on the tarmac. I remember the busy humming sounds of people bargaining in the old city markets, the smell of the grinding of fresh coffee beans in the land of mocha. I remember buildings and cities from my childhood that defined the origins of Arabia, some standing tall for up to 3000 years. Growing up in Yemen and like many children around the world I used to look up to the sky every time I heard a plane. It always brought me happiness and a sense of wonder in what lies beyond, and where it might be taking me one day.

Today my family and friends tell me that children run and hide every time they hear a plane. The hum of the market bargaining has been replaced by sounds of explosions. The smells of coffee replaced by fire, smoke and violence. Children who run after a soccer ball may step on a landmine. Ancient buildings have been reduced to ashes.

My family were near many of the targets in the capital Sana'a on that first night. I called, texted, tried reaching out to friends and relatives in efforts to reach my mother and sister with no response, imagining the worst. However finally, I did hear back, that night. My family reassured me that they were fine, but that the strikes were still taking place, and no one knew what was being targeted. And they warned me that communications might be down for hours or days very soon. Shortly after that night, I got word that my grandparents' home in our village was blown to pieces. Thankfully they weren't there, but it buried all the memories under the rubble. Every family in Yemen has been touched by this violence. According to the International committee of the Red Cross and Red Crescent, if Yemen was a 100 people:

- 80 need aid to survive
- 60 have barely anything to eat
- 58 have no access to clean water
- 52 have no access to health care
- 11 are severely malnourished

But Yemen is not a 100 people, it's 27 million people. And that is the reality of Yemen today.

Yemen, 2016 >



Saba Afrasyabi

A story from Afghanistan



Saba is one of the young people who responded to an IHL competition run by the New Zealand Red Cross in May and June. They asked young adults to say what IHL is and why it still matters, to which young people responded with answers in a range of creative formats including videos, stories, photography, and even a sculpture. Eleven young adults were chosen from around New Zealand and invited to attend this reception and a humanitarian leadership workshop with the Red Cross.

Saba will share a story and some of the photos she submitted to the competition. She is an Afghan, a social activist, and a former refugee in Pakistan for 21 years. Saba is now living in Christchurch, New Zealand and is studying for degree in International Relations and Political Science. Let me take you to South Sudan, December 2013:

In the 1980s during the Soviet invasion of Afghanistan, young men and women were being picked up of the street for no reason, no trial and no news of where they were being taken. Thousands of mothers mourned the disappearance of their children each day. Fearful of being the next family to mourn, my mother and father fled with their families through a passage in the mountains. Like millions of Afghans they were forced to take refuge in Pakistan, their only option at the time.

My parents met and got married in a refugee camp, where my siblings and I, were born and raised. As we were growing up, we always had a sense of emptiness. Our entire life, we felt like we did not belong. We were not allowed identification, which restricted us from most things. Feeling unsatisfied and fed up of our situation, we tried to decide whether to return back to the war zone we had fled from, over 30 years ago.

Deciding to return was as difficult as deciding to leave. Once again, it felt as if we had no option: do we spend the rest of our lives being invisible in a society that could never accept us, or do we



return to our country which is considered to be the most dangerous in the world? In 2017, fear of dying with no purpose caused us to leave our homeland of Afghanistan, where our safety was not assured; however, this was also the only place where we could finally establish our sense of identity.

My first week in Afghanistan taught me lessons that I will not be able to learn anywhere else. It was approximately 1AM, on our fourth day in Kabul. Suddenly, an intense shake, followed by a horrific noise. The sound was something we had never heard before. We were all awake. Terrified, we hid under our beds. I will never forget my younger brothers face as he huddled inside my mother's arms. My mother's face had gone flush yellow, yet she was trying to stay strong for us. The sound was from the blast that had taken place in the US embassy in Kabul. Days after the attack, we were out of our routine, unable to eat properly, from the fear that we had felt. That is when I realised, being a refugee for 21 years of my life as an invisible person, was actually a blessing. We were blessed, because we did not have to experience suicide bombings every week, we were blessed, because we were all alive and we were blessed because our tomorrow was certain.

These people, in these photos, are my motivation for action. In 2018, I moved to New Zealand, now I am living in a developed country, I believe it is not too late. We can do a lot by showing respect and following the humanitarian rules of war. If we do not abide by them, not only could a nation will be destroyed, but the whole of humanity.



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