

CHAPTER I

INTRODUCTION

A. Background

The use of chemical weapons during contemporary conflicts, leading to great suffering and long-term health consequences on affected populations, is one of the most serious breaches today of International Humanitarian Law (IHL).¹ Several chemical weapons attacks also occurred during the Syrian Civil War, which began in 2011. The 2013 civil war in Eastern Ghouta was a battle between the government of Bashar al-Assad and rebel groups such as the Syrian Liberation Army (FSA) that used chemical weapons.² Fighters/revolutionaries are not fighting due to nationalism in the sense of wanting a regional nation-state that helps Syria have a racial identity in terms of its behaviour vis-a-vis other states rather, they are fighting because they want political rights and freedoms for Syrians but feel the current regime is both authoritarian and corrupt. Having turned into a haven for refugees, Ghouta was witnessing elevating levels of violence with government jets hammering targets and rebels trying to protect what little they had by erecting fortresses in the region. The following day, August 21, 2013, was the worst of all: a chemical weapons attack claimed over 1400 lives civilian men, women, and children suffocated to death in an attack using sarin gas as a part of military strategy to instill fear, maintain control, and displace opposition forces.³ The Assad regime was accused of this, causing an international outcry. The international community sees this as a grave breach of human rights and the laws of war for good reason.⁴

The impact of chemical weapons has long-lasting effects and is more specialized than the use of conventional weapons with survivors facing physical problems and mental health challenges.⁵ In areas affected by the emergency and conflict in Eastern Ghouta where there have been many casualties, the International Committee of the Red Cross (ICRC) has been instrumental in providing emergency medical assistance and treatment training.⁶ These training programs cover a wide range of topics including general preparedness operations, health issues after chemical exposure, personal protective



(2020), Analysis of United States Responses on Syria's Chemical Weapons, *naniora*, Vol. 25, No.1, Juni, Tahun 2020. 31-35

2). The Obama Administration and Syrian chemical weapons. *Journal of Conflict*

Syrian chemical weapons and international law. Springer. p.33-37

1). The enduring legacy of chemical warfare: Health impacts and psychological
al of Chemical Health and Safety, 28(3), 45-58.

ommittee of the Red Cross. (2018). Syria: The humanitarian crisis in Eastern
23

equipment, decontamination procedures, medical management, criminal documentation and other relevant aspects. They work closely with local medical teams and international organizations to ensure that all patients, regardless of their affiliation or nationality, receive the necessary treatment. By supporting the safe and effective operation of medical facilities and personnel, the ICRC operates in some of the most challenging environments, saving lives, alleviating suffering, and advocating the principles of international humanitarian law.⁷

According to the 1868 St. Petersburg Declaration, an evolving civilization should reduce the catastrophic impact of war. Legitimate warfare is only used to weaken the opponent's military power which is a better-planned and more efficient attempt to incapacitate the enemy without increasing suffering. Therefore, in this case any use of weapons that worsens the human condition or causes death that is impossible to avoid is a crime under humanitarian law.⁸

International Humanitarian Law (IHL) is another piece of international legislation consisting of treaties and protocols signed by states having to do with how war is conducted, with an emphasis on keeping non-combatants safe such as those in the Chemical Weapons Convention (CWC). The International Committee of the Red Cross The International Committee of the Red Cross (ICRC) acts as a guardian for IHL and has a very close relationship with IHL, in particular concerning chemical weapons bans to protect victims of conflict and ensure international legal norms are maintained.⁹

The International Committee of the Red Cross (ICRC) is renowned for its impartiality and dedication to humanitarian ideals and aims to actively participate in conflict areas around the world, helping the victims of the attacks in Eastern Ghouta by providing them with emergency medical care.¹⁰ The ICRC's presence in Syria is essential to provide medical care to victims of conflict, including victims of chemical weapons attacks. The efforts made by this organization in Eastern Ghouta show how complicated it is to provide humanitarian aid in a highly unstable and dangerous environment.¹¹

The ICRC's operation in Eastern Ghouta was hampered by serious logistical and operational difficulties. The affected population was not easily accessible due to the siege of the region by Government forces. Many people suffered exposure to these toxic chemicals, yet despite the difficulties, the ICRC,



Committee of the Red Cross. (2019). The role of the ICRC in armed conflict: humanitarian principles.). Geneva: ICRC. p. 45

Humanitarian International: Sebuah Pengantar Komprehensif", Accessed 28, 2024, https://blogs.icrc.org/indonesia/wp-2021/08/4231_IDN_IHL-Comprehensive_Rev-3.pdf

"the International Committee of the Red Cross (ICRC)", accessed October, 6, <https://www.icrc.org/en/we-are-international-committee-red-cross-icrc>

Pane, M. E. R., & Athallah, M. R. (2023). Chemical Weapons Violations in Syria's Law Perspective. *Amnesti: Jurnal Hukum*, 5(1), 1-14.

working in partnership with the Syrian Arab Red Crescent (SARC),¹² and others, was able to deliver life-saving medical care, including providing drugs and dressing materials and emergency treatments for those affected. The organization's response was crucial not only to relieve the immediate suffering of victims but also to demonstrate that humanitarian standards remained relevant even amid armed Hostilities.¹³

The incident in Eastern Ghouta underscores the pressing case for the presence of organizations like the ICRC at sites where weapons violating International Humanitarian Law are deployed. In Syria, the ICRC has concentrated on chemical weapons assaults, illustrating the challenges of ensuring compliance by conflicting parties and the crucial task of shielding civilians from severe suffering. The ICRC has underscored the importance of sustained cooperation and coordination with local NGOs and international aid groups to facilitate the ongoing delivery of humanitarian assistance in conflict zones, particularly to the most vulnerable individuals in need.¹⁴

The ICRC's role in providing emergency medical assistance to victims of the chemical weapons attack in Eastern Ghouta is not just critical, it is indispensable, especially given the various gaps in the humanitarian response that have been identified. First, because of the ongoing violence, humanitarian agencies such as the ICRC have had limited access to victims, denying many people vital medical attention. That situation is being compounded by a shortage of medical supplies, with the ICRC saying hundreds of sick and injured people are not getting the help they need because conditions on the ground are deteriorating.¹⁵ Furthermore, political and military interventions can also delay relief, with medical aid sometimes being a pawn in the negotiating position of conflict parties.¹⁶ The findings can also be incorporated into supportive psychosocial assistance direly required for sarin gas attack survivors, on which there seems to be an oversight against emergencies as well. Research can provide recommendations to ensure that humanitarian response is timely and based on accurate need, supporting the provision of medical assistance without discrimination to all victims.¹⁷

¹²JSTOR, Humanitarian Exchange Special Feature The Conflict in Syria, Accessed 2 October 2024, https://www.jstor.org/stable/pdf/resrep50391.pdf?refreqid=fastly-default%3A3169945ae7ah1185eedc54b3b3065b0a&ab_segments=&initiator=&acceptTC=1



International Law Pertaining to Syrian Chemical Weapons. In *Syrian Chemical / Law*. Singapore: Springer Nature Singapore. p.11

(2022). International Efforts Against Impunity for the Use of Chemical Weapons International Justice?. *Journal of International Criminal Justice*, 20(3), 541-569. *Suffering in Eastern Ghouta reaches "critical point"*, accessed September, 25, en/document/syria-suffering-eastern-ghouta-reaches-critical-point

Justice Initiative, *Swedish Criminal Investigation of Chemical Weapons Attacks* September 25, 2024, <https://www.justiceinitiative.org/litigation/swedish-criminal-weapons-attacks-in-syria> Op.Cit. p.562

B. Research Questions

The questions in this research are as follows:

1. How did the ICRC's role in providing emergency medical assistance to the victims of chemical weapons attacks in Eastern Ghouta?
2. What are the ICRC's challenges in carrying out its role to provide emergency medical assistance to victims of chemical weapons attacks in Eastern Ghouta?

C. Research Objectives and Benefits

The objectives of this research are as follows:

1. To understand the ICRC's role in providing emergency medical assistance to the victims of chemical weapons attacks in Eastern Ghouta.
2. To analyze the ICRC's challenges in carrying out its role in providing emergency medical assistance to victims of chemical weapons attacks in Eastern Ghouta.

This research offers significant benefits in several key areas.

1. This research reflects the debate spread by humanitarian agencies working in war-torn regions, especially where chemical agents are used as a tool of war. Through an introduction and outline of what the ICRC has developed in terms of strategies relating to this in conflict-affected societies, other organizations can take the solutions and approaches they develop for unique contexts. This will enhance the work of humanitarian agencies and strengthen collaboration with national and international partners.
2. This research contributes to the debate on IHL and the protection of non-combatants during conflict. The fact that the International Committee of the Red Cross (ICRC) is involved in Eastern Ghouta is particularly highlighted by this study, which confirms that efforts to comply with IHL rules may be crucial, even in the most difficult situations. This report serves as a reminder to the international community of our collective duty and responsibility to ensure that these rules are upheld to prevent such horrors from occurring in the future and that steps are taken to hold others accountable for violations of these



D. Research originality

The author has reviewed research from various sources provided by the internet, the author finds that the research conducted has several similarities with other titles, the author makes the research as a reference material to open up opportunities for the presence of new ideas from the research conducted. Based on the author's analysis to provide an overview of the comparison, presented with previous research:

Table 1. 1 Research Originality 1

Author Name	: Omnya Yassin	
Title	: Evaluation of The Strenth of The Norm Againts Chemical Weapons Usage Through The International Reaction, Case Study: Chemical Weapons Usage in Syria	
Category	: Dissertation	
Year	: 2020	
University	: American University in Cairo	
Description	Previous Research	Research Plan
Issues and Problems	<p>1. The core problem addressed in the research is the evaluation of the strength of the existing norm and conventions banning the usage of chemical weapons.</p> <p>2. The research analyzes the “expediency” political behind the existing norm, especially in light of what the authors consider to be “the lack of an efficient, strong and decisive international reaction.”</p>	<p>1. To understand the ICRC’s role in providing emergency medical assistance to the victims of chemical weapons attacks in Eastern Ghouta.</p> <p>2. To analyze the ICRC’s challenges in carrying out its role in providing emergency medical assistance to victims of chemical weapons attacks in Eastern Ghouta.</p>



Research Method	: Normative	Normative
Result and Discussion	: This research investigates the effectiveness of international norms against chemical weapons through an examination of international reactions to their use in the Syrian civil war. It reviews Syria's chemical weapons stockpile, detailing aerial chemical attacks during the civil war, Syria's entry into a treaty banning such weapons, and the subsequent disarmament process.	Result and Discussion : This research the author adds a perspective that is often absent in the research literature regarding the response to chemical weapons from international organizations such as the ICRC which also plays a role in the context of emergency medical response while still revealing the pragmatism of international humanitarian law.

Table 1. 2 Research Originality 2

Author Name	: Silvi Wulandari
Title	: Peran International Committee of The Red Cross Dalam Kajian Humaniter Terhadap Korban Perang Wanita dan Anak-Anak di Suriah
	: Thesis
	: 2020
	: Pasundan University



Description	Previous Research	Research Plan
Issues and Problems	<p>: 1. To analyze and examine the role of the International Of The Red Cross to protect women and children victims of war.</p> <p>2. To analyze the causes of the International Of The Red Cross' obstacles in providing assistance to women and children victims of the Syrian War.</p>	<p>1. To understand the ICRC's role in providing emergency medical assistance to the victims of chemical weapons attacks in Eastern Ghouta.</p> <p>2. To analyze the ICRC's challenges in carrying out its role in providing emergency medical assistance to victims of chemical weapons attacks in Eastern Ghouta.</p>
Research Method	: Normative	Normative
Result and Discussion	<p>: In this study, the role played by the International Committee Of The Red Cross is to provide protection and assistance to victims directly affected by the war, namely women and children, the obstacles that occur are the acceptance of the International Committee Of The Red Cross who carry out humanitarian action by determining access, the existence of obstacles and dangers to provide</p>	<p>The research conducted by the author is research that focuses not only on women and children but on all groups to compare that there is no discrimination in the provision of assistance to demonstrate the application of the principles adopted by the ICRC itself, namely impartiality and neutrality. The similarity is that the provision of assistance to children both includes psychosocial services.</p>



	<p>medical assistance, and medical personnel intercepted by armed groups and government forces, efforts to help female and child victims of the International Committee Of The Red Cross carry out activities by increasing self-awareness for women and providing various assistance such as psychologists to help mentally affected children from the conflict.</p>	
--	---	--

E. Theoretical Foundation

1. Definition and Mandate of ICRC

The International Committee of the Red Cross (ICRC) is one of the most respected and widely recognized humanitarian organizations in the world. Mandated by international law, including the Geneva Conventions, the ICRC was founded in 1863 with the exclusive purpose of providing assistance and protection to victims of armed conflict, including victims of war, prisoners, civilians, forcibly displaced persons, and other non-combatants.¹⁸ The International Committee of the Red Cross (ICRC) achieves this through direct humanitarian work in various parts of the world,



supporting the growth of international humanitarian law (IHL) and urging governments and all parties to uphold it.

From its founding until today, the ICRC has carried out its work in international and non-international armed conflicts, developing its

activities according to emerging needs and seeking solutions for the victims of armed conflict. Many of these activities have been enshrined in the 1949 Geneva Conventions (GC).¹⁹ The Conventions require certain essential functions to be carried out by the ICRC in an International Armed Conflict (IAC) or Non-International Armed Conflict (NIAC) to protect Prisoners of War (PoWs) and civilians. In addition, the ICRC, as an impartial humanitarian organization, also benefits from the 'right of humanitarian initiative' in armed conflicts, which allows it to undertake a range of humanitarian activities under martial law so as to fulfill its mandate to ensure protection and assistance to people affected by war.²⁰

The ICRC's legal mandate in this regard is And established in Art. 10 of the fourth Geneva Convention, which explicitly foresees that the rules in the Convention do not stop the ICRC or other impartial humanitarian organizations from assisting people during war.²¹ These organizations can help wounded and sick people, medical personnel, prisoners of war, civilians and so on to provide their assistance as long as they have permission from the parties involved in the conflict. Full freedom is given to representatives and delegates to choose the place of visit without restriction on duration or frequency, except in military situations of exceptional urgency. The detaining power may approve the presence of compatriots on such visits, and delegates of the International Committee of the Red Cross enjoy the same rights, with their appointment subject to approval by the detaining power of the prisoner to be visited.²² and Art. 143 of GC IV (Supervision), which explicitly foresees that, in times of IAC, states must permit the ICRC to access PoWs and protected civilians, wherever they may be, and allow the ICRC to converse with them freely and without witnesses.²³ Concerning the continuation of this role, it is clear that the ICRC should further maintain a meaningful dialog with Parties to International Armed Conflicts (IACs) and Non-International Armed Conflict (NIAC), allowing the ICRC to remind them of its obligations under International Humanitarian Law (IHL) and communicate its concerns to them bilaterally.²⁴

2. Legal Basis of The ICRC



Optimized using
trial version
www.balesio.com

¹⁹ International Committee of the Red Cross. (2018). The role of the ICRC in armed conflicts: A review. ICRC Publishing. p.22-26

, Humanitarian Law & Policy-War, law and humanity: the role of the ICRC in armed conflicts, Accessed October, 3, 2024, <https://blogs.icrc.org/law-and-policy/humanity-icrc-international-armed-conflicts/>

Convention IV, Art. 10

Convention III, Art. 126.

Convention IV, Art. 143.

International Committee of the Red Cross. (2020). Law Promotion Beyond Law Talk: The Red Cross Dialogue with Parties to International Armed Conflicts. European Journal of International Law 30, 469-480.

Legally, the work of the ICRC is based on the 1949 Geneva Conventions and their Additional Protocols, namely the Additional Protocols I and II of 1977, Additional Protocol III of 2005, the Statutes of the International Red Cross and Red Crescent Movement, and Resolutions adopted by the International Conference of the Red Cross and Red Crescent.²⁵

The ICRC is mentioned in the 1949 Geneva Conventions and their additional Protocols from 1977.²⁶ There are countless repercussions to this directness. This explicit absolute of the ICRC's ubiquity and fame, in particular, confidence that the ICRC was censured for its connections with state-engine they are partners in ICRC tasks as well as a return to a lot longer authentic practices by the top legitimate composition scholars who have left us to think about international humanity in terms of standard activities. In the ICRC, with only reducing a bit from the Conventions and Additional Protocols, although they are those who have had maximum experience and should be allowed in all humanitarian activities to operate, on the right side, if not left, we will get better half approach which also partly reflect the reverence towards ICRC within this Good Conduct arena.

The legal basis for the ICRC's status is found in Article 5 (1) of the Statute of the Red Cross and Red Crescent Movement, which states that:

"The International Committee, founded in Geneva in 1863 and formally recognized in Geneva Conventions and by International Conferences of The Red Cross, is an independent humanitarian organization having a status of its own. It co-opts its members from among Swiss citizens."

In addition, it is appropriate to look at the 1949 Geneva Conventions and the 1977 Additional Protocols because of their universal acceptance by the international community, 194 states have acceded to the Geneva Conventions, either in their entirety or with reservations.²⁷ A survey of the Geneva Conventions and Additional Protocols leads to the view that they drive the activities of ICRC humanitarian organizations as well as other humanitarian organizations. It is evident from several articles of the Geneva Conventions, the general Article 3 (2) of Geneva Convention I, Geneva Convention II, Geneva Convention III, and Geneva Convention IV of 1949, that this is the case: "The wounded and sick shall be collected and cared for by any impartial humanitarian body, such as the **International Committee of the Red Cross**, may offer its services to the Parties to the conflict."



onal Review, Legal Bases, p. 6

Committee of the Red Cross. (2021). The Geneva Conventions of 1949 and their
etrieved from <https://www.icrc.org/en/doc/assets/files/publications/icrc-002->

Article 9 of the Geneva Conventions I, II, III and Article 10 of Geneva Convention IV provides:

“The provisions of the present Convention constitute no obstacle to the humanitarian activities which the **International Committee of the Red Cross** or any other impartial humanitarian organization may, subject to the consent of the Parties to the conflict concerned, undertake for the protection of wounded and sick, medical personnel and chaplains, and their relief.”

Along the lines of the previous, these articles provide legal backing for the ICRC, subjecting it to no obligation when offering or providing aid in its humanitarian actions.

3. Principles of the ICRC

According to the Preamble of the Statutes, the Movement is based on seven basic principles, namely humanity, impartiality, neutrality, independence, voluntarism, unity, and universality.²⁸

- **Humanity**
Humanity is one of the seven principles governing the International Red Cross and Red Crescent Movement. Its purpose is to prevent, and in particular alleviate human suffering to protect life and health and ensure respect for human beings.²⁹
- **Impartiality**
The Movement cannot function without impartiality. This principle demands that the Movement refrain from making distinctions based on nationality, race, belief or faith (religion), class, and political ideas. The Movement aims to alleviate human suffering only to the extent of their needs, prioritizing those who suffer the most. It guarantees assistance and especially health care to the most vulnerable without discrimination.³⁰
- **Neutrality**
An important feature of neutrality is that parties involved in a conflict or disaster must trust each other and work together. The Movement avoids joining political, racial, religious or ideological issues. This makes the Movement supportive of



The Fundamental Principles of the International Red Cross and Red Crescent ruary, 18, 2025, <https://blogs.icrc.org/cross-files/the-fundamental-principles-of-and-red-crescent-movement/>

people as a neutral party, for safe access across the board to affected populations.³¹

- Independence

The very independence that they stand for makes the Movement free. Although National Societies are auxiliaries of public authorities in their countries, they must not lose the autonomy that allows them to act according to the principles of the Movement.³²

- Voluntarism

Volunteerism is a defining characteristic of the Movement. It is a voluntary aid movement that is not driven by the desire for profit. This principle highlights the altruistic nature of the Movement, which relies on the dedication and commitment of volunteers who provide assistance without expecting anything in return.³³

- Unity

There can only be one Red Cross or Red Crescent Society in a country. It must be a Society for Everyone, which will carry out humanitarian activities throughout its territory. It is the spirit of unity that allows national peace foundations to carry out humanitarian activities in all parts of the country to avoid duplication of efforts and resources.³⁴

- Universality

Universality which states that the International Red Cross and Red Crescent Movement is a worldwide institution where all Societies have equal status in fulfilling their responsibilities and duties towards each other. Such global solidarity is key to the Movement's capacity to deal with any crisis, anywhere in the world.³⁵

All components of the International Red Cross and Red Crescent Movement are required to maintain neutrality and impartiality. The Preamble to the Movement's Statutes "reaffirms that, in pursuing its mission, the Movement shall be guided by its Fundamental Principles." The obligation also arises because neutrality and impartiality have acquired a customary character, for the International Red Cross has always been convinced that it must be



The Fundamental Principles of The International Red Cross and Red Crescent

entirely unbiased in offering its aid and must not be swayed by partisan beliefs.³⁶

The principles that the ICRC has become the foundation for the ICRC in carrying out its duties to provide medical assistance to victims of armed conflict. In carrying out its principles, the ICRC can provide effective assistance and ensure that the assistance provided is in accordance with humanitarian principles and international law.

4. Chemical Weapons and Their Effects

Chemical weapons, unlike conventional weapons, utilize toxic chemicals to inflict harm. They target biological processes, causing immediate and long-lasting effects on humans, animals, and the environment.³⁷ Unlike conventional weapons, which primarily cause physical damage, chemical weapons can spread over vast areas, affecting both intended targets.³⁸ Their indiscriminate nature and potential for widespread contamination make them a particularly dangerous weapon. While international treaties like the Chemical Weapons Convention prohibit their use, the threat persists, highlighting the need for continued vigilance and global cooperation to eliminate these horrific weapons. The types of Chemical Weapons according to the Chemical Weapons Convention are divided into three schedules, as follows.³⁹

1) Schedule 1 Chemicals: High Risk and Limited Use

Schedule 1 chemicals are those that have the most potential to be used as weapons and limited, if any, legitimate uses. These include toxins like sulfur mustard and nerve agents like sarin. As they pose a high risk, Schedule 1 chemicals are subject to the most stringent controls under the Chemical Weapons Convention. Production is tightly regulated, and any use of these chemicals must use strict reporting and verification mechanisms.⁴⁰

2) Schedule 2 Chemicals: Dual-Use and Moderate Regulation

Schedule 2 chemicals have legitimate industrial uses but can be weaponized, presenting a dual-use challenge. These can be chemicals like amiton and BZ. Though they are less dangerous than

³⁶ Marion Harroff-Tavel, 1989, *Neutrality and Impartiality—The importance of these principles for the International Red Cross and Red Crescent Movement and the difficulties involved in applying them*, Geneva: ICRC.

³⁷ J. H. (2019). *Chemical Warfare: A Historical and Contemporary Analysis*. New York, Routledge.

³⁸ R. (2021). *The Impact of Chemical Weapons: A Comparative Study with Conventional Weapons*. London: Routledge.

³⁹ Chemical Warfare Agents, accessed December 2, 2024, <https://www.opcw.org/chemical-warfare-agents/>.

⁴⁰ *Prohibition of Chemical Weapons: A Global Challenge*, 2022, p. 48.



Schedule 1 substances, their potential for abuse requires substantial regulation. Schedule 2 chemicals are those that can be used for both military and peaceful purposes, and their production, processing, or consumption must be declared by countries and is subject to regular inspections to ensure compliance with the Chemical Weapons Convention.⁴¹

3) Schedule 3 Chemicals: Prevalent Industrial Use and Minimal Risk

Schedule 3 chemicals are widely involved in large-scale commercial production and have the lowest risk of their weaponization. They are chemicals like phosgene and hydrogen cyanide. Despite their widespread industrial application, the Chemical Weapons Convention still requires reporting and inspection protocols to deter the diversion of these precursors to chemical weapons production. Though these controls are less stringent than for Schedules 1 and 2.⁴²

Under the Chemical Weapons Convention 1993 (CWC), chemical weapons are defined as toxic chemicals and their precursors, except when intended for purposes not prohibited by the convention, provided that the type and quantity are consistent with such purposes.⁴³ This broad definition also includes devices and munitions intended to kill or maim due to the toxic nature of the chemical. The CWC places an absolute ban on the development, production, acquisition, stockpiling and use of chemical weapons.⁴⁴

5. International Humanitarian Law on Chemical Weapons and Armed Conflicts

International law establishes rules regarding war and acts of violence as a last resort in solving problems based on the principles of human rights. This rule is known as International Humanitarian Law. International Humanitarian Law (IHL) is a collection of norms designed to address humanitarian issues arising from armed conflict, both at the national and international levels. To protect humanity, this law sets limits on the impact of armed conflict, restricts the methods and weapons that can be used in war, and provides protection for individuals who are not involved or who have left the conflict.⁴⁵

War is the culmination of conflict between people involving the use of weapons and is a highly undesirable event that causes immeasurable loss. Every war is often accompanied by acts of violence that



⁴², *Dual-Use Chemicals and the CWC*, p. 82

⁴³2021, *Chemical Weapons Precursor Chemicals: A Global Challenge*, p. 54
⁴⁴ical Weapons Convention 1993

⁴⁵2023, *Violations of the Principles of International Humanitarian Law in Israel's
 st Palestine*, Jurnal Hukum Indonesia, Vol. 3 Nomor 2, Fakultas Hukum
 , hlm. 59

go against human values. To reduce the negative impact of warfare, IHL has been agreed upon.⁴⁶

Mochtar Kusumaatmadja categorized IHL into two parts: First, “Jus ad Bellum,” which regulates the justification for the use of force by a state; and Second, “Jus in Bello,” which regulates the law applicable during war, including provisions on how war is conducted and protection for victims, both civilian and military, as stipulated in the 1949 Geneva Conventions. Thus, IHL not only regulates the legal aspects of war but also guarantees protection for all victims of war, both military and civilian.⁴⁷

Judging from the historical development of warfare with various technological findings of weapons used by parties involved in armed conflicts, it has also changed the attitude and behavior of international assessments of war itself. The technological findings of warfare tools used by the parties for one of the purposes and objectives of warfare in the form of war victory have led to international agreements to discuss the practice of technological findings of warfare.⁴⁸ Historical traces, starting from the invention of dum-dum bullets by Russia in 1869, strangulation gas in 1899, to the use of other chemicals that caused unnecessary suffering, gave birth to various humanitarian law conventions to discuss it.⁴⁹ In addition, the conventions relevant to the prohibition of the use of chemical weapons and ratified by Syria are as follows:

- 1) Geneva Protocol of 17 June 1925 for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases and of Bacteriological Methods of Warfare

The Protocol prohibits the use in war of suffocating gases, as well as poison or poisoned weapons that can be gas and similar materials and equipment.⁵⁰ Such a ban constitutes a peremptory norm of International Law and also binds the conscience and practice of states universally. The state parties to the protocol also agreed to prohibit bacteriological methods of warfare. The parties will also try to discourage other countries from departing and adhering to this ban. The protocol seeks to prevent the use of chemical and



aha, 2023, “Memahami Aturan Perang dalam Hukum Humaniter Internasional”, 2024, <https://kemenag.go.id/kolom/memahami-aturan-perang-dalam-hukum-3GpW>

1, Hukum Humaniter, CV Radjawali, Jakarta, 1994, hlm 2-3.

ar and Crime: *The International Criminal Court and the Legacies of the Modern* press, 2008), hlm. 157.

in, *Chemistry and Chemical Warfare* (Cambridge University Press, 1991), hlm.

Disarmament Affairs, “*Chemical Weapons*”, accessed February, 18, 2025, [.org/wmd/chemical/](http://www.org/wmd/chemical/)

bacteriological weapons in times of war and promote international cooperation to safeguard humanity.⁵¹

- 2) United Nations Conference on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to have Indiscriminate Effects: Final Act, Convention, Protocols of 10 October 1980, Resolution of 28 September 1979

The Convention On Prohibitions Or Restrictions On The Use Of Certain Conventional Weapons Which May Be Deemed To Be Excessively Injurious or To Have Indiscriminate Effects, commonly known as CCW.⁵² The CCW is based on the principle of international law that the right of each party to a dispute to choose the ways and means of waging war is not unlimited and on the principle that it prohibits the use of weapons, projectiles, and materials that can cause excessive injury and unnecessary suffering.⁵³ The main purpose of the Convention and its Protocols is to protect the civilian population from the effects of the use of weapons and to protect combatants from excessive suffering to achieve legitimate military objectives.⁵⁴

- 3) Chemical Weapons Convention 1993

The Chemical Weapons Convention (CWC) prohibits the development, production, storage, and use of chemical weapons and requires the destruction of production facilities and the weapons themselves.⁵⁵ The CWC reinforces the prohibitions established by the 1925 Geneva Protocol by prohibiting the use of chemical weapons “under any circumstances.”⁵⁶ Chemical weapons are defined broadly to include “toxic chemicals and their precursors, except when intended for non-prohibited purposes,” as well as munitions specifically designed for the delivery of toxic materials and related equipment. One of the key innovations of the CWC is the strict verification regime, which includes (1) a national declaration of industrial chemical production data, (2) regular and ongoing inspections of relevant facilities, and (3) short-notice challenge inspections to resolve compliance concerns at any facility within the



The International Red Cross and Red Crescent Movement, 2008, Fourteenth n. 348.

R. A. (2019). The Convention on Certain Conventional Weapons: Legal is for Modern Warfare. Cambridge: Cambridge University Press.
teven A. Solomon —The Second Review Conference Of The 1980 Convention weaponsll dalam: Am. J. Int'l L., 96, p. 923.

(2018). The Chemical Weapons Convention: A Comprehensive Guide. Oxford:

territory of the State Party.⁵⁷ The CWC also aids and protects states attacked or threatened with chemical weapons, facilitates cooperation in the use of chemicals for peaceful purposes, and restricts the transfer of certain chemicals to non-States Parties, in addition to establishing sanctions for serious violations.⁵⁸

6. Legal Theory in the ICRC's Role

In analyzing the role of the ICRC, relevant legal theories include international humanitarian law theory, international legal compliance theory, and humanitarian aid theory. International humanitarian law theory explains how international legal norms govern the protection of war victims and the role of humanitarian organizations such as the ICRC in providing assistance.⁵⁹ International legal compliance theory highlights how states and parties to conflict comply with or violate international law, including violations of the prohibition on the use of chemical weapons. Meanwhile, humanitarian assistance theory outlines the basic principles of providing humanitarian assistance, including the operational and diplomatic challenges of carrying out humanitarian missions in conflict zones.⁶⁰

7. ICRC in Providing Emergency Medical Assistance

According to the Chemical Weapons Convention, “Assistance” refers to the coordination and delivery of equipment to States Parties for the protection against chemical weapons. Such supplies include, inter alia, detection equipment and alarm systems; protective equipment; decontamination and decontamination equipment; antidotes and medical treatment; and advice on these protective measures.⁶¹ Assistance is then provided in areas of aid ranging from first aid hospitalization to health counseling and dispensation of not only drugs but also food for basic needs. It aims to save lives, alleviate suffering, and diminish disability. Not only that, but emergency medical aid also plays a role in the preservation of public health by not being contagious and ensuring access to medical care following the living standards of life people.

Emergency medical assistance, which is bound to the Geneva Convention, precisely provides other benefits in terms of efforts to preserve



ie —Prohibitions and Restriction on the Use of Conventional Weaponsll dalam 48.

tion on the prohibition of the development, production, stockpiling and use of their destruction, Paris 13 January 1993, accessed October 4, 2024, <https://ihl-eaties/cwc-1993>

& Susanti, R. (2024). Perlindungan Relawan Kemanusiaan Pada Konflik stina. *Collegium Studiosum Journal*, 7(2), 395-406.

). *Humanitarian ethics: A guide to the morality of aid in war and disaster*. Oxford

apons Convention, Art. X, p. 35

life and also includes a social perspective on law enforcement humanely. A critical means to address this type of conflict also consists in the effective institution of emergency medical assistance aimed at alleviating the humanitarian impact resulting from armed conflict while being well-placed to lend itself with similar poignancy for post-conflict reconstruction. Indeed, this is on principle with the Geneva Conventions a series of rules agreed by most nations worldwide to save unowned people engaged in an armed conflict intended to end wars peacefully.

The ICRC's emergency medical assistance in Syria covers a broad spectrum of affected groups, including civilians in conflict zones, displaced populations, combatants, prisoners, and healthcare providers. Their comprehensive approach ensures that various vulnerable groups receive the necessary medical care and support during this protracted crisis. The ICRC's efforts are instrumental in alleviating the suffering caused by the Syrian conflict and highlighting the importance of humanitarian assistance in dire situations. The ICRC's role in emergencies includes providing medical treatments:

1) Medical Transportation

The provision of medical transportation is one of the main focuses of work in ICRC medical missions. Access to health facilities in conflict contexts is often severely limited, due to infrastructure damage or hostilities.⁶² The ICRC operates a fleet of ambulances and other vehicles specially fitted to traverse dangerous terrain. These vehicles serve two important roles: transporting the wounded and delivering medical supplies to first responders. Transportation is one of the critical areas in which the ICRC significantly improves survival rates for the wounded, by facilitating the effective and safe movement of injured people.⁶³

2) Medical Units

Establishing medical units in conflict zones is another important dimension of the ICRC's work. These units, which are usually based in emergency buildings or mobile clinics, provide immediate medical care to people suffering from violence. They are trained in all types of emergency medicine, including trauma and basic medicine. The presence of these units near conflict areas ensures that the local population has



access to medical care and that they do not have to travel long distances for treatment.⁶⁴

3) Medical Personnel

ICRC medical personnel are trained to work in the most difficult situations. This includes professionals ranging from doctors to nurses to support staff, who bring not only their medical expertise, but also deep roots in the humanitarian principles on which the ICRC's mission is based. They are able to provide high-quality care in the midst of chaos and this speaks volumes about their dedication and skills. The ICRC also invests in the training of local healthcare providers (those practicing in the region) so that the knowledge and skills needed to handle medical emergencies will remain in the local community.⁶⁵

8. The Estern Ghouta Case

Eastern Ghouta is an area under the command of Bashar al-Assad and located 10 kilometers east of the capital Damascus, Syria. Most of the population there are civilians, many of whom are children.⁶⁶ The area is the last foothold of the opposition in Syria. With the end of the Bashar al-Assad alliance, the conflict in Syria is over. However, what is unfortunate here is that the settlement of the conflict using a chemical weapons ceasefire and switch the target, which falls on the civilian population, especially among children where this war first occurred in March 2011, the beginning of the Arab Spring phenomenon, which is part of a broader wave of protests in the Arab world.⁶⁷

This phenomenon is increasingly spreading in Syria, the revolutionary movement supporting the opposition aims to fight the authoritarian leader, Bashar Al-Asshad, they fight because they want to show the people's dissatisfaction with the authoritarian government.⁶⁸ Authoritarianism is carried out in the form of social inequality or inequality, food distribution is lacking, the unemployment rate is high, and the government takes action to dispel criticism from the public. Various actions were taken, no wonder violence continued to increase. Counter-government parties also took up arms in an attempt to repel the security forces deployed by the government.

⁶⁴ International Committee of the Red Cross, *Health Care in Danger: The Responsibilities of Conflict and Other Emergencies*, (Geneva: ICRC, 2013), 58–60.

⁶⁵ "Strengthening Health Systems in Conflict Zones: The Role of the ICRC," *Red Cross* 93, no. 883 (2011): 52–53.

⁶⁶ laufal Annabil, 2021, Fenomena Pemberitaan Media Indonesia dalam Konflik mur (Berdasarkan Perspektif Edmund Husserl), *Jurnal Indonesia Al-Azhar Seri* September 2021, Hlm. 100

⁶⁷ jian, 2021, "Syria Timeline: Since the Uprising Against Assad", accessed www.usip.org/syria-timeline-uprising-against-assad

⁶⁸ ijakan Penolakan Rusia Terhadap Strategi Barat di Suriah, *Jurnal Pemikiran* 156



In 2012, the situation in Syria escalated as Bashar Al-Assad instructed the police and military to use any means necessary to repel protests from the authoritarian government.⁶⁹ This led to a civil war between the government and revolutionary groups. The Syrian Civil War changed and split into various military factions fighting against each other. Each faction involved in the conflict received support from several regional countries as well as outside the Middle East region. Broadly speaking, the parties involved in the Syrian civil war can be divided into 4 (four) main camps, namely the pro-Bashar Al-Assad government camp, the anti-Bashar Al-Assad government camp, the non-Arab camp with various political directions, the caliphate camp that wants to establish an Islamic state in Syria and its surroundings.⁷⁰

The development of the conflict has led to the complexity of the Syrian internal armed conflict and indirectly also has implications for changing the definitive order of armed conflict according to the view of international humanitarian law.⁷¹ The change in the view of humanitarian law is due to the emergence of other parties in the Syrian internal conflict, thus changing the academic point of view on whether the Syrian armed conflict is still included in the qualification of the type of internal armed conflict (non-international armed conflict).⁷²

The war in Syria has gained international attention. Various foreign aid has been sent not only to the Syrian government but also to the rebels. Involving several countries emphasizes that there are foreign interests in the country. The most prominent foreign interest is economic. The countries involved include Russia, which sent its delegation to provide support to the Assad Government. Likewise, Iran not only helped in the form of diplomatic support and provision of weapons, but the country also provided support in the form of military members and financial assistance amounting to \$9 billion.⁷³ In addition, the United States and its allies who support the opposition, in this case the rebels, have sent aid in the form of logistics and weapons. This assistance is channeled and used to urge President Bashar Al Assad to step down from the presidency.

On September 15, 2013, the UN Secretary-General delivered a report on the work of the Sellström team, which concluded that the environmental, chemical and medical samples we collected provide clear and convincing evidence that a surface-to-surface rocket containing the nerve agent Sarin was indeed used. in the August 2013 attack on Ghouta. It noted that the chemical weapon had been used. *“also against civilians, including many*



yahroni Rafii, *Dinamika Pasca Arab Spring ; Membaca Pola "PROXY WAR"* di
Tengah, hlm. 287

Sipil Suriah, accessed October, 11, 2024, <http://republik-10/daftar-kelompok-bersenjata-dalam-perang.html>

Ahmar, "The Syrian Conflict and the Challenges to International Humanitarian
Legal Studies 10, no. 1 (2017), hlm. 125.

14, "The Syrian Civil War Regime of Bashar Al Assad." p.35

children, on a relatively large scale.”⁷⁴ In its final report, released in December 2013, Sellström’s team confirmed its findings on sarin use in Eastern Ghouta. As mandated, they did not address the issue of responsibility.⁷⁵

Tensions rose, and amid threats of military action by Western countries, Russia proposed that Syria surrender its chemical weapons stockpile. Tensions rose, and amid threats of military action by Western countries, Russia proposed that Syria surrender its chemical weapons stockpile.⁷⁶ Russia proposed a four-step process in the chemical weapons handover procedure. The plan requires Syria to join the Organization for the Prohibition of Chemical Weapons (OPCW), show the location of its chemical weapons stockpile, allow OPCW inspection teams access to it, and arrange for the destruction of the weapons.

F. Framework Theory

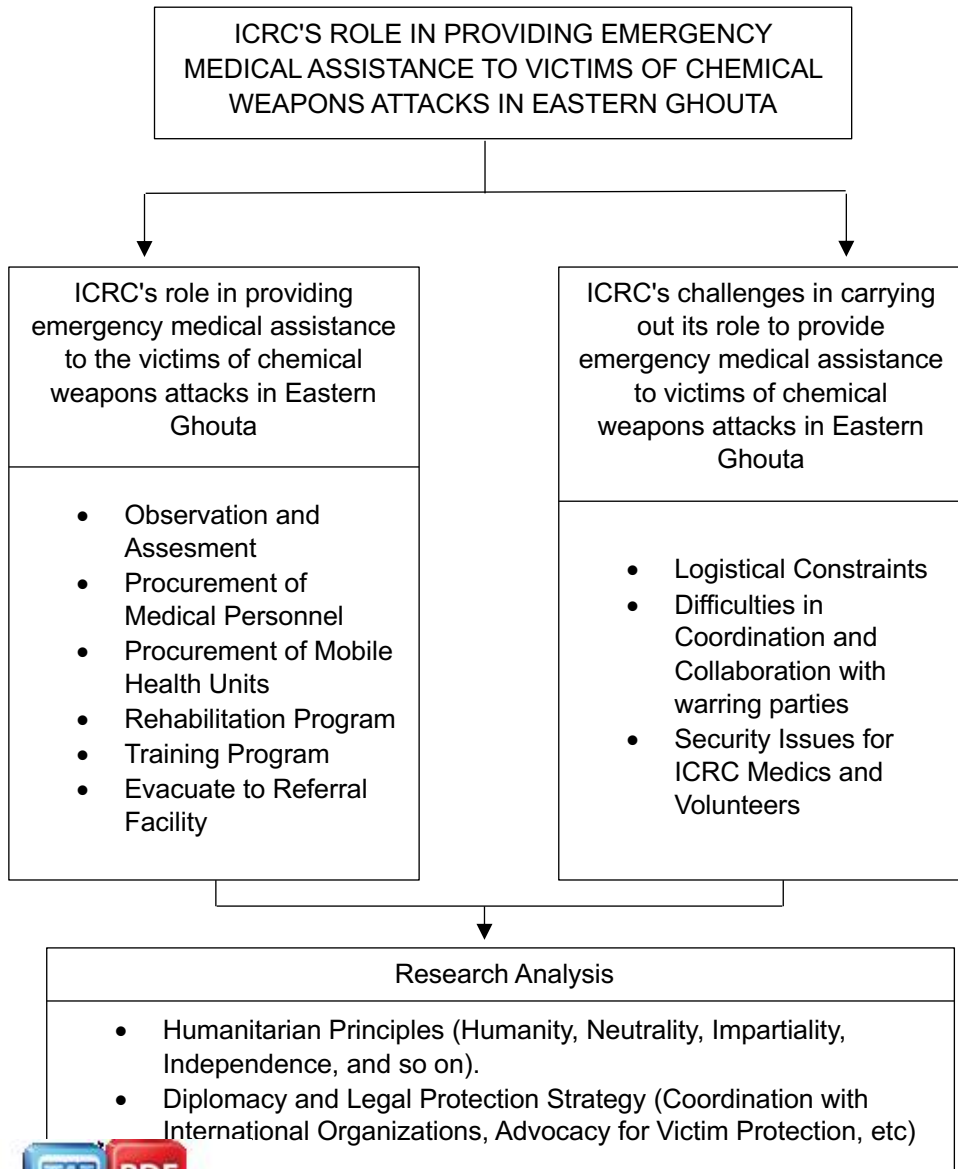
In situations of armed conflict, particularly those involving the use of chemical weapons, the role of humanitarian organizations such as the International Committee of the Red Cross (ICRC) becomes very important in providing emergency medical assistance. One case that highlights the importance of the ICRC’s role is the chemical weapons incident in Eastern Ghouta, Syria, which resulted in thousands of deaths and injuries.⁷⁷ In responding to this situation, the ICRC can play several key roles, ranging from monitoring and assessing medical needs, providing medical staff, operating mobile health units, implementing rehabilitation programmes, evacuating victims to referral facilities, and organizing training for medical personnel in dealing with chemical weapons victims. However, the implementation of this task is inextricably linked to several challenges, including logistical constraints in conflict zones, difficulties in coordination and cooperation with parties to the conflict, and security threats to ICRC medical staff and volunteers. The interaction between the ICRC’s role and the challenges it faces is a key aspect in understanding the extent of the ICRC’s effectiveness in addressing the humanitarian crisis caused by chemical weapons attacks in Eastern Ghouta. The relationship between variables can be seen through the following framework chart:



Suriah: Rudal dan mortir dijatuhkan seperti hujan di Ghouta Timur”, accessed www.bbc.com/indonesia/dunia-43148820

15). The Syrian Chemical Weapons Crisis: A Case Study. *International Affairs*

(2021). Fenomena Pemberitaan Media Indonesia dalam Konflik Senjata Kimia asarkan Perspektif Edmund Husserl). *Jurnal Al-Azhar Indonesia Seri*

Figure 1.1 Framework Chart

CHAPTER II

RESEARCH METHOD

A. Research Type and Approach

This research uses normative juridical methods. Normative research seeks to examine library materials, including legal materials, both primary, secondary, and tertiary.

The research was carried out using the following research approaches:

1. Statute Approach

In this research, the statutory approach will focus on the sources of law that come from the law and are related to the problem (legal issue) at hand.⁷⁸ This approach draws from laws, conventions, statutes, etc., concerning ICRC's role in emergency medical assistance to victims of chemical weapons attacks in Eastern Ghouta, Syria.

2. Conceptual Approach

In this research, the conceptual approach will focus on giving perspective on the topic and research question under the legal concept or from the values contained in enacting a regulation about the concepts used.

3. Study Case Approach

In this research, the study case approach will focus on giving a perspective based on jurisprudence and its relevance to the present research. The information gathered from this case study was taken from ICRC reports, testimonies, media reports, etc.

B. Research Location

The author chose the Faculty of Law Library at Hasanuddin University as the study place to gather data and information to address the research's issues.

C. Types and Sources of Legal Materials

Regarding the type of data used, the author uses secondary data, which includes legal archives, books, research results, views of experts, and types of data that have a relationship with the problem being studied.⁷⁹ The secondary data into legal materials includes:



⁷⁸ Isyiah, (2021), *Penelitian Hukum : Pilihan Metode & Praktik Penulisan Artikel*,

hammad, 2004, *Hukum dan Penelitian Hukum*, Citra Aditya Bakdi, Bandung,

a. Primary legal materials are binding legal materials such as:

- 1) Geneva Convention IV 1949.
- 2) Deen Haag Convention 1907.
- 3) Additional Protocols I and II 1977.
- 4) Geneva Protocol 1925.
- 5) UN Charter
- 6) Declaration of Deen Haag 1899.
- 7) St. Petersburg Declaration 1868.
- 8) Chemical Weapons Prohibition Convention 1993.

b. Secondary Legal Materials

Secondary legal materials are legal materials that explain primary legal materials such as books, articles, journals, research results, papers, and so on that are relevant to the issues to be discussed.

c. Tertiary Legal Materials

Tertiary legal materials, namely legal materials that are complementary, provide guidance and explanation of primary and secondary legal materials.⁸⁰ This can be in the form of dictionaries, articles, and cumulative indexes related to the issues being discussed.

D. Legal Material Collection Technique

The legal material collection technique in this research was carried out using 2 (two) methods of legal material search techniques, namely:

1) Literature Study

Analyzed using primary, secondary, and tertiary legal materials collected to provide an explanation and solution to the case under study. Data collection is carried out to obtain scientific information about theories, concepts, and theories relevant to this research.

In addition, the author studies and quotes legal materials from relevant literature and legislation, as well as from the author's collection, the Hasanuddin University Faculty of Law library collection, and the Hasanuddin University Central Library.

2) Internet Access



on of legal materials is carried out by accessing websites and sed through the internet media that have relevance to the legal

kanto dan Sri Mamudi, *Penelitian Hukum Normative Suatu Tinjauan Singkat*, afindo Persada, 2003), hlm.54

issues in this research with those from various online sources, the collection of legal materials obtained is relevant, accurate, and up-to-date more efficiently.

E. Analysis of Legal Materials

To analyze the role of the ICRC in providing emergency medical assistance to victims of chemical weapons in Eastern Ghouta, Syria, this research will use a qualitative analysis method with a descriptive approach. The techniques applied include text interpretation and related documentation to understand ICRC policies and practices in the context of crises. The descriptive analysis method aims to thoroughly and in-depth describe the role of the ICRC, taking into account relevant aspects of international and humanitarian law. After collecting and analyzing the data, the author will present the findings systematically, following a structured flow of discussion. Finally, the analysis will focus on the legal review of the protection of chemical weapons victims, as well as the role of the ICRC in that context.

