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Protection of the Dead
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IRRC

EDITORIAL

PROTECTION OF THE DEAD

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In a previous professional capacity, teaching international humanitarian law (IHL) to an audience of military officers, I started introducing the core IHL rules protecting the dead when a participant interrupted, asking: "But why protect the dead in war? They are dead anyway." The articles and interviews in this issue of the *Review* take that question seriously.

Whether lawful or unlawful, death is an inherent part of war – and has been throughout history. The 1864 Geneva Convention focused on "the condition of the wounded in armies in the field", leaving the topic of the dead on the battlefield unmentioned. As far as IHL treaties are concerned, the first explicit obligation pertaining to the dead can be found in Article 3 of the 1906 Geneva Convention. Each of the four 1949 Geneva Conventions contains rules addressing this topic quite extensively, as do their Additional Protocols and customary IHL, both for international and non-international armed conflicts.

Yet, until now, the IHL rules on the protection of the dead have received relatively little attention in scholarship. The ambition behind this issue of the *Review* is to remedy this gap, with a focus on contemporary wartime realities and humanitarian responses, including by the International Committee of the Red Cross. This issue also seeks to address how international human rights law and international criminal law can complement the protection of those who have died as a result of armed conflicts.

The above question of "Why protect the dead in war?" can only be answered, as many contributions in this issue do, by equally reflecting on the deeper layers of ethics, values, culture and religion underpinning the legal rules. By treating the dead, no matter who they were in life, in a dignified manner, parties to an armed conflict contribute to upholding humanity in war. Ultimately, doing so may help to build trust and find pathways to peace between those who have inflicted death upon each other during war.

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