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**International badge protection
"The Red Cross"****Yasser Taha Yassin**

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Abstract---The great difference in the concept of armed conflicts. Since most of them At the moment are non-international armed conflicts, If these disputes are based on sometimes overcome between the regular armies of states and groups of rebels of the same state or between two such groups among themselves, often these groups have A Policy scorer or economical or social and seeking to achieve them in all possible ways and Means. Due to the spread of these Disputes In the region, in many countries, including Yemen, Libya, Syria and others, the number of casualties among civilians or those under their rule continues to increase, and even the number of casualties among medical workers, volunteers working in the National Societies of the International Red Cross and Crescent Movement, while providing medical and relief services to civilians affected by these conflicts has increased alarmingly and terrifyingly Brutality, In The Country That Place of disputes It is increasing day by day. Therefore, in our research, we address the nature of the use of the distinctive emblem, whether as a means of protection or a means of indication. Identification of cases of misuse of the badge and mechanisms for avoiding bad use.

Keywords---International, Red Cross, emblem

Introduction

International humanitarian law seeks to alleviate unnecessary suffering during wars and aims to protect those affected by armed conflicts, whether civilians or even military when they lay down their weapons and become civilians if they are injured, sick or captured during military operations, and protect those who provide first aid to those wounded, sick and drowned on the battlefield. From the medical services of the armies, Therefore, they should have been distinguished by a badge that distinguishes them from those who carry out hostilities and provides them with protection from targeting during battles.

In the past, armies had badges to distinguish their military medical service, but they did not have the legal cover that protects them internationally, Which led to its disrespect by the armies, where the armies may respect and distinguish the badge of the Military Medical Services of their state, but there is nothing to force them to respect the badges of the enemy party and may not be able to distinguish them at times, The number of deaths has been increasing dramatically as the weapons used in combat have evolved with the progress of time in a frightening way, And it went on like this until (24) June (1859) During the Italian Unification WarsE, When he was " Henry Doonan " He is a citizen of Switzerland on a special trip that led him to the city of " Solferino " Which was a field of war and saw more than (45000) A soldier who was left in the field and fell between dead and wounded Henri Dunant, a Swiss businessman who was traveling in northern Italy, drew attention to the large numbers of injured and those who were left without care, Upon his return to Switzerland, he began writing his book souvenir of solfarino, which he published a year (1862), He made two suggestions:The formation of volunteer groups in each country in peacetime that take care of the wounded during the war.

Urge countries to agree to provide protection for relief volunteers and the wounded on the battlefield.

The first proposal led to the creation of national societies that currently exist in (183) Countries, While the second proposal is the basis for the Geneva Conventions to which it is a signatory (192) and A state to this day. ([1](#))

And in(17) February (1863), A five-member committee met, Which in the future became the International Committee of the Red Cross, To study suggestions "Donan". Among its main objectives was the adoption of a single distinctive sign supported by law to indicate respect for the medical services of the Army, volunteers of relief associations and victims of armed conflicts. This Badge should be simple, recognizable to everyone, remotely distinguishable and universal, i.e. one badge approved by everyone.

At the first international conference held in August (1863) The badge of the inverted Swiss flag was adopted (Red Cross on a white background) In honour of the efforts of Henri Dunant in laying the foundation of international humanitarian law and because Switzerland had meanwhile established the principle of permanent neutrality and applied it in good faith, Adopted by the first Geneva Convention in 1864.

In general (1929) After the first World War, the Diplomatic Conference was held to review the Geneva Conventions, during which, after long deliberations, the request of the Ottoman Empire, Egypt and Persia to use the emblem of the Red Crescent, the Red Lion and the sun was approved, and its use was limited only to these three countries. In general (1980) The Islamic Republic of Iran announced that it has waived its right to use the Red Lion and the sun and that it will adopt the Red Crescent as a distinctive symbol in the future. And it reserves the right to refer to it in case other badges are recognized in the future. To find a solution to the various issues that the committee has faced in the issue of the badge over time, the conference was held in December (2005) Adoption of the Third Additional Protocol to the Geneva Conventions, which provided for the adoption of a new badge to be added to the badges of the Red Crescent and the Red Cross, a badge "The Red Crystal" Which helped countries that did not want to adopt the two basic symbols to join the Geneva Conventions(2).

Over the centuries, these badges have played a crucial role in the application of the rules of international humanitarian law and this role has evolved, as the main purpose of their use was to distinguish the medical services attached to the armies and because of the success achieved, they have become widely used, we will come to explain it in detail during our research and this At the same time, it led to an increase in cases of abuse and an increase in violations on the other hand.

The basic rules governing the use of the emblem as well as designations are given (The Red Cross, the Red Crescent, And the Red Crystal) In the following instruments(3):

- The first Geneva Convention: Materials (38-44), (53), (54).
- The second Geneva Convention: Materials (41)- (45).
- Fourth Geneva Convention: Materials (18)–(22).
- Additional Protocol I: Materials (8), (18) ,(38), (85), The supplement (1)
- Additional Protocol II: Article (12)
- Additional Protocol III: Materials (1– 7)
- Badge usage list of the year (1991): It is precisely this regulation that is binding on national associations, However, the ICRC and the International Federation have pledged to apply the rules of the regulation to the maximum extent possible. (4)

It is worth paying attention today to the significant change in the concept of armed conflicts, as the armed conflicts taking place today are the most non-international armed conflicts, where these conflicts are most often either between the regular armies of states and groups of rebels from the same state or between two groups of these groups among themselves, and the most brutal of these conflicts Because most of the time these groups have political, economic or social

goals and seek to achieve them by all possible ways and Means, on the one hand, and on the other hand, the political considerations of the state that is a party to such conflicts enter into an attempt not to Granting these groups any form of legitimacy is an obstacle to the application of international humanitarian law and therefore an obstacle to the protection of places and people protected under this law. Due to the spread of these forms in the region in many countries, including Yemen, Libya, Syria and others, and the continuing increase in the number of casualties among civilians or those in their power, the number of casualties among medical workers, volunteers working in the National Societies of the International Red Cross and Red Crescent Movement, while providing medical and Relief Services, has increased alarmingly For civilians affected by these brutal conflicts, In a country that Like Syria Iraq, Yemen and Libya The ICRC has repeatedly called for the protection of these workers and volunteers who have been working day and night since the outbreak of the crisis in Syria to this day in coordination with the ICRC to help those affected by the hostilities in the region.

Chapter one

Using the distinctive badge

With the development of time, as mentioned earlier, the international badge is no longer only the distinctive sign of the protection of medical services of armies, but its use has expanded with the emergence of national societies of member states. The badge has two uses: it is used for protection during armed conflicts and is used to denote and introduce the National Assembly and its activities.

The distinction between the use of the emblem for protection and its use for indication did not exist before, it was not provided for by the previous Geneva conventions starting with the Geneva Convention of 1864 On improving the condition of the wounded in the field and accordance with the Geneva Convention for the year 1906 It is not provided for in the Geneva Convention of 1929 Improving the condition of the wounded and sick in the field. It was the beginning of the distinction between the two uses in the four Geneva Conventions of 1949, Specifically in the first and second agreements in the two articles (44,44) From each agreement(5).

The first research: Using the badge as a means of protection

The primary purpose of using the badge is protection as the badge represents The use of the emblem for protective purposes is the visual manifestation of the protection guaranteed by the Geneva Conventions to personnel, units and means of transportation of medical services (6). The use of the distinctive emblem as a means of protection is a way to inform combatants that people, Medical Units or means of transportation of various types are protected under the four Geneva Conventions for the year 1949 One of the most important consequences of this is the reluctance of participants in the fighting to target these people or objects(7).

Of course, a medical unit that does not use a protective badge is not completely safe. The protection badge must be visible to give full protection services to Medical personnel in the Armed Forces of states.

Therefore, it must be of large dimensions proportional to the object that distinguishes it. Such as crosses, huge crescents painted on the roofs of hospitals or the deck of ships, the coat of arms and back jackets worn by protected personnel of the Armed Forces.

And the badge protects Mobile medical units and stationary medical facilities of the army and relief associations⁸. Medical units and medical service personnel belonging to associations of countries neutral to one of the parties to the conflict⁹. Medical and religious service personnel permanently employed in armies and relief associations, This includes administrative staff¹⁰. Temporary employees of the medical services of the armed forces while carrying out medical tasks with special armbands¹¹. Army Medical Missions and Relief Societies¹², Medical transports or medical vehicles and aircraft¹³.

And the organizations authorized to use the protective badge during hostilities are :

First: Army Medical Services.

Second: International Committee of the Red Cross: Its employees are authorized to use the badge at all times.

Third: Recognized relief associations that provide their assistance to medical services in the army, According to article 26 (National societies in particular). National societies are not the only organizations allowed to use the protection badge, governments can allow other Relief Societies to use the badge for protection. It should be clear that all these associations can use the protective badge only to protect their missions and employees assigned to work with the armed forces to assist with the wounded and sick of their members (Article 26).

Fourth: Civilian hospitals and other health units recognized as such by the government and authorized to use the emblem as a means of protection (Ambulance centres and ambulance vehicles).

The second research: Using the badge as a signifier

The second use of the badge is to indicate that a person or something is related to the International Red Cross and Red Crescent Movement. the widest use of the badge for indication is the symbols of national societies that show the badge accompanied by the name of the National Society or the initials of this name and is used to denote activities, individuals or things related to the National Society.

The article states (44) the first Geneva Convention on "National Red Cross societies may (Or the Red Crescent or the Red Lion and the sun) To use in peacetime, by its national legislation, the name and emblem of the Red Cross in its other activities consistent with the principles established by the international conferences of the Red Cross. In the case of the pursuit of such activities in wartime, The use of the emblem is such that it cannot be considered as granting the protection required by the convention, the badge has relatively small dimensions, They may not be placed on ARM marks or the roofs of buildings".

In terms of design, the article stated 5 From the list of badge usage by year (1991) On "The emblem used for protection remains in its original form, for example, nothing is added to the cross or crescent on a white ground. The Cross consists of two parts, one vertical, in the middle of which the second horizontal part is crossed. As for the shape and direction of the Crescent, they are not specific. Also, the cross or crescent should not touch the ends of the banner or shield, the shade of red is not specified, and the floor should always be white, The badge used for identification must be accompanied by the name of the National Assembly or the initials of the name. There should be no drawings or writing on the cross or crescent, each of which remains the predominant element on the emblem, while the floor always remains white. National societies refrain from displaying the badge when they carry out activities that are only loosely related to their original mission(14)

All necessary measures must be taken to prevent the misuse of this Badge, because any abuse reduces due respect and trust, even if it is done in peacetime, as this contributes to the occurrence of abuse in wartime, which may endanger the lives of those who use the badge or the lives of people and their safety or the things it is intended to protect, as it is The badge is highly respected in wartime if its protection is effective in peacetime(15).

The badge shall not be placed on the signs of the arms, on the roofs of buildings, or even on the flags, and the name of the National Assembly or its initials shall be attached to the badge(16).

According to the article (44 Paragraph 2) From the first Geneva Convention, the use of the emblem serves to remind us that the above-mentioned institutions operate following the basic principles of the Red Cross Movement(17).

First: Badge of affiliation

This Badge, when accompanied by the name of the National Association, indicates that someone or something belongs to the National Red Cross or Red Crescent Society, The badge may appear in this form on the flag or a plate with a number, Or on a distinctive sign for employees, However, the resolutions adopted by the international conferences of the Red Cross recommended that national societies authorize their members or employees to wear the badge only during their working hours so that abuse can be avoided(18).

Second: Decoration badge

Under article (3) It is allowed to use the badge for decorative purposes, on the occasion of the celebration of public events, or it is allowed to put it on materials aimed at the development of the National Assembly and the movement, such as films, media releases, medals, decorations and symbolic memorabilia. Greater freedom in design is allowed for this type of use provided that it is not prohibited by national legislation. In addition, the badge used as a means of indication should be displayed as closely as possible with the decorative design.

Third: The hint badge

The badge is considered indicative when it appears on first aid stations or ambulances that do not belong to the National Assembly but are intended for the treatment of emergency cases that are provided free of charge to civilians or patients with a license from the National Assembly, Such as First Aid posts on highways with this indirect allusive sign.

Chapter two

Misuse of the distinctive badge and ways to reduce abuse

Armed conflicts led, As a result, a lot of blood has been shed in several regions of the world, To pay special attention to one of the fundamental problems of humanitarian action in wartime, Namely, how to ensure due respect for badges that provide protection to victims of violence and to those who come to their aid.

In general 1864 The Geneva Conventions adopted a unified distinctive sign of the medical services of the Armed Forces as a means of improving the protection of wounded soldiers and medical personnel, However, almost one hundred and thirty years later, the protective value of the badge began to weaken due to two factors, Are the misuse of the badge and its multiplicity.

The loss of these lives and the unnecessary suffering caused by this situation have always been, The main causes of concern for the International Red Cross Movement, for which absolute respect for the emblem is at the forefront of the challenges it has to face. Instead of paying attention to views on the symbolic value of the Red Cross and Red Crescent, Priority should be given to supporting the protective value of the emblem, as the scope of protection provided by international humanitarian law can lose much of its usefulness in the absence of due respect for the emblem, And the conditions governing their use⁽¹⁹⁾.

And I knew the material (53) From the first Geneva Convention 1949 Meaning of misuse of the badge " Individuals, associations and commercial institutions are prohibited at all times, Both public and private, Who are not authorized under this agreement, Use of a badge or label " The Red Cross " Or " Cross of Geneva ", Or any sign or label that implies an imitation thereof, Whatever the purpose of this use, Whatever the date of its approval.

Due to the adoption of the inverted colours of the flag of the Swiss Confederation in recognition of Switzerland, Because of the confusion that may arise between the Swiss emblems and the distinctive convention emblem, Individuals, associations and commercial establishments are prohibited at all times from using the emblems of the Swiss Confederation, Or signs involving imitation of her, As registered marks or trademarks or as part of such marks or for a purpose contrary to commercial honesty or in cases that may hurt Swiss national feeling.

In other words, it can be said that everything that does not involve the specific uses of the badge under international conventions, in particular the Geneva Conventions and their protocols, is considered an illegal use of the distinctive

badge International humanitarian law also requires each state party to the Geneva Conventions to take measures to prevent and suppress the misuse of the emblem, both in wartime and in peacetime, and to enact a law ensuring the protection of the emblem.

The first research: Cases of misuse of the distinctive badge

Concerning the four Geneva Conventions of 1949 And its two additional protocols a year 1977 We see that It is considered an abuse of the badge, any use of it is not authorized by international humanitarian law and there are three types of abuse ([20](#)):

1. Tradition 2. Rape 3. Treachery

First: Tradition

It implies the use of a sign that can be confused with a badge as a result of similarity in shape, colour, or similarity of both([21](#))

Second: Rape

It means the use of the emblem by bodies or persons who are not entitled to use it)Commercial establishments, Pharmacists, Doctors, Non-governmental organizations, Private individuals, Etc), It is also considered a violation of the badge to use it by persons authorized to use it normally in violation of the rules provided for in the conventions and protocols([22](#)).

Third: Treachery

These are actions that, for killing, harming or arresting, arouse the feelings of goodwill of the opponent, while the intention is to deceive him, through the use of a distinctive badge to claim protection([23](#))

The use of the emblem in wartime is meant to protect fighters or military equipment the treacherous use of the emblem constitutes a war crime in both international and non-international armed conflict. International humanitarian law has a strict position on perfidious acts committed during armed conflicts, unlike in the case of war tricks, The Prohibition of treachery and the permissibility of tricks ([24](#)). The following actions are considered perfidy:

1. Demonstrating the intention of negotiating under the flag of the armistice of surrender.
2. Feign incapacity from wounds or illness.
3. Pretending to be a non-combatant civilian.
4. Demonstrating a protective status by using neutral badges, signs or uniforms of the United Nations, a neutral state, or other states that are not parties to the conflict.

Both imitation and rape can be imagined in cases of peace and war, but treachery with the badge can only be imagined in cases of war, This is what distinguishes

treachery as one of the cases of serious abuse of the badge, and it is one of the most serious cases of abuse. Because the badge, in this case, is larger, it is also about using them to achieve the first purpose of protecting people and objects in time of war (25).

Misuse of the emblem for protection purposes in times of war endangers the protection regime established by international humanitarian law. Either the misuse of the badge for semantic purposes leads to a loss of its status in the eyes of the public, or its protectionist value is thus weakened in times of war.

The state parties to the Geneva Conventions have undertaken to enact penal legislation that will prevent and suppress the misuse of the emblem in wartime and peacetime (26).

The second research: Ways to reduce the misuse of the distinctive badge

The conventions have established the rules for the protection of the wounded, sick, shipwrecked, prisoners and civilians in times of armed conflicts. Because of the utmost importance attached to this matter, the conventions provided for the protection of the insignia of the Red Cross and Red Crescent from misuse or use in any form of treachery, whether this occurred in peacetime or wartime. (27)

Having identified the illegal uses of the badge, whether it took place in peacetime or wartime, he came up with a set of legal rules that call for taking legal measures and procedures to deter these illegal uses at the international and national levels. This is because punishment is an integral part of every integral legal entity. (28)

The Geneva Conventions refer to the (1949) Additional protocols for the year (1977). There are two categories of violations:

1. Violations are described as serious violations of international humanitarian law and the state is obliged to suppress them criminally (29).
2. These are violations that do not represent serious violations and the state is obliged to stop them only without specifying the method of its intervention.

This same division of violations applies to violations of the regime of use of the distinctive emblem in international humanitarian law. There are violations of the first category and the state is obliged to criminally deter them, such as those mentioned in Article (85) of the First Additional Protocol of the year (1977), which was mentioned earlier and related to the suppression of violations of the conventions and this protocol, which enumerated serious violations and mentioned among them "Treacherous and illegal use of the substance (37) "For the distinctive sign of the Red Cross, the Red Crescent, the Red Lion and the sun or any other signs of protection approved by this protocol.

As for the violations of the second type, which countries are obliged to stop without specifying the method of their intervention, it also applies to the system of using the badge, and there are many violations of the rules for using the badge

that was demanded to stop them only without specifying the means, The state is left with a discretionary power to determine the method it deems appropriate.
First: Prohibition of abuse:

There are two levels of prohibition and suppression of misuse of the badge:

1. International bans:

At the international level, international humanitarian law has given jurisdiction to the International Criminal Court to consider serious violations, which are called war crimes in the Rome Statute, as stipulated in Article 8 Of the system. This article explains in its second paragraph the meaning of war crimes as serious violations of the Geneva Conventions dated (12) August (1949), Serious violations related to international badges are provided for in paragraph (B) From the same article in detail.

However, the principle of complementarity with which the ICC operates gives priority to the suppression of these crimes to National Criminal Justice, Jurisdiction does not transfer to the International Criminal Court When national courts are ineffective to ensure that justice is achieved. (30)

1. At the internal level

The Geneva Conventions give (1949) and Additional protocols (1977) An important role of the national legislator, By taking appropriate and appropriate legislative measures and imposing effective penal sanctions on persons who commit serious violations of international humanitarian law.

The states parties to the Geneva Conventions have undertaken (1949), The enactment of national penal legislation to deter any misuse of the badge in the military penal code in times of armed conflict (31).

In this regard, national societies play an important role as they can bring to the attention of the authorities any misuse of the badge that they may notice Since the relevant authorities alone cannot remedy the situation (32).

F Whenever a country has national legislation in the field of badge protection and information campaigns are conducted to disseminate these legislations, the better the way to prevent violations and to ensure respect for the badge. (33)

Second: Preventive measures for abuse

All necessary measures must be taken to prevent the misuse of the distinctive emblem, because any abuse reduces due respect and trust, even if it is done in peacetime, as this contributes to the occurrence of abuse during armed conflicts, which endangers the life of the one who uses the emblem or emblem or the life and safety of the people or objects it is intended to protect(34).

The first Geneva Convention, in its article (54) Of which as "If their legislation is insufficient, to begin with, the High Contracting Parties shall take the necessary measures at all times to prevent and suppress any abuse. (35)

One of the preventive measures is the publication of texts on the use of the distinctive emblem contained in the Geneva Conventions, It is also considered as one of the measures for all, whether they are civilians or members of the armed forces, that states strive to integrate international texts related to the provisions of the use of the emblem and its manifestations of abuse into the core of their national laws, or preventive measures can be taken by preparing qualified personnel, whose main function is to facilitate the application of the four Geneva Conventions and Additional Protocol I, and this should be by A way to draw the attention of government authorities to cases of misuse of the Red Cross and Red Crescent emblems(36), Or the training of legal advisers, whose duty it is to advise military commanders(37) Regarding the optimal use of the badge, and the Prevention of abuse of that use.

3- Abuse suppression and sanctions

According to the general rules within the framework of the legal norm, in any regulation of a particular issue, the text criminalizing an act must be accompanied by a sanction imposed on those who violate or violate the legal rules allocated to that issue, as legal protection remains deficient and ineffective unless there is a sanction ensuring respect for it and not deviating from it(38).

And the punishment is a sanction established by law in the interests of society in the implementation of a judicial verdict on those found responsible for the crime, to prevent the crime from being committed again by the criminal himself or by other citizens.

The regulation of the use of the distinctive emblem, like any particular legally regulated issue, requires a sanction imposed on violators of the rules related to the use of this emblem, which ensures its respect and non-derogation.

Conclusion

If it means that the bearer enjoys the special protection provided by international humanitarian law, but the protection of the bearer ceases in the event of participation in any of the hostile operations harmful to the enemy.

Recommendation

1. strengthen national laws that protect ambulance services and coordinate better with the authorities, the armed forces and others, Adoption of best practices - Such as avoiding the use of armed escorts for civilian ambulances.
2. ensure that employees receive appropriate training and receive appropriate equipment
3. building trust within local communities.

4. promoting the adoption and implementation of national legislation on the Red Cross and Red Crescent emblems by providing sanctions against those who misuse them
5. raising awareness of the terrible human cost of violence against healthcare staff and facilities around the world. Instilling a culture of responsibility among all stakeholders
6. the commitment of volunteers working on the ground, especially those providing services in the burning areas on the battle lines, to the rules of safe access, non-complacency with these rules and non-recklessness with the Basic Rules of protection.
7. promote understanding of the problems faced by health care providers in general, identify good practices and formulate recommendations to ensure the safety of health care providers

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