

## **Military intervention in non-international armed conflicts and its problems in the light of International humanitarian law**

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### **Abstract:**

Non-international armed conflicts are as old as the state, the latter often finds itself in an internal armed conflict fueled by many reasons, which some states, especially the major ones, use these internal armed conflicts as a pretext for military intervention within the territory of the state whose territory is the subject of the conflict, whether for humanitarian motives, and this is rare, or for serving its interests, which is the most common, so that these internal armed conflicts turn into internationalized armed conflicts, which are neither international nor non-international at the same time, but are mixed armed conflicts, which undoubtedly prolong the conflict and increase its intensity and the suffering of its victims, what happened in Syria

The internationalized armed conflict poses real issues for international humanitarian law, as the applicable law during armed conflicts, so we wanted to shed light on these issues and answer the following question: What are the issues posed by military intervention in non-international armed conflicts in light of the provisions of international humanitarian law?

**Keywords:** Armed Conflict; Military intervention; Non international; internationalized; Law.

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## 1- INTRODUCTION:

International law has successfully in criminalized resorting to war through the United Nations (UN) Charter, which prohibits the use of force or threat of its use in international relations. However, preventing the outbreak of wars or armed conflicts is a difficult task.

For this reason, the international community sought to mitigate the impact of these conflicts and make them more humane. To achieve this humanitarian objective, it has worked over a century, through various phases to establish the international humanitarian law. The latter is considered a branch of public international law, comprising rules that limit the effects of armed conflicts for humanitarian reasons. In addition, this law protects people who are not, or no longer, engaged in fighting, it also restricts the right to choose methods and means of combat. Armed conflicts are the field of application for the rules of international humanitarian law. In this context, the law distinguishes between two types of armed conflict: (1) international armed conflict which occurs between two or more countries, and is subject to an expanded set of rules, including the Geneva Conventions and Additional Protocol I of 1977, and (2) non-international armed conflict, which occurs within a country's territory, whether between its regular armed forces and armed groups rebelling against it or between these armed groups themselves. This type of conflict is subject to a narrower set of rules, represented in Common Article 3 and Additional Protocol II of 1977.

However, many non-international armed conflicts take place within a state's territory and are supported by military interventions from foreign countries, some of them in an open and direct manner. These military interventions, in addition to prolonging the armed conflict and increasing the suffering of its victims, create legal issues and pose challenges to international humanitarian law as the applicable law during armed conflicts, this is reflected in what is known today in internationalized armed conflict, despite the scientific and practical importance of this topic we will address the following questions:

- What is the concept of non-international armed conflict in traditional and contemporary international law?
- How a non-international armed conflict is internationalized?
- What issues does internationalized armed conflict raises in light of the rules of international humanitarian law?

To answer these questions, clarify the concept of non-international armed conflicts and identify the issues raised by internationalized armed conflict resulting from foreign military intervention, the descriptive method was used to define and control the study's terms, and the analytical method was used to identify the issues raised by foreign military intervention in non-international armed conflict under the rules of international humanitarian law.

Through our, we reached several very important results, the most prominent of which are:

- The theory of the recognition of belligerents is the first theory that advocated for subjecting non-international armed conflicts to a degree of international regulation under traditional international law, this came after they were previously subject to the internal law of the state where the conflict occurred, however its theoretical and optional nature led to its abandonment.
- Armed conflicts not of an international character, which are covered by Common Article 3, are all armed conflicts taking place on the territory of a state, whether between the government and its insurgents, or between two or more groups of insurgents without the government being a party.
- A non-international armed conflict according to Additional Protocol II is any armed conflict on the territory of State where government forces are necessarily a party, provided that the other armed party meets the objective conditions established by the Protocol, these conditions reflect

its ability to conduct consistent and sustained military operations and to implement this Protocol.

- Additional Protocol II of 1977 narrowed the scope of the definition of non-international armed conflict compared to Common Article III, which represents a clear retreat from what Common Article III achieved in this area.

Accordingly, the topic will be addressed through three main sections:

- Non-International Armed Conflicts in Traditional International Law
- Non-International Armed Conflicts in Contemporary International Law
- Internationalized Armed Conflict and its Problems.

## **2: Non-International Armed Conflicts before the adoption of the four Geneva Conventions.**

### **2.1. The traditional concept of non-international armed conflicts:**

Traditional international law scholars (Cassese, 1986, p. 558) differed on the issue of non-international armed conflicts, between those who considered them to be internal matters that are subject to the internal law of the state on whose territory the conflict takes place, so the law of war does not apply to them, because it applies only between states as the only legal persons recognized at that time, as for what takes place within the territory of the state of non-international armed conflicts, according to this traditional view and before the emergence of the theory of recognition of belligerents, it is one of the sovereign matters in which the state on whose territory the conflict takes place is entitled to deal with it by all available means to refute anyone who took up arms against it (Amer, 2003, p. 922).

This view was adopted by many jurists such as Garcias, Bovendorf, Calvo and many others, who represent the conservative theory that excludes non-international armed conflicts from the field of application of international law (Siotis, 1986, p. 18).

On the other hand, a number of jurists, led by Vattel and Lieber, argued that the law of war should be applied to non-international armed conflicts in their most uncontrolled form, namely civil war, especially after the spread of the latter in the territories of many countries and the large number of victims in a manner not much different from the armed conflicts that take place between states. This contributed to the emergence of the theory of recognition of combatants, which is the first legal regulation that subjects non-international armed conflict in its most uncontrolled form (civil war) to some international regulation after being an internal affair of the state with absolute sovereignty in dealing with it under international law (Vattel, 1983, p. 239).

### **2.2. The emergence of the theory of recognition of combatants**

The emergence of the theory of recognition of combatants had a significant impact on non-international armed conflicts in terms of subjecting them to a degree of international regulation, because once the state recognizes the rebels as combatants, it makes it subject to the law of war in its armed conflict with them.

Jurisprudence has provided several definitions of the theory of recognizing belligerents, among which there are those who define it as: "A recognition by the state of the existence of a state of war between it and a group of people who do not constitute a state." , While another defines it as: "An act issued by the government or a foreign state, through which the party to the conflict participating in the civil war is granted the legal description of the conduct of the war, and the legal consequences of this situation occur from the moment the recognition was made." (Duculesco, 1975, p. 128)

It is noted from these two definitions that the recognition of combatants may be issued by the state on the territory of the conflict or by a foreign state, so if the recognition is by the latter, the law of neutrality applies, while if the recognition is from the state on the territory of the

conflict, the law of war applies, and in both cases, the recognition may be explicit, which is rare and its examples in international practice are few, and the most common example is what happened in Peru in 1869, where warriors demanding independence in Cuba were recognized. It may be implicit, as in 1861 during the American Civil War (Duculesco, 1975, p. 129).

Be that as it may, the recognition of belligerents, whether by the state on whose territory the conflict is taking place or by a foreign state, and whether implicit or explicit, requires a set of conditions that must be met by the rebels in order for them to obtain this recognition and its effects in the face of its issuance.

According to jurisprudence, these conditions can be divided into objective and formal conditions:

The objective conditions are that the insurgents must fulfill three basic elements, namely: Controlling part of the territory, assuming the requirements of sovereignty over it, and thirdly, respecting the laws and customs of war (Atallam, 2002, p. 156).

These objective conditions are notoriously difficult to meet in a rebel party, but if they are met, this indicates that it is strong in its control over part of the territory, organized in a way that allows it to carry out the requirements of sovereignty over it, and respected because it abides by the laws and customs of war, all of which qualify it for recognition.

However, the presence of all three objective conditions in the insurgents is not sufficient to obtain recognition as belligerents, unless it is accompanied by a formal condition (Atallam, 2002, p. 156), namely that this recognition must be issued by the state on whose territory the conflict takes place or by a foreign state, where they have the option to issue the recognition or not, even if all the objective conditions are met in the insurgent party, which makes the theory of recognizing belligerents optional rather than compulsory.

However, if the objective conditions are met and the state party to the conflict or a foreign state recognizes the belligerents, then we are faced with the recognition of the belligerents and its very important implications, which we mention below:

### **2.3. The effects of recognizing combatants:**

The effects of the recognition of combatants vary depending on the party from which the recognition was issued, whether by the state on whose territory the conflict is taking place or by a foreign state, as we will explain below:

With reference to jurisprudence, these conditions can be divided into objective and formal conditions:

#### **- The effects of recognition vis-à-vis the state whose territory is the subject of the conflict:**

The issuance of the recognition of combatants by the state concerned with the internal armed conflict has very important effects, consisting of two important effects (Awashria, 2001, p. 496):

The first is the application of the law of war to the conflict between it and the rebels, meaning that the armed conflict between the legitimate government and the rebels is governed by all the laws and customs of war prevailing at the time under the theory of the recognition of combatants, as the rebels, under this recognition, have a legal status that allows them to enjoy the same rights and duties imposed by the law of war on states, and therefore the rebels and the legitimate government, after the issuance of the latter, are obligated to respect the law of war in the conflict between them and the legal rules it contains, whether under Geneva or Hague law (Al-Mali, 1997, p. 12).

The second effect: Once the state recognizes the rebels as combatants, the state's responsibility for the damage caused by the rebels as a result of the armed conflict is extinguished, unless serious negligence is proven. If it does not recognize the insurgents, it remains liable for all damage caused to third parties as a result of the actions of the insurgents.

#### **- Effects of recognition vis-à-vis foreign states:**

If a foreign state recognizes the rebels as combatants, this recognition applies between this state and the rebels, where it is governed by the law of neutrality, which obliges the foreign state issuing the recognition not to intervene in any way that would provide assistance to one of the parties to the conflict at the expense of the other, and it must not treat the armed forces of the rebels as mercenaries or pirates, but must stand at an equal distance between the parties to the conflict (Al-Sayed, 2001, p. 159 ).

On the other hand, the rebels must respect the rights recognized by international law of the neutral state and must not attack its property and the lives and property of its nationals (Al-Sayed, 2001, p. 158).

A state that violates its obligations imposed by the law of neutrality may be subject to international accountability and condemnation, as happened in the Alabama case on September 14, 1872, when the arbitration court condemned England for violating the rules of neutrality (Awashria, 2001, p. 87).

In conclusion, the theory of recognizing combatants was an important theory in traditional international law, because it added a degree of organization to non-international armed conflicts represented in its most uncontrolled form, namely civil war, after the latter and other forms of non-international armed conflicts were internal affairs of the state subject to the internal law of the state concerned with the conflict, but the theoretical nature of this theory and its lack of application by states in international practice made it a mere war on paper, to be completely abandoned, especially after the developments in contemporary international law following the end of World War II and the adoption of the two conventions

### **3: Non-International Armed Conflicts After the adoption of the four Geneva Conventions.**

In Contemporary International Law, non-international armed conflicts entered a new phase, where for the first time, international legislation was formally codified and away from the belligerent recognition system, guaranteeing a degree of humanity in these conflicts and providing a minimum level of protection for their victims, through Article 3 common to the four Geneva Conventions of 1949, followed by the adoption of Additional Protocol II of 1977, which is considered as a complement and complement to Article 3 common.

Accordingly, we will study non-international armed conflicts in contemporary international law in light of the provisions of Common Article 3, and then in light of Additional Protocol II of 1977, as follows:

#### **3.1. Non-international armed conflicts according to Common Article 3:**

Common Article 3 of the four Geneva Conventions of 1949 is the first international legislation that subjects non-international armed conflicts to a degree of international legal regulation, which guarantees a degree of humanity in these conflicts and provides a minimum level of protection for their victims, for this reason some scholars describe this article as a miniature convention or a convention within a convention (Saab G. A., 1986, p. 257). This article was the fruit of great efforts made by the delegations participating in the diplomatic conference held in Geneva in 1949, and the preparatory work preceding it (Cassese, 1986, p. 559), so that the text of Common Article 3 was finally adopted to stipulate the following:

"In the event of an armed engagement not of an international character in the territory of one of the High Contracting Parties, each party to the conflict shall apply, as a minimum, the following provisions:

1) Persons taking no direct part in the hostilities, including members of the armed forces who have laid down their arms and persons unable to fight because of illness, wounding, detention or any other reason, shall in all cases be treated humanely, without adverse distinction based on race, color, religion or belief, sex, birth, property or any other criterion.

For this purpose, the following acts are prohibited in relation to the above-mentioned persons and remain prohibited at all times and places

- a. Attacks on life and physical integrity, in particular murder in all its forms, mutilation, cruel treatment and torture.
  - b. Hostage-taking
  - c. outrages upon personal dignity, in particular humiliating or degrading treatment
  - d. passing judgment and carrying out punishments without prior trial before a legally constituted court that guarantees all the judicial guarantees necessary in the eyes of civilized peoples.
- 2) The wounded, sick and shipwrecked shall be collected and cared for.

An impartial humanitarian body such as the International Committee of the Red Cross may offer to the parties to the conflict

and the parties to the conflict shall furthermore act by special agreement to implement all or some of the other provisions of this Convention.

Nothing in the application of the foregoing provisions shall affect the legal status of the parties to the conflict."

It is noticeable that Common Article 3 abandoned the terms used by traditional international law, such as insurrection, revolution, rebellion and civil war, and introduced a new term, armed conflict not of an international character, but it did not provide any definition of it, nor did it set any criteria or procedures to help determine it (Saab G. A., 1986, p. 257), which raised many questions, the most important of which is whether armed conflict not of an international character includes all forms of armed conflicts that take place within the territory of a state, regardless of their degree of unrest, or is it limited only to the most uncontrolled form, which is civil war without other forms?

In fact, the jurisprudence in answering this question provided different answers between narrowing and expanding the concept of armed conflict that does not have an international character. Some jurists, such as Professor Pinto, went to define it as: "Any hostile act directed against the legitimate government, if it has a collective character and a minimum level of organization." (Nguyen, 1992, p. 849)

What is notable about this definition is that it limits the armed conflict that does not have an international character to one form, namely the armed conflict with the legitimate government, when it meets certain objective conditions, namely collective character and minimum organization. In this sense, it excludes other forms of non-international armed conflicts from the scope of application of Common Article 3, so another part of the jurisprudence went to expand this field to include armed conflicts to which the government is a party and those to which it is not a party, such as armed conflicts between two or more groups of armed forces, as happened in Somalia, Afghanistan, and Liberia (Awashria, 2001, p. 265).

A third view is that armed conflicts that are not of an international character, which are covered by Common Article III, are all armed conflicts that do not have

A third view is that armed conflicts not of an international character, covered by Common Article III, are all armed conflicts not of an international character that take place on the territory of a state, between the government and its insurgents, or between two or more groups of insurgents without the government being a party to it and at the same time exceeding the degree of internal disturbances and tensions (Amer, 2003, p. 928).

### **3.2. non-international armed conflicts according to the provisions of Additional Protocol II of 1977:**

One of the most important issues that received a long discussion during the work of the Diplomatic Conference (1974-1977) was the question of finding a definition of non-international armed conflict and determining its field of application (Amer, 2003, p. 930), so that the participants at the end of the conference adopted the definition contained in the text of Article 1 of Additional Protocol II of 1977, which states:

"1. This Protocol, which develops and supplements Article 3 common to the Geneva Conventions of August 12, 1949, applies without modifying the present conditions of its application to all armed conflicts not covered by Article 1 of Protocol Additional to the Geneva Conventions of August 12, 1949, and relating to the protection of victims of international armed conflicts, Protocol I, which take place in the territory of a High Contracting Party between its armed forces and dissident armed forces or other regular armed groups, exercising under responsible command over part of its territory such as to enable it to conduct continuous and coordinated military operations

2. This Protocol shall not apply to situations of internal disturbances and tensions such as: riots, occasional acts of violence and other acts of a similar nature that are not armed conflicts."

The following is noteworthy about Article 1 above and its definition of non-international armed conflict:

- Unlike Common Article III, Additional Protocol II of 1977 applies only to armed conflicts to which government forces are a party, whereas Common Article III covers this conflict and extends it to armed conflicts between two or more groups of insurgents to which government forces are not a party. For this reason, the first paragraph of Article I above emphasizes this meaning by stating: "The present Protocol develops and supplements Common Article III ... It does not modify the current conditions for its application to all conflicts."

- Additional Protocol II of 1977 established three conditions for the existence of an armed conflict that falls within the scope of its application, namely: collective character, minimum organization, and control over part of the territory. These conditions refer to the theory of recognition of combatants, and therefore are subject to the criticisms directed at the objective conditions of the theory of recognition of combatants, as they are difficult to materialize by insurgents on the ground, which will make many armed conflicts that do not meet these three conditions outside the scope of application of Additional Protocol II of 1977.

- Additional Protocol II excludes internal disturbances and tensions and the like, such as riots, accidental violence, etc. from its sphere of application, as they are not considered armed conflicts.

Based on the above, it can be said that Additional Protocol II of 1977 narrowed the scope of the definition of non-international armed conflict compared to Common Article III, which represents a clear retreat from what Common Article III achieved in this area.

#### **4: Internationalized Armed Conflict and its Problems:**

##### **4.1 Definition of a internationalized armed conflict:**

Logically, international humanitarian law contains no specific definition for internationalized armed conflicts. This is because such conflicts do not fit neatly into the law's recognized classifications of either international or non-international armed conflicts. Despite this, the phenomenon of internationalized armed conflicts has a long history, predating even the conclusion of the Geneva Conventions.

A notable early example is the Spanish Civil War, which saw significant foreign intervention. The issue became even more prominent and complex after World War II, as seen in conflicts like the Korean War and the Vietnam War (Haddaj, 2025)

Given this legal vacuum, the question of how to apply IHL to these conflicts naturally arises. For this reason, international legal scholarship and judicial precedent have sought to define internationalized armed conflicts, recognizing them as a distinct reality that has imposed itself on international practice

An internationalized armed conflict, as its name indicates, is an internal armed conflict, that is, it is based on the territory of one of the states, whether between its government forces and rebels against it, or an armed conflict between two or more groups of rebels without government forces being a party to it, then one or more foreign countries come through their armed forces and

intervene in this conflict on the side of one of its parties, so that this armed conflict becomes an internationalized armed conflict as a result of this foreign military intervention.

An internationalized armed conflict, as defined by Hans-Peter Gasser, is: "a civil war activated by the intervention of the armed forces of a foreign power, they are events within the state with intervening international elements." (Gasser, 2001, p. 157)

According to the International Dictionary of Armed Conflicts, an international armed conflict becomes internationalized if the following criteria is met (Verri, 1992, p. 246):

- If The victim state of an armed rebellion recognizes the rebels as combatants.
- If one or more foreign states provide assistance to one of the parties with their armed forces
- If two foreign states intervene with their armed forces and each provides assisting a different party.

From these definitions, the characteristics of an internationalized armed conflict can be concluded as follows: (Layqa, 2022, p. 102)

- Prior Non-International Armed Conflict:

There must be a pre-existing non-international armed conflict, as defined by the Geneva Conventions (Article 3) and Additional Protocol II (Article 1). Foreign intervention must occur within the context of this pre-existing conflict.

- Intervention by a Subject of Public International Law:

Internationalization is based on external interventions in non-international armed conflicts, so external intervention must be carried out by a subject of public international law, i.e., the intervening party must have international legal personality, which, according to the provisions of public international law, is only granted to states and international organizations, which have the right to intervene in non-international armed conflicts to support one of the parties to the existing non-international armed conflict

- Armed Military Intervention

The foreign support must be provided by armed military forces actively participating in military operations. This criteria excludes diplomatic, political, or economic interventions as a means of internationalizing a conflict.

- Intent to Influence the Outcome.

One of the parties to a non-international armed conflict is supported and assisted by foreign forces with the aim of influencing the outcome of the armed conflict and changing the balance of power between the parties to the non-international armed conflict to serve the direct or indirect interests of the intervening foreign party.

- Hybrid Nature of the Conflict

Internationalized armed conflicts are characterized by their hybrid or dual nature, as they contain elements of non-international armed conflicts on the one hand, and elements of international armed conflicts on the other, such that the rules governing the dual classification of armed conflicts find themselves subject to parallel and dual application in this category, giving these conflicts the status of both international and non-international armed conflicts.

#### **4.2 How to internationalize a non-international armed conflict:**

As is happening today in many Arab countries such as Yemen, Libya and Syria, the conflict in these countries was initially an internal conflict that became, as a result of foreign military intervention by many countries, an internationalized armed conflict attracted by major military powers with agendas in the region that serve their interests and national security, which led to the prolongation of the armed conflict without a clear winner or loser, and was clear only in the amount of suffering endured by the civilian population in a way that made the international community helpless to stop it.

In general, foreign military intervention in a non-international armed conflict takes two forms: (Abbou, 2006, p. 46) Either direct overt intervention, in which two or more states intervene with their armed forces on the side of one of the parties to the conflict. Or indirect covert intervention, which the intervening countries are usually reluctant to disclose, by providing aid

through the transfer of intelligence information and sending military officers and experts to participate in training the armed forces of one of the parties to the conflict.

Foreign military intervention in non-international armed conflicts, whether overtly direct or covertly indirect, exists for many political, economic and even ideological reasons, as the countries involved serve their interests without having to engage in an armed confrontation between them, either out of fear of appearing to violate international legitimacy, or to avoid the high costs of fighting an international armed conflict with unknown consequences with another country, or the fear of a nuclear war that destroys the world.

#### **4.2. The Problem of Internationalized Armed Conflict:**

The issue of internationalized armed conflict from the perspective of international humanitarian law as the applicable law during armed conflicts lies in the fact that the internationalized armed conflict is a complex and complicated conflict in which internal and international elements overlap, making it a mixed armed conflict that is neither an international armed conflict governed by the rules of international humanitarian law applicable to international armed conflicts, nor a non-international armed conflict governed by the legal rules established by international humanitarian law for non-international armed conflicts, while international humanitarian law establishes its rules for two types of armed conflict, either international or non-international, which is not found in the perspective of international humanitarian law and is not applicable to international or non-international armed conflicts.

- The difficulty in characterizing internationalized armed conflict creates the issue of the applicable law, whether it is the law of international or non-international armed conflicts.
- Internationalized armed conflict raises the issue of the quantitative and qualitative disparity between the law of international armed conflict and the law of non-international armed conflict, as many of the legal rules that apply to international armed conflict have no counterpart in the law of non-international armed conflict.
- Internationalized armed conflict raises the question of the adequacy of customary rules that can be applied to armed conflicts, regardless of whether they are international or non-international, to address the effects of an armed conflict in which foreign and domestic elements interfere with civilians and civilian objects.
- Military interventions by states are no longer carried out only by their regular military forces, but foreign military interventions are now carried out by specialized agencies, mercenary companies that carry out war by proxy for large sums of money, such as the American Blackwater and Russian Vagner, which is another challenge that internationalized armed conflict poses to (IHL).

The ideal solution to all the problems posed by internationalized armed conflict may be to eliminate the distinction between international and non-international armed conflicts, given that the reasons for this distinction no longer exist. The spread of internationalized armed conflicts is one of the strongest arguments in favor of this position. However, this solution, while seemingly simple, is not easy to implement.

The (ICRC) attempted to address this problem at the 1974-1977 Conference of Governmental Experts to Develop General International Humanitarian Law by presenting draft laws and proposals calling for the elimination of the distinction between international and non-international armed conflicts and the application of a single law covering all types of armed conflicts (Saab G. A., 1986, p. 329).

It proposed the following text to the participants: "In the case of internal armed conflict, when one or both parties receive benefits and assistance from foreign forces provided by a third country, the parties to the conflict must apply the international humanitarian law applicable to international armed conflicts."

The ICRC believed that if this proposal was accepted, it would provide protection to all victims of internal conflicts that had become internationalized, regardless of which side they belonged to. However, the proposal was rejected at the time. Experts believed that adopting it would encourage rebels to seek foreign assistance to improve their legal status (Abbo, 2009, p. 04).

As a result of this objection, the ICRC presented a revised version at the second session of government experts in 1972. This new proposal suggested that humanitarian rules, in their entirety should apply to an internal conflict only if both parties (the government and the rebels) had received external support and assistance. These rules would not apply if the rebels had received assistance on their own, but this proposal was also rejected for the same reason: the fear of strengthening the legal position of rebels. This led the ICRC to abandon its efforts to include internal armed conflicts in the 1977 Additional Protocols. (Abbo, 2009, p. 5)

This failure cannot be explained apart from the will of the states, which recognized the distinction between international and non-international armed conflicts and are capable of removing it when the political will to do so exists.

It is worth noting here the creative role played by the International Criminal Tribunal for the former Yugoslavia (ICTY) in blurring the distinction between international and non-international armed conflicts, as it did in the case of the defendant Duško Tadić. The court was forced to examine the facts, circumstances and conditions surrounding the conflict in Yugoslavia, as well as to refer to the case of US military and paramilitary activities in Nicaragua in 1986 in order to arrive at an accurate understanding of the nature of this conflict. The court decided that many of the rules relating to international armed conflicts could be applied to non-international armed conflicts. Many of the principles contained in Article 3 common to the four Geneva Conventions of 1949 became rules of customary law. Therefore, the text of Article 3 of the Court's Statute, which repeats the text of Common Article 3, applies to all serious violations of customary international law, whether in international or non-international armed conflicts, as well as to crimes against humanity. The Court concluded that there is a well-established customary rule that does not require this type of crime to be linked to the nature of the conflict, whether international or non-international (Saab R. M., 1986, p. 137)

## **5- Conclusion:**

Thus, we have studied the topic of military intervention in non-international armed conflicts and its issues in the light of the provisions of international humanitarian law, through which we tried to answer the main question posed by the research, namely: What are the issues raised by foreign military intervention in non-international armed conflicts in the light of the rules of international humanitarian law?

In the end, we concluded that the internationalized armed conflict is a complex and complicated conflict in which internal and foreign elements overlap, which makes it a mixed armed conflict that is neither an international armed conflict governed by the rules of international humanitarian law applicable to international armed conflicts, nor a non-international armed conflict governed by the legal rules established by international humanitarian law for non-international armed conflicts, while international humanitarian law determines its rules for two types of armed conflict, either international or non-international, and does not apply to international or non-international armed conflicts.

- The international community should reconsider the division of armed conflicts into international and non-international armed conflicts by applying a single law that applies to all armed conflicts regardless of their type, a matter that has become more than urgent after the widespread proliferation of internationalized armed conflicts due to foreign military interventions.

- The United Nations should seek to limit military interventions in non-international armed conflicts and raise awareness of the issues they pose in the field of international humanitarian law.

- States should disseminate and publicize the rules of customary international law and ensure that they are reflected and respected in internationalized armed conflicts, as they are applicable in such conflicts, which may mitigate their impact on civilian victims and civilian object

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