Heinous and Abominable Acts in Armed Conflicts: A Critical Legal Analysis of Attacks on Hospitals, Churches, ABD Medical Personnel

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ABSTRACT

This study critically examines the protection of hospitals, churches, and medical personnel under international humanitarian law, with particular focus on the legal implications of attacks against these specially protected entities during armed conflicts. The study adopts a doctrinal legal research methodology based on the analysis of treaties, customary international humanitarian law, judicial decisions, and scholarly literature. It finds that the Geneva Conventions of 1949, the Additional Protocols of 1977, the Hague Convention of 1954, and the Rome Statute of the International Criminal Court establish a comprehensive legal framework prohibiting attacks against medical and religious institutions and personnel. Despite these legal protections, the study reveals that such attacks continue to occur due to weak enforcement mechanisms, inadequate accountability, and persistent non-compliance by parties to armed conflicts. The study further examines the circumstances under which the special protection accorded to hospitals, churches, and medical personnel may cease and emphasizes that such exceptions must be interpreted restrictively. It concludes that strengthening accountability, improving domestic implementation of international humanitarian law, enhancing military compliance, and reinforcing international cooperation are essential for ensuring effective protection. The study contributes to existing scholarship by providing an integrated legal analysis of attacks against hospitals, churches, and medical personnel within a single analytical framework and by identifying practical measures for strengthening the special protection regime under international humanitarian law.

Keywords: Abominable Acts, Armed Conflicts, Critical Legal Analysis, Churches, Heinous, Hospitals, and Medical Personnel.

INTRODUCTION

Armed conflicts represent some of the most devastating episodes in human history, characterized by the tragic interplay between violence, destruction, and the erosion of human dignity. Although war is inherently destructive, it is not legally unrestrained. The corpus of international humanitarian law (IHL) has progressively evolved as a civilising force within the theatre of armed conflict, seeking to impose juridical restraints upon the means and methods of warfare and to preserve the remnants of humanity amidst the chaos of hostilities.[1] Nevertheless, contemporary armed conflicts continue to be marked by egregious violations of these cardinal legal principles, particularly through deliberate, indiscriminate, or disproportionate attacks against hospitals, churches, and medical personnel. Such acts constitute a profound affront to the conscience of humanity and undermine the fundamental humanitarian values upon which the law of armed conflict is founded.

Hospitals, medical facilities, and healthcare personnel occupy a privileged and protected position within the architecture of international humanitarian law. Their special status derives from the recognition that, even amidst armed hostilities, the wounded, sick, and those dedicated to providing medical assistance

[1] International Committee of the Red Cross (ICRC), *International Humanitarian Law: Answers to Your Questions* (ICRC 2015) 7–9.

must remain beyond the reach of violence and retaliation.[2] Similarly, religious buildings, including churches, may enjoy protection where they qualify as civilian objects or cultural and religious heritage sites, reflecting the broader obligation to respect objects indispensable to the spiritual and cultural identity of communities.[3] Consequently, attacks against these protected entities transcend ordinary acts of warfare; they represent a repudiation of the humanitarian ethos of armed conflict and a direct assault on human dignity.

The normative foundations governing the protection of hospitals, churches, and medical personnel are firmly entrenched within elaborate framework of international humanitarian law. The four Geneva Conventions of 1949, their Additional Protocols of 1977, and customary international humanitarian law establish comprehensive obligations requiring parties to armed conflicts to respect and protect medical units, medical personnel, and civilian objects from attack.[4] These obligations are reinforced by the foundational principles of distinction, proportionality, precaution, and humanity, which collectively regulate the conduct of hostilities and prohibit attacks directed against persons or objects not making an effective contribution to military action.[5]

Despite this robust legal architecture, contemporary battlefields continue to witness a disturbing persistence of attacks against humanitarian and religious spaces. Hospitals have been converted from sanctuaries of healing into scenes of devastation; medical personnel, whose professional mandate is anchored in saving lives, have increasingly become victims of violence; and religious institutions, traditionally perceived as symbols of peace and refuge, have been destroyed or unlawfully targeted during armed conflicts. Such violations reveal a troubling gap between the solemn obligations imposed by international law and the realities of modern warfare, where disregard for humanitarian norms and impunity frequently prevail.[6]

The description of these acts as “heinous and abominable” is justified by their exceptional gravity and their destructive impact on the very foundations of humanitarian protection. Attacks against hospitals, churches, and medical personnel do not merely constitute violations of operational rules of warfare; they strike at the heart of the humanitarian principles that seek to preserve life, alleviate suffering, and protect vulnerable populations during armed conflicts. As the International Committee of the Red Cross (ICRC) has consistently emphasized, respect for protected medical services remains indispensable to ensuring that the victims of war receive essential assistance without discrimination.[7]

From the perspective of international criminal law, certain attacks against protected persons and objects may attract individual criminal responsibility where the legal elements of the offence are satisfied. The intentional direction of attacks against hospitals, medical personnel, or protected civilian objects may constitute grave breaches of the Geneva Conventions and, where applicable, war crimes are prosecutable before national or international criminal jurisdictions.[8] The jurisprudence of international criminal

[2] Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (adopted 12 August 1949) 75 UNTS 31, arts 19–24.

[3] Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Additional Protocol I) (adopted 8 June 1977) 1125 UNTS 3, art 53.

[4] Geneva Conventions (1949); Additional Protocol I (1977); Protocol Additional to the Geneva Conventions of 12 August 1949 Relating to the Protection of Victims of Non-International Armed Conflicts (Additional Protocol II) (adopted 8 June 1977) 1125 UNTS 609.

[5] Jean-Marie Henckaerts and Louise Doswald-Beck, *Customary International Humanitarian Law, Volume I: Rules* (Cambridge University Press 2005) rules 1, 14, 15.

[6] International Committee of the Red Cross, *The Challenges of Contemporary Armed Confiicts* (ICRC 2019) 5–10.

[7] International Committee of the Red Cross, *Health Care in Danger: Making the Case* (ICRC 2011) 6.

[8] Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force 1 July 2002) 2187 UNTS 90, art 8(2)(b)(ix), art 8(2)(e)(iv).

tribunals has affirmed that the deliberate targeting of objects and persons represents conduct capable of engaging the criminal responsibility of individuals responsible for such violations.[9]

This article undertakes a critical legal examination of attacks against hospitals, churches, and medical personnel within the contemporary framework of international humanitarian law. It interrogates the scope and content of the special protection accorded to these entities, analyses the circumstances under which such protection may be lost, and evaluates the legal consequences arising from violations. Furthermore, it explores the challenges confronting enforcement mechanisms and accountability processes in ensuring that perpetrators of these atrocious acts are brought to justice.

The article argues that attacks against hospitals, churches, and medical personnel constitute some of the most reprehensible violations of international humanitarian law because they undermine the very essence of humanity that the law seeks to preserve. Although the existing legal framework provides a sophisticated protective regime, the continued occurrence of such attacks demonstrates the urgent need for stronger enforcement mechanisms, enhanced compliance strategies, and renewed commitment by states and non-state armed groups to uphold the inviolable principles of humanity, dignity, and justice during armed conflict.

LEXICAL AND CONCEPTUAL CLARIFICATION

A proper understanding of the legal discourse surrounding heinous and abominable acts committed during armed conflicts requires a preliminary examination of the essential concepts that constitute the foundation of this study. Legal terminology is often characterized by technical complexity and contextual variation; therefore, its interpretation cannot be confined solely to ordinary linguistic meanings but must be examined within the broader framework of legal theory, international humanitarian law, and international criminal justice. The expressions contained in the title of this article are not merely descriptive terms but represent concepts that carry significant legal consequences, particularly regarding the protection of vulnerable persons and objects during armed conflicts.

This section therefore provides a systematic clarification of the principal concepts employed in this research, namely *heinous and abominable acts*, *armed confiicts*, *attacks*, *hospitals*, *churches*, and *medical personnel*. Lexical clarification focuses on the ordinary linguistic meaning and dictionary interpretation of these terms, while conceptual clarification examines their juridical meaning and application within the framework of international humanitarian law. Such clarification is indispensable because the determination of whether attacks against hospitals, churches, and medical personnel constitute serious violations of international law depends upon a precise understanding of these concepts.

LEXICAL CLARIFICATION

Lexical clarification examines the literal meaning, linguistic origin, and ordinary interpretation of the major terms contained in the title of this article. Although these concepts may acquire specialized legal meanings, their ordinary meanings provide the foundation upon which their juridical interpretation is constructed.

Clarification of Key Terms

These key terms are very significant to this study. They shall be examined seriatim.

(a) Heinous

The word “heinous” describes an act that is exceptionally wicked, atrocious, shocking, and deserving of severe condemnation. It conveys a sense of extreme moral depravity and unusual gravity.

[9] *Prosecutor v Kordić and Čerkez* (Judgment) ICTY-95-14/2-T (26 February 2001) paras 207–208; *Prosecutor v Strugar* (Judgment) IT-01-42-T (31 January 2005) paras 307–309.

According to *Black's Law Dictionary*, heinous refers to conduct that is "grossly reprehensible because of its extreme cruelty or depravity."[10] The *Oxford English Dictionary* similarly defines heinous as something "odious, hateful, or morally shocking."[11] Thus, the term signifies conduct that transcends ordinary wrongdoing and violates fundamental standards of humanity.

(b) Abominable Acts

The expression "abominable acts" refers to actions that are detestable, repugnant, and morally unacceptable because they offend deeply established principles of human morality. The term "abominable" denotes conduct that is regarded as vile, hateful, and worthy of universal condemnation.[12] Within legal discourse, the expression is often associated with atrocities and grave violations that shock the conscience of humanity, particularly acts involving extreme cruelty against civilians and protected persons.

(c) Armed Conflicts

The term "armed conflict" refers to a situation involving the use of armed force between states or between governmental authorities and organized armed groups. The concept is broader than the traditional expression "war" because international humanitarian law applies based on factual circumstances rather than formal declarations of war.[13] The ICTY in *Prosecutor v Tadić* famously held that armed conflict exists whenever there is "a resort to armed force between States or protracted armed violence between governmental authorities and organized armed groups."[14]

(d) Attacks

An attack ordinarily refers to an act of aggression, assault, or violence directed against a person, group, or object. In the military context, it involves an operation intended to cause damage, destruction, or defeat to an adversary. Under international humanitarian law, Article 49(1) of Additional Protocol I defines attacks as "acts of violence against the adversary, whether in offence or in defense."[15]

(e) Hospitals

A hospital is generally understood as an institution established for the diagnosis, treatment, and care of persons suffering from illness or injury. In humanitarian contexts, hospitals represent protected spaces dedicated to saving lives and alleviating suffering. International humanitarian law grants medical establishments special protection because of their exclusive humanitarian function.[16]

(f) Churches

A church refers to a place of Christian worship and religious activity. Beyond its spiritual function, churches may constitute important cultural and social institutions representing the identity and heritage of communities. Under international humanitarian law, religious buildings are generally

[10] Bryan A Garner (ed), *Black's Law Dictionary* (12th edn, Thomson Reuters 2024) sv 'heinous'.

[11] Oxford English Dictionary (Oxford University Press, online edition) sv 'heinous'.

[12] Bryan A Garner (ed), Black's Law Dictionary (12th edn, Thomson Reuters 2024) sv 'abominable'.

[13] International Committee of the Red Cross (ICRC), How is the Term "Armed Confiict" Defined in International Humanitarian Law? (Opinion Paper, 2008).

[14] Prosecutor v Tadić (Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction) IT-94-1-AR72 (ICTY Appeals Chamber, 2 October 1995) para 70.cf

[15] Protocol Additional to the Geneva Conventions of 12 August 1949 (Additional Protocol I) 1977, art 49(1).

[16] Geneva Convention I for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field 1949, arts 19–24.

considered civilian objects and must not be made the object of attack unless they lose their protected status by contributing to military action.[17]

(g) Medical Personnel

Medical personnel refers to individuals exclusively assigned to medical duties, including doctors, nurses, surgeons, and other healthcare workers responsible for caring for the wounded and sick. Their humanitarian role places them under special protection under international humanitarian law because they do not participate directly in hostilities.[18]

Conceptual Clarification

Conceptual clarification examines the legal and theoretical meaning of these concepts within international humanitarian law and international criminal law. It establishes the precise meaning of these expressions as they operate within the regulation of armed conflicts.

Conceptual Meaning of Key Terms

These concepts are very central and significant in unraveling the content of this work. Each of the concepts shall be examined one after the other respectively.

(a) Heinous and Abominable Acts in Armed Conflicts

Conceptually, heinous and abominable acts in armed conflicts refer to exceptionally serious violations of humanitarian norms that inflict grave suffering upon protected persons and objects. They involve conduct that violates the minimum standards of humanity recognized by international law. According to Theodor Meron, the development of humanitarian law reflects the international community's attempt to protect fundamental human values even during periods of armed violence.[19]

In this study, heinous and abominable acts encompass deliberate attacks against hospitals, churches, and medical personnel, unlawful destruction of protected objects, and conduct intended to terrorize or punish civilian populations.

(b) Armed Conflict

Conceptually, armed conflict is the legal condition that activates the application of international humanitarian law. It is not determined by political declarations but by objective facts relating to the intensity of violence and the organization of parties involved. Yoram Dinstein explains that the existence of armed conflict depends upon the factual occurrence of hostilities rather than formal recognition by the parties.[20]

(c) Hospitals and Medical Personnel as Protected Entities

Conceptually, hospitals and medical personnel represent the humanitarian conscience of warfare because their purpose is the preservation of life rather than participation in combat operations. Marco Sassòli identifies the protection of medical services as one of the essential pillars of international humanitarian law because it ensures assistance to victims without discrimination.[21]

[17]. Additional Protocol I 1977, art 52; art 53.

[18] Geneva Convention I 1949, art 24; Additional Protocol I 1977, art 8(c).

[19]. Theodor Meron, The Humanization of International Law (Martinus Nijhoff Publishers 2006).

[20] *Yoram Dinstein, The Conduct of Hostilities under the Law of International Armed Confiict (4th edn, Cambridge University Press 2022).*

[21] Marco Sassòli, International Humanitarian Law: Rules, Controversies, and Solutions to Problems Arising in Warfare (Edward Elgar Publishing 2019).

(d) Churches and Religious Objects

The conceptual protection of churches derives from the principle that civilian objects, including religious and cultural sites, must be respected during armed conflicts. Such protection recognizes that places of worship possess significance beyond their physical structures by embodying collective identity, spiritual values, and cultural continuity.[22]

(e) Attacks as International Humanitarian Law Violation

Conceptually, attacks against hospitals, churches, and medical personnel become legally significant where they violate the principles governing the conduct of hostilities, particularly distinction, proportionality, and precaution. Intentional attacks against protected persons or objects may constitute grave breaches of the Geneva Conventions and war crimes under the Rome Statute of the International Criminal Court.[23]

PROBLEM STATEMENT

Despite the existence of a comprehensive international humanitarian law framework designed to protect hospitals, churches, and medical personnel during armed conflicts, attacks against these protected entities remain a persistent feature of contemporary warfare. The Geneva Conventions of 1949, Additional Protocols of 1977, customary international humanitarian law, and the Rome Statute of the International Criminal Court establish clear obligations requiring parties to armed conflicts to respect medical facilities, protect healthcare workers, and refrain from attacking civilian and religious objects.[24] However, the continued occurrence of such violations reveals a significant gap between the normative strength of international legal obligations and their practical enforcement during armed conflicts.

This problem is demonstrated by numerous documented cases of violations. For instance, on 3 October 2015, an airstrike destroyed the Médecins Sans Frontières (MSF) trauma hospital in Kunduz, Afghanistan, killing 42 persons, including patients and medical personnel. The incident raised serious concerns regarding compliance with the special protection accorded to medical units under international humanitarian law and the effectiveness of accountability mechanisms for violations against healthcare facilities.[25]

Similarly, during the Syrian armed conflict, hospitals, ambulances, and medical personnel were repeatedly targeted. The Independent International Commission of Inquiry on Syria documented extensive attacks against healthcare facilities, noting that such violations severely undermined medical services and caused immense suffering among civilians.[26]

The problem was further illustrated during the Russia–Ukraine armed conflict, particularly the bombing of the Mariupol maternity and children's hospital in March 2022. The attack generated international condemnation because the facility was dedicated to providing medical care to civilians and therefore enjoyed protection under international humanitarian law.[27]

[22]UNESCO, *Convention for the Protection of Cultural Property in the Event of Armed Confiict* (1954).
[23] Rome Statute of the International Criminal Court 1998, art 8(2)(b)(ix) and art 8(2)(e)(iv).

[24] Geneva Convention I (1949), arts 19–24; Protocol Additional to the Geneva Conventions of 12 August 1949 (Additional Protocol I) 1977, arts 11, 12, 48, 52; Rome Statute of the International Criminal Court 1998, art 8.

[25] Médecins Sans Frontières, *Initial MSF Internal Review: Kunduz Trauma Centre Airstrike* (MSF 2015); United States Department of Defense, *Investigation Report of the Airstrike on the Médecins Sans Frontières Trauma Center in Kunduz, Afghanistan* (2016).

[26] Independent International Commission of Inquiry on the Syrian Arab Republic, *Assault on Medical Care in Syria* (UN Human Rights Council 2019).

[27] Office of the United Nations High Commissioner for Human Rights (OHCHR), *Report on the Human Rights Situation in Ukraine* (2022).

Beyond attacks on hospitals, religious institutions have also suffered serious violations. During the occupation of parts of Iraq and Syria by the Islamic State (ISIS), numerous churches, monasteries, and religious heritage sites were destroyed as part of campaigns against religious minorities. These acts represented not only violations of religious freedom but also attacks against cultural heritage protected under international law.[28]

The judicial treatment of attacks against protected objects further demonstrates the seriousness of these violations. In *Prosecutor v Strugar,* the International Criminal Tribunal for the former Yugoslavia (ICTY) convicted the accused in relation to attacks against Dubrovnik, including damage to religious and cultural property, affirming that protected cultural objects cannot be unlawfully targeted during armed conflicts.[29] Likewise, in *Prosecutor v Kordić and Cerkez*, the ICTY examined the destruction of civilian and religious property during the Bosnian conflict and recognized that attacks against protected objects may constitute serious violations of international humanitarian law.[30]

These examples reveal a fundamental contradiction: although international law provides extensive protection for hospitals, churches, and medical personnel, violations continue with alarming frequency. The central challenge therefore lies not in the absence of legal rules but in inadequate compliance, weak enforcement mechanisms, and limited accountability for perpetrators.

Consequently, this study examines the persistence of heinous and abominable acts against hospitals, churches, and medical personnel despite existing legal protections. It critically evaluates the adequacy of the international humanitarian law framework, investigates accountability challenges, and proposes measures aimed at strengthening protection and ensuring greater respect for humanitarian principles during armed conflicts.

THEORETICAL FRAMEWORK

This study is anchored on three complementary theories: the Principle of Humanity Theory, Just War Theory, and Compliance Theory of International Law. These theories provide the conceptual foundation for examining why attacks against hospitals, churches, and medical personnel continue during armed conflicts despite the existence of international legal protections.

Principle of Humanity Theory

The Principle of Humanity Theory is based on the idea that human dignity must be protected even in times of armed conflict and that unnecessary suffering must be limited. The principle was developed within the humanitarian tradition of international law and was significantly advanced by Jean Pictet (1950s–1980s) through his writings on the principles of international humanitarian law.[31] Pictet argued that the essence of humanitarian law is the protection of human beings from the destructive consequences of war.

This theory explains the special protection accorded to hospitals, medical personnel, and religious institutions. It demonstrates that attacks against these entities violate the fundamental humanitarian objective of preserving life and dignity during warfare.

Just War Theory

The Just War Theory is one of the oldest theories governing the morality of warfare. Its origins are traced to St Augustine of Hippo (354–430 AD)[32] and were further developed by St Thomas Aquinas (1225–

[28] UNESCO, *Emergency Safeguarding of Cultural Heritage in Iraq and Syria* (UNESCO 2015).

[29] *Prosecutor v Strugar* (Judgment) IT-01-42-T (ICTY Trial Chamber, 31 January 2005).

[30] *Prosecutor v Kordić and Čerkez* (Judgment) IT-95-14/2-T (ICTY Trial Chamber, 26 February 2001).

[31] Jean Pictet, *Development and Principles of International Humanitarian Law* (Martinus Nijhoff 1985).

[32] Augustine, The City of God (5th century).

1274).[33] In modern times, the theory was significantly developed by Michael Walzer (1977) through his influential work *Just and Unjust Wars*.[34] The theory establishes that even when war occurs, there are moral and legal limits governing how it should be conducted (*jus in bello*).

It emphasizes principles such as distinction, proportionality, and necessity, which require combatants to avoid attacking civilians, hospitals, medical personnel, and civilian objects.

Compliance Theory of International Law

The Compliance Theory of International Law examines why states and other actors obey or violate international legal obligations. The modern formulation of compliance theory was developed by Abram Chayes and Antonia Handler Chayes (1995) in their work *The New Sovereignty: Compliance with International Regulatory Agreements*.[35]

The theory argues that compliance with international law depends on factors such as effective institutions, monitoring mechanisms, political commitment, and enforcement capacity. This theory is relevant to this study because it explains why violations of international humanitarian law continue despite the existence of binding legal rules protecting hospitals, churches, and medical personnel.

METHODOLOGY

This study adopts a doctrinal legal research methodology, which involves the systematic identification, interpretation, and critical analysis of legal rules, principles, treaties, judicial decisions, and scholarly opinions relevant to the subject under investigation.[36] The doctrinal method is appropriate because it focuses on examining what the law is, how it has been interpreted, and whether it adequately addresses the protection of hospitals, churches, and medical personnel during armed conflicts.

The study further employs a qualitative research approach, which analyses legal texts and documentary materials rather than numerical or statistical data.[37] This approach enables an in-depth evaluation of legal principles, judicial reasoning, and institutional practices relating to international humanitarian law.

In addition, the research adopts a critical analytical method, which systematically evaluates the strengths, weaknesses, and effectiveness of the existing legal framework, identifies gaps in implementation and enforcement, and proposes appropriate legal reforms to enhance the protection of humanitarian and religious entities during armed conflicts.[38]

LITERATURE REVIEW

The protection of hospitals, churches, and medical personnel during armed conflicts has attracted Considerable scholarly attention within the field of international humanitarian law. Existing literature has examined the legal principles governing the protection of civilians, humanitarian actors, and civilian objects during warfare. However, significant gaps remain regarding the integrated legal analysis of attacks against hospitals, churches, and medical personnel, particularly in relation to accountability, enforcement, and contemporary patterns of violations. This section reviews selected literature relevant to the study, identifies the contributions of existing scholars,

[33] Thomas Aquinas, *Summa Theologica* (13th century).

[34]Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (Basic Books 1977).

[35] Abram Chayes and Antonia Handler Chayes, *The New Sovereignty: Compliance with International Regulatory Agreements* (Harvard University Press 1995).

[36] Terry Hutchinson, *Researching and Writing in Law* (5th edn, Lawbook Co 2024).

[37] Mike McConville and Wing Hong Chui (eds), *Research Methods for Law* (2nd edn, Edinburgh University Press 2017).

[38] HLA Hart, *The Concept of Law* (3rd edn, Oxford University Press 2012).

highlights the gaps in their works, and demonstrates the necessity and significance of the present research.

Jean Pictet, in *Development and Principles of International Humanitarian Law*, explains that the fundamental objective of international humanitarian law is to preserve human dignity by protecting persons and objects not participating in hostilities. He emphasizes the principles of humanity, distinction, and protection of medical services as the cornerstone of IHL. [39]

Pictet discusses the general protection of humanitarian entities but does not specifically analyse the increasing pattern of attacks on hospitals, churches, and medical personnel in contemporary armed conflicts.

Yoram Dinstein, in *The Conduct of Hostilities under the Law of International Armed Confiict*, analyses the principles governing military operations, including distinction, proportionality, and military necessity. He explains the legal obligations of parties to armed conflicts concerning civilian objects and protected persons.[40]

His work focuses principally on the conduct of hostilities without providing a comprehensive legal analysis of attacks on religious institutions alongside hospitals and medical personnel.

Marco Sassòli examines the implementation of international humanitarian law in modern warfare, highlighting challenges posed by non-international armed conflicts and non-state armed groups.[41]

While discussing compliance with IHL, the author does not specifically evaluate the combined legal protection of hospitals, churches, and medical personnel or propose comprehensive legal reforms.

William Boothby analyses lawful and unlawful methods and means of warfare and discusses the protection accorded to civilians and civilian objects under international humanitarian law. [42]

The work does not critically examine judicial accountability for attacks against hospitals, churches, and medical personnel.

Sandesh Sivakumaran examines international humanitarian law in non-international armed conflicts, particularly the legal obligations of non-state armed groups.[43]

Although the work addresses violations committed by armed groups, it does not comprehensively analyse attacks against hospitals, churches, and medical personnel as protected entities under international law.

Bouchet-Saulnier analyses the legal protection of humanitarian actors and medical missions in armed conflicts, stressing the importance of respecting humanitarian principles. [44]

The author focuses primarily on humanitarian action without adequately addressing the protection of religious institutions or the effectiveness of accountability mechanisms.

Kalshoven and Zegveld provide a comprehensive exposition of the rules and principles governing international humanitarian law, including protections for civilians and humanitarian personnel.[45]

[39] Jean Pictet, *Development and Principles of International Humanitarian Law* (Martinus Nijhoff 1985).

[40] Yoram Dinstein, *The Conduct of Hostilities under the Law of International Armed Confiict* (4th edn, Cambridge University Press 2022).

[41] Marco Sassòli, *International Humanitarian Law: Rules, Controversies, and Solutions to Problems Arising in Warfare* (Edward Elgar Publishing 2019).

[42] William H Boothby, *The Law of Targeting* (Oxford University Press 2016).

[43] Sandesh Sivakumaran, *The Law of Non-International Armed Confiict* (Oxford University Press 2012).

[44] Françoise Bouchet-Saulnier, *The Practical Guide to Humanitarian Law* (Rowman & Littlefield 2014).

Their work is largely doctrinal and does not critically assess recent patterns of attacks against protected humanitarian and religious institutions.

The ICRC's *Customary International Humanitarian Law* identifies customary rules protecting medical units, medical personnel, places of worship, and civilian objects during armed conflicts.[46]

While the ICRC identifies the applicable legal rules, it does not undertake a critical evaluation of why these rules continue to be violated or assess the adequacy of existing accountability mechanisms.

The reviewed literature demonstrates substantial scholarly attention to the principles, rules, and implementation of international humanitarian law. However, existing studies generally examine the protection of hospitals, medical personnel, or religious institutions in isolation, or focus broadly on civilian protection without undertaking a comprehensive and integrated legal analysis of attacks against these three categories of protected entities. Furthermore, limited scholarly attention has been devoted to the recurring pattern of violations in contemporary armed conflicts, the effectiveness of international accountability mechanisms, and the enforcement challenges that continue to undermine compliance with humanitarian obligations.

Accordingly, the present study fills this scholarly gap by providing a comprehensive legal analysis of attacks against hospitals, churches, and medical personnel within a single analytical framework. It critically evaluates the adequacy of existing international humanitarian law protections, examines the causes of persistent violations, assesses the effectiveness of accountability mechanisms, and proposes practical legal and institutional reforms aimed at strengthening the protection of humanitarian and religious entities during armed conflicts.

LEGAL FRAMEWORK

The legal framework governing the protection of hospitals, churches, and medical personnel during armed conflicts is primarily derived from international humanitarian law (IHL), which seeks to regulate the conduct of hostilities and minimize human suffering during war. This framework is founded on the principle that even in situations of armed conflict, certain persons and objects must remain protected from deliberate attacks. The relevant legal regime is contained in international treaties, customary international humanitarian law, and international criminal law, which collectively establish obligations prohibiting attacks against protected humanitarian and religious entities.

The Geneva Convention of 1949

The Geneva Conventions of 1949 constitute the cornerstone of contemporary international humanitarian law. The First Geneva Convention provides special protection to wounded and sick members of armed forces and requires medical units and personnel to be respected and protected in all circumstances.[47] Article 19 of the Convention prohibits attacks against fixed medical establishments and mobile medical units, while Articles 24 and 26 protect medical personnel engaged exclusively in humanitarian functions.

The Fourth Geneva Convention further strengthens civilian protection by safeguarding persons not participating in hostilities. It establishes obligations requiring parties to armed conflicts to respect civilian life, dignity, and essential services.[48] Although the Geneva Conventions provide extensive

[45] Frits Kalshoven and Liesbeth Zegveld, *Constraints on the Waging of War* (4th edn, Cambridge University Press 2011).

[46] International Committee of the Red Cross, *Customary International Humanitarian Law, Volume I: Rules* (Cambridge University Press 2005).

[47] Geneva Convention I for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (1949), arts 19, 24 and 26.

[48] Geneva Convention IV Relative to the Protection of Civilian Persons in Time of War (1949).

protection, their effectiveness is weakened by persistent violations and difficulties in ensuring accountability against perpetrators.

Additional Protocols to the Geneva Conventions of 1977

The Additional Protocols of 1977 expanded and clarified protections under international humanitarian law. Additional Protocol I, applicable to international armed conflicts, reinforces the obligation to protect medical units and personnel. Article 12 provides that medical units exclusively assigned to medical purposes shall be respected and protected at all times.[49]

Furthermore, Article 48 establishes the principle of distinction, requiring parties to distinguish between civilian objects and military objectives. Article 52 protects civilian objects from being made targets of attack, while Article 53 provides protection to cultural and religious objects.

Additional Protocol II, applicable to non-international armed conflicts, provides similar protections in internal conflicts. Article 9 protects medical personnel and Article 16 prohibits acts of hostility directed against historic monuments, works of art, and places of worship constituting cultural or spiritual heritage.[50]

Customary International Law

Customary international humanitarian law supplements treaty obligations by establishing rules binding on all parties to armed conflicts, including states and non-state armed groups. The International Committee of the Red Cross (ICRC) identifies several relevant customary rules, including the obligation to respect and protect medical personnel and facilities, the prohibition against attacking civilian objects, and the requirement to protect cultural property.[51]

Customary law is particularly significant because many contemporary conflicts are non-international in nature and involve actors who may not be formally bound by all treaty provisions.

Rome Statute of the International Criminal Court (1998)

The Rome Statute establishes individual criminal responsibility for serious violations of international humanitarian law. Article 8 recognizes several acts as war crimes, including intentionally directing attacks against civilian objects, medical units, and personnel protected under international humanitarian law.[52]

The Statute provides an accountability mechanism by allowing individuals responsible for grave violations to be prosecuted before the International Criminal Court. The limited jurisdiction of the ICC, dependence on state cooperation, and political challenges have restricted its ability to prosecute many perpetrators of attacks against protected entities.

Hague Convention for the Protection of Cultural Property in the Event of Armed Conflicts (1954)

The Hague Convention of 1954 provides specific protection for cultural property, including religious monuments and sites of historical significance. It requires states to safeguard cultural property during armed conflicts and prohibits its use for purposes likely to expose it to destruction. [53]

[49] Protocol Additional to the Geneva Conventions of 12 August 1949 (Additional Protocol I) 1977, arts 12, 48, 52 and 53.

[50] Protocol Additional to the Geneva Conventions of 12 August 1949 (Additional Protocol II) 1977, arts 9 and 16.

[51] International Committee of the Red Cross, *Customary International Humanitarian Law, Volume I: Rules* (Cambridge University Press 2005), Rules 25–30 and 38–40.

[52] Rome Statute of the International Criminal Court 1998, art 8(2)(b)(ix), art 8(2)(e)(iv).

[53] Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict 1954.

This framework is particularly relevant to attacks against churches and religious institutions, which often represent both spiritual and cultural heritage. While the Convention recognizes the importance of protecting cultural property, enforcement remains difficult where armed groups deliberately target religious and cultural symbols.

The existing legal framework demonstrates that international law provides extensive protection for hospitals, churches, and medical personnel during armed conflicts. However, the continued occurrence of attacks against these protected entities reveals a significant gap between legal recognition and practical enforcement. The main challenges include weak accountability mechanisms, limited prosecution of perpetrators, lack of compliance by armed groups, and difficulties in monitoring violations during active conflicts.

A CRITICAL LEGAL OVERVIEW OF ATTACKS ON HOSPITALS, CHURCHES, AND MEDICAL PERSONNEL

International humanitarian law (IHL) establishes a comprehensive legal regime aimed at limiting the effects of armed conflicts by protecting persons and objects that are essential to human survival and dignity. Hospitals, churches, and medical personnel enjoy special protection because they serve humanitarian, civilian, and cultural functions. Attacks against these entities constitute serious violations of the fundamental principles of humanity, distinction, proportionality, and precaution.

Hospitals and medical personnel are protected under the First Geneva Convention of 1949, which requires medical units to be respected and protected at all times and prohibits their attack or misuse.[54] This protection is reinforced by Additional Protocol I (1977), particularly Articles 12 and 15, which safeguard medical units and personnel engaged in humanitarian duties.[55] Similarly, Additional Protocol II (1977) extends protection to medical personnel and facilities during non-international armed conflicts.[56] Despite these legal guarantees, contemporary conflicts continue to witness attacks on hospitals and healthcare workers, revealing a persistent gap between legal obligations and actual compliance.

Churches and religious institutions are protected primarily as civilian objects under the principle of distinction. Additional Protocol I, Article 53, provides special protection to cultural and religious objects, prohibiting acts of hostility directed against them.[57] The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) further requires states to safeguard cultural and religious heritage during warfare.[5] Nevertheless, the destruction of churches and religious sites in conflicts such as Iraq, Syria, and other regions demonstrates the continued vulnerability of religious institutions. The protection of these entities is further strengthened by customary international humanitarian law, which recognizes the obligation to respect and protect medical personnel, medical units, and civilian objects during armed conflicts.[58] Furthermore, the Rome Statute of the International Criminal Court (1998) classifies intentionally directing attacks against hospitals, medical units, and protected civilian objects as war crimes.[59]

[54] Geneva Convention I for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (1949), arts 19–24.

[55] Protocol Additional to the Geneva Conventions of 12 August 1949 (Additional Protocol I) 1977, arts 12 and 15.

[56] Protocol Additional to the Geneva Conventions of 12 August 1949 (Additional Protocol II) 1977, art 9.

[57] Additional Protocol I (1977), art 53.

[58] Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict 1954, arts 2–4.

[59] International Committee of the Red Cross, *Customary International Humanitarian Law, Volume I: Rules* (Cambridge University Press 2005), Rules 25–30 and 38–40.

However, the continued occurrence of attacks against hospitals, churches, and medical personnel demonstrates that the major challenge is not the absence of legal rules but rather weak implementation, inadequate accountability, and limited enforcement mechanisms. The involvement of non-state armed groups, asymmetric warfare, and urban conflicts has further complicated compliance with humanitarian obligations.

Therefore, attacks against these protected entities represent not merely acts of wartime violence but profound violations of the humanitarian foundation of international law. Strengthening accountability mechanisms, ensuring effective prosecution of perpetrators, and improving compliance with existing legal obligations remain essential for transforming international humanitarian law from a normative framework into an effective protective instrument.

THE CESSATION OF THE SPECIAL PROTECTION ACCORDED TO HOSPITALS, CHURCHES, AND MEDICAL PERSONNEL UNDER INTERNATIONATIONAL HUMANITARIAN LAW

Although international humanitarian law (IHL) grants special protection to hospitals, churches, and medical personnel during armed conflicts, this protection is not absolute. Under specific and exceptional circumstances recognized by international law, such protection may cease where these protected entities are used to commit acts harmful to the enemy or are transformed from humanitarian or civilian objects into military assets. However, such cessation of protection is subject to strict legal conditions and cannot be used as a justification for unlawful attacks.

With respect to hospitals and medical units, Article 19 of the First Geneva Convention of 1949 provides that fixed establishments and mobile medical units organized to care for wounded and sick members of armed forces shall be respected and protected in all circumstances. However, this protection may cease if such facilities are used to commit acts harmful to the enemy outside their humanitarian function.[60] Similarly, Article 13 of Additional Protocol I (1977) provides that civilian medical units lose their protection only when they are used to commit, outside their humanitarian duties, acts harmful to the enemy.[61] Nevertheless, before protection is removed, a warning must generally be issued, setting a reasonable time limit for the cessation of the harmful conduct.[62]

Medical personnel also enjoy special protection because of their humanitarian role. Under Articles 24 and 26 of the First Geneva Convention, medical personnel exclusively assigned to medical duties must be respected and protected.[63] However, they may lose this protection if they engage in acts outside their humanitarian functions that directly contribute to military operations.

Importantly, the mere possession of weapons for self-defence or the presence of armed guards protect -ting medical facilities does not automatically deprive medical personnel of their protected status.[64]

Religious institutions and churches are similarly protected under international humanitarian law as civilian objects and cultural property. Article 53 of Additional Protocol I prohibits acts of hostility directed against places of worship that constitute the cultural or spiritual heritage of peoples.[65] However, a religious building may lose protection if it is used for military purposes and becomes a

[60] Geneva Convention I for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (1949), art 19.

[61] Protocol Additional to the Geneva Conventions of 12 August 1949 (Additional Protocol I) 1977, art 13(1).

[62] Additional Protocol I (1977), art 13(1)–(2).

[63] Geneva Convention I (1949), arts 24 and 26.

[64] International Committee of the Red Cross, *Customary International Humanitarian Law, Volume I: Rules* (Cambridge University Press 2005), Rule 25.

[65] Additional Protocol I (1977), art 53.

legitimate military objective under the principle of distinction.[66] Even in such circumstances, parties to a conflict remain bound by the principles of proportionality and precaution and must take all feasible measures to minimize civilian harm.

A critical challenge in practice is that parties to armed conflicts often misuse the concept of cessation of protection to justify attacks against protected entities. Allegations that hospitals, churches, or medical personnel have lost protection must therefore be carefully assessed against the strict requirements of IHL. The mere suspicion of misuse does not permit indiscriminate attacks, and the burden remains on the attacking party to demonstrate that the legal conditions for loss of protection have been satisfied.

Consequently, the cessation of special protection under IHL represents an exception rather than the rule. The primary obligation remains the respect and protection of hospitals, churches, and medical personnel. Any departure from this protection must comply with the strict requirements of necessity, distinction, proportionality, and precaution to prevent abuse and preserve the humanitarian objectives of international law.

RESPONSIBILITY AND ACCOUNTABILITY FOR VIOLATIONS OF THE SPECIAL PROTECTION REGIME UNDER INTERNATIONAL HUMANITARIAN LAW

The efficacy and normative integrity of the special protection regime accorded to hospitals, churches, and medical personnel under international humanitarian law (IHL) are fundamentally contingent upon the existence of robust accountability mechanisms capable of ensuring compliance with humanitarian obligations. Where parties to an armed conflict perpetrate deliberate attacks against protected persons or objects, international law unequivocally imposes both State responsibility and individual criminal responsibility.[67] These complementary regimes constitute the juridical cornerstone for combating impunity, vindicating the rule of law, safeguarding humanitarian values, and preserving the sanctity of protected persons and objects during armed conflicts.

State Responsibility

The doctrine of State responsibility embodies a cardinal principle of international law that every internationally wrongful act attributable to a State entails corresponding legal consequences.[68] Accordingly, where a State or its agents unlawfully attack hospitals, churches, or medical personnel in contravention of the Geneva Conventions or customary international humanitarian law, such conduct constitutes an internationally wrongful act engaging the responsibility of that State.[69] The responsible State is under an obligation to cease the unlawful conduct, offer appropriate assurances and guarantees of non-repetition, conduct prompt and impartial investigations, prosecute those responsible where necessary, and make full reparation for the injuries occasioned by the breach.

[66] Additional Protocol I (1977), art 52; International Committee of the Red Cross, *Customary International Humanitarian Law, Volume I: Rules* (Cambridge University Press 2005), Rule 10.

[67] James Crawford, *State Responsibility: The General Part* (Cambridge University Press 2013) 1–12; International Law Commission, *Draft Articles on Responsibility of States for Internationally Wrongful Acts, with Commentaries* (2001) UN Doc A/56/10, arts 1–2.

[68] International Law Commission, *Draft Articles on Responsibility of States for Internationally Wrongful Acts, with Commentaries* (2001) UN Doc A/56/10, arts 1, 2, 28–31.

[69] Geneva Convention I for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (adopted 12 August 1949, entered into force 21 October 1950) 75 UNTS 31, arts 19–24; International Committee of the Red Cross (ICRC), *Customary International Humanitarian Law, Volume I: Rules* (Cambridge University Press 2005) Rules 25–30.

Furthermore, Common Article 1 of the Geneva Conventions of 1949 imposes upon States the dual obligation not only to respect but also to ensure respect for the Conventions in all circumstances.[70] This obligation reflects the erga omnes humanitarian character of international humanitarian law and reinforces the collective responsibility of States to prevent and suppress serious violations.

Despite these binding obligations, persistent failures by States to investigate and prosecute perpetrators have perpetuated a culture of impunity, thereby eroding the normative authority and deterrent effect of international humanitarian law.

Individual Criminal Responsibility

Beyond State responsibility, international humanitarian law establishes individual criminal accountability for persons who perpetrate serious violations of its protective norms. The Rome Statute of the International Criminal Court (ICC) expressly criminalizes the intentional directing of attacks against hospitals, medical units, medical personnel, and buildings dedicated to religion, classifying such conduct as war crimes.[71]

The Geneva Conventions further impose upon States the obligation to search for persons alleged to have committed grave breaches and either prosecute them before competent domestic courts or extradite them for prosecution in accordance with the principle of aut dedere aut judicare.[72] This obligation reflects the international community's determination that perpetrators of grave humanitarian violations should not find safe haven through jurisdictional loopholes.

Equally significant is the doctrine of command responsibility, which extends criminal liability to military commanders and civilian superiors who knew, or had reason to know, that their subordinates were committing violations but failed to prevent such conduct or punish the perpetrators.[73] This doctrine reinforces the principle that supervisory authority carries corresponding legal accountability.

International Criminal Tribunals and Judicial Accountability

International criminal tribunals have made significant jurisprudential contributions towards reinforcing accountability for violations of the special protection regime. In *Prosecutor v Strugar*, the ICTY affirmed that deliberate attacks against protected cultural and religious property constitute serious violations of international humanitarian law and attract individual criminal responsibility.[74]

Likewise, in *Prosecutor v Kordić and Čerkez*, the Tribunal reaffirmed that the intentional destruction of religious institutions and civilian property amounts to grave breaches of the laws and customs of war.[75]

Similarly, the International Criminal Court, in *Prosecutor v Ahmad Al Faqi Al Mahdi*, established an important jurisprudential precedent by holding that intentional attacks against

[70] Geneva Convention I (1949) Common art 1; Geneva Convention II (1949) Common art 1; Geneva Convention III (1949) Common art 1; Geneva Convention IV Relative to the Protection of Civilian Persons in Time of War (1949) Common art 1.

[71] Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force 1 July 2002) 2187 UNTS 90, art 8(2)(b)(ix), art 8(2)(b)(xxiv), and art 8(2)(e)(ii).

[72] Geneva Convention I (1949) arts 49–50; Geneva Convention II (1949) arts 50–51; Geneva Convention III (1949) arts 129–130; Geneva Convention IV (1949) arts 146–147.

[73] Rome Statute (1998) art 28; *Prosecutor v Delalić and Others (Čelebići Camp Case)* (Judgment) IT-96-21-T (ICTY Trial Chamber, 16 November 1998).

[74] *Prosecutor v Strugar* (Judgment) IT-01-42-T (ICTY Trial Chamber, 31 January 2005).

[75] *Prosecutor v Kordić and Čerkez* (Judgment) IT-95-14/2-T (ICTY Trial Chamber, 26 February 2001).

religious and cultural heritage constitute war crimes, thereby reaffirming the legal inviolability of protected religious sites during armed conflicts.[76]

Challenges to Accountability

Notwithstanding the normative sophistication of the international legal framework, the enforcement of accountability remains fraught with institutional, political, and jurisdictional impediments. Political considerations, inadequate domestic implementation, limited investigative capacity, evidentiary challenges, and the increasing participation of non-state armed groups continue to undermine the effective prosecution of humanitarian law violations.[77]

Furthermore, although the International Criminal Court represents the principal permanent international criminal tribunal, its jurisdiction remains circumscribed by the provisions of the Rome Statute and is often constrained by the absence of State cooperation.[78] Consequently, numerous perpetrators continue to evade justice, thereby diminishing the preventive and deterrent functions of international criminal law.

Critical Analysis

A critical appraisal of the applicable legal framework reveals that the principal deficiency lies not in the normative architecture of international humanitarian law, but rather in its implementation and enforcement. The Geneva Conventions, Additional Protocols, customary international humanitarian law, and the Rome Statute collectively constitute a coherent and comprehensive *corpus juris* governing the protection of hospitals, churches, and medical personnel.[79]

Nevertheless, the persistent recurrence of attacks against these protected entities demonstrates a troubling disconnect between legal prescription and operational compliance. Addressing this enforcement deficit requires stronger domestic legislation, effective investigative mechanisms, enhanced international judicial cooperation, wider application of universal jurisdiction, and an unwavering commitment to combating impunity. Only through credible accountability, effective enforcement, and institutional vigilance can the humanitarian objectives of international humanitarian law be meaningfully realized and the special protection regime preserved.

SUMMARY OF FINDINGS

This study critically examined the legal regime governing the protection of hospitals, churches, and medical personnel during armed conflicts under international humanitarian law. The findings reveal that although the existing legal framework provides extensive protection for these humanitarian and religious entities, grave violations continue to occur with alarming frequency in both international and non-international armed conflicts.

[76] *Prosecutor v Ahmad Al Faqi Al Mahdi* (Judgment and Sentence) ICC-01/12-01/15 (International Criminal Court, 27 September 2016).

[77] Marco Sassòli, *International Humanitarian Law: Rules, Controversies, and Solutions to Problems Arising in Warfare* (Edward Elgar Publishing 2019); Emily Crawford, *International Humanitarian Law* (2nd edn, Cambridge University Press 2019).

[78] Rome Statute (1998) arts 12–17; William A Schabas, *An Introduction to the International Criminal Court* (6th edn, Cambridge University Press 2020).

[79] Geneva Convention I (1949); Protocol Additional to the Geneva Conventions of 12 August 1949 (Additional Protocol I) 1977; Protocol Additional to the Geneva Conventions of 12 August 1949 (Additional Protocol II) 1977; Rome Statute (1998); International Committee of the Red Cross (ICRC), *Customary International Humanitarian Law, Volume I: Rules* (Cambridge University Press 2005).

The study found that the Geneva Conventions of 1949, the Additional Protocols of 1977, the Hague Convention for the Protection of Cultural Property (1954), the Rome Statute of the International Criminal Court (1998), and customary international humanitarian law collectively establish a robust legal framework prohibiting attacks against hospitals, churches, and medical personnel. These instruments impose clear obligations upon States and parties to armed conflicts to respect, protect, and preserve these specially protected entities.

The study further established that the special protection accorded to hospitals, churches, and medical personnel is not absolute. Such protection may cease where these entities are used, outside their humanitarian or religious functions, to commit acts harmful to the enemy. However, international humanitarian law prescribes strict legal conditions before such protection may lawfully be withdrawn, thereby preventing arbitrary or abusive attacks.

Another important finding is that repeated attacks against hospitals, churches, and medical personnel are attributable less to deficiencies in the law than to persistent failures in compliance, implementation, and enforcement. The increasing involvement of non-state armed groups, urban warfare, political interference, and weak domestic enforcement mechanisms have significantly undermined the effectiveness of the existing legal regime.

The study also found that both State responsibility and individual criminal responsibility constitute essential mechanisms for enforcing international humanitarian law. Nevertheless, despite the jurisdiction of international criminal tribunals and the International Criminal Court, accountability remains inconsistent due to jurisdictional limitations, inadequate investigations, lack of political will, and insufficient international cooperation.

Finally, the study found that strengthening the protection of hospitals, churches, and medical personnel requires more than the adoption of additional legal instruments. Rather, it demands effective implementation of existing legal obligations, enhanced accountability mechanisms, stronger domestic legislation, improved military compliance with international humanitarian law, and greater international cooperation in investigating and prosecuting perpetrators of serious humanitarian law violations.

Overall, the study concludes that while international humanitarian law has developed a comprehensive and sophisticated legal framework for protecting hospitals, churches, and medical personnel, its humanitarian objectives will remain difficult to achieve unless States and other parties to armed conflicts demonstrate genuine commitment to compliance, accountability, and the effective enforcement of international legal obligations.

CONCLUSION

This study examined the legal protection accorded to hospitals, churches, and medical personnel under internati-onal humanitarian law. It established that the Geneva Conventions of 1949, the Additional Protocols of 1977, customary international humanitarian law, the Hague Convention of 1954, and the Rome Statute of the International Criminal Court provide a comprehensive legal framework prohibiting attacks against these protected entities. Despite these legal safeguards, deliberate attacks continue to occur, largely due to weak enforcement, inadequate accountability mechanisms, and persistent non-compliance by parties to armed conflicts.

The study concludes that while the special protection afforded to hospitals, churches, and medical personnel may cease under exceptional circumstances prescribed by international humanitarian law, such exceptions must be interpreted restrictively to prevent abuse. Strengthening compliance, enhancing accountability, improving domestic implementation, and reinforcing international cooperation remain essential to ensuring effective protection during armed conflicts.

This study contributes to the existing body of knowledge by providing a comprehensive legal analysis of the protection of hospitals, churches, and medical personnel within a single analytical framework. It identifies the existing gaps between legal norms and their implementation, critically evaluates the challenges of enforcement and accountability, and advances practical recommendations for strengthening

the special protection regime under international humanitarian law. The study therefore enriches scholarly discourse and serves as a useful reference for legal scholars, policymakers, humanitarian practitioners, and institutions involved in the protection of civilians during armed conflicts.

RECOMMENDATIONS

In light of the findings of this study, the following recommendations are proposed to strengthen the protection of hospitals, churches, and medical personnel during armed conflicts:

Strengthen Accountability and Enforcement Mechanisms

States should ensure the prompt, impartial, and independent investigation and prosecution of individuals responsible for attacks against hospitals, churches, and medical personnel. Greater cooperation with the International Criminal Court and other competent judicial mechanisms should be encouraged to combat impunity and reinforce compliance with international humanitarian law.

Enhance Domestic Implementation of International Humanitarian Law

States should domesticate and effectively implement the provisions of the Geneva Conventions, the Additional Protocols, and other relevant international instruments through comprehensive legislation, institutional reforms, and effective enforcement mechanisms to ensure full protection of humanitarian and religious entities.

Improve Training and Compliance among Parties to Armed Conflicts

Armed forces, non-state armed groups, humanitarian actors, and other relevant stakeholders should receive continuous training on the principles and rules of international humanitarian law, particularly regarding the protection of medical facilities, places of worship, and medical personnel, to promote greater respect for humanitarian norms.

Strengthen International Cooperation and Monitoring

International organizations, humanitarian agencies, regional bodies, and States should enhance cooperation in monitoring, documenting, and responding to violations of international humanitarian law. Improved information sharing, early warning systems, and coordinated humanitarian responses will contribute significantly to preventing attacks and ensuring greater protection of vulnerable persons and protected objects during armed conflicts.

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