

CHAPTER ELEVEN

WAR CRIMES

1. WAR CRIMES IN INTERNATIONAL CRIMINAL LAW

The system of international criminal law has developed the concept of war crimes on many occasions. War crimes were essentially categorized in the constitution of the International Military Tribunal for the Prosecution and punishment of the Major War Criminals. They were the only international crimes in the procedures of the Nuremberg Tribunal which were not juridically speaking retroactive and had some origin in the customary and conventional international criminal law. The development of this type of international crime in the positive international criminal law may be divided into five constructive periods, which are particularly important in the recognition and legal characterization of certain acts as constituting war crimes.¹ This development has not been effective in the prevention and prohibition of the commission of certain acts during armed conflicts. The development has rather a helpful function and effect in the establishment and consolidation of certain principles of ICC which exercises jurisdiction over the perpetrators of crimes against humanity, genocide and war crimes.²

1.1. *The First Development*

The first development toward the regulations of rules of war was under the 1907 Convention IV, Respecting the Laws and Customs of War on Land. According to this Convention any attack or bombardment for whatever purpose on dwellings, villages, towns or any building which is undefended is prohibited. The Convention also prohibited the

¹ It must be emphasised here that violations of other international criminal conventions may also be recognised as constituting war crimes, but because of their broad application, we have mentioned them in other relevant sections.

² A clear example is the establishment of the United Nations Committee (1992) in order to investigate the creation of a temporary international criminal tribunal over the perpetrators of war crimes in Yugoslavia.

commission of other acts in war time.³ These imposed certain responsibilities on the conflicting parties concerning the prohibition of attacks on the life of non-combatants and the property of municipalities, damages to the institutions of religions, charity and education, works of art and historic monuments.⁴ The 1907 'Convention integrated natural law and customary law into international conventional law and it was a step towards the creation of international humanitarian law.⁵ It is from this time that the international conventions open the door for the direct recognition of the existence of a legal body for the protection of the civilisation of the world in the beginning of the twentieth century.

1.2. *The Second Development*

The second development on the recognition of war crimes occurred after the First World War in the Preliminary Conference of Paris in 1919. This Peace Conference established a Commission to investigate which acts constituted violations of the rules of war and were therefore war crimes. The Commission enumerated thirty two acts as constituting war crimes, many aspects of which overlap with the concept of war crimes in Islamic international criminal law.⁶ In order that one can examine the similarities between the war crimes in these two legal systems we are obliged to list them here.⁷ It must however be emphasised that the below list is more representative of customary international criminal law than conventional law. The reason being that international conventional criminal law governing the law of armed conflicts had not yet been developed at that time. These are:

- (1) Murders and massacres; systematic terrorism.
- (2) Putting hostages to death.
- (3) Torture of civilians.
- (4) Deliberate starvation of civilians.
- (5) Rape.

³ Article 25.

⁴ Articles 46, 50 and 56.

⁵ Malekian, *International Criminal Law*, vol. I, p. 105.

⁶ See *infra*.

⁷ The United Nations War Crimes Commission, *History of the United Nations War Crimes Commission and the Development of the Laws of War* (1948), pp. 34–35. See also Malekian, *International Criminal Law*, vol. I, pp. 106–107.

- (6) Abduction of girls and women for the purpose of enforced prostitution.
- (7) Deportation of civilians.
- (8) Internment of civilians under inhuman conditions.
- (9) Forced labour of civilians in connection with the military operations of the enemy.
- (10) Usurpation of sovereignty during military occupation.
- (11) Compulsory enlistment of soldiers among the inhabitants of occupied territory.
- (12) Attempts to denationalize the inhabitants of occupied territory.
- (13) Pillage.
- (14) Confiscation of property.
- (15) Exaction of illegitimate or of exorbitant contributions and requisitions.
- (16) Debasement of currency, and issue of spurious currency.
- (17) Imposition of collective penalties.
- (18) Wanton devastation and destruction of property.
- (19) Deliberate bombardment of undefended places.
- (20) Wanton destruction of religious, charitable, educational and historic buildings and monuments.
- (21) Destruction of merchant ships and passenger vessels without warning and without provision for the safety of passengers and crew.
- (22) Destruction of fishing boats and relief ships.
- (23) Deliberate bombardment of hospitals.
- (24) Attack on and destruction of hospital ships.
- (25) Breach of other rules relating to the Red Cross.
- (26) Use of deleterious and asphyxiating gases.
- (27) Use of explosive or expanding bullets, and other inhuman appliances.
- (28) Directions to give no quarter.
- (29) Ill-treatment of wounded and prisoners of war.
- (30) Employment of prisoners of war on unauthorised works.
- (31) Misuse of flags of truce.
- (32) Poisoning of wells.
- (33) Indiscriminate mass arrests (added by the United Nations War Crimes Commission).⁸

⁸ For no. 33 see The United Nations War Crimes Commission, id., p. 478.

1.3. *The Third Development*

The third development in the system of international criminal law regarding war crimes was under the Charter of the International Military Tribunal for the Prosecution and Punishment of Major War Criminals. The Charter originally defined the concept of war crimes and was also the first international organ established by the victorious states which officially used the terminology of 'war crimes.'⁹ This historical definition became an important reason for the development of the concept of war crimes in the system of international criminal law under the Charter of the United Nations and in particular the 1949 Geneva Conventions and its 1977 Protocols.¹⁰ The Charter of the International Military Tribunal in Nuremberg reads that war crimes are 'violations of the laws or customs of war. Such violations shall include, but not be limited to, murder, ill-treatment or deportation to slave labour or for any other purpose of civilian population or in occupied territory, murder or ill-treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns or villages, or devastation not justified by military necessity.'¹¹ The above definition obviously secures its legal applicability by defining its scope under both positive and customary law.¹² The article describes whether war crimes are violations of the laws of war and/or the customary rules of armed conflicts. The enumeration of what acts constitute war crimes have only illustrative purposes and are therefore not conclusive. This means that many other acts may also be recognised as constituting war crimes and give rise to the concept of the criminality of perpetrators.

1.4. *The Fourth Development*

The provisions in the 1949 Geneva Conventions are the fourth development in the recognition of war crimes under the system of international criminal law. These Conventions have not only an important function in the recognition of this category of international crime but also have an important role in the legal framework of international humanitarian law of armed conflicts. These conventions are the 1) the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in

⁹ See Malekian, *International Criminal Responsibility of States*, pp. 62–66.

¹⁰ Malekian, *International Criminal Law*, vol. I, p. 122.

¹¹ Article 6 (b).

¹² Malekian, *International Criminal Law*, vol. I, p. 112.

Armed Forces in the Field, 12 August 1949, 2) the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, 12 August 1949, 3) the Geneva Convention Relative to the Treatment of Prisoners of War, 12 August 1949, and 4) the Geneva Convention Relative to the Protection of Civilian Persons in Time of War, 12 August 1949.¹³

The conventions lay down a number of provisions, the violation of which can constitute war crimes. These crimes include murder, extermination, violence to life, mutilation, torture, humiliating, cruel and degrading treatment, taking of hostages, prevention of aid to the sick and wounded, attacks against medical services and attacks against hospital ships, reprisals against the wounded, the sick and personnel, unlawful acts or omission by the Detaining Power causing death or seriously endangering the health of a prisoner of war, scientific experimentation and any act which is contrary to the normal procedure in hospitals and executions without previous judgment pronounced by a regularly constituted court.¹⁴

These four Geneva Conventions have, in particular, specified that the commission of certain acts in an armed conflict constitute grave breaches. This is a new innovation in the law of armed conflicts. Earlier relevant conventions have not achieved to such identification. Importantly, the grave breaches in the Geneva Conventions are, more or less, similar to those breaches which Islamic international criminal law prohibits during armed conflicts, such as wilful killing and destruction not justified by military necessity.¹⁵

The content of one of the Geneva Conventions exclusively relates to the protection of civilian populations from unlawful armed activities. This subject is developed under the Geneva Convention Relative to the Protection of Civilian Persons in Time of War, 12 August 1949.¹⁶ According to this Convention a number of acts constitute grave breaches under its provisions;¹⁷ Among these are wilful killing, wilful causing of great suffering or serious injury to body or health, torture, degrading and inhuman treatment, including biological experiments, compelling

¹³ *Id.*, pp. 122–141.

¹⁴ *Id.*

¹⁵ See *infra*.

¹⁶ The Convention was signed in Geneva on 12 August 1949 and came into force on 21 October 1950. 75 United Nations Treaties Series, p. 287.

¹⁷ Article 147 along with Articles 50, 51 and 130 is common to the first three of the four Conventions of 1949.

a protected person to serve in the forces of a hostile power, unlawful deportation or transfer or unlawful confinement of a protected person, wilful deprivation of the rights of a protected person to a fair and regular trial, the taking of hostages and the extensive destruction and appropriation of property not justified by military necessity and carried out unlawfully and wantonly.

1.5. *The Fifth Development*

The fifth development of the law of armed conflicts and the recognition of certain activities as constituting war crimes can be examined in the Geneva Protocol I Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts, 12 December 1977 and the Geneva Protocol II Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts, 12 December 1977. These Protocols contain some of the rules of armed conflicts not regulated into earlier conventions. They also have a complementary character regarding subjects which were not clarified by earlier conventions.

Protocol I especially emphasises that the term 'armed conflict' includes those conflicts in which peoples are fighting for the purpose of liberation and freedom from colonial domination and alien occupation and against racial regimes in the exercise of their right of self-determination; as provided in the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations.¹⁸

Some of the important provisions of the Protocol I contribute to the treatment of the sick and shipwrecked in a humanitarian way. The Protocol has especially prohibited (a) medical or scientific experiments, (b) the removal of tissue organs for transplantation and (c) physical mutilations. The Protocol emphasises that medical units shall be respected and prohibits attacks of reprisal against medical personnel, religious personnel and medical units.¹⁹ Other important provisions concern the protection of civilians, civilian populations and civilian property from inhuman attacks, including indiscriminate attacks such as attack by bom-

¹⁸ Resolution 2625 (XXV) of October 24, 1970 of the General Assembly of the United Nations.

¹⁹ Article 20.

bardment, reprisal and an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects or a combination of these activities. The protocol also prohibits attacks on un-defended or demilitarized zones, dams, dykes and nuclear electrical generating stations. Certain persons in special situations should be treated with priority; Such as rape victims, women, pregnant women, and mothers having dependant infants as well as children, who are arrested, detained or interned for reasons relating to the armed conflict.²⁰

Wilful violations of some of the above provisions may be considered as grave breaches, such as attacking civilian populations, installations potentially harmful to civilian objects if damaged or destroyed, non-defended localities and demilitarized zones, transference by an occupying power of parts of its own population into the territory it occupies, or the deportation or transference of the population of the occupied territory, unjustifiable delay in the repatriation of prisoners and racial discrimination or *apartheid* practices.²¹

The Geneva Protocol II Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts of 1977 has a similar characteristic to Protocol I.²² Protocol II however, specifically relates to any 'non-international armed conflict' which may occur due to internal reasons: 'The scope of Protocol II in comparison with Protocol I is very restricted.' Protocol II contains three important humanitarian principles. The first relates to the fundamental guarantees protecting those who do not take a direct part in armed activities.²³ The second concerns those persons whose liberty has been restricted.²⁴ The conflicting parties must respect certain rules regarding persons such as the wounded and sick, who shall be protected and receive medical care, they shall be allowed to practise their religion, women shall be held separate from men, except in the case of family unity and places of internment and detention shall not be located close to the combat zone. The third humanitarian principle relates to the respect of generally recognised principles for penal

²⁰ See Articles 76 and 77.

²¹ See Article 85 of Protocol I.

²² The Protocol was opened for signature in Berne, on 12 December 1977 and came into force on 7 December 1978. U.N. Doc. A/32/144 Annex II; International Committee of the Red Cross, *Protocols Additional to the Geneva Conventions of 12 August 1949*, Geneva, Geneva, 1977, pp. 89–101; 16 ILM (1977), p. 1442.

²³ See Article 4.

²⁴ See Article 5.

prosecutions such as the principle of innocence until proven guilty, the right to defence, conviction on the basis of individual responsibility and the application of the law in force and not retroactive law.²⁵ The Protocol also protects, by various means, medical units and prohibits, in one way or another, attacks on civilian populations and their objects such as agricultural areas for the production of foodstuffs.

1.6. *International Criminal Tribunals*

Some of the concrete reasons for the development of the definition of war crimes in international criminal law are the Statutes of the ICTY, the ICTR and the ICC. All these statutes have been useful in the development and consolidation of the scope of war crimes and their application in international levels. The Statute of the ICTY has particularly dealt with the concept of war crimes in two different articles.²⁶ They concern grave breaches of the Geneva Convention of 1949 and the violations of the laws or customs of war. Grave breaches are like wilful killing, torture and taking civilians as hostages.²⁷ Examples of violations of the laws of war are employment of poisonous weapons, attack, or bombardment, by whatever means, of undefended towns, villages, dwellings, or buildings and the plundering of public or private property.²⁸ Similar rules can be found within the law of the ICTR or the Sierra Leona Court. The Statute of the ICC has also provided a long list of war crimes.²⁹ The Court is entitled to prosecute “the most serious crimes concern to the international community as a whole.”³⁰ This means that the list of war crimes in the Statute have a very significant purpose for the recognition of acts that are not permitted under the system of international criminal law. Significantly, many of the actions listed within the provisions of the Statute overlap with the provisions of Islamic international criminal law.³¹ These are such as grave breaches, torture, wilfully causing great suffering, the extensive destruction of property, deliberately directing attack against civilians or civilian objects, killing wounded who have laid down their arms and deliberately directing attacks against buildings

²⁵ See Article 6.

²⁶ These are Articles 2 and 3.

²⁷ Article 2.

²⁸ Article 3.

²⁹ Article 8 of the Statute of ICC.

³⁰ Article 5(1) of the Statute.

³¹ See the below section.

dedicated to religion, charitable purposes, hospitals and places where the sick and wounded are housed, owing to the fact they are not used for military objectives.

2. WAR CRIMES IN ISLAMIC INTERNATIONAL CRIMINAL LAW

2.1. *Codification*

Islamic international criminal law was, almost, the first system of criminal law to codify rules for the conduct of international and non-international war. Islam provides for the precise rules during a state of war.³² Islamic international criminal law prohibits war between Muslims, Muslims and non-Muslims. The reason for this is that it basically prohibits war and recognises that conflicts between nations must be solved through negotiations, mediation, sending of diplomats, arbitrations and other peaceful means of settlement.³³ The second reason is that Islamic law considers itself a universal law applicable to all social relations between human beings including war, which is morally evil and creates unnecessary suffering.

Islamic international criminal law has, therefore, placed great emphasis on the solving of international conflicts through consultation and

³² The *Qur'ān*, constituting the main source of Islamic law, has devoted a number of verses concerning the law of war. The relevant provisions of Islamic international criminal law must however be analysed and examined with regard to other systems of law principally based on and developed from the rules of war; For example the system of 'law of nations' was created and developed from the rules of war. One can scarcely reject the fact that the rules of war were the main reasons for the creation and development of the international humanitarian law of armed conflicts. The League of Nations and the United Nations were both established because of the events of the two World Wars. A great majority of international criminal conventions have been regulated and ratified as a result of numerous international wars. Although we obviously do not support a state of war as an essential reason in the development of the system of international law, it is also true that most modifications, alterations, abolitions, prohibitions, criminalizations, modernizations and humanizing legal systems have effectively been promoted by the consequences of various wars.

³³ This philosophy and rule can be seen in Article 2(3) of the United Nations, which reads that 'All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice are not endangered.' The provisions of Article 53(1) concerning the Pacific Settlement of Disputes complete the context of the above sub-paragraph. It reads that 'The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.'

negotiation between chief members of both conflicting parties.³⁴ This is, in fact, a tradition of the Prophet Mohammed who prohibited war as long as peaceful agreements could be concluded between the conflicting parties. Yet, even if no agreement could be reached, unlimited war was still not permitted; certain principles such as declaration of war, invitation to cease fire in order to help the wounded persons and a definite human morality, governed warfare.³⁵ Consequently, in the final stage, if a conflict of armed forces occurred the principles of morality and legality had to be respected by the conflicting parties.³⁶

In general Islamic international criminal law, contrary to the system of international criminal law, forbids reprisals and struggles for the maintenance of the principle of proportionality in all time. The *Qur'ān* (the main source of Islamic law) states that 'All prohibited things are under the Law of Retaliation; if then anyone acts aggressively against you, inflict injury on him according to the injury he has inflicted on you, and fear God, and know that God is with those who refrain from doing evil deeds and are righteous ones.'³⁷ Thus, Islamic international criminal law has recognised (as does the system of international criminal law) the right of self-defence and also fundamentally bases the concept of self-defence on the proportionality principle.³⁸ A defensive war can take two forms.

Firstly, the enemy has invaded a Muslim territory. Secondly, the enemy has not invaded any territory but its activities are in contradiction with prevailing conduct.³⁹ The relevant version of *Qur'ān* concerning self-defence emphasises that 'Fight in the path of God against those who fight against you, but do not transgress. Lo! God does not love transgres-

³⁴ Khadduri, *War and Peace in the Law of Islam*, pp. 98–101.

³⁵ Abdullah Allahdin, *Extracts from the Holy Quran and Sayings of the Holy Prophet Mohammad*, 7th ed. (1933), p. 193.

³⁶ See sub-section below.

³⁷ The *Qur'ān*, 2:194.

³⁸ See chapter two, sections 4 and 5.

³⁹ Hamidullah, *The Muslim Conduct of State*, p. 154. According to one writer there may be other reasons for waging a war. These are *i*) a violation of an agreement by a party, *ii*) considering certain religious duties not obligatory such as taxation, *iii*) hypocrisy and *iv*) apostasy. *Id.*, p. 156. Another writer asserts that Islamic international criminal law, in the early days of its development, recognised five different periods regarding the status of war against non-Muslims. These were: '(i) a period of trust, forgiveness and withdrawal, (ii) a second period summoning them to Islam, (iii) a third period of fighting in self-defence, (iv) a fourth period of aggressive fighting at certain times, (v) a fifth period, of aggressive fighting in general or absolute terms.' Al-Ghunaimi, *The Muslim Conception of International Law and Western Approach*, p. 74.

sors.⁴⁰ This version of Islamic international criminal law denotes without doubt respect for the principle of proportionality in all situations. It also indicates the fact that in all situations which end in resorting to military forces, the law of war must be respected. A serious violation of the law of armed conflicts may therefore be recognised as a war crime under Islamic international criminal law.⁴¹

2.2. Acts Constituting War Crimes

Islamic international criminal law has a wide range of rules applicable to an armed conflict.⁴² These rules must not be violated and should be taken as the most serious and effective rules for the implementation of the Islamic international humanitarian law of armed conflict. These rules are not only applicable to international armed conflicts, but also, to non-international armed conflicts including also internal armed conflicts. The following classified acts are strictly prohibited in time of an armed conflict and are considered war crimes in accordance with Islamic international criminal law.⁴³ These are:

A.

- 1) Massacre or holocaust,
- 2) Killing and destruction which are not necessary.
- 3) Killing of non-combatants.
- 4) Killing of those who accompany combatants but are considered non-combatants and do not assist the actual fighting in any way.
- 5) Killing hostages.
- 6) Killing hostages for retaliation.
- 7) Killing envoys.
- 8) Killing envoys for the purpose of retaliation.

⁴⁰ The *Qur'ān*, 2:190.

⁴¹ The system of Islamic international criminal law may legitimize giving assistance in certain circumstances to a nation which seeks humanitarian help. The *Qur'ān* 8:72. See also part two, chapters twenty-seven and twenty-eight.

⁴² See part two, chapters twenty-seven and twenty-eight.

⁴³ For some of these prohibitions see, generally, Hamidullah, *The Muslim Conduct of State*, pp. 204–213; Hamidullah, *The Battlefields of the Prophet Muhammad*, p. 17; Al-Ghunaimi, *The Muslim Conception of International Law and Western Approach*, pp. 148–150; Khadduri, *War and Peace in the Law of Islam*, pp. 103–104; Allahdin, *Extracts from the Holy Quran and Sayings of the Holy Prophet Mohammad*, p. 193; Khadduri, *Islamic law of Nations: Shaybani's Siyar*, pp. 76, 87. See also Abdel Rahman Arabi, *L'Islam et la guerre à l'Époque du Prophète Mahomet* (1954); A.A.A. Fyzee, *Outlines of Muhammadan Law* (1955).

- 9) Continuing to kill after vanquishing the enemy.
- 10) Cruel and tortuous killing of enemies.
- 11) Killing for the purpose of glory.

B.

- 1) Violations of acts which are prohibited according to the existing treaties.
- 2) The employment of poisonous weapons.
- 3) To force prisoners to fight against their own armed forces.
- 4) Killing those who are impartial concerning the result of the war.
- 5) Killing of refugees (Mustamin).
- 6) Killing all those who are traders, merchants, business men and under any other position who does not actually fight.
- 7) Inflicting death by burning a prisoner.
- 8) Amputation of the parts of a body.
- 9) Mutilation of dead bodies.
- 10) Cutting a part of a dead body and using for various purposes.⁴⁴

C.

- 1) Killing minors.
- 2) Killing slaves or servants.
- 3) Killing women.
- 3) Killing mothers who have dependent infants.
- 4) Killing those who are incapable of fighting such as those who are handicapped, blind, insane, lunatic, delirious, old men and women.
- 5) Killing minors who have not take part in the actual fighting.
- 6) Rape.
- 7) Adultery and fornication with families.
- 8) All types of sexual abuse.
- 9) Killing parents not for the purpose of self-defence.
- 10) Killing monks, priests and hermits.
- 11) killing insane or those who are legally recognised as psychiatrically ill.
- 12) Killing a national of the enemy state who is already resident under the jurisdiction of another.

⁴⁴ In the early history of Islam, cutting the head off the chief enemies could be rewarded by the superiors. However, this action soon became unpleasant and was prohibited in practice. Many soldiers during the Vietnam War cut the ears of the dead and hung the ears about their necks, suspended by a string. They were proud of their work as well.

- 13) Killing neutrals, including physicians and reporters who do not take part in the actual fighting.
- 14) Mistreatment of prisoners of war in one way or another.
- 15) Torture.
- 16) Excess and wickedness.
- 17) Degrading treatment of sick and wounded and prisoners of war.
- 18) Humiliation of men.
- 19) Treachery, treason as well as perfidy.

D.

- 1) Killing civilian populations.
- 2) Destruction of civilian establishments.
- 3) Any type of wanton destruction.
- 4) Destroying water ways for the civilian.
- 5) Destroying medical supplies.
- 6) Taking civilian's food by force or other means of threat.
- 7) Forcing civilians to fight.

E.

- 1) Killing peasants.
- 2) Destruction of properties unnecessarily.
- 3) Destruction and devastation of agriculture.
- 4) Destruction and devastation of forests (crimes against the natural environment).
- 5) Mutilation of beasts.
- 6) Slaughtering beasts which are not necessary for food.
- 7) Burning an animal.

2.3. Treatment of Prisoners

The treatment of prisoners of war has been one of the central subjects of Islamic international criminal law. A wrongful treatment of prisoners of war may be regarded as a violation of the sources of the law and therefore constitutes a war crime. Due to this recognition, there are certain rules that have to be respected in the course of war in order to prevent violations of the rights of prisoners and not to commit war crimes. The following inexhaustible list underlines what acts against prisoners constitute war crimes due to original sources or traditional adaptation:

- killing of a prisoner
- punishment of prisoners based on belligerency or their state is at war with the enemy

- holding prisoners responsible for acts of belligerency
- killing prisoners or causing loss of life during the belligerency
- torturing or humiliating prisoners because the belligerent state has damaged their properties
- unfair treatment of the integrity of prisoners
- deliberate starvation of prisoners
- placing prisoners under heat of sun-shine with the intention to cause death or harm them
- placing prisoners in cold weather conditions or the like in order to harm or eventually to murder them,
- various physical, psychological or mental influences on prisoners in order that they gradually commit suicide
- providing no necessary clothing in order to harm their health conditions
- destroying the wills of a prisoner regarding the property at home when the prisoner is no longer alive
- separating infants from their mothers in order gradually to kill them
- separating children from their mothers with the intention of harming both sides
- raping, abusing sexually, sexual use of prisoner man or woman
- placing female prisoners with male prisoners with the intention of rape or any other sexual abuses
- separating members of family with the intention of harming their physical or mental conditions
- consideration of the natural needs of female being ignored with the intention of harming their gender
- imposing pressure on prisoners in order to change their religious beliefs
- proselytising prisoners
- imposing labour on prisoners in order to cause different harms
- using prisoners for the purpose of slavery
- punishment of a recaptured prisoner on the grounds of his/her success in escaping prison and fighting again under his/her own state authority
- the breach of parole should not be a reason for his/her punishment
- imposing capital punishment on the prisoners on the ground of unconditional surrender and acts of belligerency
- amputation of different parts of the body of a prisoner
- beheading of prisoners of war

- seriously disturbing the security system of services employed with the intention of handing over transferable prisoners
- disturbing the immunity of the exchangeable prisoners