

Journal of legal and social studies

Issn: 2507-7333

Eissn: 2676-1742

**The principle of international custom and its effects on the application of  
international humanitarian law**

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Date of send: 01 / 09 / 2024

date of acceptance: 01 / 10 /2024

Date of Publication: 01/12/2024

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**Abstract :**

International custom is of great importance in international criminal justice, as it is considered one of its principles and is applied in order to find peaceful solutions to international disputes that are committed and result in violations of international principles and laws, especially the four Geneva Conventions of 1949 and their two additional protocols of 1977, and this affects the application of international humanitarian law.

We concluded that it is of great importance in achieving the international justice that we all seek, as it positively and negatively affects the implementation of international criminal judicial rulings and the application of international humanitarian .

**Keywords:** Custom ; Law ; Application; Humanitarian ; International.

## 1. Introduction:

Humans are accustomed to certain customs in their daily lives, and over time these customs have become mandatory, and these customs have moved from among tribes to deal with them between countries and have become called an international custom, and many of these customs have been codified in laws and treaties that countries adhere to until today

However, this international custom has positive and negative effects on countries and our goal in this research is to show its impact on the implementation of international criminal judicial rulings and the application of international humanitarian law, so we pose the following problem, what is the impact of international custom on the implementation of international criminal judicial rulings and on the application of international humanitarian law? Does it affect positively or negatively? This is what we address in our research by following the analytical method, according to the following plan:

## 2. Definition and Elements of International Custom:

Man considers custom something sacred in his life, and this is what we find in ancient times, where peoples maintained the customs of their parents and grandparents, and were keen to follow them and work them literally, believing that this is correct, necessary and very necessary in their lives, and custom still plays an important and very large role in the lives of many peoples, until today, especially when the Chinese and Japanese, and even among the Arabs, so we get to know its meaning and pillars Through:

### 1.2 Definition of international custom :

Many jurists differed about the definition of international custom, and give a unified concept, but they all agree that international custom "a set of habits that man has done for a long time and has become obligated to do",<sup>1</sup>( ) so we find that the definition of international custom differed from time to time, we find it in the language when Zamakhshari: by saying: custom means known any beautiful of the acts (<sup>2</sup>), for the Almighty to say: "And ordered custom" (<sup>3</sup> ) any gratitude recommended from actions (<sup>4</sup>), good deed makes everyone want to work with it, and this is what ensures its continuity from one generation to another and from one country to another.

**2.2 Traditional definition of international custom:** Definitions of international custom differed among traditionalists, some of whom define it as: Definition of "Monian D" "International custom is a set of international customs carried out by a state towards another country, and its goal is to achieve international cooperation between them, in the service of humanity"(<sup>5</sup>), that is, "Monian D" believes that international custom is the result of the desire of a state to achieve the interests of its people with the other state, and this is what makes it follow certain customs

between it and this state, and in this way the custom is limited to Cooperation between one country and another only, that is, does not exceed two states, and this is what many consider illogical, although there are those who share their opinion, including me, because custom in my opinion begins between two people or two countries and then spreads among everyone over time, as well as we find the definition of Nartaki Remo Thaly "international custom customs made by the first and as a result of their benefit to everyone, have become something sacred and circulating between peoples and states."<sup>(6)</sup>

Nartaki considers that international custom came as a result of the benefit that resulted from certain customs carried out by the ancients among themselves, and this is what made it continue between peoples and countries until today, that is, every act that has a benefit to countries and peoples is the custom of Du

### **3.2 Modern definition of international custom:**

Muhammad Ali al-Banawi defines international custom as: "The international custom is the customs and traditions of a people, then it includes the whole state and then all the neighboring countries, and then the feeling of the obligation to carry out these customs among these countries"<sup>(7)</sup>.

Al-Jurjani defines custom as "what settled souls on it by the testimony of minds, and received by natures acceptance" <sup>(8)</sup>, as defined by Zarqa as "usually the public of people in saying, or doing" <sup>(9)</sup>, almost all contemporary definitions of international custom agree that it is usually a people for a certain period, made them feel obligatory and must be done among themselves as peoples or as states.

Every people or country has its customs and traditions that it has been accustomed to since its existence, so it remained practiced and preserved for future generations as a moral heritage - so to speak -, for example what we observe today in the treatment of refugees who fled their homelands as a result of wars, persecution and ruling policy, to other countries far from them and differ from them in customs, traditions and language, but these refugees found one thing known to everyone, which is good treatment and reception, and providing All the necessary and necessary assistance for everyone who needs it.

We find the population contributing to their own property, and the state as well, and all this is a service to the needy, and this is called custom because it is an act that is desirable to do, and hearts are reassured of it, whatever its religion, there is no difference between a Muslim or a Christian or ... Everyone does this out of .instinct and reassurance to the hearts.

Article 38 of the Statute of the International Court of Justice deals with international custom by saying, "The function of the Court is to adjudicate disputes submitted to it in accordance with the provisions of international law....

(b) international customs in force that are considered as law evidenced by the  
(<sup>10</sup>) ".frequency of use

#### **4.2 Elements of international custom:**

International custom is one of the most important sources of international law in general, and the most important sources of international criminal law, as this dates back to 1948 in the draft convention establishing the International Criminal Court, and some of them refer it to the International Law Association, which established the International Criminal Court project in 1926, so international custom is very important in public and international life, due to its importance and many positives (<sup>11</sup>), and since international custom is of great importance, jurists divide its pillars Into:

#### **5.2 Material Corner :**

The material element is the basis of international custom, which is intended to practice the act for a certain period of time that makes everyone convinced of it, and practice it due to its advantages, the jurist Balos Mabry defines the material pillar as: "It is the set of actions, customs and practices carried out by a certain people towards another people, makes this act necessary and everyone is satisfied with it."<sup>(12)</sup> "

John Debbane defines the material element of custom as: "the habit of a people that has persisted for a long time between two or more States in order to achieve an end of interest"<sup>(13)</sup>

Through these definitions, we conclude that the material pillar of international custom is a habit and practices that are between one people and another in order to achieve a certain goal, benefiting them all, for example, the decrees of receiving presidents, ministers and Mamluks, all stemming from customs carried out by ancestors and still to this day, although they are not exactly the same, but there are some changes in line with the modern era, such as the use of private planes to move instead of The carriages that transported princes and presidents. In addition to the use of recorded music for the national anthem instead of delivering it orally, this does not change the international custom and remains confused.

That is, what is meant by the material element is to do an act for a certain period of time that makes people do this act due to the habit of doing it, such as providing assistance to everyone without exception and without regard to their nationality, language or religion, and the vivid example that occurred only recently in June 2018, is the Spanish authorities providing assistance to a group of Algerian fishermen who were lost in the sea and taken by the waves to the Spanish border, so they were provided with all the assistance from Food, medicine and gasoline, directing them to the right path for their country, informing the Algerian authorities about them and reassuring their families (<sup>14</sup>), this is an act that falls

within the international custom that is intended to provide assistance to everyone who needs it.

#### 6.2 Moral Pillar:

The moral pillar differs from the material pillar a lot, it is considered an internal thing, any feeling that must be done, due to several reasons, and for this the moral pillar is defined as:

The definition of Rabaloo Baluna "is a feeling of obligation, and failure to do it reproaches the conscience", the definition of Yamalo Havik "the desire to do the act as a result of an innate inner sense"<sup>(15)</sup>, through these definitions we conclude that the moral pillar of international custom is the person's sense of the obligation to do the act, and this feeling stems from the self, anything involuntary and we do it without reparation or force, and these definitions and others are all correct because man wishes to provide assistance on his own. For example, President Bouteflika Abdel Aziz provides free aid free of charge to poor and needy countries and free of charge and without pressure from anyone, although it is a humanitarian duty, but it is an international custom as a result of the international custom that has been done by all countries and has provided and continues to provide assistance to all needy countries.

#### 3. Impact on international criminal judicial rulings and the application of international humanitarian law:

Article 94/1 of the Charter of the United Nations provides that: "1. Each Member of the United Nations undertakes to renounce the judgment of the International Court of Justice in any case to which it is a party",<sup>(16)</sup> which means that each State party to a case must execute the judicial decisions of the Court out of respect for it and its legitimacy, international laws and in conformity with international custom, and in accordance with the principle of good faith, which is the fundamental pillar on which it is based<sup>(17)</sup>. Law in general and international law in particular<sup>(18)</sup>, and this principle is more necessary for the international community<sup>(19)</sup>, international custom is considered to have an impact on the implementation of international criminal judicial rulings and the application of international laws, including international humanitarian law, and we show this through:

#### 1.3 Impact on the implementation of international criminal judicial rulings :

Custom may result in positive or negative effects, especially in the field of application of international criminal judicial rulings, which is a very important thing, especially after the large number of international crimes that occur today in front of everyone, and without issuing any decision against these violations, such as what is happening in Palestine, Iraq, Syria, Libya, Yemen ... We address this through:

### 2.3 Positive effects :

When a conflict erupts, especially an international armed conflict, many crimes occur, especially against unarmed civilians, and everyone takes advantage of the opportunity of the conflict to achieve its greatest needs by all legitimate and illegal means, and this is what makes crimes be many and large, such as what is happening in Palestine, Iraq and ... Especially when there is no international control and punishment of criminals, as these acts have been committed since ancient times, even before the First and Second World Wars, because man since his existence has been fighting and seeking to achieve the largest and best areas at the expense of others, especially areas that contain the necessary resources for life, such as water, and energy materials (petroleum)(<sup>20</sup>)

Due to the absence of international laws in the past governing these crimes and punishing their perpetrators, it was what is known as international custom, where countries had customs and traditions that they followed during wars, such as respect for the elderly, children and ... This, as we mentioned earlier, is mentioned in the Sunnah of the Prophet since ancient times, and the Prophet Muhammad (peace and blessings of Allaah be upon him) recommended his soldiers to respect it, and it is still to this day and is codified in international laws such as the four Geneva Conventions of 1949 (<sup>21</sup>) and the two Additional Protocols of 1977.

What interests us in this study is that international custom has a positive impact on the implementation of international criminal judicial rulings, because international criminal courts, before them are subjected to violations of international laws, and issue judgments on the accused persons who of course have the necessary evidence to convict them, and what is important in these provisions is their implementation, in order to be an example to others and do not dare to commit them again.

The enforcement of such judgments is subject to international custom, i.e. if a State belonging to this international tribunal, and a judicial judgement has been issued against a person, that State concerned with the implementation of the international judicial judgment executes it on the basis of international custom, not on the basis of law(<sup>22</sup>) .

Because we know that international criminal courts do not have a special body that oversees the implementation of judicial rulings issued, and thus differs from national courts in terms of the strength of implementation, and the absence of this device makes these judicial rulings useless, unless implemented, even the victim of these acts always does not trust the international judiciary, as a result of non-implementation, but the international custom is what makes the state concerned implement the judicial judgment based on International norms to which the international community has been accustomed since ancient times.

States belonging to international criminal tribunals are the result of an international convention, and this is what makes them obliged to implement the provisions of the convention, but the reality proves the opposite, as many countries do not respect this convention and try to evade the implementation of its provisions, justifying this for several reasons<sup>(23)</sup>.

At the outbreak of World War I and II, the temporary international tribunals (Yugoslavia, Rwanda) issued several judgments against persons they considered war criminals, who committed international crimes against civilians and violated and violated international laws and customs, and judicial rulings were issued against them, and they were implemented outside the country in which the judicial judgment was issued, and this is a result of the prevailing international custom that was applied between these countries, as the state that accepts the reception of a criminal and executes the sentence against him, is This is considered an international custom and not to force a State to execute <sup>(24)</sup>.

Therefore, the implementation of the international judicial judgment as a result of international custom is considered a positive thing, that is, the custom affected its application, since there is no other binding force for implementation, such as an international police for international courts charged with following up the implementation of these rulings, and if there is no international custom, international judicial rulings would not be implemented.

### **3.3Negative impact:**

Custom customs known by peoples for a long time, have become binding, as a result of the feeling that they must be carried out and due to their usefulness according to their belief, and dealing with one country with another outside the legal frameworks is by international custom, but the latter has negative effects on the implementation of international criminal judicial rulings issued by international criminal courts, as the issuance of judgments by courts is supposed to be implemented, but the reality proves the non-implementation of many international criminal judicial rulings, which Issued by the competent courts, as a result of the accused committing criminal acts, punishable by law, States always refrain from implementing these provisions for several reasons, including:

#### **A- Sovereignty :**

Many countries invoke sovereignty over their territory and freedom of action on their territory, and do not accept that something is imposed on them from outside the state and implement it within their state, so that countries refrain from implementing a judicial ruling issued by an international court against a citizen, and prefer to try him internally and judge him by the law of her country and not by another law, and this in her view is an interference in national sovereignty, as

custom provides for the implementation of judicial rulings issued by international courts Criminal Justice for the Achievement of International Justice<sup>(25)</sup> .

**B- Incompatibility of some international norms with the customs and traditions of States:**

We know that international custom or custom in general varies from one region to another, and from one country to another, even within the same country there is a difference, let alone between countries that have different languages, customs and religions, so a custom accepted by a country and deems it appropriate for it, another country sees it as a custom contrary to it and its customs and religion ( ), for example, we in Algeria do not accept the burning of the dead, or the execution of someone and then burning it until it becomes ashes and put it in a bottle This is contrary to our customs, traditions and religion.

Therefore, international custom is considered a problem in the implementation of international judicial rulings, for example, the International Criminal Court rules on a judgment on an accused and asks one of the countries that is a member of its statute to implement this judgment, and when this state finds that the judicial ruling violates its customs, traditions and religion, it will not implement it, and this negatively affects the implementation of international judicial rulings, and remains without implementation, especially as we have already said that the international judiciary It has no power to compel the execution of these rulings, any international body such as international police or international forces whose task is to monitor and follow up on the implementation of judicial rulings.

### **C- Preserving the interests of states:**

We know that every country, whatever it is, seeks to achieve the greatest benefit for its country, and this is what we find when the United States of America, which intervenes in all the world, and where you find a conflict, even a small one, it intervenes in order to obtain privileges, and plunder that region, as it is doing now in Iraq, Syria and... As a result of the desire of States to preserve their interests, they certainly do not wish to gain enmity with other States <sup>(26)</sup>, especially when an international criminal court asks a state to execute a judicial sentence against an accused who belongs to another country, and it has interests with it, here this state does not implement the judgment despite the fact that international custom stipulates that the States belonging to the International Criminal Court respect its decisions and implement them in order to highlight their value and prestige, and prove their existence. And to achieve international justice, even in a simple way, and in order to make this criminal an example for others in the future.

### **D- Difference between international law and domestic law :**

This is considered the greatest obstacle, since what is stipulated in international law is almost different from what is stipulated in domestic law, and this makes it

difficult to implement international<sup>(27)</sup> criminal judicial rulings issued by international criminal tribunals, although international custom provides for the implementation of these provisions

#### **4.3 Impact on the application of international humanitarian law:**

As a result of the wars that the world witnessed, the most violent of which were the First and Second World Wars, human beings suffered greatly from the lack of respect for their rights, especially civilians, the unarmed, the elderly, children, and all vulnerable groups,<sup>(28)</sup> several laws and international conventions were issued to reduce these violations, including what is related to the prevention of wars or the pledge not to resort to armed force, but the greed of human beings increases every time, and they flout laws and conventions, and when the law appears, International Humanitarian Law, which has a great history, to embody a distinct model for the growing role of public international law, in the field of meeting the requirements of different groups covered by its protection, <sup>(29)</sup>was based on the four Geneva Conventions of 1949 and the two Additional Protocols of 1977, as if they were applied, no one would have suffered and would not have violated someone's right, but this law affects and is affected by several factors, including international custom, which is the pillar of international law, so we address its impact on international humanitarian law through:

#### **3.Positive impact:**

Article 01 common to the four Geneva Conventions of 1949 states that "the High Contracting Parties undertake to respect and ensure respect for this Convention in all circumstances<sup>(30)</sup> ".

We all know that the Geneva Conventions join international humanitarian law, and if this Convention were implemented and applied, human beings would not have suffered from crimes during the outbreak of international or non-international armed conflicts, and the text of Article 01 obliges all contracting parties to respect this Convention in all cases, and this means the use of all methods for its application, including international custom, which is the basis of international law.

International humanitarian law protects all classes of wounded, sick, shipwrecked and... In order to work to provide this protection, the terms of the Convention must be applied, and the use of what is recognized between countries and called international custom.

Article 11 of the First Geneva Convention of 1949 also provides that "the Protecting Powers shall provide their good offices for the settlement of disputes in all cases where they consider it to be in the interest of protected persons, and in particular in cases where the Parties to the conflict do not agree on the application or interpretation of the provisions of this Convention<sup>(31)</sup>."

This article refers to international custom, that is, when it is not agreed to apply the text of the article of the Convention, they resort to international custom, which is a solution they agree upon, because it has been worked before, and it satisfies everyone according to experience for centuries, and thus international custom has a positive impact on the application of international humanitarian law, because almost all conventions are items that came from international custom, and this is what makes countries ratify and sign them, Without international custom, States find it difficult to accept conventions because they differ and oppose their religion, customs, traditions, language, sovereignty and internal law.

In addition, Article 12 of the same Convention stipulates that: "In all cases, the wounded and sick members of the armed forces and other persons referred to in the following article shall be respected and protected.

The Party to the conflict under whose authority they are shall treat them humanely and care for them without any adverse distinction as to sex, race, nationality, religion, political opinion or."... <sup>(32)</sup>

The text of this article is a literal translation of international custom, as all humanitarian transactions stipulated in the four Geneva Conventions of 1949 are an international custom recognized since ancient times, even before the existence of this convention, which is a precursor to the existence and emergence of international humanitarian law, which provides protection for these groups.

International custom has contributed a lot to finding solutions between countries, especially those that have a dispute over a certain thing, so they resort to international custom and the solution is the solution, and thus the latter has a positive impact on the application of international humanitarian law and public international law.

For example, a certain dispute over the borders between two countries led to armed conflicts that led to the violation of rights, especially for the vulnerable class such as civilians, and the lack of respect of the two countries for international conventions, but when they resort to international custom, they find a compromise solution between them, satisfying both parties, based on what has been done by them from generations, and life and relations between them continued without violations.

### **6.3 Negative impact:**

Article 17 of the First Geneva Convention of 1949 provides that "the Parties to the conflict shall verify that the burial or cremation of bodies shall be carried out on a case-by-case basis insofar as circumstances permit...

It is not permissible to cremate corpses except for compelling health reasons or for reasons related to the religion of the deceased, and in the case of cremation, its causes and circumstances shall be indicated in detail... Parties to the conflict

shall ensure that the dead are buried respectfully and in accordance with the rites of their religion."...<sup>(33)</sup>

Due to the fact that we write an article and are related to size, we will limit ourselves to this example to show the negative impact of international custom on the application of international humanitarian law, as the burial of the dead is what concerns every human being, and varies from one country to another, depending on the religion to which he belongs, there is burial and there is burning, and the problem is at the place of death, when an armed conflict occurs between two countries that differ in religion, it is certain that this conflict will cause effects, which are the dead, so how Are they dealt with?

International humanitarian law is clear, which is to respect the dead according to their religion, according to Article 17 of the First Geneva Convention, but countries almost do not apply these conventions and work by custom, that is, they may apply what is stipulated in their religion and customs, and thus custom has a negative impact on the application of international humanitarian law<sup>(34)</sup>.

We mention an example from reality, France's colonization of Algeria, resulted in the dead of both parties, and different dealings with it, for example, the dead of France were buried by Algeria, although those who were here in Algeria have different religions, and some of them burn the body, but Algeria did not burn any body, and buried them in a normal way, and the cemeteries of foreigners (Jews) as it is called Algeria still testify to this.

In addition to dealing with cemeteries, although we are Muslims, our cemeteries are marginalized, like the graves of foreigners, except in the capital they are decorated, due to the presence of ambassadors and ... While foreigners have their cemeteries in their countries decorated and contain scenes that please those who see them, out of respect for their dead, here we have not respected international humanitarian law, which stipulates respect for the dead according to their religion.

The same thing we find in France, which placed the skulls of the martyrs in a museum instead of placing them in a grave, here the State of France did not respect Article 17 of the First Geneva Convention, and did not respect the application of international humanitarian law, which obliges it to respect the dead according to their religion, and we our religion provides for the burial of the dead and not put them in museums? They did so according to their customs and traditions, i.e. according to custom, and thus international custom negatively affected the application of international humanitarian law.

#### **4.Conclusion :**

International custom is an effective method known since ancient times, and solved by many international problems, which was the cause of international and non-international armed conflicts, which claimed the lives of many civilians although they are not the cause of the conflict, and the non-implementation of international criminal judicial rulings issued by international courts is a phenomenon attributed by each country to its own reasons, but the implementation of these provisions must be strictly in order to grant the rights of those affected And punish the perpetrators and make it an example to others in the future.

International humanitarian law is also affected by custom a lot, because almost all its principles came from the recognized international custom, but this custom differs from place to place and each country differs from the other in terms of customs, language, religion and ... Finally, we hope that an international force (international police) will be established whose task will be to ensure the implementation of international criminal judicial rulings issued by these courts, and we also ask States to respect the international conventions they have ratified, and not find excuses and refrain from implementing international judicial rulings, and the principles of international humanitarian law, because peace must be maintained in the world in order to Future generations will live in peace, and not live what our ancestors experienced from the torment and scourge of war.

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Article 94/1 of the Charter of the United Nations

- Mayth Wani, *International Judiciary*, DDN, Jordan, 2015, p. 42.

<sup>18</sup>- The principle of good faith is one of the most important principles of dealing between countries, each country is supposed to improve its intention while dealing with another country, and this has to do with international custom, where the ancients, i.e. kings, were dealing with other countries in good faith and even without documents at times, and this principle is still even in daily dealings between merchants inside or outside the homeland.

<sup>19</sup> - Manar Salem Tarban, *Implementation of International Judicial Judgments*, thesis submitted to obtain a master's degree in public law, Faculty of Rights and Political Science, Al-Azhar University, Gaza, Palestine, 2010, p. 89.

<sup>20</sup> -Manah Murad Raed, *International Wars, Their Effects and Causes - An Analytical Study* -, Dar Al-Kitab for Publishing, DPN, 2016, p. 126.

<sup>21</sup> Article 3 common to the four Geneva Conventions of August 12, 1949 states:

"In the case of an armed conflict not of an international character in the territory of one of the High Contracting Parties, each Party to the conflict shall apply, at a minimum, the following provisions: 1. Persons not taking a direct part in hostilities, including members of the armed forces who have laid down their arms, and persons hors de combat (hors) because of illness, wounding, detention or any other cause, shall in all circumstances be treated humanely, without any adverse distinction based on race or colour, or Religion or belief, sex, birth, wealth or any other similar criterion.

For this purpose, the following acts shall be prepared in relation to...

A- Assault on life.... B- Taking hostages..... c. Assault on personal dignity ... (d) Issuing sentences and executing sentences without trial

- 2He collects the wounded and takes care of them

<sup>22</sup> - Mayth Wani, International Justice, op. cit., p. 95.

<sup>23</sup> - Repent Minibras, International Judicial Judgments, Dar Al-Muluk Publishing, DPN, 2017, p. 45.

<sup>24</sup> - Type-Minibras, op. cit., p. 46.

<sup>25</sup> - Abdelilah Raeb, The Sovereignty and Advantages of States, A Case Study of North African Countries, Dar Al-Uloom, Beirut, Lebanon, 2015, p. 785.

<sup>26</sup> - Abd al-Ilah Ra'ib, op. cit., 790.

<sup>27</sup> - Marmar Abu Sayed, Public International Law, The Case of Iraq and the Levant, Al-Rafidain Publishing House, 2010, p. 85.

<sup>28</sup> - Among them: the Hague Conventions of 1899 and 1907, the 1906 Geneva Convention on the Amelioration of the Condition of Sick Members of the Armies in the Field, the First Geneva Convention of 1929, the Amelioration of the Condition of the Wounded and Sick of Armed Forces in the Field, the 1948 Convention on the Prevention of the Crime of Genocide, the Hague Convention of 1945 for the Protection of Cultural Property, and the Vienna Conventions on the Law of Treaties of 1969.

<sup>29</sup> - Belkheir Tayeb, The Legal System of State Responsibility under the Provisions of International Humanitarian Law, PhD thesis in Public International Law, Faculty of Law and Political Science, University of Abou Bakr Belkaid, Tlemcen, 2015/2016, p. 04.

<sup>30</sup> - Article 01 common to the four Geneva Conventions of 1949 held in Geneva from April 21 to August 12, 1949.

<sup>31</sup> - - Article 11 of the First Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field 12 August 1949 in Geneva.

<sup>32</sup> - Article 12 of the same Convention.

<sup>33</sup> - Article 17 of the First Geneva Convention, op. cit.

<sup>34</sup> - The Algerians who were taken abroad by France to fight with its soldiers against Germany, all of them were cremated in application of the religion prevailing in that region, and the Algerian religion was not respected, and their bodies were abused by the Germans, in retaliation for them because they are fighting with France against them, and here international humanitarian law was not respected.