

CHAPTER I

INTRODUCTION

A. BACKGROUND

The world is currently being stunned by the issue of the emergence of Islamic State of Iraq and the Levant/ Islamic State of Iraq and Syria (here and after it is called as ISIS). It has already declared itself as the Islamic State on June 29th, 2014.

In May 2014, before ISIS gained control of Mosul, Human Rights Watch had documented numerous abuses against local civilians by the group in the city and surrounding areas over the previous six months. These included 10 summary executions, two kidnappings, several attacks on journalists, and enforced taxation of local businesses. In ISIS-led operations in Syria, Human Rights Watch has documented systematic rights abuses including the intentional targeting and abduction of civilians.¹

According to Ministry of Human Right of Iraq, Mohammed Shia Al-Sudani, in the middle of 2014, ISIS has killed around 500 people of Yezidis ethnic minority, burying their victims alive including women and the children, and kidnapping around 300 women. And, almost 1,000 people have been executed in Iraq over the last four months, most in areas controlled by ISIS,

¹ *Iraq: Isis Advance Threatens Civilians*, <http://www.hrw.org/news/2014/06/12/iraq-isis-advance-threatens-civilians>, Accessed On 2nd February, 2015, at 6.10 p.m.

according to a tally based on numbers provided by Iraq Body Count, an independent monitoring group tracking civilian deaths in Iraq.²

ISIS has also abducted hundreds of Kurdish civilians in Aleppo governorate and executed several Kurdish civilians suspected of belonging to the Yekineyen Parastina Gel (YPG), Kurdish fighters from the People's Protection Units.³

The additional fact is the report from United Nations (UN) that stated more than 5,500 people have been killed in Iraq since an offensive by the Islamic State militant group began in June 2014. And, those deaths represent more than half of the 9,343 civilians killed in Iraq from January through September 2014.⁴

The latest information, At least 17,049 civilians were recorded killed in Iraq during 2014, Iraq Body Count said, roughly double the number recorded in 2013 which in turn was about double that of the previous year.⁵

From many facts that have been shown, in committing its action, ISIS does not hesitate to attack many people including the civilians. What is committed by ISIS has emerged the world's attention. Although, ISIS has a great purpose to reestablish a caliphate system, they have conducted it by the

² *Isis Executions: 1,000 Iraqi Civilians Killed in ISIS-Controlled Towns Since June, Hundreds More Found in Mass Graves*, www.ibtimes.com/isis-executions-1000-iraq-civilians-killed-isis-controlled-towns-june-hundreds-more-found-1718076, Accessed on November 13th, 2014, at 9.37 a.m.

³ *Syria: ISIS Summarily Killed Civilians*, <http://m.hrw.org/news/2014/06/14/syria-isis-summarily-killed-civilians>, Accessed on November 15th, 2014, at 10.59 a.m.

⁴ *5,500 Iraqis Killed Since Islamic State Began Its Military Drive, U.N. Says*, www.nytimes.com/2014/10/03/world/middleeast/un-reports-at-least-26000-civilian-casualties-in-iraq-this-year.html?_r=0, Accessed on November 15th, 2014, at 1.22 p.m.

⁵ *Latest Figure from Iraqi Body Count*, <https://www.iraqbodycount.org/analysis/numbers/2014/>, Accessed on 26th January, 2015, at 5.27 p.m.

wrong actions. They emerge an armed conflict in Iraq and the Levant as the way to take controls the territory from the authorities.

They have occupied some regions in Iraq and Syria by force, conducted the armed massacre, and attacked people who are not included directly in the conflict. Those matters show that ISIS has conducted the violence toward the humanity.

An armed conflict is a contested incompatibility which concerns government and/ or territory where the use of armed force between two parties, of which at least one is the government of a state, results in at least 25 battle-related deaths.⁶

Armed conflicts in modern times are becoming more and more complex. The one classic distinction between international and non- international wars is increasingly blurred. Technical developments in weapons continue to advance and their destructive power, their velocity and their range have not ceased to grow.⁷

If we see the armed conflicts that have occurred nowadays which is the issue of ISIS that results the brutality toward people who are not directly taking apart also in the conflict. What is done by ISIS involves many countries, because the recruitment of its members has spread out to several

⁶ *Armed Conflict*, www.pcr.uu/research/ucdp/definitions_of_armed_conflict/, Accessed on October 28th, 2014, at 9.05 p.m.

⁷ *The Law of War and the Armed Forces*, www.icrc.org/eng/resources/documents/misc/57jrneb.htm, Accessed on November 15th, 2014, at 11.16 a.m.

countries. Besides, slaughter and killing in brutality that is conducted by ISIS have attracted the world's attention in giving assistance to settle the issue.

What is done by ISIS in attacking civilian result some questions regarding on the protection of civilian. Toward the civilian is related to the protection of a human being. Here, internationally, the human being might be protected in the time of armed conflict is not happened and in the time of armed conflict is happened.

In International law, there is a rule about international human rights and international humanitarian law. Human rights law is actually prevailing when the time of peace and the time of the armed conflict happen. And, for international humanitarian law, it is only prevailing when the armed conflict happen. Both of them are having strong relationship in the issue of the prevention and protection toward human beings.

The Geneva Conventions and their Additional Protocols provide an extensive regime for the protection of persons not or no longer participating in hostilities.⁸ Toward the status of civilian in the armed conflict in international law, especially international humanitarian law, it has been regulated in the Geneva Convention of 1949 IV which is related to the Protection of Civilian in the time of war and the Additional Protocol of Geneva Convention 1949 which is related to the Protection of Civilian in international armed conflict and non-international armed conflict.

⁸ Jean-Marie Henckaerts, "Study on Customary International Humanitarian Law: A Contribution to the Understanding and Respect for the Rule of Law in Armed Conflict", Vol. 87 (March 2005), p. 177

B. RESEARCH QUESTION

From the background above, it results some questions that are formulated in this research question, as follows:

1. What are the factors that cause ISIS attacking the civilian?
2. How is the application of international humanitarian law in regulating the protection of civilian towards the action of ISIS?

C. THE OBJECTIVE OF RESEARCH

The research was conducted for the purpose to:

1. Identify the factors that cause ISIS attacking the civilian; and
2. Analyze the application of international humanitarian law on the protection of civilian towards the action of ISIS.

D. THE BENEFIT OF RESEARCH

The research is beneficial, in the aspects of:

1. Theoretical Benefit: The result of this research is hoped to give benefits for science aspects of International law (especially International Humanitarian Law); and
2. Practical Benefit: The result of this research is hoped to give benefit to the society in assessing the action of ISIS.