



The People's Perspectives: Civilian Involvement in Armed Conflict

CENTER FOR
CIVILIANS IN CONFLICT

RECOGNIZE. PREVENT. PROTECT. AMEND.

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Image by Kate Holt. Armed groups and civilians stop
outside of a shop in Mogadishu, Somalia.

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Note: To protect their anonymity, interviewees were assigned numbers. For the majority of interviewees, CIVIC recorded some descriptive elements such as age or place of residence or birth.

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1 Interviewee 17: Libya.

Executive Summary

The laws of war prohibit the intentional targeting of civilians. This principle, known as civilian immunity, is the cornerstone of international humanitarian law (IHL). Yet this immunity is not absolute: civilians are immune from being targeted “unless and for such time as they take a direct part in hostilities.”² Thus, a civilian may be lawfully targeted while directly participating in hostilities.

Military commanders, government officials, lawyers, humanitarians, and academics have engaged in a heated debate over how this rule should be implemented. In their debates—primarily focused on definitions, legal obligations, and criteria for targeting—they have argued about such key questions as which activities should qualify as direct participation and when a civilian should lose and regain legal immunity from direct attack.

2 Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Additional Protocol I), 8 June 1977, Article 51(3); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Additional Protocol II), 8 June 1977, Article 13(3).

In all of these discussions, the views of one group have been largely absent: civilians in conflict-affected countries. For these civilians, the issues of participation and protection during war are not abstract problems, but instead are a matter of life and death. As a step toward addressing this gap in the discourse, Center for Civilians in Conflict (CIVIC) carried out the *People's Perspectives* study on civilian involvement in armed conflict. This study is based on more than 250 interviews with individuals who have lived through conflict in Bosnia, Libya, Gaza, and Somalia. By shedding light on their perspectives and experiences, this study endeavors to inject civilian voices into this conversation about “the civilian”—and to ensure that this critical debate about warfare in the 21st century is inclusive of those most likely to be affected by its outcomes.

The *People's Perspectives* study consists of an analytical overview and four case studies. The analytical overview includes background on the legal debate on civilian participation, an explanation of why the study was undertaken and what the study aims to add to the debate, a description of the study's methodology, and an examination of the key findings of the case studies. The case studies are intended to provide supplementary information on specific conflict-affected countries.

The findings in the analytical overview, as well as in the case studies, are divided into two sections. The first presents findings on civilian involvement, defined broadly in this study to refer to all types of activities in which a civilian takes part during a conflict.³ The second presents findings on the interviewees' understanding and application of legal concepts related to the principle of distinction.⁴

The key findings of this report are:

Civilian Involvement

- Civilians reported being involved in conflict in numerous and complex ways. They became involved by, for example, taking up weapons and joining the fight, providing armed groups with logistical support such as driving or transferring weapons, and joining state institutions, political parties, or other organizations.
- Observers might assume that civilians are aware of when they have crossed the line into “taking a direct part in hostilities” and thus forfeit their legal immunity from direct attack. Instead, CIVIC's interviews suggest that many civilians are unaware of the existence of such a line, let alone when they have crossed it.
- Observers might also assume that civilians have a choice of whether or not to become involved in conflict. CIVIC's interviews suggest that the reality is that some civilians are forced to become involved, others fall into involvement, and some choose to become involved in the conflict for what they believe are justified reasons. This finding is especially notable, as civilians who directly participate in hostilities forfeit their legal immunity from direct attack even if their participation is involuntary.
- The most common motivation for involvement, described by interviewees in all four case studies, was the protection of self or family.
- Other motivations included civic duty, elevation of social standing, forced or voluntary recruitment, outrage at the targeting of peaceful protesters, and financial gain.

3 See textbox “Definition of Involvement in CIVIC's People's Perspectives Study” below, for more details.

4 This principle is defined in detail below, in “Legal Background.”

Understanding and Application of Legal Concepts

- Interviewees offered many different interpretations of what it means to be a civilian during war. These interpretations varied by conflict and by interviewee. The range of these perspectives demonstrates that there is no fixed, universal definition of the “civilian” for local populations in the countries examined.
- Interviewees described a multitude of challenges to classifying civilians and combatants, regardless of the definitions they used.
- An individual’s legal status in conflict has a number of serious implications that go beyond the expected consequence of a greater likelihood of being targeted during war. According to interviewees, an individual’s status can affect: the likelihood that legal claims will be lodged against a warring party, victims’ eligibility for financial benefits, the safety and refugee status of those who flee conflicts, and the sympathy of the international community.

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ANALYTICAL OVERVIEW

I. INTRODUCTION

Legal Background

The essence of civilian immunity is that certain people should be protected from harm during war.⁵ This concept is centuries old and has been codified in several ethical and religious traditions, including Islam, Christianity, Judaism, and Hinduism.⁶ Its early proponents

5 For an overview of the principle of civilian immunity, see Judith Gardam, *Non-Combatant Immunity as a Norm of International Humanitarian Law* (The Hague: Martinus Nijhoff, 1993); Richard Rosen, "Targeting Enemy Forces in the War on Terror: Preserving Civilian Immunity," *Vanderbilt Journal of Transnational Law* 42 (2009): 693–743.

6 For Islam, see Shaheen Sardar Ali and Javaid Rehman, whose article "The Concept of Jihad in Islamic International Law" states: "Rules for the conduct of warfare [in Islamic Law] created a category of protected persons. A distinction is made between combatants and enemy non-combatants. Those non-combatants who are unable to participate in hostilities are classed as protected persons and cannot be attacked, killed or otherwise molested . . . there is general agreement that [protected persons] include children, women, the very old, blind, crippled, disabled (mentally and physically disabled) and sick." *Journal of Conflict and Security Law* 10, no. 3 (2005): 321–343. See also Heba Aly, "Islamic Law and the Rules of War," *IRIN News*, April 24, 2014, <http://www.irinnews.org/report/99987/islamic-law-and-the-rules-of-war>; Karima Bennouna, "As-Salamu-Alaykum? Humanitarian Law in Islamic Jurisprudence," *University of Michigan Law School Journal of International Law* 15 (Winter 1994): 605–643. For Christianity, see Richard Rosen's "Targeting Enemy Forces in the War on Terror: Preserving Civilian Immunity" for a discussion on how the Christian Peace of God (Pax Dei) movement protected non-combatants from harm. *Vanderbilt Journal of Transnational Law* 42, no. 3 (2009): 683–777. See also Paul Christopher, *The Ethics of War and Peace: An Introduction to Legal and Moral Issues*, 3rd ed. (New Jersey: Pearson: 2003); For Judaism, see Reuven Kimelman, "Working Warfare and Its Restrictions in Judaism," *Contagion: Journal of Violence, Mimesis, and Culture* 9 (2002): 43–63; See also Michael Broyde, "Fighting the War and the Peace: Battlefield Ethics, Peace Talks, Treaties, and Pacifism in the Jewish Tradition," in *War and its Discontents: Pacifism and Quietism in the Abrahamic Traditions*, ed. J. Patout Burns (Washington, D.C.: Georgetown University Press, 1996). For Hinduism, see Manoj Kumar Sinha, "Hinduism and International Humanitarian Law," *International Review of the Red Cross* 87, no. 858 (2005): 291–293; See also Gaurav Arora et al., "International Humanitarian Law and Concept of Hinduism," *International Journal of Multidisciplinary Research* 2, no. 2 (2012): 455–456. For Islam,

included Hugo Grotius, the 17th-century thinker, who argued, “Rulers and commanders may respect the non-combatant because there are no practical military reasons why they should not do so and because there are good religious and ethical reasons why they should.”⁷ A century later, the 1863 Lieber Code, which governed the conduct of Union forces during the American Civil War, called for the separation of “unarmed citizens” and soldiers, noting that the “protection of the inoffensive citizen of the hostile country is the rule.”⁸ These historical examples illustrate that there has long been a tendency, as the political philosopher Michael Walzer put it, “to set certain classes of people outside the permissible range of warfare, so that the killing of any of their members is not a legitimate act of war but a crime. Though their details vary from place to place, these rules point toward the general conception of war as *combat between combatants*.”⁹

Today, civilian immunity from direct attack is a foundational principle of international humanitarian law (IHL). According to the International Committee of the Red Cross (ICRC) study on customary IHL, parties to the conflict must at all times adhere to the principle of distinction by distinguishing between combatants and civilians.¹⁰ In international armed conflicts, IHL creates a binary status distinction: combatants are members of the armed forces, except medical and religious personnel, and certain other groups who satisfy the formal criteria; civilians are all others.¹¹ Thus, civilians are defined in the negative, as not being combatants. According to the principle of distinction, attacks during war may be directed at combatants, but they must not be directed at civilians.¹² Yet civilian immunity is not absolute. Article 51(3) of the first Additional Protocol to the Geneva Conventions sets out an important limitation: civilians are immune from attack “unless and for such time as they take a direct part in hostilities.”¹³

Christianity, and Buddhism, see V.S. Mani, ed., *Handbook of International Humanitarian Law in South Asia* (Toronto: Oxford University Press, 2007).

7 Geoffrey Best, *War and Law Since 1945* (Oxford: Oxford University Press, 1994), 26.

8 United States, Adjutant General's Office, General Orders No. 100, Instructions for the Government of Armies of the United States in the Field (Lieber Code), 24 April 1863, Article 25. See also Arts. 15, 19, 22, 23, 25, and 37.

9 Michael Walzer, *Just and Unjust Wars: a Moral Argument with Historical Illustration*, 3rd ed. (New York: Basic Books, 1977) (italics in the original).

10 International Committee of the Red Cross (ICRC), Customary IHL Database, Rule 1: The Principle of Distinction between Civilians and Combatants, accessed August 14, 2014, https://www.icrc.org/customary-ihl/eng/print/v1_rul_rule1.

11 According to Article 43 of AP I:(1) The armed forces of a Party to a conflict consist of all organized armed forces, groups and units which are under a command responsible to that Party for the conduct of its subordinates, even if that Party is represented by a government or an authority not recognized by an adverse Party. Such armed forces shall be subject to an internal disciplinary system which, inter alia, shall enforce compliance with the rules of international law applicable in armed conflict. (2) Members of the armed forces of a Party to a conflict (other than medical personnel and chaplains covered by Article 33 of the Third Convention) are combatants, that is to say, they have the right to participate directly in hostilities. Additionally, Article 4A of the third Geneva Convention of 12 August 1949 (Geneva Convention III) describes in detail the individuals who are entitled to prisoner of war status if captured during an armed conflict: (1) Members of the armed forces of a Party to the conflict, as well as members of militias or volunteer corps forming part of such armed forces. (2) Members of other militias and members of other volunteer corps, including those of organized resistance movements, belonging to a Party to the conflict and operating in or outside their own territory, even if this territory is occupied, provided that such militias or volunteer corps, including such organized resistance movements, fulfill the following conditions: (a) that of being commanded by a person responsible for his subordinates; (b) that of having a fixed distinctive sign recognizable at a distance; (c) that of carrying arms openly; (d) that of conducting their operations in accordance with the laws and customs of war. The criteria included in 4A are not coterminous with direct targetability. Some other individuals may obtain combatant status, either through domestic law or as participants in a *levée en masse*. For more details, see Article 4(A)(6) of Geneva Convention III and Marco Sassòli, “Combatants,” *Max Planck Encyclopedia of International Law* (April 2013). N.B., the treaty law for non-international armed conflicts does not acknowledge combatant status; however, it is recognized as customary international law that civilians and civilian objects are immune from direct attack during a non-international armed conflict (NIAC). While there are many questions about the technical interpretation of the rules governing conduct of hostilities for the purposes of a NIAC, it is generally agreed that the tenants of the fourth Geneva Convention and Common Article III hold during NIACs. For more details, see “The Law of Non-International Armed Conflict,” *The Handbook of International Humanitarian Law*, 3rd ed. (Oxford: Oxford UP, 2013), 581–610. See also “Combatants and Prisoner-of-War Status,” in Jean-Marie Henckaerts and Louise Doswald-Beck, *Customary International Humanitarian Law, Volume 1: Rules* (Cambridge: Cambridge University Press, 2005), 384–395, <https://www.icrc.org/eng/assets/files/other/customary-international-humanitarian-law-icrc-eng.pdf>.

12 ICRC, Customary IHL Database, Rule 1: The Principle of Distinction.

13 Additional Protocol I, Art. 51(3). See also Additional Protocol II, Art. 13(3). According to the ICRC, this rule

This rule recognizes the reality that some civilians choose to take up arms and engage in hostilities against enemy forces. Given their decision to join the fight, these civilians can no longer enjoy absolute immunity from direct attack. At the same time, this rule underscores that while directly participating in hostilities will lead to a loss of immunity from attack, it will not result in a change of status. That is, a civilian will not become a combatant by virtue of his or her choice to participate in hostilities and thus will not be afforded combatant privileges such as prisoner-of-war status upon capture. The law seeks to discourage civilians from joining the fight while maintaining the inviolability of the protections enjoyed by civilians who do not participate in conflict.

The single sentence in Article 51(3) gives rise to many questions: What actions could be considered “direct participation” under the law? For how long would a civilian who is directly participating lose immunity from direct attack? How could a civilian regain immunity from direct attack? And what about civilians who regularly participate in hostilities and take advantage of their status to strike the enemy? Drawing the precise boundaries of Article 51(3) has been a challenge. On the one hand, if these boundaries are drawn too narrowly, then the concept of direct participation becomes a meaningless construct, likely to be ignored by military commanders. On the other hand, if the boundaries are drawn too widely, a large number of civilians would suddenly become targetable, and the cornerstone principle of civilian immunity would be undermined.

The challenge of drawing these boundaries has become even more acute in contemporary warfare. States have now developed precision weapons that allow them improved capabilities to avoid harming civilians during hostilities, and they are under enormous pressure from the media and the public to do just that. Concurrently, the modalities of war have changed. A large number of those engaged in hostilities are not traditional uniformed combatants, but are instead members of organized non-state armed groups who do not hold combatant status. And the bulk of today’s battles are not fought over isolated front lines, but in populated, urban areas. In this context, it seems increasingly outdated to think only in terms of *combat between combatants*.

Over the last decade, military commanders, lawyers, humanitarians, and academics have grappled with these challenges. In an effort to understand how Article 51(3) should be interpreted in contemporary armed conflicts, the ICRC led an “expert process” from 2003 to 2009, which resulted in the ICRC’s “Interpretive Guidance on the Notion of Direct Participation in Hostilities” (Interpretive Guidance).¹⁴ This Interpretive Guidance was a crucial step toward creating a shared understanding of direct participation. However, it appears that the final study did not reflect a consensus on the part of the expert group. According to an expert group member, nearly one third of the group requested that their names be removed from the final document.¹⁵ Following the study’s release, a number of academics and legal experts—several of whom had been involved in the expert process—posed serious challenges to the ICRC’s framework.¹⁶ Although the ICRC has expressed its hope that the Interpretive Guidance will be “persuasive for states, non-state actors, practitioners and academics and that, ultimately, it will help better protect the civilian population from

has attained customary status in both international and non-international armed conflict.

14 Nils Melzer, “Interpretive Guidance on the Notion of Direct Participation in Hostilities under International Humanitarian Law,” International Committee of the Red Cross, 2009.

15 Michael Schmitt, “The Interpretive Guidance on the Notion of Direct Participation in Hostilities: A Critical Analysis,” *Harvard Law School National Security Journal* 1 (2010).

16 These critiques include Kenneth Watkin, “Opportunity Lost: Organized Armed Groups and the ICRC ‘Direct Participation in Hostilities’ Interpretive Guidance”; Michael N. Schmitt, “Deconstructing Direct Participation in Hostilities: The Constitutive Elements”; Bill Boothby, “And for Such Time as”: The Time Dimension to Direct Participation in Hostilities”; W. Hays Parks, “Part IX of the ICRC ‘Direct Participation in Hostilities’ Study: No Mandate, No Expertise, and Legally Incorrect.” Nils Melzer responded to these critiques in “Keeping the Balance Between Military Necessity and Humanity: A Response to Four Critiques of the ICRC’s Interpretive Guidance on the Notion of Direct Participation in Hostilities.” These articles are included in *New York University Journal of International Law and Politics* 42, no. 3 (Spring 2010), <http://nyujilp.org/print-edition/#42>.

the dangers of warfare,” it is not binding international law at this stage.¹⁷ According to Nils Melzer, the author of the Interpretive Guidance, “Despite the important consequences incurred by civilians directly participating in hostilities, neither treaty law nor state practice or international jurisprudence provides a precise definition of what conduct amounts to direct participation in hostilities.”¹⁸

To regulate behavior effectively, law must be clear and predictable. This is particularly important with the issue of civilian participation in hostilities, where certain behavior could lead to death or injury—not only for the person who is directly participating, but also for people who may be harmed incidentally in an attack against the lawful target. However, experts and policymakers have struggled to formulate clear and precise rules that determine which civilians fall within the category of direct participants in hostilities. As this study demonstrates, civilians in contemporary armed conflict become involved in conflict in numerous and complex ways, and it is extremely difficult to determine when it is ethical and just to sanction their death for doing so. The category of those who are involved in hostilities is so fluid and diverse—including individuals ranging from the most battle-hardened insurgent to a reluctant mother protecting her children—it is perhaps not surprising that the international community has been unable to establish “bright line” rules in this area. The issue of civilian participation in hostilities poses a serious challenge to IHL’s impulse to classify all those on the battlefield into clear and easily distinguishable categories.

Project Rationale

Civilian participation in armed conflict has been and will most likely continue to be a controversial issue. The goal of CIVIC’s *People’s Perspectives* study is to inform this debate, adding an element that has so far been overlooked: the perspectives of civilians who have lived through, and in some cases become involved in, armed conflict. To capture these perspectives, CIVIC has documented the experiences of civilians in their own words, and from their own, subjective viewpoints.

It is important to clarify what this study does *not* aim to do: the *People’s Perspectives* study does not call for the revision of the law governing direct participation in hostilities. Neither does it intend to push the debate in any particular direction. Because of this, the study does not filter the perspectives documented in this report through the lens of IHL, nor does it organize civilian experiences according to existing legal categories.

By stepping away from the academic and legal debate on this issue and instead providing documentary and contextual bases for future discussions of civilian involvement in war, CIVIC hopes this study will lead experts and policymakers to take a more comprehensive view of the realities faced by civilians during war and assess ways to enhance civilian protection.

17 International Committee of the Red Cross, “Direct Participation in Hostilities: Questions and Answers,” last modified February 6, 2009, <https://www.icrc.org/eng/resources/documents/faq/direct-participation-ihl-faq-020609.htm>.

18 Nils Melzer, “Civilian Participation in Armed Conflict,” *Max Planck Encyclopedia of International Law* (February 2010).

*Scope*¹⁹

The findings of this study are based on more than 250 in-depth interviews with individuals who have experienced conflict in Bosnia, Libya, Gaza, and Somalia. These case studies, as well as the findings considered in this analytical overview, are presented chronologically, based on the last year of conflict discussed by interviewees.²⁰

These four conflicts were selected on the basis of the researchers' expertise and the feasibility of conducting interviews within the country or in a neighboring country. Bosnia was selected to add a historical yet recent comparison to more contemporary conflicts. While the four case studies are diverse in terms of their dynamics and geographic location, they are not intended to be a representative sample of recent conflicts worldwide. Nevertheless, anecdotal evidence from CIVIC's operations in different regions suggest that many of the key findings in this study would be applicable in other conflict-affected countries.

As discussed above, this report does not provide a legal analysis of civilian participation in conflict, which has been explored elsewhere.²¹ Rather, it focuses on a missing element in the broader debate: the experiences and perspectives of civilians regarding involvement in conflict. The study's findings are therefore based entirely on the interviews conducted by CIVIC.

Methodology

The field research for this report was conducted from 2012 to 2014. For the Bosnia case study, a team of researchers from Harvard Law School's International Human Rights Clinic (IHRC) undertook the research for CIVIC. The team visited Bosnia from March 14–24, 2013, and interviewed 62 individuals in Banja Luka, Bratunac, Mostar, Prijedor, Sarajevo, and Srebrenica. For the Libya case study, a CIVIC researcher visited Libya from July 5–August 5, 2012, and interviewed 61 individuals in Benghazi, Gharyan, Misrata, Tripoli, and Zawiya. For the Gaza case study, a CIVIC researcher visited the Gaza Strip from October 1–18, 2013, and interviewed 54 individuals in towns and cities including Beit Lahia, Deir al Balah, Khan Yunes, Rafah, and several neighborhoods in Gaza City. For the Somalia case study, due to security concerns in Somalia, a CIVIC researcher visited Kenya from March 1–21, 2014, and interviewed 77 Somali refugees in Dadaab refugee camp and in Nairobi, Kenya.

19 In the initial stages of the research, CIVIC attempted to discuss the issue of targeting with interviewees, specifically to ascertain in which instances they believed that they or others could have been lawfully targeted. However, because of its complexity and sensitivity, CIVIC was unable to collect reliable data on this issue.

20 These dates include: 1995 for Bosnia, 2011 for Libya, 2012 for Gaza, and 2014 for Somalia.

21 For an overview of sources on this issue, see notes 14 and 16 *supra*, as well as the "Select Bibliography" from Melzer, "Civilian Participation in Conflict."

Interview questions were drawn from a baseline questionnaire, which was tailored for each case study.²² Because this study focuses on civilian involvement in armed conflict, CIVIC did not seek to interview those categorized as combatants under IHL, as described in Article 43 of the first Additional Protocol.²³ Instead, CIVIC aimed to interview individuals categorized as civilians under IHL.²⁴ CIVIC endeavored to interview a diverse sample of each population, including interviewees representing different regions, ethnicities or clans, levels of educational attainment, social standing, ages, and genders. For reasons of confidentiality and security, interviewees are not referred to by name in this report.²⁵

Note on Language

This study endeavors not only to document the experiences of interviewees, but also to analyze their perceptions of basic legal concepts. The researcher did not provide the interviewees with the definitions of key terms under IHL, but instead sought to ascertain the interviewees' own understandings of the terms. Thus, in this study, terms such as "participation" or "combatant," which have a specific legal meaning, should not be assumed to carry that specific meaning for the interviewee. For more information on the style and content of the questions asked of interviewees, please refer to Annex 1.

This type of perception-based and qualitative study faces methodological challenges. In particular, the understandings of interviewees are difficult to capture and often rest on the use of terms that could be misconstrued. These challenges are exacerbated in the context of any armed conflict, where the meaning of key words or concepts is especially controversial. This kind of study is less scientific than one using quantitative methods. However, we believe that perception-based studies are an important tool for discerning insights and trends that should be considered in the effective formulation and implementation of policy and law.

Furthermore, during the field research for this report, CIVIC made all efforts to clarify interviewees' intention when using key terms: first, CIVIC was advised on and cross-checked the translations that were most faithful to the meanings of key terms, and second, researchers attempted to discern interviewees' conceptions of key terms whenever they were raised. Each case study includes additional details on the exact translations used by CIVIC.

Factual Background

The following section briefly outlines the four conflicts covered in this report. Further details are included in the case studies.

Bosnia

The interviews in the Bosnia case study focused on the Bosnian war, which took place from 1992 to 1995. The conflict emerged after Bosnia and Herzegovina declared independence from the Socialist Federal Republic of Yugoslavia in March 1992.²⁶ The major parties to the

22 The baseline questionnaire is in Annex 1.

23 See *supra* note 11 for more details.

24 Thus, CIVIC's interview sample included individuals who did not participate in hostilities, indirect participants in hostilities, and direct participants in hostilities. CIVIC also interviewed individuals who exercised a continuous combat function during hostilities, as defined by the ICRC's Interpretive Guidance. For more information on the types of activities in which interviewees engaged, see the text box "Definition of Involvement in CIVIC's People's Perspectives Study."

25 To protect their anonymity, interviewees were assigned numbers. For the majority of interviewees, CIVIC recorded some descriptive elements such as age or place of residence or birth. The ages and professions of interviewees are accurate as of the date of the interview.

26 Hereinafter, when referring to the country of Bosnia and Herzegovina, the report will use "Bosnia."

conflict included the Army of Republika Srpska, which was largely made up of Bosnian Serbs and supported by the Serbian government and the Yugoslav People's Army; the Army of the Republic of Bosnia and Herzegovina, which was largely composed of Bosnian Muslims; and the Croatian Defence Council, which was largely made up of Bosnian Croats and was supported by the Croatian government.²⁷ The Dayton Peace Agreement ended the war in 1995. The International Criminal Tribunal for the former Yugoslavia (ICTY) estimated that the Bosnian war caused 104,732 casualties and that 40 percent of these were civilians.²⁸

Libya

The interviews in the Libya case study centered on the conflict that lasted from February to October 2011. The conflict involved forces loyal to Colonel Muammar Qaddafi and those seeking to overthrow his government. After the UN Security Council authorized "all necessary measures" to protect civilians, NATO intervened in late March 2011.²⁹ The National Transitional Council, the oppositional interim government, declared the liberation of Libya and an official end to the war on October 23, 2011.³⁰ The Office of the United Nations High Commissioner for Refugees (UNHCR) estimates that more than 550,000 people were displaced as a result of the conflict.³¹ As of April 2014, the UNHCR said there were still an estimated 63,985 internally displaced persons in Libya.³² Casualty estimates from the 2011 conflict have varied greatly; however, according to the National Transitional Council, approximately 25,000 Libyans were killed during the conflict.³³

Gaza

The interviews in the Gaza case study primarily focused on the fighting that took place between the Israel Defense Forces (IDF) and armed groups in Gaza from December 2008 to January 2009 and in November 2012. These escalations were part of the long-term Israeli-Palestinian conflict. The escalation in hostilities codenamed by Israel as "Operation Cast Lead" (Cast Lead) began on December 27, 2008, and lasted until January 18, 2009. As a result of the fighting, roughly 1,400 Palestinians were killed, including both civilians and militants.³⁴ Estimates of the number of Palestinian civilian fatalities range widely, with human

27 Bosnian Muslims are also referred to as Bosniaks. United Nations Commission of Experts, "Final Report of the United Nations Commission of Experts Established Pursuant to Security Council Resolution 780 (1992), Annex III: The Military Structure, Strategy and Tactics of the Warring Factions," S/1994/674/Add.2 (Vol. I), accessed October 17, 2014, <http://digitalcase.case.edu:9000/fedora/get/ksl:mps17-FinalReportAnnex300/mps17-FinalReportAnnex300.pdf>.

28 Jan Zwierchowski and Ewa Tabeau, "The 1992-95 War in Bosnia and Herzegovina: Census-based Multiple System Estimation of Casualties Undercount" (conference paper for the International Research Workshop on "The Global Costs of Conflict," February 2010).

29 United Nations Security Council, "Security Council Approves No-Fly Zone over Libya, Authorizing 'All Necessary Measures' to Protect Civilians," March 17, 2011, <http://www.un.org/press/en/2011/sc10200.doc.htm>.

30 International Crisis Group, "Holding Libya Together: Security Challenges After Qadhafi," December 14, 2011, <http://www.crisisgroup.org/en/regions/middle-east-north-africa/north-africa/libya/115-holding-libya-together-security-challenges-after-qadhafi.aspx>.

31 United Nations High Commissioner for Refugees (UNHCR), "Fact-sheet–April 2014," April 20, 2014, <http://www.tawergha.org/docs/2014-04-00-libya-unhcr-fact-sheet-report-english.pdf>.

32 Ibid.

33 For information on the controversy over the death toll of the conflict in Libya, see Rod Nordland, "Libya Counts More Martyrs than Bodies," *The New York Times*, September 16, 2011, http://www.nytimes.com/2011/09/17/world/africa/skirmishes-flare-around-qaddafi-strongholds.html?pagewanted=all&_r=0. According to a CIVIC report, "Libyan Health Ministry officials initially estimated that nearly 30,000 Libyans were killed during the conflict with another 50,000 wounded. In October 2011, officials revised the death toll down to 25,000 dead and 4,000 missing. Figures released by the Libyan Ministry of Martyrs and Missing Persons in January 2013 adjusted the figures again after new research to 4,700 pro-revolutionaries killed with 2,100 missing. The latest statistics, however, do not include the final figure for fatalities on the Qaddafi side and may not include all civilians killed." Center for Civilians in Conflict, "Issue Brief: Civilian Protection and Harm Response in Post-Conflict Libya," January 2013, http://civiliansinconflict.org/uploads/files/publications/Libya_Public_Brief_Jan_2013.pdf. See also Ian Black, "Libyan Revolution Casualties Lower than Expected, Says New Government," *The Guardian*, January 8, 2013, <http://www.theguardian.com/world/2013/jan/08/libyan-revolution-casualties-lower-expected-government>.

34 B'Tselem, "B'Tselem's Investigation of Fatalities in Operation Cast Lead," September 9, 2009, http://www.btselem.org/download/20090909_cast_lead_fatalities_eng.pdf.

rights groups estimating at least 773.³⁵ On the Israeli side, 13 people were killed, three of whom were civilians.³⁶ An Israeli operation codenamed “Operation Pillar of Defense” (Pillar of Defense) began on November 14, 2012, and lasted for eight days. At least 174 Palestinians were killed in this operation, and tens of thousands were displaced before a ceasefire took effect on November 21, 2012.³⁷ Six Israelis were killed, of whom four were civilians.³⁸

Somalia

The civil war in Somalia began with the overthrow of former President Siad Barre in 1991 and is still ongoing. The interviews in the Somalia case study focused primarily on the conflict since 2006.³⁹ During this period, the major parties to the conflict included: the government forces of the Transitional Federal Government (TFG) and the Federal Government of Somalia, which took over from the TFG in 2012; various insurgent groups including Hizbul Islam and al-Shabaab; the African Union Mission to Somalia (AMISOM), which was deployed in Somalia in 2007; and the armed forces of neighboring states such as Ethiopia and Kenya. As of 2015, the UNHCR said there were 1,133,000 internally displaced persons in Somalia.⁴⁰ Of the total estimated population of 7.5 million, two million Somalis lack food security and 857,000 require urgent and life-saving assistance.⁴¹ Various sources report that the civil war in Somalia has caused between 22,000 and 50,000 fatalities.⁴²

35 Ibid. See also Yaakov Lappin, “IDF releases Cast Lead Casualty Numbers,” *The Jerusalem Post*, March 26, 2009, <http://www.jpost.com/Israel/IDF-releases-Cast-Lead-casualty-numbers>.

36 Institute for Middle East Understanding, “Operation Cast Lead,” January 4, 2012, <http://imeu.org/article/operation-cast-lead>.

37 Ibid.

38 Israel Security Agency, “Operation Pillar of Defense,” accessed October 11, 2014, <http://www.shabak.gov.il/English/EnTerrorData/Reviews/Pages/OperationPillarofDefense.aspx>; see also B’Tselem, “B’Tselem’s Findings: Harm to Civilians Significantly Higher in Second Half of Operation Pillar of Defense,” May 8, 2013, http://www.btselem.org/press_releases/20130509_pillar_of_defense_report.

39 The timeframe of the conflict was narrowed to enhance the relevance of the findings.

40 United Nations High Commissioner for Refugees (UNHCR), “2015 UNHCR country operations profile—Somalia,” accessed January 11, 2015, <http://www.unhcr.org/pages/49e483ad6.html>.

41 United Nations Development Programme (UNDP), “About Somalia,” accessed January 10, 2015, <http://www.so.undp.org/content/somalia/en/home/countryinfo/>.

42 Estimates that fall within this range include: Uppsala Conflict Data Program, “UCDP Battle-Related Deaths Dataset,” Uppsala University, Department of Peace and Conflict Research, last modified June 12, 2013, http://www.pcr.uu.se/research/ucdp/datasets/ucdp_battle-related_deaths_dataset/; Necrometrics, “Secondary Wars and Atrocities of the Twentieth Century,” February 2012, <http://necrometrics.com/20c300k.htm>; United Nations Office for the Coordination of Humanitarian Affairs (OCHA), “Somalia: Hundreds of Thousands Killed in Years of War, Says New President,” November 5, 2004, <http://www.irinnews.org/fr/report/51973/www.irinnews.org/asia.xml>.

II. KEY FINDINGS

*Civilian Involvement*⁴³

This section discusses the study's key findings regarding civilian involvement in conflict. It first examines the various modes of involvement using accounts from CIVIC's interviewees. In order to provide context, these accounts sometimes note the individuals' motivations and views on their own status during conflict. The section then identifies and explores in more depth the primary motivations for involvement described by interviewees.

Modes of Involvement

Definition of "Civilian Involvement" in CIVIC's People's Perspectives Study

In this study, "civilian involvement" refers broadly to all types of activities in which a civilian takes part during a conflict. By adopting this definition, the study aims to capture the experiences and perspectives of all those who fall somewhere between bystanders and combatants under Article 43 of the first Additional Protocol to the Geneva Conventions. In legal terms, the activities included under "involvement" in this study could be classified as non-participation, indirect participation in hostilities, direct participation in hostilities, or exercising a continuous combat function. Because the parameters of these classifications are contested and can be controversial, the study intentionally avoids classifying modes of involvement.

The modes of involvement discussed below range from active engagement in the fighting, to provision of support, such as transporting weapons or feeding armed groups, to peripheral activities, including joining a community organization or covering the conflict in the media. Some modes of involvement are purely civilian and would not be considered clear or even possible examples of direct participation in hostilities. However, the study addresses the full spectrum of interviewees' perceptions and experiences of involvement to demonstrate the number and diversity of ways in which civilians can become involved in conflict.

Fighting

In Bosnia, Libya, and Gaza, several interviewees discussed fighting with armed groups. For instance, in Bosnia, a 65-year-old Bosnian Muslim man reported that he left behind his former life as a local shopkeeper to become, as he put it, a "defender of [his] city" with the Green Berets, a paramilitary group in Sarajevo. He explained, "I saw myself like a man who took a rifle in his hands to defend innocent people. I thought at least I have guts to do that." As a paramilitary fighter, he also believed that his own chances of survival would increase. "You start to look around yourself . . . if you are not stupid, you join," he said. "A lone wolf can survive, but a pack will survive better. You find your own pack so that you're not alone."⁴⁴

43 Because CIVIC takes no position on legal determinations in this report, and recognizes that these determinations may be contested, the phrase "civilian involvement" is used without seeking to assign a formal legal status in these situations.

44 Interviewee 61: Bosnia.

In Libya, a 22-year-old medical student from a suburb of Tripoli described how he fought with a small militia in the south of Libya for the last three months of the war in 2011. “You’re never enlisted as a rebel. You can go in and fight, get out and go home, take a shower, eat some breakfast, play PlayStation, and then go back to the front. You can switch from

**You can go in
and fight, get out
and go home,
take a shower,
eat some
breakfast, play
PlayStation, and
then go back to
the front.**

one to the other in a moment, really,” he said.⁴⁵

A professional at an international humanitarian organization in Libya reported that Libyans, like this student, were forced to “live a nuanced life . . . [I]t was just a question of having a weapon [and] going to the front for a few hours. They took up arms, engaged in battle, and then went back home.”⁴⁶

In Gaza, two young men discussed their involvement in armed groups. A 34-year-old Imam (Muslim cleric) and part-time interior decorator fought with the Izzedine al-Qassam Brigades (the military wing of Hamas) during Cast Lead.⁴⁷ “I was a militant and not in the mosque [during Cast Lead],” he explained. “I was in the military planning room, in charge of 70 people.”⁴⁸ Although he was based in the planning room, he described how he went to “the front” for 12-hour shifts “every few days.” He went through one year of training so that he became “as fit as a soldier,” yet he did not identify himself as a traditional

combatant. He explained, “What’s interesting is that when you introduce someone, all of the military introduce themselves as ‘Muhammad, shopkeeper,’ or ‘Raed, waiter.’ No one introduces himself as a Qassam soldier. We don’t identify ourselves this way. . . . It’s like we are a civilian military.”⁴⁹

A 25-year-old man from Gaza City reported that he became an active member of the rocket launching unit for Palestinian Islamic Jihad during any escalation in hostilities between armed groups in Gaza and the IDF.⁵⁰ “I was 15 years old when I decided to join,” he said, describing his path to this role. “I started training at 18 to be a rocket-launcher. It’s not easy to find someone who can handle this. We are at the top of the food chain for the Israelis. You don’t have a long life if you do this. Many people don’t have the heart that it takes.” Although this interviewee reported that he and his family are a “target all the time,” he has not disclosed his activities to his wife and children. “If my wife found out,” he said, “she would leave me the next day. She would be so angry!”⁵¹

Providing Logistical Support

Transporting Weapons and Other Goods

In Bosnia, Libya, and Somalia, several interviewees discussed transporting weapons or other goods for armed groups. For instance, a 23-year-old woman from Libya described how she spoke in code to arrange the logistics of weapons transfers through Tripoli:

45 Interviewee 15: Libya.

46 Interviewee 56: Libya.

47 Hereinafter “Qassam Brigades” or “Qassam.”

48 Interviewee 10: Gaza.

49 Ibid.

50 Interviewee 40: Gaza. Palestinian Islamic Jihad is an Islamic militant group active in Gaza; hereinafter the group is referred to as “Islamic Jihad.”

51 Ibid.

“Anyone who was listening would think we were girls having a chit-chatty conversation, but in fact we were arranging a meeting so that we could move weapons through the city.” She continued:

I remember I picked up one woman who was seven months pregnant. She had two Kalashnikovs under her dress. We traveled all the way from the west to the east of Tripoli. . . . That woman was risking her own life and the life of her unborn child. She was a rebel. Not all rebels have a gun. The journalists, people like us—we are rebels too.⁵²

This young woman felt it was “unfair” that the public now views her as “just a supporter.” “We weren’t just the mothers and the daughters,” she explained. “That wasn’t all that we contributed. I fought for freedom. I traveled by myself. I did all of this and they can’t take it away from me.”⁵³

A 56-year-old man from Mogadishu, Somalia, served as a porter for government forces in 2010. He primarily carried foodstuffs and *khat*⁵⁴ on his back to the barracks or to the front lines for government forces.⁵⁵ When a member of the government forces approached him and offered him the job, he initially refused, as “many others who were doing the same thing were killed.” However, he ultimately decided the money made it worth the risks involved. In the first weeks of his job, he received a threatening phone call, presumably from al-Shabaab, telling him that if he didn’t stop, he would be “slaughtered.” He said, “I tried to stop, but with the economy, moving goods for the military was a lot more profitable than anything else.” When asked whether he felt that taking on the job made him a member of the government forces, he responded, “I didn’t have sympathy for the government. I only wanted to make money. The government was full of militias, of drunkards, taking drugs, killing each other. I didn’t want to be a part of them.”⁵⁶

Driving

Several interviewees in each conflict reported that they provided transportation for members of armed groups. For instance, a taxi driver from Beit Lahia, a town in the north of the Gaza Strip, said that he continued to drive his taxi during Operation Pillar of Defense in 2012. Although he did not intend to provide his services specifically to members of armed groups, he said that he was often unable to tell who was a “normal” passenger and who was a fighter. This was a problem because if he accidentally picked up a fighter, he said, “they [the IDF] would target me. . . . They would of course assume I’m resistance.”⁵⁷

Somali interviewees mentioned this mode of involvement, as defined in this report, most frequently. Each of these interviewees said that driving a member of an armed group carried huge risks.⁵⁸ For instance, a taxi driver from Mogadishu explained how he used to carry members of al-Shabaab, government officials, and clan leaders in his taxi.⁵⁹ As a result, he said, “One time I was taken away by a clan leader, and I was detained for three days. Then when I was released, al-Shabaab grabbed me and interrogated me for another five days. It was crazy.” Of his own status, he said, “A civilian is a person who has access to nothing and can be used by anyone. He has nothing. . . . I was just a civilian.”⁶⁰

52 Interviewee 55: Libya.

53 Ibid.

54 *Khat* comes from a flowering plant in Somalia and contains an amphetamine-like stimulant.

55 Interviewee 43: Somalia.

56 Ibid.

57 Interviewee 24: Gaza. The term *muqāwama*, or “resistance” is used by Palestinians in Gaza to refer to fighters in any of the armed factions in Gaza, such as the Qassam brigades of Hamas, the Al-Quds brigades of Islamic Jihad, and the Abu Ali Mustafa Brigade of the Popular Front for the Liberation of Palestine. Additional details on the “resistance” in Gaza are included in the Gaza case study.

58 Interviewees 41, 45, 47, 49: Somalia.

59 Interviewee 4: Somalia. Interviewees 34, 36, and 53 in the Somalia case study offered similar accounts.

60 Ibid.

Providing Medical Services

Interviewees in each of the four conflicts also reported that they provided medical services to members of armed groups. For instance, a 23-year-old woman based in Tripoli, Libya, during the conflict, said that she provided medical services for both Qaddafi's forces and rebel forces during the conflict. At various times, she was a nurse, a pharmacist, a cleaner, and even a "very basic paramedic . . . keep[ing] the person in the ambulance alive until we got to the hospital."⁶¹ She noted that although she never carried a weapon, several other nurses and doctors in the hospital where she worked carried Kalashnikov rifles for self-protection.⁶²

An interviewee from Gaza City worked primarily as a pharmacist, but during escalations of hostilities with the IDF, he served as a medic for an armed group that he said was the "first line of defense."⁶³ During Cast Lead, he explained, "They [the armed group] would just call me when they want to do an operation in my area. . . . If the group wanted to launch an attack, I would go out with them and then stay in position. As a doctor, I would give them medical backup if they got wounded. I would stabilize their injuries until I reached the hospital, and I would try to reduce their pain." Because of this work, he felt he was "absolutely" more at risk. "We [the medics and fighters] face the same enemy, and we have the same result, which is death," he said.⁶⁴

Providing Food

Several interviewees in each of the four conflicts reported that they provided or sold food to armed groups. For instance, a man from Beach Camp in Gaza City explained that during escalations in hostilities, he and other "contractors" provide armed groups with ready-made food. According to this interviewee, providing food to armed groups is a risky endeavor, as men doing this have been targeted "many times" in the past.⁶⁵ "Now I have certain ties to the group, and it's dangerous," he explained. "If the Israelis want to cut off the food, they will target me." Still, he said that he will keep providing the food "as long as it's needed. . . . I do it because of my religion, my nation. But also this is a business for me. I can make a living doing this."⁶⁶

Other interviewees reported that they did not intend to sell or provide food to members of armed groups, but it was difficult to avoid doing so. For instance, according to a Somali man who had owned a small shop selling food in Mogadishu, "If [al-Shabaab forces] see you selling to government troops, they will take quick action against you. They know if you are on the wrong side. But I needed to stay in the neighborhood. If I moved, it might even be worse. I hated to sell to them [government forces]—it was so risky. They [al-Shabaab] called me and said, 'Look around for your burial clothes, you will be wearing them soon.'"⁶⁷

Providing Media Coverage

Interviewees in Libya, Gaza, and Somalia reported that they provided coverage of the fighting, whether through the traditional media or social media outlets such as Twitter or Facebook. Some of these interviewees worked directly for armed groups. For instance, a 24-year-old man from Gaza City who worked as a journalist for Islamic Jihad said that he covered both the "military and the civilian aspects of Islamic Jihad's activities." He continued, "I film these activities, and then I sometimes give it to contacts in the media, sometimes I distribute it to all of the satellite channels, or I post it directly on YouTube."⁶⁸ He noted that he

61 Interviewee 55: Libya.

62 Ibid.

63 Interviewee 45: Gaza

64 Ibid.

65 Interviewee 39: Gaza.

66 Ibid.

67 Interviewee 45: Somalia.

68 Interviewee 53: Gaza.

belongs to Islamic Jihad's political wing, and he pointed out, "My work is different than the fighters—I don't carry a weapon. None of my activities are related to the military. All I do is cover what they do. I only go out with them when there is a mission, and otherwise I'm not with them. I'm not in their usual loop of communication." When asked what he considered his own status, he responded, "During the day, I am 100 percent civilian. At night, I do this work."⁶⁹

Several Somali journalists said they faced extreme pressure from various armed groups to cover certain stories or to ascribe blame to a particular clan or armed group. For instance, a 29-year-old woman from Mogadishu described her work as a junior editor at a local radio station:

I used to prepare the news, the events. I edited whatever they gave me. . . . A government person would call and say I should cover this or that story. Then al-Shabaab would call you from an unknown number and tell you to cover something else. I really was scared.⁷⁰

According to a journalist from Mogadishu, the media sometimes plays a role in aggravating existing tensions in Somalia. "The journalists are provocateurs. . . . Only a few radio stations are independent. Journalists are fueling the conflict. They don't report news, they create it," he said.⁷¹

Interviewees from Libya, Gaza, and Somalia also discussed using social media to publicize information during conflict. This mode of involvement was especially apparent among interviewees in Libya and Gaza. For instance, a young man from a suburb of Tripoli described his actions during the conflict. "I kept tweeting and making Facebook statuses from Tripoli," he said. "I would say where the gas was for cars, I would talk about what was going on in the revolution."⁷² As a result of his actions, he became an informal spokesperson for Libyan civilians. "I had gone from 100 to 600 followers in no time. So I kept posting. On Skype, new journalists kept adding me. . . . I was a little scared, but I was not really thinking. I was high with the revolution," he said.⁷³

A 24-year-old woman from Beach Camp in Gaza City was also active on social media during Operation Pillar of Defense. She described her experience:

I'm not sure I'm a great activist, but we all have our roles. In the second war [Pillar of Defense]. . . we were using social media and Facebook, and this was an effective way to spread the story. We might have even had an influence on the outcome of the conflict. . . . We started spreading daily life, events, what we saw. . . . We would get statistics from the hospitals, from the websites. We would update hour by hour—bombings, injuries, how many women, children, men. . . . Every piece of information can help others. . . . I'm now a part of this battle. I focus all of my energy to spread the news, to post ideas. I guess we are "electronic militants."⁷⁴

According to this woman, her activities have put her at greater risk. "The main problem is that if I join this electronic resistance, maybe the Israelis will attack my home," she explained. "But why should I be scared of them? Israeli activists are crying and shouting all the day. Why should I allow them to dominate the Internet?"⁷⁵

69 Ibid.

70 Interviewee 20: Somalia.

71 Interviewee 68: Somalia.

72 Interviewee 17: Libya.

73 Ibid.

74 Interviewee 22: Gaza.

75 Ibid.

Membership in an Institution or Organization

Several interviewees from each conflict covered in the study reported being involved with state or community institutions, including police forces, political parties, and local organizations. According to interviewees, conflict can blur the line that divides these political or civil groups from armed actors.

Police Forces

In Gaza, several men who served as police officers discussed their roles. One of these interviewees, the head of public relations for the police, described the duties of the police during Cast Lead:

We managed to maintain internal security. [We were] an internal front. We used to send police to the places where they gave out bread, to make sure people were being treated fairly. We were accompanying the ambulances. We were providing security for those in the hospital. Sometimes the families would attack the doctors, so that their family member would get care. . . . We didn't want the people to panic, to engage in violence.⁷⁶

All of the policemen who were interviewed reported that they were more at risk due to their positions. According to the head of public relations, "We are always in danger. Every day, I kiss my wife and my children goodbye, because I don't know that I'll see them again. We have to deal with the knowledge that we will be killed, and we expect our families will be killed as well."⁷⁷

Seven of the eight policemen in Gaza interviewed by CIVIC considered themselves civilians. For instance, when a member of the traffic control unit was asked for his definition of a 'civilian,' he answered: "We are civilians. We are the civil police, [so] our job is to protect the civilians."⁷⁸ According to another policeman from Gaza City, "Police should be classified as civilians—everywhere in the world, the army has different tasks than the police. We are responsible for the same things that every police unit does anywhere."⁷⁹

A 50-year-old man from the special security unit of the police force was the only policeman who did not consider himself a civilian. He explained how his unit, which he described as the "equivalent of a SWAT team," has around 300 people and undergoes a ten-month training, in contrast to the three-month training of the other units. He continued, "Of all of the police divisions, we are the closest to the military. . . . I feel I am more like a military person, not a civilian. I'm the last option for the government. When all of the civilian procedures have been gone through, we are ready. We are the last resort. When everything has been tried, we will be called to fight."⁸⁰

Political Parties

Several interviewees in each of the four conflicts discussed being involved in political parties. According to interviewees in Gaza and Somalia, this involvement carried serious risks. For instance, when a 41-year-old-man from Gaza City, who serves as the secretary of the board of a political party in Gaza, was asked whether he feels less safe because of his political activities, he answered, "Yes, for sure."⁸¹ His house was bombed during Cast Lead,

76 Interviewee 9: Gaza.

77 Ibid.

78 Interviewee 13: Gaza.

79 Interviewee 37: Gaza.

80 Interviewee 15: Gaza. This interviewee's differentiation between the special security unit and the other divisions was also noted by a high-ranking police officer from Gaza. According to this officer, "We are a civilian entity, a civilian organization. . . . The only division among the police that is highly trained, and more military, is the SWAT [informal name for the special security unit]" (Interviewee 29: Gaza).

81 Interviewee 31: Gaza.

but he said that he and his family had left the house because “we knew that they might target us because of my position.” When asked about his status, he said, “I am a civilian. Yet the policy of the Israelis . . . is to kill the biggest number of us. The more they kill, the more they can be successful. For us, we accept that we can be killed at any time. They target people even if they have nothing to do with politics, so why should I stay away from it?”⁸²

A Somali man who had been involved with the drafting of the Somali constitution said, “The top government officials are definitely at risk.”⁸³ Ultimately, though, he felt his own security was out of his hands. “We Somalis are fatalists,” he explained. “If something is going to happen, it will happen.”⁸⁴

Local Organizations

In Bosnia, Libya, and Gaza, interviewees said that local communities and municipalities organized groups to help coordinate tasks during the war. One such group in Bosnia was the civil defense.⁸⁵ According to interviewees, civil defense units were made up predominantly of men who were unable to fight in the war, along with some women.⁸⁶ These units were responsible for various tasks including growing food and cooking, distributing food and humanitarian aid, building shelters for refugees, and digging trenches and graves.⁸⁷

Similarly, in Libya, interviewees reported that “Crisis Management Committees” were formed in many areas. These committees were tasked with activities such as collecting garbage, fixing electricity, guarding “vital places,” and otherwise “figuring out logistics.”⁸⁸

Finally, several Palestinians in Gaza mentioned the “Popular Committees” they formed during Cast Lead. According to a government official, these committees were responsible for “help[ing] out those who were in a bad situation, those whose homes were demolished. . . . [They] bring food to some of the people, anything that makes them feel better.”⁸⁹ Even if an official committee was not formed, he said, most communities would place one person in charge who would “facilitate and make things better.”⁹⁰

Motivations for Involvement

As discussed above, a large number of interviewees in Bosnia, Libya, Gaza, and Somalia reported being involved in conflict. When asked why they or others became involved, interviewees offered a variety of explanations. Some interviewees were forced to become involved, others fell into involvement, and some chose to become involved for what they believed were justified reasons. The most commonly cited motivation by interviewees across all four conflicts was the protection of self or family. Other notable motivations included civic duty, elevating social standing, forced or voluntary recruitment, outrage at the targeting of peaceful protesters, and financial gain.

82 Ibid.

83 Interviewee 73: Somalia.

84 Ibid.

85 IHL establishes specific provisions for the protection of civil defense personnel, as well as for the installations, equipment, and supplies they use. See Additional Protocol I, Arts. 61–67. The civil defense is defined under the Geneva Conventions and their Additional Protocols according to the tasks they undertake, e.g., protecting the civilian population against the dangers arising from hostilities or other disasters, helping civilians to recover from the immediate effects of such events, and providing the conditions necessary for survival. While the issue of civil defense was not included in the ICRC’s customary law study, it was flagged for inclusion for a later edition. For more details, see Françoise Bouchet-Saulnier, *The Practical Guide to Humanitarian Law* (Maryland: Rowman & Littlefield, 2014); International Committee for the Red Cross, “Civil Defence in International Humanitarian Law,” June 2001, <https://www.icrc.org/en/download/file/1039/civil-defence-in-ihl.pdf>.

86 Interviewees 8 and 9: Bosnia.

87 Interviewees 12, 13, 27, 32: Bosnia.

88 Interviewees 54, 57, 59: Libya.

89 Interviewee 41: Gaza.

90 Ibid.

Protection of Self or Family

The protection of self or family was the most commonly cited motivation in each conflict included in this study. In Bosnia, for instance, several interviewees said that they were faced with a choice between involvement in the conflict or certain death. A social psychologist who lived through the siege in Sarajevo explained that civilians felt they had “nothing to lose,” as their options were to “either get killed or defend themselves.”⁹¹ This idea was exemplified in the story of a man from Bratunac, a town in the far-east corner of Bosnia. He described how he and the other Bosnian Muslim residents in his town reacted to news that they would be attacked: “When we realized they were going to kill us, we decided we had to do something. We had a community meeting and decided to organize ourselves. . . . We started making weapons out of water pipes.”⁹²

The remarks of a 38-year-old engineer from Benghazi, Libya reflect a similar sentiment. “[Qaddafi] forced us into military action. We had to do it just to protect ourselves. We picked up knives, sticks, stones, whatever we could find. Either he killed us or we killed him,” he said.⁹³ A university professor from Misrata agreed, “Eighty to ninety percent of people here felt they must participate. You cannot sit and watch. It was very obvious for everyone. We had to fight together to protect our families. . . . There was no alternative; only one choice.”⁹⁴

The need to defend themselves and their families from the IDF also motivated many Palestinians to become involved. “In Gaza, we have people who defend themselves,” said a 44-year-old doctor from Gaza City. “[We have] no air force, no marines. All young people are defending their own people, trying to prevent outsiders from reaching our families and children.”⁹⁵ According to another man from Gaza City who works as a pharmacist and a medic for armed groups, “The enemy is violating your rights all the time. The more he comes in, the more your rights will be violated. . . . This is why you have to take action, to protect yourself and your family.”⁹⁶

A large number of Somalis explained that they and others became involved in the conflict to protect themselves or their families. Some of these interviewees said that they needed to protect themselves specifically from militias. A businessman from Mogadishu explained, “Everybody in Somalia has a weapon, and they have to defend themselves from the militias.”⁹⁷ A woman from Mogadishu described her reaction to her brother’s decision to enlist in al-Shabaab, saying, “I wanted to hit my brother when he joined, but he said he was trying to defend us. He said we would be defenseless to the [other] militias” if he did not join al-Shabaab.⁹⁸ A 26-year-old woman who lived in Mogadishu until 2009 agreed that many Somalis were joining or supporting al-Shabaab in particular because “they need to protect themselves.”⁹⁹ Other interviewees spoke of how clan militias were also a mechanism of protection against al-Shabaab and other armed groups. For instance, a former teacher at a Quranic school in Mogadishu said, “Clan militias exist for defense—they [members of the clan militia] try to defend themselves and the clan.”¹⁰⁰

91 Interviewee 32: Bosnia.

92 Interviewee 24: Bosnia.

93 Interviewee 31: Libya.

94 Interviewee 49: Libya.

95 Interviewee 44: Gaza.

96 Interviewee 45: Gaza.

97 Interviewee 17: Somalia.

98 Interviewee 23: Somalia.

99 Interviewee 13: Somalia.

100 Interviewee 29: Somalia.

Civic Duty

Many interviewees said that they became involved in the conflict out of their civic duty—that is, their sense of responsibility to their country, people, or homeland. Interviewees in Bosnia, Libya, and Gaza cited this motivation; however, CIVIC did not hear this motivation during interviews with Somalis.

In Bosnia, several people mentioned civic duty as their own or others' motivation. An NGO worker from Sarajevo explained, "It was our civic duty—together with the soldiers and international forces—to protect the city."¹⁰¹ According to a former paramilitary fighter from Sarajevo, most of the ways in which civilians were involved in the conflict, such as sewing uniforms or transporting sandbags, were done "out of a patriotic duty."¹⁰²

Several Libyans echoed this sentiment. For instance, a 21-year-old student who joined a small rebel militia during the 2011 conflict said, "I have to serve my country. There were lots of people taking risks for the country."¹⁰³ An employee of an insurance company in a suburb of Tripoli added, "I am a soldier for Libya at any time. I must do it, and I have to do it. If I don't have a gun, I will defend my country with a knife."¹⁰⁴

We are 'combatants on demand.'

Several Palestinians in Gaza said they or others became involved because of their civic duty. A journalist from Gaza City explained, "We are 'combatants on demand.' When there is fighting, somebody will open his doors to fighters, and he will have never been involved before that. On the days like this, he fulfills his duty to the country. If there is fighting from the outside, then everyone must fulfill his duty to Palestine."¹⁰⁵ When a rocket launcher from Islamic Jihad

was asked why he decided to become involved in the conflict, he offered a similar view. "I give my life for the sake of my homeland. What motivates me is my duty to Palestine, my duty to defend the country," he said.¹⁰⁶

Desire to Elevate Social Standing and Avoid Stigma

Some interviewees in Bosnia, Libya, and Gaza said that they or others chose to become involved in the conflict because they sought to elevate their social standing or to avoid social stigma. This motivation was not cited by the sample of Somali interviewees.

In Bosnia, several people noted that those who tried to stay out of the conflict were sometimes stigmatized. A journalist from Bugojno, a town in central Bosnia, said that if his family had not supported the "cause," they would have been "social outcasts. . . . It was a huge disgrace."¹⁰⁷ A university student from Mostar echoed this point, saying, "It would have been humiliating if you were capable and you were not doing your part."¹⁰⁸ According to some interviewees, there was a special pressure on men to become involved. A 36-year-old Bosnian Muslim man from Srebrenica explained that men who tried to stay out of the

¹⁰¹ Interviewee 7: Bosnia.

¹⁰² Interviewee 8: Bosnia.

¹⁰³ Interviewee 16: Libya.

¹⁰⁴ Interviewee 17: Libya.

¹⁰⁵ Interviewee 2: Gaza.

¹⁰⁶ Interviewee 40: Gaza.

¹⁰⁷ Interviewee 59: Bosnia.

¹⁰⁸ Interviewee 58: Bosnia.

fighting were considered “cowards.” He continued, “[P]eople would talk about you as a woman.”¹⁰⁹ A retired mortician from Sarajevo said that while most men were involved in the conflict in some way, “The cowards sat in the basement drinking coffee with the women.”¹¹⁰

Several Libyans also said that they or others became involved to elevate their status in society. For instance, an international aid worker described the motivation of many of the rebel fighters in Libya: “Before the revolution, many [rebel fighters] had no jobs. They were aimless. After [they became involved in the fighting], they had status, and women would look at them,” he said.¹¹¹ According to some Libyans, those who fought for Qaddafi had similar motivations. A 45-year-old man from Tripoli said, “I knew volunteers, guys who were my neighbors who went down there to Misrata and Sirte. . . . They got promises that when things went back to normal, they would be the ruling class. [Qaddafi] used the lowest classes by telling them they would be the highest. He gave them a chance at a new life—a chance to start over.”¹¹²

Similarly, interviewees in Gaza reported that they or others chose to become involved in the conflict for reasons of honor and increased social status. A journalist from Gaza City described why a young man might choose to enter the Qassam Brigades:

In other countries, when you have a normal life, there are a lot of things you want to be. But here, the only thing you want to be is Qassam. They are the elite. If you can’t make it into Qassam, then you go into Islamic Jihad. The highest pride is among those in Qassam. It takes a very long time to join them.¹¹³

Remarks from a member of the Qassam Brigades supported this assertion. He explained, “I applied many times to be Qassam before I was accepted. . . . They look for the one who is brave, who is committed, and then choose them to join. I was selected. I was picked out from all of the people.”¹¹⁴

Forced or Voluntary Recruitment

Forced or voluntary recruitment was a motivating factor for interviewees primarily in Bosnia and Somalia. In Bosnia, several people discussed how armed groups recruited civilians, whether by choice or by force. Indeed, according to a young woman from Sarajevo, “This war could have never happened without recruitment of civilians.”¹¹⁵ She said that many civilians were recruited into armed groups voluntarily, but the process happened “overnight, [and they were in] in sneakers, no boots, holes in sweaters, and jeans. . . . It was the picture of most of those guys who were recruited.”¹¹⁶ A man who was attending university in Sarajevo during the conflict described how he and others stayed in hiding to avoid forced recruitment by paramilitary forces, which was often achieved simply by these groups “picking people up on the street.”¹¹⁷

Several Somali interviewees described the recruitment practices of various armed groups, including the government forces, clan militias, and others. Yet interviewees singled out al-Shabaab for its shrewd and manipulative recruitment tactics. For instance, a 20-year-old man reported that al-Shabaab demanded 15 recruits from each high school in Mogadishu in 2010. When his school refused, al-Shabaab came to his school in a convoy and ordered

109 Interviewee 23: Bosnia.

110 Interviewee 6: Bosnia.

111 Interviewee 51: Libya.

112 Interviewee 36: Libya.

113 Interviewee 2: Gaza.

114 Interviewee 10: Gaza.

115 Interviewee 32: Bosnia.

116 Ibid.

117 Interviewee 30: Bosnia.

all of the male students in his school—around 50 boys—into a truck.¹¹⁸ He spent two months in an al-Shabaab “training camp” before he escaped and fled to Kenya. Interviewees described other recruiting tactics used by al-Shabaab, including the use of religious figures, who would urge Somalis to join or support al-Shabaab in lectures in the streets, mosques, or schools.¹¹⁹ According to a former high school teacher of English literature and poetry in Mogadishu, “They also brought clerics into the school—on Thursday, the religious guy would come in. He would mix al-Shabaab’s [cause] with religion. So many students joined because of this.”¹²⁰

Outrage at the Targeting of Peaceful Protestors

In Bosnia and Libya, interviewees said that the opposition’s targeting of “innocent” or “peaceful” protestors sparked a shared sense of rebellion and outrage, which in turn brought about more widespread involvement in the conflict. For instance, a Bosnian businessman based in Sarajevo during the conflict explained that he took action after he witnessed the death of a young girl at a protest. “After this demonstration, when this girl was killed, seven meters from me, I went home, and then I became a soldier,” he said. “I was immediately registered [with the Army of the Republic of Bosnia and Herzegovina].”¹²¹

Several interviewees in Libya shared similar accounts. For instance, according to a 31-year-old dental technician, “It was difficult in the beginning because we started out as civilians, and the regime changed us. They killed innocent people in front of us. . . . I was a civilian—I came to the protests peacefully—but the regime did not distinguish between men, women, children, armed, unarmed. That’s why I became involved.”¹²² A former government official agreed that it was the failure of Qaddafi’s forces to spare peaceful people that motivated him and others to become involved in the conflict. “There was a funeral, and the people in Benghazi were walking through the streets,” he said. “Then [the] Qaddafi brigades shot the people. And once we reached the cemetery and buried the dead . . . we said we should fight back. We started by throwing stones, and then we moved to Molotov cocktails, then to bombs.”¹²³

Financial Gain

A large number of Somali interviewees reported that they or others supported or joined armed groups for financial gain. Interviewees from Bosnia, Libya, and Gaza did not cite this motivation. For example, a former taxi driver from Mogadishu explained that people who “do jobs” for al-Shabaab would receive several financial perks, such as an allowance of up to \$500 each month and pre-paid phone cards.¹²⁴ A man who had fled Mogadishu said that “being paid is a major motivation for any type of involvement,” while several other Somalis cited “poverty” or the need to “look after the ‘daily bread’” as their own motivation for becoming involved.¹²⁵ For instance, a 35-year-old man who served members of armed groups in his tea shop in Mogadishu explained that he “had no other option” but to continue his work, even though he knew it increased his likelihood of being targeted by al-Shabaab. “I couldn’t find another job, and I had to make a living,” he said.¹²⁶

¹¹⁸ Interviewee 54: Somalia.

¹¹⁹ Interviewees 30, 54, and 40, respectively: Somalia.

¹²⁰ Interviewee 40: Somalia.

¹²¹ Interviewee 52: Bosnia.

¹²² Interviewee 54: Libya.

¹²³ Interviewee 4: Libya.

¹²⁴ Interviewee 4: Somalia.

¹²⁵ Interviewees 9, 13, and 53, respectively: Somalia. Also interviewees 30, 36, 42, 68: Somalia.

¹²⁶ Interviewee 53: Somalia. Another interviewee, who also owned a tea shop in Mogadishu and regularly served members of al-Shabaab and government forces, expressed a similar sentiment: “I knew it was risky, but what should I do? I had to make some money, so I did it” (Interviewee 16: Somalia).

Understanding and Application of Legal Concepts

This section first explores interviewees' perceptions of legal concepts related to the principle of distinction by setting out the different understandings of civilian and combatant status offered by interviewees. It then examines some of the challenges of classifying civilians and combatants described by interviewees. Finally, the section considers how legal status has a number of serious implications for people who live through conflict, many of which go beyond targeting.

Concept of the Civilian

The vast majority of interviewees seemed to accept the idea that certain people should be protected during war. However, CIVIC's interviews suggest that for people who have lived through conflict, there is no fixed, universal definition of the "civilian." Instead, interviewees offered many different interpretations of what it means to be a civilian, and these interpretations varied by conflict and by interviewee.

Interviewees from Bosnia offered several different interpretations of *civilni*, the Bosnian translation of the word civilian. First, several people identified civilians on the basis of gender and age. A university student from Prijedor said, "Civilians were the children and women and men older than 70."¹²⁷ A radio announcer from Mostar agreed: "Civilians were the kids, the elderly, grandparents—who were saved in a safe place and waited for a better place, for tomorrow."¹²⁸ Second, other Bosnians stressed that civilians are those who did not participate in the conflict.¹²⁹ Exemplifying this mindset, the director of a research organization in Sarajevo said, "Civilians are those who did not participate whatsoever in the war."¹³⁰ Finally, some interviewees in Bosnia described the concept of the civilian in direct contrast to the *vojniki*, or soldier.¹³¹ A 27-year-old man from Mostar explained that a civilian is "someone who is in the middle of war and is not a soldier."¹³²

Similarly, in Libya, interviewees offered different interpretations of *medani*, the Arabic translation of the word civilian. First, many interviewees described civilians as those who were peaceful; for instance, an 48-year-old woman from Benghazi defined a civilian as "an ordinary person who lives in peace."¹³³ Second, according to a young man from a suburb of Tripoli, age was a determining factor for status: a civilian was anyone under the age of 16, since, at that age, all Libyans would undergo military training in high school.¹³⁴ Finally, a local official from Misrata understood the word *medani* as a specialized term referring to former fighters who were reintegrating into society after the war.¹³⁵

When asked for their understanding of the word *medani*, interviewees in Gaza offered two primary interpretations. First, many interviewees identified a civilian as a person who has nothing to do with any military force.¹³⁶ For example, a taxi driver in Beit Lahia said, "A civilian wants to live in dignity in his house. He doesn't have anything to do with the military. He just wants to live his own life."¹³⁷ Second, several interviewees said that a civilian is someone who is unassociated not only with the military, but also with politics and political parties. A farmer living in the buffer zone in Gaza explained, "A civilian has nothing to do with politics

¹²⁷ Interviewee 47: Bosnia.

¹²⁸ Interviewee 56: Bosnia.

¹²⁹ Interviewees 17 and 51: Bosnia.

¹³⁰ Interviewee 31: Bosnia.

¹³¹ Interviewees 25 and 55: Bosnia.

¹³² Interviewee 55: Bosnia.

¹³³ Interviewee 57. Also interviewees 24 and 54: Libya.

¹³⁴ Interviewee 17: Libya.

¹³⁵ Interviewee 59: Libya.

¹³⁶ Interviewee 15: Gaza.

¹³⁷ Interviewee 24: Gaza.

or war. He cares only for his life, his children.”¹³⁸ According to a police officer from Gaza City, any person who is somehow associated with politics is a likely target in Gaza. “For the Americans and the Israelis,” he said, “a civilian is the one who has a donkey cart—a peasant with a donkey cart. If [someone] knows anything about politics, he is a threat, and he deserves to be killed.”¹³⁹

In Gaza, Islamic law often framed the interviewees’ understanding of protection in war. For instance, a university professor from Rafah described those who should be protected according to the *sunna*.¹⁴⁰ “In battle, you don’t kill a child, an old man, a monk, you don’t cut any tree, and you don’t kill any animal,” he explained.¹⁴¹ Several other interviewees referenced international humanitarian law. Indeed, interviewees in Gaza displayed more awareness of IHL than the interviewees in any other conflict covered by the study. For instance, one interviewee explained, “Civilians are protected according to the Geneva Conventions,” while another said, simply, “Geneva protects us.”¹⁴²

When asked for their definitions of *sha’ab*, the Somali translation of the word civilian, interviewees offered four different interpretations. These interpretations were most often cited in isolation, though some interviewees included more than one of these elements in his or her response. First, many interviewees identified civilians as the “the general public,” or the “common man.”¹⁴³ According to this understanding, civilians are “normal people,” or “those who live the ordinary life.”¹⁴⁴ Second, related to this understanding, several interviewees identified civilians as those who are not associated with or working for the government.¹⁴⁵ As a 45-year-old man who worked as a high-school teacher in Mogadishu said, civilians are “people who aren’t in politics.”¹⁴⁶ Third, interviewees often associated the word civilian with those who are vulnerable and powerless, particularly during wartime.¹⁴⁷ For instance, one interviewee said that a civilian is someone who has “access to nothing and can be used by anyone.”¹⁴⁸ Another interviewee said that civilians are “the needy people, the ones who are really suffering in the war.”¹⁴⁹ Finally, several interviewees believed that civilians are those who are not involved with any armed groups.¹⁵⁰ A former government official explained, “Civilians are not involved in any government forces or militias.”¹⁵¹ A truck driver from Kismayo added, “Civilians are not in the military. They are on their own.”¹⁵²

Somali clan law framed many Somalis’ understanding of appropriate protection during war. When asked who should be protected during war, interviewees often referred to the concept of *biri-ma-geydo*. This phrase, which originated in Somali customary law, translates

138 Interviewee 26: Gaza. The “buffer zone” between Israel and the Gaza Strip is a military “no-go” area that extends along the entire northern and eastern perimeter of the Gaza Strip adjacent to Israel but inside Palestinian territory. The precise areas designated by Israel as the buffer zone are unknown; in some areas the zone extends beyond 2 kilometers. For more details, see Diakonia, “The Legality of the Land ‘Buffer Zone’ in the Gaza Strip,” November 19, 2013, <http://www.diakonia.se/en/IHL/Occupied-Palestinian-Territory/Administration-of-Occupation/Gaza-Blockade-Land--Sea/Land-Buffer-Zone/>.

139 Interviewee 15: Gaza.

140 The term *sunna* has come “to stand for the generally approved standard or practice introduced by the Prophet as well as the pious Muslims of olden days. . . . [It has] the position of the second root (*asl*) of Islamic law, the *shari’a*, after the *Qur’an*.” *Encyclopaedia of Islam Online*, 2nd ed., s.v. “sunna”, accessed October 17, 2014, <http://referenceworks.brillonline.com.ezp-prod1.hul.harvard.edu/browse/encyclopaedia-of-islam-2>. See also M. Cherif Bassiouni, *The Sharia and Islamic Public Law in Time of Peace and War* (Cambridge: Cambridge University Press, 2014).

141 Interviewee 11: Gaza.

142 Interviewees 27 and 38, respectively: Gaza.

143 Interviewees 8 and 18, respectively: Somalia. Also interviewees 15, 18, 19, 20, 29, 33, 39, 50, 56, 61, 65, 69, 70: Somalia.

144 Interviewees 39 and 33, respectively: Somalia.

145 Interviewees 1, 9, 18, 34, 55, 77: Somalia.

146 Interviewee 55: Somalia.

147 Interviewees 1, 3, 4, 5, 7, 15, 29, 44, 48, 57, 78: Somalia.

148 Interviewee 4: Somalia.

149 Interviewee 3: Somalia.

150 Interviewees 6, 11, 17, 30, 33, 36, 38, 40, 61, 63: Somalia.

151 Interviewee 11: Somalia.

152 Interviewee 10: Somalia.

to those who should be “spared from the spear.”¹⁵³ According to Somalis, the people traditionally included in this protected category include the elderly, women, and children.¹⁵⁴ Interviewees also mentioned doctors, teachers, the injured, the disabled, members of minority clans, the sick, travelers, clan leaders, and peace delegates.¹⁵⁵

Concept of the Combatant / Non-Civilian

Interviewees in each conflict identified certain factors they used to distinguish combatants or non-civilians from civilians during war. One factor was cited by interviewees in all four conflicts and by more interviewees than any other factor: the presence of a weapon.¹⁵⁶ A large number of people in Gaza and Somalia also cited a uniform as a distinguishing factor.¹⁵⁷ In Bosnia and Libya, some individuals mentioned uniforms, but the majority of interviewees who discussed this factor did not see it as being particularly relevant.¹⁵⁸

Additional factors that interviewees reported using to distinguish non-civilians from civilians included whether an individual received military training, his or her proximity to battlefield, and whether he or she served full-time or was enlisted in the military as a soldier. Interviewees from Bosnia, Gaza, and Somalia considered whether the individual had received official military training.¹⁵⁹ For instance, a Bosnian man from Srebrenica said, “When they are trained and prepared, they are soldiers.”¹⁶⁰ Interviewees from Bosnia, Libya, and Gaza cited proximity to the battlefield: the closer an individual was to the front line, the less likely he or she was to be a civilian.¹⁶¹ The remarks of a 41-year-old Bosnian man from Mostar are representative of this sentiment. “Soldiers for us are the ones who are fighting on the front line. . . . It’s about where the person is,” he said.¹⁶²

Several interviewees, especially those in Gaza, considered whether the individual was serving full-time; if so, then he or she was perceived to be a combatant.¹⁶³ According to a government official from Gaza, “The military is an organized army that is educated at military schools. . . . Their job is to be the army—that’s their full-time job.”¹⁶⁴ Finally, several interviewees, exclusively in Bosnia, considered whether the individual was enlisted in the military as a soldier and had been properly registered as such.¹⁶⁵

Challenges of Classification: Civilian or Combatant

Interviewees in each of the four conflicts described facing challenges in classifying civilians and combatants into distinct categories, especially when they considered the conflicts they had experienced. For instance, in Bosnia, several people expressed doubt that the categories of civilian and soldier had any meaning during the conflict there. An employee of the Court of Bosnia and Herzegovina believed the categories did not apply easily to the complexity inherent in the Bosnian conflict. “If you look at the Geneva Conventions,

153 For more details on this concept, see ICRC Somalia Delegation, “Spared from the Spear: Traditional Somali Behaviour in Warfare,” February 1997, accessed October 1, 2014, <http://dspaceroma3.caspur.it/bitstream/2307/2662/1/Spared%20from%20the%20spear.pdf>.

154 Interviewees 11, 20, 49, 51, 52: Somalia.

155 Interviewees 11, 40, 55, 66, 72: Somalia.

156 Bosnia: interviewees 5, 22, 24, 38, 45, 54; Libya: interviewees 13, 41, 54; Gaza: interviewees 10, 23, 24, 35, 38, 39, 41, 43, 45, 50, 51, 53; Somalia: interviewees 3, 7, 11, 13, 31, 32, 38, 39, 40, 43, 44, 45, 49, 50, 54, 55, 61, 66.

157 Gaza: interviewees 15, 23, 45; Somalia: interviewees 4, 49, 78.

158 Bosnia: interviewees 2, 8, 24, 25, 27, 47, 61, 62; Libya: interviewees 16, 17, 43, 57. Some interviewees in Bosnia and Libya cited the absence or presence of a uniform as a distinguishing factor: Bosnia: interviewees 1, 44, 56, 59; Libya: interviewees 3, 13.

159 Bosnia: interviewees 25, 61, 62; Gaza: interviewees 29, 37, 41; Somalia: interviewees 6, 30, 40, 66.

160 Interviewee 25: Bosnia.

161 Bosnia: interviewees 13, 30, 31; Libya: 2, 24, 41, 44, 54; Gaza: interviewees 29, 30, 41.

162 Interviewee 30: Bosnia.

163 Interviewees 29, 37, 40, 41: Gaza.

164 Interviewee 41: Gaza.

165 Interviewees 9, 30, 44, 46: Bosnia.

everything looks beautiful, but if you start to apply it, everything falls apart. How can you treat each of the categories in a proper way?” he asked.¹⁶⁶

According to many people in Libya, the principle of distinction between civilians and combatants was irrelevant to the events of 2011, since these events did not constitute a traditional war. Instead, for these people, what happened was a “rejection” or a “social revolution”: a movement of the entire population of Libya against Qaddafi. Thus, because the population was aligned against Qaddafi, it made little sense to distinguish between the various people involved in that movement and to designate some as civilians and others as combatants.

In Gaza, the vast majority of interviewees felt that Gaza’s “resistance” is not a traditional military and therefore its members are not traditional soldiers or combatants.¹⁶⁷ According to a government official in the Ministry of the Interior, civilians and members of the resistance should be put into one category. “We don’t have a military,” he said. “Even those who carry weapons, who have been obliged to carry weapons for self-defense—the minute the occupation is over they will give up their weapons.”¹⁶⁸ He continued, “[The resistance] never graduated from military schools, and they have no real training. All of the people who work [as the resistance] have day jobs. They are doctors, engineers—not soldiers, not military. They are just part of the civilians who organized themselves.”¹⁶⁹

Finally, the overwhelming majority of Somalis identified themselves as civilians, regardless of their role in the conflict. When interviewees were asked to define civilians, many simply said, themselves.¹⁷⁰ Even those who had served with al-Shabaab said they were civilians. For instance, a 20-year-old man who had served in al-Shabaab after being forcibly recruited described himself as a civilian, and continued, “Civilians should be protected—but who will accept that? Starting with me—and women, children, the like. We are the vulnerable.”¹⁷¹

Implications of Legal Status

As discussed above, experts and policymakers have been engaged in an intense debate over how individuals should be legally classified in war, whether as combatants or civilians, or as civilians who are directly participating in hostilities. Usually, this debate centers on which individuals may be targeted during war. Yet CIVIC’s interviews suggest that an individual’s legal status in war has a number of important implications that go beyond targeting. Indeed, if a civilian becomes involved in conflict—whether voluntarily or not—this has the potential for long-term implications such as those related to legal redress, safety, financial assistance for injuries or property damage, or even international sympathy. Considering the full range of these implications is outside the scope of this report and thus the issue is not addressed in the case studies; however, this section briefly considers the implications of status that were raised by interviewees.

In Bosnia and Gaza, interviewees reported that an individual’s status during war can affect the likelihood that his or her legal claim for redress will be lodged against a warring party. An employee of a local human rights organization in Gaza explained that unless he can be “100 percent sure” that a victim was a civilian who was not involved in hostilities, he does not bring any allegations to the Israeli justice system on his behalf.¹⁷² An employee of an

¹⁶⁶ Interviewee 14: Bosnia.

¹⁶⁷ “Resistance” is a term used by Palestinians in Gaza to refer to fighters in any of the armed factions in Gaza, such as the Qassam brigades of Hamas, the Al-Quds brigades of Islamic Jihad, and the Abu Ali Mustafa Brigade of the Popular Front for the Liberation of Palestine.

¹⁶⁸ Interviewee 41: Gaza.

¹⁶⁹ Ibid.

¹⁷⁰ Interviewees 31, 32, 38, 41, 42, 43, 44, 45, 48, 49, 50, 51, 54, 56, 61, 64, 66, 78: Somalia.

¹⁷¹ Interviewee 54: Somalia.

¹⁷² Interviewee 21: Gaza.

organization in Bosnia that represents victims' families in judicial proceedings shared this approach. "We have had to turn down many, many cases," she explained. "There hasn't been any positive judgment when it comes to combatants. For the cases dealing with combatants, they see it as a fair fight between soldiers."¹⁷³

In Bosnia, Libya, and Gaza, interviewees reported that an individual's status during war can also affect eligibility for financial benefits or property reconstruction after the end of hostilities. For instance, several Bosnians noted that participating in the conflict, either in regular or irregular armed forces, made Bosnians eligible for veteran pensions after the war.¹⁷⁴ Interviewees in Libya reported that rebel fighters there were eligible for pensions through a similar system.¹⁷⁵ By contrast, a member of a political party in Gaza expressed his belief that if an individual were listed as a non-civilian "security risk" during Cast Lead, his property would not be eligible for reconstruction under the criteria of certain international organizations.¹⁷⁶

According to Somali interviewees, an individual's status during the conflict can have serious implications after he or she flees the country, in terms of both refugee status and general safety. A Somali man who had served as liaison between refugees and international organizations in Dadaab Refugee Camp in Kenya discussed the general perception of refugees. "If they were involved with any armed group, people believe they can lose their privileges as refugees—rations, water, food, medication," he said.¹⁷⁷ According to a UNHCR official, refugee status would not generally be at stake for Somali refugees in Kenya, as it is granted on a *prima facie* basis. Still, he said, anyone who has been somehow involved in an armed group is "correct to be concerned," as "maintaining the civilian character of refugee camps is a top priority for UNHCR and for the government of Kenya." He continued, "If you are perceived to have been engaged in combatant activities, your refugee status will attract additional scrutiny."¹⁷⁸ Somali refugees said they were also concerned about the treatment they could receive at the hands of the Kenyan authorities if they were found to have been involved with an armed group. According to the refugee liaison from Dadaab, "The law [Somali refugees] fear is the Kenyan law. . . . Under the terrorism law in Kenya, people can be shot for involvement [with a listed terrorist group]."¹⁷⁹ This fear, the interviewee explained, leads to an atmosphere of secrecy and fear. "Nobody can reveal their past lives in Somalia," he said.¹⁸⁰

Finally, interviewees in Bosnia and Gaza noted that the status of those killed during a conflict affects international sympathies and historical narratives. A man from Srebrenica noted that this issue arose when the Dutch government issued a report covering its actions during the Srebrenica genocide. He explained, "[The Dutch] said the majority of men and boys were armed. I said this was not true. . . . How can you make such a mistake? I think this was a deliberate attempt to revise history, to portray civilians as combatants to make it seem like they had not failed civilians."¹⁸¹ On a similar note, a local journalist in Gaza explained how he felt the Israeli government takes advantage of the possibility that a journalist was not a civilian. "All [Israel] has to do to justify the local killing is say that the journalist worked for an armed group. That's all they need to say, and the internationals will ignore [the death]," he said.¹⁸²

173 Interviewee 15: Bosnia.

174 Interviewees 10 and 11: Bosnia.

175 Interviewee 15 and 17: Libya.

176 Interviewee 20: Gaza.

177 Interviewee 57: Somalia.

178 Interviewee 77: Somalia.

179 Interviewee 57: Somalia.

180 Ibid.

181 Interviewee 5: Bosnia.

182 Interviewee 35: Gaza.

III. CONCLUSION

This report addresses one of the most debated issues in contemporary warfare: how civilians are involved in armed conflict. Given its complexity, it is a challenge to tackle this issue in one study—and it is particularly difficult to make any generalizations on how civilians experience and perceive involvement during war. Nevertheless, CIVIC believes that in order to formulate effective rules and policies to strengthen civilian protection, military commanders, government officials, lawyers, humanitarians, and academics must acknowledge and understand the “people’s perspectives” on civilian involvement in war. The firsthand accounts and views highlighted in this report can inform the debate on civilian participation and provide an important backdrop to the discourse on strengthening civilian protection. CIVIC urges experts and policymakers to draw on the findings of this research, which would enrich future discussions about the scope and nature of civilian involvement in conflict and bring about a deeper appreciation of the need to strengthen the protection of civilians.

Six points merit particular consideration. First, civilians are becoming involved in conflict in numerous and complex ways. Their modes of involvement range from fighting, to providing logistical support, to covering military activities in the media. Indeed, as warfare has evolved and modernized, it seems the opportunities for civilian involvement have evolved correspondingly. Second, civilians become involved in conflict for reasons they believe to be justified. These decisions can be tied, for example, directly to civilians’ survival, a duty they feel toward their nation, or a desire to elevate their status in society. Third, civilian involvement is not always voluntary. While some civilians become involved willingly and proudly, others are forced to do so, despite hoping for nothing more than to stay out of the fighting. Fourth, civilians have many different interpretations of what it means to be a civilian, and these interpretations are informed by various, often local frameworks, including clan law, religious law, and international humanitarian law. In developing relevant policies and protection strategies, policymakers should take full account of these local differences. Fifth, people who have experienced conflict face a multitude of challenges in classifying civilians and combatants into discrete categories. Finally, individuals’ legal status during war can affect their lives long after the conflict ends—determining whether they receive a pension or a day in court, whether they are safe in the country to which they flee, and even, when they are injured or killed, whether the international community reacts with indifference or sympathy.

This study attempts to reflect the perceptions and experiences of people who have lived through four distinct armed conflicts. The realities illustrated in this report—of meaningful motives, desperation, and survival—beg the question of whether the current discussion sufficiently encompasses the actual experience of war for those who live amidst it. Experts and policymakers engaged in the debate over civilian participation in war would do well to engage with these realities and to consider the limited options and tough choices faced by civilians during war. We hope they will also empathize with those who shared their stories for this report.

RECOGNIZE. PREVENT. PROTECT. AMEND.

About the report

The laws of war prohibit the intentional targeting of civilians. This principle, known as civilian immunity, is the cornerstone of international humanitarian law. Yet this immunity is not absolute: civilians are immune from being targeted unless and for such time as they take a direct part in hostilities. Thus, a civilian may be lawfully targeted while directly participating in hostilities.

Military commanders, government officials, lawyers, humanitarians, and academics have engaged in a heated debate over how this rule should be implemented. In their debates—primarily focused on definitions, legal obligations, and criteria for targeting—they have argued about such key questions as which activities should qualify as direct participation and when a civilian should lose and regain legal immunity from direct attack.

In all of these discussions, the views of one group have been largely absent: civilians in conflict-affected countries. For these civilians, the issues of participation and protection during war are not abstract problems, but instead are a matter of life and death. As a step toward addressing this gap in the discourse, Center for Civilians in Conflict carried out the People's Perspectives study on civilian involvement in armed conflict. This study is based on more than 250 interviews with individuals who have lived through conflict in Bosnia, Libya, Gaza, and Somalia. By shedding light on their perspectives and experiences, this study endeavors to inject civilian voices into this conversation about “the civilian”—and to ensure that this critical debate about warfare in the 21st century is inclusive of those most likely to be affected by its outcomes.

About Center for Civilians in Conflict

Center for Civilians in Conflict (CIVIC) works to make warring parties more responsible to civilians before, during, and after armed conflict. We are advocates who believe no civilian caught in conflict should be ignored, and advisors who provide practical solutions to prevent and respond to civilian harm.

The organization was founded as The Campaign for Innocent Victims in Conflict in 2003 by Marla Ruzicka, a courageous humanitarian killed by a suicide bomber in 2005 while advocating for Iraqi families.

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