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### ANALYZING TRENDS IN CIVILIAN CASUALTIES: A COMPARATIVE STUDY OF MODERN ARMED CONFLICTS

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#### ABSTRACT

The main objective of this research is to examine the civilian casualties in modern armed conflicts. When it comes to the modern armed conflicts between two or more nations it is the civilians who are highly affected and lose their livelihood. Members of the armed forces are sent off to kill enemy combatants and not the civilians but nonetheless modern war result in far more civilian deaths than the military deaths. Civilian casualties may be inevitable in war and individual cases may be the result of genuine accidents. This paper explores the various factors contributing to civilian casualties, including drone strikes, urban warfare, and the use of explosive weapons in populated areas. The first section examines the evolving nature of warfare and its impact on civilian populations. It analyses the role of advanced military technologies, the changing dynamics of conflict zones, and the challenges in distinguishing combatants from non-combatants. Understanding these factors is crucial for developing effective strategies to mitigate civilian harm. The second section focuses on the legal and ethical frameworks surrounding the protection of civilians in armed conflicts. It reviews international humanitarian law, human rights conventions, and the responsibility of states and non-state actors to safeguard non-combatants. Additionally, it explores the gaps and limitations in current legal mechanisms, emphasizing the need for stronger enforcement and accountability mechanisms. The third section investigates accountability mechanisms for civilian casualties, examining the role of international tribunals, domestic legal systems, and the challenges in holding both state and non-state actors accountable. The paper also explores the role of emerging technologies, such as artificial intelligence and machine learning, in enhancing accountability and transparency in modern warfare. This abstract concludes by proposing recommendations to address the issue of civilian casualties, emphasizing the importance of strengthening legal frameworks, promoting transparency, and leveraging technology to enhance accountability. By addressing these challenges, the international community can work towards

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minimizing civilian harm and ensuring that those responsible for violations are held accountable, ultimately fostering a more humane and just approach to modern warfare.

**KEYWORDS:** Civilian casualties, the nature of the warfare, the changing dynamics of conflict zones, Reviews International law, Role of legal system

#### **INTRODUCTION**

Unimaginable pain and loss have come from armed battles, which have long been a sad fact of human history. The effects of these wars on civilians, who frequently find themselves in the crossfire and face serious dangers to their lives, safety, and well-being, are an important consideration. In order to reduce the human cost of conflict, politicians, academics, and humanitarian organizations must have a thorough understanding of the patterns in civilian deaths. Civilians are the most impacted by today's armed conflicts. The use of civilians as shields or the destruction of their primary sources of survival—food, water, and shelter—occurs much too frequently. Violence and its effects may have an especially adverse effect on women, children, and those who have been displaced by the war<sup>3</sup>.

The lives of millions of civilians have been ruined by armed conflict in the last few decades. In many armed conflicts, serious violations of international humanitarian law and human rights law occur often. Some of these violations might even qualify as crimes against humanity, war crimes, or genocide in specific situations. The 1949 Geneva Conventions and the 1977 Additional Protocols specifically provides legal mechanism to protect certain categories of people. These categories includes civilians including women and children, civilians on the territory of the enemy, civilians internees, civilian in occupied territories, wounded, sick and ship wrecked members of the armed forces, prisoners of war, refugees and displaced persons and missing persons

<sup>&</sup>lt;sup>3</sup>INTERNATIONAL COMMITTEE OF THE RED CROSS, How does law protect in war? (The "Online Casebook") Last visited Date: 10.02.2024

#### SERIOUS CONSEQUENCES DURING ARMED CONFLICT

#### War Crimes

The concept of war crimes emerged specifically at the end of the 19th and beginning of the 20th centuries, when international humanitarian law also known as the law of armed conflict was codified, despite the fact that certain behaviours in the conduct of armed conflict have been prohibited for centuries<sup>4</sup>.

Acts of terrorism, hostage-taking, torture, mutilation, and physical punishment are examples of war crimes. Human rights abuses like forced prostitution, rape, pillage, and execution without a trial are also included in this category. Crimes against humanity do not necessarily occur during times of peace; war crimes do<sup>5</sup>.

The main goal of the Hague Conventions, which were ratified in 1899 and 1907, is to forbid warring parties from using specific weapons and tactics. Since then, a number of further related treaties have been ratified. The protection of those who are not or are no longer participating in hostilities is the main subject of the Geneva Convention of 1864 and later Geneva Conventions, most Certainly, the 1949 Geneva Conventions and the two 1977 Additional Protocols play a crucial role in safeguarding civilians and minimizing the impact of armed conflicts.. Many, though not all, of the transgressions of its standards are classified as war crimes under both Geneva and Hague laws. Nonetheless, there isn't a single piece of international law that enumerates every war crime.

#### **Crimes against Humanity: Genocide**

Crimes against humanity include murder, deportation, torture, and rape—acts carried out as part of a broad or organised assault against any civilian population. Even in cases when the crimes were not committed during a war, the ICC brings charges against the offenders<sup>6</sup>.

In world history, the Holocaust (1933–1945) during World War II is arguably the most well-known and thoroughly documented instance of genocide. Genocide and other mass crimes are usually preceded by a social, political, and economic environment that denigrates and demonises the target population. The target is perceived by the public as a social evil, a financial burden, or a state enemy. Propaganda and laws propagated by the government isolate and isolate the targeted group from the rest of society.

<sup>&</sup>lt;sup>4</sup> UNITED NATIONS, Office of genocide prevention and the responsibility to protect, https://www.un.org/en/genocideprevention/special-adviser-prevention-genocide.shtml (Feb. 10, 2024)

<sup>&</sup>lt;sup>5</sup> Government of the Netherlands, https://www.government.nl/ (Feb. 10, 2024)

<sup>&</sup>lt;sup>6</sup> Government of the Netherlands, https://www.government.nl/ (Feb. 10, 2024)

#### **Genocide Definition**

Raphael Lemkin was a Jewish attorney from Poland who advised the US administration on war matters and coined the term "genocide." Lemkin, who lost 49 family members in the Holocaust, worked to get crimes against humanity committed on a grand scale officially prosecuted. He combined the Latin verb cide (to kill) with the Greek word genos (family, tribe, or race).

The phrase establishes a legal precedent by designating as a crime the mass murder of a specific ethnic community. Before Lemkin, there were just legal ramifications for an individual's murder. Lemkin defined genocide and included it in his 1943 book Axis Rule in Occupied Europe. Following World War II, the international community acknowledged Lemkin's term and employed it in legal arguments during the Nuremberg Trials. During these trials, military leaders and personnel who had committed war crimes during the Holocaust were convicted and given sentences.

The United Nations ratified its first human rights pact at the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. Genocide was described as<sup>7</sup>:

According to Article II of the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide, this legislation defines what constitutes genocide. A national, ethnic, racial, or religious group can be purposefully destroyed, in whole or in part, through acts like killing, seriously injuring one's body or mind, purposefully destroying one's living conditions to bring about physical destruction, enforcing birth control measures, and forcibly relocating children. The Convention attempts to make genocide illegal under international law and to prevent and punish it.

#### **PROTECTION OF CIVILIANS**

Humanitarian law is fundamentally based on the protection of the civilian population, which states that no one who is not involved in the battle may ever be harmed and that everyone should be spared and protected. In spite of this, empirical data indicates that the majority of the victims of armed conflict are civilians. In addition to being more and more personally involved in the violence, control over the civilian populace is frequently at risk in conflicts. Poor compliance, rather than an insufficient legal framework, is the primary cause of the widespread lack of protection that civilians facing violent crises and armed conflict face nowadays.

<sup>&</sup>lt;sup>7</sup> Convention on the Prevention and Punishment of the Crime of Genocide, UN Office for the Coordination of Humanitarian Affairs, (Feb. 10, 2024)

#### 1. The Methodology

Protection of the civilian population is a duty shared by all parties to armed conflicts. Effective civilian protection requires ensuring adherence to and fostering accountability for transgressions of international humanitarian and human rights law, providing protection through UN peacekeeping and other missions, granting humanitarian access, and providing special protection to those who are most vulnerable, like women and children during armed conflicts.

In the context of UN peace operations, protecting civilians involves using force when necessary to defend civilians who are in immediate danger. It also involves taking steps to ensure security in and around IDP camps, helping to provide the security needed for the safe, voluntary, and dignified return of refugees and internally displaced people, and contributing to the creation of security conditions favourable to the delivery of humanitarian assistance.

Concerns from the humanitarian community about the potential effects of closer ties on their ability to operate independently, impartially, and publicly have occasionally impeded effective communication and interaction between military and humanitarian actors (including UN peacekeeping missions, stabilisation forces, and regional military arrangements).

Civilians cannot be shielded from the ravages of armed war by humanitarian intervention alone. It is possible for military actors to improve the physical safety of civilian populations. They might also be able to support the creation of a secure atmosphere that makes it easier to provide humanitarian aid. Furthermore, in the areas of mine action, child protection, and other related concerns, peacekeeping missions and humanitarian organisations may carry out initiatives that supplement the reaction of the protective cluster. In nations where peacekeeping operations are underway, protection clusters can aid in formulating the mission's protection policy and streamline communication with other missions.

The Global Protection Cluster (GPC) has received signals from field protection clusters indicating that they require direction to tackle the difficulties they encounter while collaborating with military and peacekeeping entities. The GPC is now creating a guideline note in response. Additionally, a distinct work stream for civil-military collaboration for protection overcomes has been formed. The soon-to-be updated ICRC Professional Standards for Protection Work will also include more guidelines on how humanitarian actors and foreign military players should engage.

The Security Council can award protection mandates to peacekeeping missions, and humanitarian and protection actors may try to influence these mandates. The UN Security Council Informal Expert Group receives frequent updates from the GPC and field protection clusters on important protection concerns in the nations the Council considers. They also take part in the interagency coordination processes that OCHA facilitates<sup>8</sup>.

#### 2. Armed warfare and starvation:

Conflicts involving weapons of mass destruction frequently lead to hunger. Today, 489 million of the 815 million undernourished people and an estimated 122 million of the 155 million stunted children reside in countries afflicted by armed conflict. These individuals are the majority of those who are food insecure and malnourished.

Millions of people are also displaced because armed war frequently cuts off residents from their farms, animals, and other food supplies. Forcibly displaced individuals and their host communities, who frequently serve as last-resort providers despite already limited resources, experience increased food insecurity as a result of this<sup>9</sup>.

#### 3. Safeguarding health care during armed conflict:

Medical personnel and institutions have been targeted for attack and intentional disruption in several armed conflicts. In armed conflicts around the world, violence against medical professionals, facilities, and transports has a catastrophic effect on the sick and injured

The World Health Organisation (WHO) reported 88 attacks against healthcare facilities in 14 different countries and territories between January 1 and March 31, 2017, which resulted in 80 fatalities and 81 injuries.372 people died and 491 were injured as a result of 302 attacks against healthcare that the WHO documented in 20 different countries and territories in 2016.iii In 2015, 93 MSF-supported institutions were the target of aircraft and shelling strikes, according to Médecins Sans Frontières (MSF). Twelve of these facilities were completely destroyed, and 81 MSF-supported medical personnel were hurt. The International Committee of the Red Cross documented 2,398 instances of violence against health care in 11 nations dealing with an emergency or armed conflict.

<sup>&</sup>lt;sup>8</sup> GLOBAL PROTECTION CLUSTER, https://www.globalprotectioncluster.org, (Feb.10, 2024)

<sup>&</sup>lt;sup>9</sup> Hunger and armed conflict: IHL Framework, UN Office for the Coordination of Humanitarian Affairs, (Feb. 10, 2024)

Such acts of aggression cause instantaneous death, damage, destruction, and the denial of vital medical assistance. Longer-term, disastrous effects include the forced evacuation of medical personnel and the closure of medical facilities, depriving entire communities of essential care. Medical care is also hindered by less obvious barriers, such as laws that make specific patient groups illegal to get medical care, or arbitrary roadblocks that prevent the approval of medical relief<sup>10</sup>.

#### 4. Explosive devices in inhabited regions:

One of the main causes of civilian casualties and deaths during armed conflict is the deployment of explosive weapons in populated areas, or EWIPA. 238,000 persons were harmed by the use of EWIPA between 2011 and 2021 (AOAV, 2021). In inhabited regions, civilians account for 90% of the casualties of explosive weapon strikes on average.

The employment of explosive weapons in inhabited areas has serious humanitarian ramifications as well. Individuals who suffer injuries frequently need specialised medical and psychological care, which is frequently unavailable in times of conflict. One of the main factors causing damage to medical facilities and impeding the provision of care is explosive weaponry. After hostilities have finished, explosive weapons leave behind explosive leftovers of war that can kill and maim civilians. They can also hinder or postpone rehabilitation efforts, agricultural output, and the repatriation of refugees and internally displaced people.

Development processes are hampered and post-conflict reconstruction requirements and costs are dramatically affected by the enormous destruction caused by the use of explosive weapons in populated areas<sup>11</sup>.

#### **GENEVA CONVENTIONS AND WAR CRIMES**

# The Geneva Convention, 1949 Provide the provision for the Treatment of Prisoners of War:

The Geneva Convention Relative to the Treatment of Prisoners of War, specifically Article 4(A) (1), is an essential component of international humanitarian law. The categories of people who fall under the Convention's definition of detainees are described in this article. Specifically, Members of a party's armed forces, as well as volunteers or militias affiliated with those armed

<sup>&</sup>lt;sup>10</sup> The protection of medical care in armed conflict, UN Office for the Coordination of Humanitarian Affairs, (Feb. 10, 2024)

<sup>&</sup>lt;sup>11</sup> Explosive weapons in populated areas, UN Office for the Coordination of Humanitarian Affairs, (Feb. 10, 2024)

forces, are officially classified as detainees. In order to guarantee these prisoners' decent treatment during armed situations, the Convention creates rights and protections for them.

Example: The Wing Commander Varthaman is an Indian Air Force officer and a member of the armed forces of a Party to the conflict, he meets the criteria for being considered a prisoner of war. Consequently, he is entitled to all the safeguards provided by the Geneva Conventions

Article 5 of the Third Geneva Convention (GC III) clarifies the duration and scope of the Convention's applicability. It states that the provisions of the Convention apply to individuals falling into the power of the enemy, as defined in Article 4, and these protections remain in effect from the time of capture until the detainees' final release and repatriation. This underscores the continuous and comprehensive nature of the Convention's duties and safeguards for prisoners of war throughout their captivity.

Article 118 of GC (III) deals with the issue of release and repatriation "Prisoners of war shall be released and repatriated without delay after the cessation of active hostilities." A repatriation plan must be implemented "without delay" and the prisoner must be informed of it, even in cases where the agreement for the conclusion of hostilities does not contain such clauses.

Remuneration to a neutral third state is also provided for in the event that a prisoner of war becomes ill or is injured (Article 110)<sup>12</sup>.

#### Rights and duties under the Geneva Conventions pertaining to a prisoner of war<sup>13</sup>:

GC III contains 143 provisions that address the rights of prisoners of war and the related duties of the country holding them. The goal of the laws of war is to safeguard civilians and prisoners of war, as well as anyone else who may be at risk during hostilities.

It is forbidden to retaliate against prisoners of war. Furthermore, Article 15 mandates the provision of medical care, and Article 16 mandates equitable treatment for all people without discrimination based on race, nationality, religion, or any other factor. It could be argued that sharing videos of the prisoner or subjecting them to any other cruel treatment violates Article 13.

<sup>&</sup>lt;sup>12</sup> Priya Pillai, A case for Abhinandan Varthaman: The Geneva Conventions on treatment and release of prisoners, Bar & Bench(Feb.10, 2024)

<sup>&</sup>lt;sup>13</sup> Priya Pillai, A case for Abhinandan Varthaman: The Geneva Conventions on treatment and release of prisoners, Bar & Bench(Feb.10, 2024)

Article 17 of the Third Geneva Convention (Geneva Convention Relative to the Treatment of Prisoners of War). This article outlines the information that prisoners of war are required to provide at the beginning of their captivity when questioned. The information to be disclosed includes the individual's surname, first names, rank, date of birth, and army, regimental, personal, or serial number. If the prisoner does not have one of these identifiers, they are expected to provide equivalent information. This provision is intended to balance the legitimate need for identification with the protection of the individual's personal information.

The Third Geneva Convention (GC III). Specifically, it emphasizes the prohibition of torture, coercion, threats, insults, or any unpleasant or disadvantageous treatment to extract information from prisoners of war.

#### The Geneva Convention 1949, the Protection of Civilian Persons in Time of War:

The Geneva Conventions established the International Committee of the Red Cross (ICRC) as an independent humanitarian organization. ICRC duty is to overseeing and enforcing the Conventions, the ICRC plays a key role in promoting treaty compliance and providing assistance to victims of armed conflicts.

The 1949 Geneva Conventions address those who are wounded also deceased and offer protection for everyone impacted by armed conflict. The 1977 Additional Protocols, two more treaties, improve the foundation for humanitarian protection during times of war by further elaborating and clarifying the terms of the Conventions.

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# There are some provisions of this convention are protecting the civilian during the times of war

The present Convention ensures that civilians in occupied territories, termed as protected persons, must receive its benefits without denial, unaffected by changes in governance, agreements with the occupier, or any annexation of the territory<sup>15</sup>.

<sup>&</sup>lt;sup>14</sup> Shivam Sharma, Geneva Conventions And War Crimes, <u>https://www.legalserviceindia.com</u> (Feb.10,2024)

<sup>&</sup>lt;sup>15</sup> Article 47, Geneva Conventions, 1949

Subject to the provisions of Article 35, protected individuals who are not citizens of the occupying the territory may exercise their right to leave the area. The occupying power, i.e., the Hostile Army, dictates the process for exercising this right, underscoring its authority in deciding the departure of protected individuals from the occupied area.

It is completely forbidden, in any case, to deport or transfer protected individuals from occupied territory to the occupying power or to any other nation. For the protection of people's safety or for vital military reasons, the occupying force may, however, carry out whole or partial evacuations.

#### INTERNATIONAL TRIBUNALS ESTABLISHMENT<sup>16</sup>:

International criminal courts, like the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR), were established to prosecute war crimes.

The Rome Statute of the International Criminal Court (ICC) further enables the prosecution of individuals for war crimes and other heinous offenses in accordance with international law, promoting accountability and justice on a global scale.

In 1993, the International Criminal Tribunal for former Yugoslavia (ICTY) was founded by the UN Security Council as an ad hoc tribunal to try war criminals from the hostilities in the 1990s. Its mission was to prosecute those responsible for these crimes on a global scale.

The UN established the International Criminal Tribunal for Rwanda (ICTR) in November 1994 as an internationally recognized court to try individuals responsible for the Rwandan Genocide of 1994 and other serious violations of international humanitarian law.

People from countries that have ratified the Rome Statute are subject to the jurisdiction of the International Criminal Court (ICC). When national courts are unable or unwilling to prosecute a case, it serves as an extra prosecutor. In an effort to promote justice and prevent serious crimes, the ICC works to hold those responsible for them accountable.

#### **MODERN ARMED CONFLICT**

Russian and Ukraine Modern armed conflict<sup>17</sup>:

<sup>&</sup>lt;sup>16</sup> Shivam Sharma, Geneva Conventions And War Crimes, https://www.legalserviceindia.com (Feb.10,2024)

<sup>&</sup>lt;sup>17</sup> Delivering Justice for War Crimes in Ukraine, Human Rights Watch, https://www.hrw.org (Feb.10,2024)

Russia's full-scale invasion of Ukraine has caused massive loss of life and widespread destruction, resembling World War Two. The conflict originates from Russia's past violations of Ukraine's sovereignty, including the annexation of Crimea in 2014 and support for armed groups in eastern Ukraine. The international community has now taken strong action to address the escalating situation, setting a positive precedent for justice.

Ukraine and Russia are signatories to various human rights treaties, such as the European Convention on Human Rights (ECHR), International Covenant on Civil and Political Rights (ICCPR), and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which ensure the fundamental rights. These treaties align with the rights safeguarded under international humanitarian law, covering aspects like the prohibition of torture, fair trial rights, and non-discrimination, applying to both combatants and civilians.

Ukraine recognized the International Criminal Court's (ICC) jurisdiction over suspected crimes committed on its territory in November 2013, even though Russia and Ukraine are not ICC members. This acceptance came with a responsibility to assist with the court.

In March 2022, the ICC prosecutor started investigating serious crimes in Ukraine following requests from many member nations. Several countries' legal authorities have also launched investigations into grave crimes. The UN Human Rights Council established an International Commission of Inquiry on March 4 to gather evidence of human rights violations, aiming to identify and hold perpetrators accountable.

#### Syria's modern armed conflict<sup>18</sup>:

According to UN Human Rights, the war in Syria has directly resulted in the deaths of 84 civilians on average every day over the last ten years. Since the country's military conflict started in 2022, an estimated 306,887 civilians had died. These startling figures highlight how severely the fighting has affected civilian life.

UN Human Rights estimates that the crisis in Syria claimed the lives of 306,887 people between March 1, 2011, and March 31, 2021, of which 163,537 were never officially recorded by any organisation.

<sup>&</sup>lt;sup>18</sup> Behind the data: Recording civilian casualties in Syria, United Nations Human Rights (The Office of the High Commissioner), Feb.10, 2024

When it comes to military necessity, IHL permits the killing of civilians as long as the criteria of distinction and proportionality are followed. This is a result of the realisation that killing is inevitable during conflicts and that criminalising all civilian fatalities is just not practical. IHL is best described as acknowledging the existence of violence in conflict while restricting its consequences.

A second principle of International Humanitarian Law that pertains to civilian casualties is the rule of proportionality. This means that in calculating civilian fatalities or injuries resulting from an attack on a legitimate military target, the harm inflicted must not be greater than or disproportionate to the specific and direct anticipated military advantage that the attack is expected to achieve.

#### Case laws:

### The Inter-American Court of Human Rights [IACtHR] heard the case of Barrio Altos v. Peru, Chumbipuma Aguirre and ors v. Peru, Merits, and IACHR<sup>19</sup>

The case concerns serious human rights abuses that occurred during the internal armed conflict in Peru and was decided by the Inter-American Court of Human Rights (IACHR) in 2001.

The Barrios Altos event took place in the Lima, Peruvian neighbourhood of Barrios Altos on November 3, 1991. Fifteen individuals, including an eight-year-old child, lost their lives in a massacre at a social gathering that was carried out by members of the Grupo Colina military death squad. The massacre was later found to be a part of a larger pattern of human rights violations carried out by the Peruvian government during its counterinsurgency operations against the Shining Path guerrilla group. The victims were initially thought to be terrorists.

After hearing the case, the Inter-American Court of Human Rights ruled on March 14, 2001, that the Peruvian government had violated several human rights, including the right to life, the right to integrity, and the right to judicial protection and guarantees. The state had not adequately looked into and prosecuted those who carried out the killing, the court found.

#### Isayeva v. Russia<sup>20</sup>

The application was about the indiscriminate bombing of Katyr-Yurt, a community in Chechnya. The applicant stated that in order to lure rebel forces from Grozny, the federal

<sup>&</sup>lt;sup>19</sup> Series C No 75, IHRL 1458 (IACHR 2001), on March 14, 2001

<sup>&</sup>lt;sup>20</sup> (24 February 2005), ECtHR App. No. 57950/00

military commanders planned and carried out a special operation at the end of January 2000. The idea behind that scheme was to give the combatants the impression that they could safely escape Grozny. After being granted permission to depart the city, they were ambushed by artillery and air force and found themselves in a minefield. On February 4, 2000, a squad of fighters arrived in Katyr-Yurt early. The people were not informed of safe escape routes or notified in advance of their arrival. That day, the applicant's son and three nieces were killed when an aviation bomb dropped from a Russian military plane burst close to her vehicle. Her nephew was injured and became crippled as a result. The applicant lost her car, her house, and her belongings. In 2000, a criminal inquiry was initiated, which validated the applicant's account of events. Since a sizable contingent of illegal fighters had taken over the village and refused to leave, the investigation was ended in 2002 when it was determined that the military's actions had been justified under the prevailing circumstances.

#### Judgement:

With regard to the applicant's son and her three nieces, the Court determined that Article 2 had been violated. The Court did not conclude that the use of force was appropriate, even while it acknowledged that the circumstances in Chechnya at the relevant time required extraordinary measures, such as the deployment of armed military formations armed with combat weapons. The military operation had not been planned or carried out with the necessary consideration for the lives of the civilian populace, it was concluded. In addition, the authorities had not conducted a thorough inquiry into the details of the military operation. The application was not adequately informed of the investigation's proceedings and was unable to contest its findings because it had only been launched in September 2000. Thus, the Court determined that there had been a procedural infringement of Article 2.Finally, the Court determined that there had been a breach of Article 13 as there had been insufficient objectivity and thoroughness in the criminal inquiry, and she had been denied access to any alternative viable remedies. EUR 25,000 was granted to the applicant as non-pecuniary damages<sup>21</sup>.

#### RECOMMENDATIONS

It takes a comprehensive strategy that incorporates diplomatic efforts, international collaboration, and observance of humanitarian law to prevent civilian casualties during armed conflict. The following suggestions aim to reduce harm that civilians sustain during armed conflict:

<sup>&</sup>lt;sup>21</sup> European Human Rights Advocacy Centre, https://ehrac.org.uk (Feb.10,2024)

1. To Support non-violent community protection, Communities and civilians everywhere discover non-violent means of protection when states fail to provide it. The hard part is figuring out how to help them in a morally and safely manner. The Center for Civilians in Conflict (CIVIC) in Ukraine helps communities by giving them small funding for everything from constructing self-defence plans to renovating shelters.

2. To ensure the protection of civilians in armed conflicts requires strict compliance with international humanitarian law (IHL) and human rights law by all involved parties, fostering a commitment to humane conduct and respect for fundamental rights.

3. To adapt the technological advancements, and discussions on regulating drone warfare in Geneva Convention continue within the broader framework of International humanitarian law.

4. To regularly update and adapt the conventions to address emerging technologies, tactics, and challenges in contemporary warfare, such as cyber warfare and autonomous weapons.

5. To establish non-governmental organizations during the times of war and to publish an accurate rate of deaths and injuries of civilians in the armed conflicts, it is mandatory of the state should provide the financial assistance during war times.

6. To precisely targeting the military camp alone and to stop the collateral damage thereby reducing the casualties of the civilians.

7. To use advance warning system to notify the civilians about the military operation.

8. To establish no strike areas such as schools, hospitals, churches and mosques.

#### CONCLUSION

A thorough and multifaceted strategy is needed to address the problem of civilian casualties in contemporary combat. Finding a balance between military goals and civilian safety is still very difficult, but technological breakthroughs, legal compliance, and international cooperation can all help to lower the death toll from armed wars. In order to build a safer and compassionate world, it is imperative that initiatives to advance accountability, transparency, and dispute resolution continue.

Estimating and tally the number of civilian deaths in contemporary conflict is a difficult task. Even while there is an obvious need for this kind of information worldwide, it is important to acknowledge the dangers and obstacles involved in getting it, as well as the necessity of increased international engagement in future armed conflicts.