

**THE PHILIP C. JESSUP INTERNATIONAL LAW MOOT
COURT COMPETITION**

1978

**Case Concerning Secession by a
Member of a Federation and
the Resultant Armed Conflict,
Indepesh v. Balistan, 1978.**

Problem

THE 1978 PHILIP C. JESSUP, INTERNATIONAL LAW MOOT COURT COMPETITION

FEDERL UNION OF INDEPESH

V.

REPUBLIC OF BALISTAN

THE PROBLEM

The governments of the Federal Union of Balistan and the Republic of Indepesh have submitted the following controversy for resolution by the International Court of Justice.

The Applicant is the Government of the Republic of Indepesh. The Respondent is the government of the Federal Union of Balistan.

Participants may assume that any information given in the statement of facts which they consider relevant has been established by convincing evidence in the proceeding before the Court. The memorials to be prepared by the contestants need not include a statement of facts, although participants should indicate the key facts relied upon in their argument.

This is a hypothetical problem drafted exclusively for the purposes of the 1978 Jessup Competition. None of the facts contained in the problem are intended to portray actual situations.

For approximately a century, until October 6, 1945 (its Independence Day) the peninsula of Balistan had been part of the colonial empire of Corruna, one of the great imperialist powers of the 19th Century, and one of the allied powers during World War II.

The peninsula consisted of four ethnically related but historically separated principalities--Upper Balistan, Lower Balistan, East Balistan, and West Balistan, which had, for colonial convenience, been governed as one whole, and a fifth entity, Indepesh, a wedge-shaped piece of territory separating the peninsula from the large mainland state of Media. While the four Balistans had been colonies of the Corrunan empire, Corruna's relationship with Indepesh had been more subtle. It had remained a nominally independent state--so long as its rulers took care to anticipate Corruna's wishes as to trade advantages, resource development, and the like. It was not considered to be part of the Corrunan empire.

Living in the peninsula were two major ethnic groups (along with a number of ethnic minorities), Balistanis and Indemedians. Balistanis were the majority in the four colonies, although Indemedians formed a considerable minority in all of these. The people of Indepesh were of Indemedian origin (as were the people of Media) with a substantial Balistani minority. Indepesh and the four Balistans shared a common religion, and, in the years following World War II, the more industrialized Balistan became increasingly dependent upon Indepesh as a source of foodstuffs and raw materials. The prevailing language in the four former colonies was Balistani; in Indepesh, a variant of Median was spoken.

After World War II, Corruna began what was to be the long slow process of divesting itself of its colonies, on the general principle that they had become more trouble than they were worth. In Balistan, the successor government was made up of patriots who had formed the underground resistance to the Axis occupation forces. Indepesh, which had not been occupied, for five years attempted to maintain its independence, balancing off opposing pressures of Corruna and Balistan, known after independence as the Federal Union of Balistan.

Finally, in an effort to shake free from the pervasive influence of the superpower, Corruna, and in response to the urgings of its Balistani minority and others of its more influential citizens who were dependent upon the trade with Balistan for their wealth, Indepesh decided to become a member of the Federal Union. This decision was ratified by a national referendum. Under the terms of the Articles of Association, Indepesh would have status equal to each of the four Balistans. Indemedian would continue to be the official language of Indepesh until the year 2000; during the last half of the century, Indemedian would be introduced into the schools of Balistan, and Balistani would be taught in the schools of Indepesh. At the end of the century, both languages would be considered official. In return, the Articles stipulated that Indepesh would adhere to the Constitution of the Federal Union..

Admission of Indepesh required incorporation of the Articles of Association into the Federal Constitution as an amendment. This was done in accordance with the terms of the Federal Constitution, except that the provision concerning language aroused great controversy in the Federal legislature and failed to obtain the necessary votes to pass.

Seats in the federal parliament were apportioned according to voter registration; within the Federal Union only male citizens who could read and understand the Koran in Balistani were permitted to vote in federal elections. This requirement was not enforced in Indepesh, however (in each state, local officials supervised the elections both state and federal). Male citizens were permitted to take their literacy tests in Indemedian.

In 1973, Indepesh extended the right to vote to women capable of reading the Koran in either Indemedian or Balistani. One motive for doing this was to increase Indepeshi representation in the federal parliament. Instead, a number of unforeseen things resulted.

1. In an Advisory Opinion requested by the Attorney General of the Federal Union, the Supreme Court ruled that the enfranchisement of women was unconstitutional.

2. The Premier of the Federal Union, acting on the advice of his cabinet, on the basis of the Supreme Court opinion, and with the support of parliament (except for its Indepeshi members) informed the Governor of Indepesh that the Universal Franchise Act was null and void and ordered Federal registrars to purge the voting lists of unqualified voters. The registrars were resisted and had to be given military escorts; no voting lists were found.

3. At the next Federal election, in 1974, the Premier ordered the Union army to man the polls in Indepesh and to prevent women and people unable to read Balistani from voting. Thousands of would-be voters, mostly Indemedians, were arrested and charged with election fraud. Women were confined in reeducation camps for immoral females. Because of the missing lists and the general confusion, the number of voters considered by the Federal Union to be properly registered was only a third of what it had previously been, and Indepeshi representation in Parliament was correspondingly reduced. And of these, only two were Indemedians, the others representing the Balistani regions of Indepesh.

4. The Governor of Indepesh dissolved the state Parliament and ordered new elections. The Progressive Party (the moving force behind the Universal Franchise Act) won the vast majority of seats in the new Parliament; Many of the new legislators were women.

5. The Premier of the Federal Union, again with the support of his cabinet and the Parliament, declared the holding of new elections in Indepesh an act of sedition. He declared the Indepesh constitution suspended, arrested the Governor and installed a military governor in

Pesha, the capital. Most of the members of the Indepesh parliament managed to escape to Indelabad, the second largest city, where they reconstituted themselves as the legitimate government of Indepesh, elected the jailed Governor as Prime Minister and his wife as Acting Minister until the time of his release. She solicited and obtained pledges of loyalty from the civil service and the police, and ordered the State militia to active duty to protect the new government and its provisional capital.

6. In 1975, Media suffered a severe crop failure and quietly approached the Indepesh Rice Merchants Cooperative with bids for rice substantially above the current world market price. For years, the dependable Indepesh rice surplus had been informally committed to the Federal Union, but because of increasing tension between Indepesh and the rest of the Union (and the attractive price) the Indepesh Ministry of Agriculture licensed the sale of the entire year's surplus to Media. It also embargoed the sale of rice to the Federal Union. The result was an acute food shortage in the Federal Union, particularly in the poorer rural areas and among the urban poor, resulting in severe malnutrition and some actual starvation. This did not improve relations between Indepesh and the rest of the Federal Union.

7. In November 1975, the Indepesh parliament passed a resolution calling for a plebiscite as to whether Indepesh should secede from the Federal Union altogether and become an independent state. The Federal District Court, sitting in Pesha, declared the plebiscite unconstitutional and enjoined it. The Premier did not attempt to enforce the injunction, on the theory that the secession proposition would fail in a free election and that this in turn would improve relations within the Federal Union and undermine the authority of the provisional government in Indelabad. He had the Union garrisons in Indepesh reinforced and waited upon events.

On April 2, 1976, a narrow majority in Indepesh (52%) voted to secede from the Federal Union, and the next day Indepesh declared its independence. It was promptly recognized by Media and Sinestra on May 1.

Throughout April, the Federal Union had been mobilizing its armed forces in Indepesh and in the rest of the Union. The armed forces were for the most part manned by Balistanis, as was traditional in the Union. At the time of the Declaration of Independence, the Union had a substantial military force in Indepesh, including aircraft of various types; mobile ground units, including modern tanks and armored personnel carriers, artillery, and the like.

Two days after the Declaration of Independence, Union forces occupied much of Indepesh, including three of its major cities, Pesha among them. Substantial numbers of Indemedians lived in these areas. However, the Union forces did not attempt to take Indelabad, protected as it was by the Indepesh militia. The Federal Union informed the Secretary General of the United Nations that its military action was taken to suppress a rebellion within the Union. Martial law was

declared in Indepesh. Hundreds of Indemedians, mostly members of the Progressive Party and their families, were interned in concentration camps, where many died of malnutrition and disease without medical care.

The Union continued to reinforce its garrison towns and troops in Indepesh by sea and land. A military government of Indepesh was set up. Rice shipments intended for Media were seized and sent to the remainder of the Union. As hostilities escalated, Union forces took another large city and small town on the seacoast after combined air and naval bombardment. The Union continued to regard Indepesh as a federal state and thus did not declare war. Indepesh also did not declare war, but hastily began to mobilize armed forces of its own to confront the Union troops. Conflict accelerated, both in extent and ferocity.

Indepesh had little in the way of material, equipment, and trained military forces, so it turned to sympathetic countries, including Media, for support and assistance. The Federal Union also sought outside help, even turning to its old colonial master, Corruna. Military advisers were sent from Corruna and Media to the Federal Union and Indepesh respectively. In addition, Media furnished some trained military forces to operate the airplanes it had provided Indepesh. Indepesh military personnel were also sent to outside countries for training. Various kinds of arms were also provided.

THE COMBATANTS

Indepesh

The officer corps of the Indepesh armed forces was made up almost entirely of professional officers from the Federal Union who had resigned their commissions to fight for Indepesh. Some of these were graduates of the European war colleges, some of the Federal Union Military Academy. All Indepesh general officers were drawn from this group. In addition, most of the few Indemedian noncommissioned officers left the Union service and were commissioned to company grade in the Indepesh armed forces.

Some members of the Median armed services, both officers and enlisted men, were seconded to Indepesh. These too were highly trained professional soldiers. They tended to comply with the traditional law of war to the extent that they were familiar with it. Training in the law of war was not extensive.

In addition to the rapidly assembled regular army and air force, there also existed a traditional Indepesh military. Its original purpose had been defensive. Organized at the city, town, or village level, it was a uniformed service with company grade officers drawn from discharged or retired Union or Median soldiers. They were badly equipped with pre-World War I surplus weapons and home-made ammunition, but they used what they had with skill. Later with modern weapons provided by Media, and with inspired leadership from a lieutenant general, the militia developed into an effective fighting group of three brigades. Trained and led by regulars, they were able to

beat back every Union attack on Indelabad. Other militia units were trained in air defense. Two infantry brigades of women volunteers were organized to assist in the defense of Indelabad. Their commander boasted that her troops had been awarded more Medals of Honor than any other, and that they had never taken a prisoner alive. As Median influence became more pervasive, the women militia were no longer permitted to participate in combat, because of Median insistence that the laws and customs of war be respected..

Some specialists, such as pilots, navigators, bombardiers and air crews were recruited in various countries to fly combat missions for the Indepesh Air Force. Contracts were concluded with such persons for set periods of time; their salaries were paid mainly by grant aid from Media, and were substantially higher than those paid the regular armed forces either in the Federal Union, Indepesh, or Media. They were commanded by Median volunteers, seconded by Indepesh.

In addition, at the outbreak of hostilities bands of underground partisans began to form, composed of people who continued to pursue their regular occupations in the daytime and who fought at night. These groups were particularly significant in the areas occupied by the Federal Union, where they harassed Union logistic and administrative facilities using hit and run tactics. Sometimes they crossed the border into the Federal Union itself. Illustrative of their operations was the Halam Ambush. A partisan band concealed its weapons at a railroad defile at the approaches to a garrison tower. During the day the partisans infiltrated to the ambush site disguised as road bed workers. They passed through several Balistani check points. Some were stripped and checked at military checkpoints before being allowed to pass. By dusk they had concentrated at the ambush site, constructed an explosive device on the track and derailed a heavily loaded Balistani troop train in the narrow defile. They then opened fire with their pre-sighted weapons, killing over 100 Balistani military and 15 civilians. Ten of the partisans were wounded and could not be moved by their comrades. Balistani forces who found them, promptly ordered their trial by a summary field court martial for murder, treason and sabotage. They were convicted, sentenced to death by hanging.

The partisans did not wear uniforms or other distinguishing clothing, and only carried arms openly at night while on missions. Some hierarchical structure was discernible among them, but control by their superiors (who were usually elected from among their ranks) was not strong.

Union Treatment of Captives.

Union policy regarding the various Indepesh combatants was ambivalent. No Indepeshi prisoners were accorded POW status, since they were all considered to be rebels and traitors. However, uniformed regulars and militia were designated "rebel captives." High ranking officers were treated with courtesy, but were tried as traitors and, if convicted, sentenced to an honorable death by firing squad. Junior officers and enlisted men were sent to camps similar to POW camps, where efforts were made to "reeducate them" and to recruit them into the Union forces.

At the height of the conflict The Federal Union received reports that Balistani prisoners in Indepesh were being denied rations and were dying of starvation in large numbers. In response, prisoners' rations were reduced to less than one half the level of rations received by Balistani soldiers. As a result, deaths from sickness increased but deaths from starvation were infrequent.

Captured contract combatants were put in jails and tried as common criminals. If convicted of capital crimes, they were executed by hanging (the usual method of execution in the Union). While some were charged with being mercenaries, none was executed for that offense alone. Many were sentenced to long terms in prisons, where conditions were abysmal. It was the custom of the Union for families to provide food and other necessities for persons incarcerated, but the contract combatants, having no families locally, often were not fed. Finally, after protests from several countries, the Federal Union notified the combatants' various consulates, which were then permitted to provide food and other relief.

Partisans were treated as common criminals. Early in the conflict, they were usually hanged after a very summary trial. When this did not prove to deter guerrilla warfare (quite the contrary) executions became less frequent. However, camps in which partisans were held were the worst of all in the Federal Union; more than 70% of the inmates held in them died because of the appalling conditions.

Only Median captives, members of that countries regular armed forces who had been seconded to Indepesh, were accorded POW status and confined in special camps. Access to all prisoners was denied to the I.C.R.C. (International Committee of the Red Cross).

The Federal Union Combatants

The Federal Union, at the time of the outbreak of hostilities, already possessed substantial armed forces: an efficient and modern air force, mobile ground units including the latest tanks, armored personnel carriers and self propelled artillery. The ranks were filled by volunteers (there was no draft) who were, for the most part, of Upper and West Balistan. Some of the senior officers had been educated in the world's finest military academies and war colleges, some at the Corruna General Staff College, others at military schools in Sinestra. To remedy a perceived deficiency in its defense posture, the Union had contracted with Corruna to purchase, command and control facilities for 25 surface-to-air missile battalions. As of April 1976, 18 of these battalions had been deployed; the other seven were ready for delivery pending completion of the training of the crews in Corruna.

In the regular armed forces, instruction in the principles of the laws of war was conducted on a regular basis. There was also a strong military tradition of chivalry, loyalty to the head of state, and absolute obedience to government orders.

In addition, the Union also had a militia of trained volunteer citizen-soldiers, mostly from industrialized Lower and Eastern Balistan. These units were organized on a regional basis, and were given 3 months

of initial recruit training followed by a few weeks of active duty each year. Training included orientation in the basic principles of humanitarian law conducted by the National Red Crescent Society and based on literature supplied by the International Committee of the Red Cross. These "territorials", as they were known, kept their uniforms and small weapons at home when not on active duty, and were given frequent refresher courses. They also undertook maneuvers with the regular forces so that they could be integrated rapidly into the regular Union forces in time of war.

There were also Union partisan groups, with a quasi-official but secret status. Some of their members were volunteers from Union police forces. They were specially trained to infiltrate the remote areas where the Indepeshi irregulars were operating, both in the Union and in Indepesh. Ostensibly, Indepeshi irregulars were to be arrested and taken prisoner; in practice, the Indepeshi were frequently killed "while resisting arrest." Union partisans also infiltrated areas to the rear of the regular Indepeshi armed forces, where they disrupted communications, destroyed military stores, and robbed an occasional bank. There was instances in which villages believed to shelter Indepeshi partisans were burned to the ground with heavy loss of life.

In the occupied areas of Indepesh, the military governor organized a group known as the Political Police to oversee the internment camps, provide security for the occupation administration, and to give support to the Union partisans as necessary. The PP, as they came to be known, were mainly members of the Indepesh Traditionalist Party, Balistanis who had been resident in Indepesh for generations.

Indepesh Treatment of Captives

Early in the hostilities, a few senior Union officers were captured by Indepesh. Because of fraternal feelings on the part of the Indepeshi senior officers, they were given POW status and quartered in a resort hotel. However, on the first occasion when the Union executed an Indepeshi regular as a traitor, Indepesh retaliated, with expressions of regret, by executing a senior Union officer chosen by lot from among these prisoners.

However, on the principle that the Union forces were engaged in crimes against peace, crimes against humanity, and war crimes, Indepesh did not accord POW status to other captives. When the ICRC protested, Indepesh replied that the captives were war criminals not entitled to POW status under customary law (citing distinctions made by the allies in the trials of Nazi and other Axis war criminals after World War II), and in accordance with its reservations to Article 85 of the Geneva Convention on Prisoners of War. Indepesh argued further that Union armed forces, the air force in particular, were not complying with the laws and customs of war and thus were not entitled to be protected under Article I of the 1907 Hague Conventions or Article 4 of the Geneva Convention (III) relative to the Treatment of Prisoners of War, August 12, 1949).

Captured Indemedians were recruited to volunteer for service in the Indepeshi armed forces. About 50% of them accepted the opportunity.

Because of their superior military training, many were given commissions and assigned to partisan units.

Union junior officers and enlisted men were stripped of their uniforms and shoes, issued prison garb, and confined in prison camps. They were made to perform heavy labor, and to construct air raid shelters for Indepesh armed forces and civilian populations. They were permitted to build shelters for themselves in their free time, if they wished.

relatively few members of the Union Air Force were captured. Several of these were tried in civilian courts for mass murder, based on civilian deaths during air raids. The judges gave a directed verdict for acquittal, because the defendants could not obtain the necessary evidence to defend themselves. The evidence was available only from Union sources. After this, captured air force personnel were put in camps with the regular army lower ranks and treated similarly, except that they received only 2/3 as much food as the other prisoners.

Indepesh also refused to give the ICRC access to any captives.

THE COURSE OF HOSTILITIES

In the summer and fall of 1976, combat was mainly carried on by Indepeshi militia, irregulars and the Union regular army. However, the Union quickly brought its counter-guerrilla units into the fray, and soon irregulars on both sides were disrupting life in the cities, towns, villages and countryside on both sides of the Indepesh/Union border. Urban guerrillas would often combine night-time fighting with day-time office work, civil defense activity, or medical and relief services. At night, they would attempt to attack from ambush, or damage military facilities needed by Union forces. Their weapons were badly out-of-date and often poorly maintained; ammunition and explosives were usually home-made. The result was a high degree of inaccuracy and a concomitant high proportion of casualties among Indepeshi civilians. The better-trained Union irregulars were also better supplied, and did not do so much civilian damage. They also carried their weapons more openly. The Indepeshi tended to conceal theirs, except when they were in use, and also made frequent use of garroting weapons, bayonets, knives, and the like. They rarely took prisoners--disabled captives were killed on the spot. Union partisans took prisoners more often than not and turned them over to compounds maintained by the PP.

Early in the hostilities, the Union bombed the cities and sea-ports of Indepesh with high explosive weapons. Targets included harbors where military supplies were being loaded, railroad yards, etc. A great deal of damage was done to nearby civilian facilities and there was a considerable loss of civilian life. In response to world press criticism for failure to employ more discriminating weapons such as so-called "smart bombs," an official spokesman replied that the civilian damage was an unavoidable and unintentional secondary result of the bombing of legitimate military targets. He continued that the cost of changing weapons systems would be prohibitive, and

that training and lead time would make the proposal impracticable. He finished by stating that his country "had no obligation to use weapons that differed from those used by Indepesh".

As the hostilities continued, bombing was intensified, causing civilian damage. Fires spread from target areas to civilian homes. Many of the Union air crews had not been adequately trained and dropped their bombs inaccurately, causing further damage. Indepesh air defense equipment was placed along the highways leading into targeted cities and towns. The rural areas alongside the highways were important rice cultivation centers, and a number of anti-aircraft weapons had to be emplaced on the surrounding dikes which provided the only flat, stable places for several miles around. There was little defense for the personnel manning the weapons. At first the Union air force counter-attacked with anti-personnel and fragmentation bombs. This aroused strong public opposition in the world press and the United Nations, resulting in the use by the Union of conventional bombs. The result was that the dikes broke under the attack, flooding and destroying large quantities of rice upon which Indepesh depended for its food supply. The Union then extended the attack to the dikes themselves, even those without anti-aircraft emplacements. More flooding ensued, with extensive loss of life among the rice farmers and starvation later for other Indepeshi civilians.

Union bombing of the cities of Indepesh, including Indelabad, further intensified in late 1976. Defense installations, a large railroad marshalling yard, trucking centers, a large training camp, and military facilities not far from a large residential area were the targets in Indelabad. Hospitals, commerce and industry (including an armaments industry) were scattered throughout the city, intermingled with residential areas. Anti-aircraft emplacements were similarly scattered throughout the city. The Union air force carpet bombed the city to reach the major military targets and put the air defense system out of action. A hospital near one set of anti-aircraft emplacements was severely damaged, and there were casualties among the sick and wounded, including some Union prisoners of war. Smoke from the bombing obscured the targets from the air, with the result that some bombs were dropped at random, increasing the damage to the hospital and other civilian areas. Two major water towers were also destroyed, hampering fire fighting and permitting fires to spread. Missions would be flown on foggy and cloudy days, with similar results. Airmen would miss their targets, hitting more civilian facilities.

Gradually, increased participation by Media in the autumn of 1976 began to turn the tide of the hostilities. Union occupying forces retreated under continuous attack by Media regulars and Indepesh militia and harassment by Indepesh irregulars. The Union followed a "scorched earth" policy, destroying anything that might assist Media and Indepesh.

Cessation of Hostilities

On February 1, 1977, 6 months after Media increased its aid to

Indepesh, Balistan's forces were compelled to discontinue hostilities. A cease fire was reached between the parties.

On February 1, 1977, six months after Media increased its aid to Indepesh, Balistan's forces were compelled to discontinue hostilities. A cease fire was reached between the parties under the terms of which Balistan acknowledged that as of the date of the cease fire, Indepesh had obtained the status of an independant state and that its government had the exclusive right to administer the territory of Indepesh free of Balistan control.

Negotiations for a peace treaty were initiated at once. During the next year the negotiators settled most outstanding issues, but in the context of a proposal for the claims settlement agreement, Balistan refused to acknowledge liability to pay compensation for alleged violations of international norms relative to the treatment of prisoners of war committed prior to the date of the cease fire.

While the negotiations were in progress, Balistan repeatedly suggested an immediate joint repatriation of prisoners. Indepesh consistently refused, alluding to its concern that hostilities would begin anew if Balistan were reenforced by the large numbers of prisoners held by Indepesh in the absence of a concluded peace treaty.

In response, Balistan refused to repatriate the Indepeshi prisoners still held by it.

The Dispute Before the Court

In the meantime relations between Media and Corruna improved with the emergence of a common enemy, Alcra, and both countries desired a quick end to the simmering dispute between their respective allies. Therefore they pressured Balistan and Indepesh into an agreement to resolve their dispute by bringing the question before the International Court of Justice.

As a result, the following contentions are now before the Court at the consent of both parties:

A. Indepesh contends that Balistan's treatment of Indepeshi combatants was in violation of international law and seeks a declaration from the Court to that effect.

B. Balistan rejects the Indepeshi contention that its combatants were entitled to protection under international law. It also asserts that even if international law were relevant, Indepeshi prisoners were treated appropriately. Balistan further contends that Indepeshis refusal to repatriate prisoners was unjustified, violating international law, and seeks an order from the Court directing their immediate repatriation.

The Court has requested each Party to submit arguments and defenses on each of these contentions.

A preliminary opinion on jurisdiction, the Court rules that the presence of Media was not required for an adequate adjudication of the issues presented by Balistan and Indepesh.

APPENDIX B

April 1976 Communique from the Indepesh Ministry of Foreign Affairs pursuant to the directions of the Indepeshi legislature, to the Secretary General of the United Nations, the Swiss Federal Council and the Government of the Netherlands.

"Whereas the people and government of the Republic of Indepesh consider the Republic bound by State Succession, the Republic hereby fully reaffirms, and re-commits itself to, all multilateral treaty commitments of the Balistan Federal Union, including those treaties which pertain to international humanitarian law applicable to armed conflict except for the following Reservation to the Geneva Convention of 12 August 1949 relative to the Protection of Prisoners of War:

The Republic of Indepesh does not consider itself bound by the obligation, which follows from Article 5, to extend the application of the Convention to prisoners of war who have been prosecuted and convicted under the law of the Detaining Power, in accordance with the principles of the Nuremberg trial, for war crimes, crimes against humanity, and crimes against peace, it being understood that persons convicted of such crimes must instead be subject to the laws in force in the country in question for those who are there punished."

The reservation was issued simultaneously with Indepeshi accession to the Geneva Conventions.