



INTERNATIONAL LAW
JOURNAL

**WHITE BLACK
LEGAL LAW
JOURNAL
ISSN: 2581-
8503**

Peer - Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

WWW.WHITEBLACKLEGAL.CO.IN

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Editor-in-chief of White Black Legal – The Law Journal. The Editorial Team of White Black Legal holds the copyright to all articles contributed to this publication. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of White Black Legal. Though all efforts are made to ensure the accuracy and correctness of the information published, White Black Legal shall not be responsible for any errors caused due to oversight or otherwise.

WHITE BLACK
LEGAL

EDITORIAL TEAM

Raju Narayana Swamy (IAS) Indian Administrative Service officer



Dr. Raju Narayana Swamy popularly known as Kerala's Anti-Corruption Crusader is the All India Topper of the 1991 batch of the IAS and is currently posted as Principal Secretary to the Government of Kerala. He has earned many accolades as he hit against the political-bureaucrat corruption nexus in India. Dr Swamy holds a B.Tech in Computer Science and Engineering from the IIT Madras and a Ph. D. in Cyber Law from Gujarat National Law University. He also has an LLM (Pro) (with specialization in IPR) as well as three PG Diplomas from the National Law University, Delhi- one in Urban Environmental Management and Law, another in Environmental Law and Policy and a third one in Tourism and Environmental Law. He also holds a post-graduate diploma in IPR from the National Law School, Bengaluru and

a professional diploma in Public Procurement from the World Bank.

Dr. R. K. Upadhyay

Dr. R. K. Upadhyay is Registrar, University of Kota (Raj.), Dr Upadhyay obtained LLB, LLM degrees from Banaras Hindu University & PHD from university of Kota. He has successfully completed UGC sponsored M.R.P for the work in the Ares of the various prisoners reforms in the state of the Rajasthan.



Senior Editor

Dr. Neha Mishra



Dr. Neha Mishra is Associate Professor & Associate Dean (Scholarships) in Jindal Global Law School, OP Jindal Global University. She was awarded both her PhD degree and Associate Professor & Associate Dean M.A.; LL.B. (University of Delhi); LL.M.; PH.D. (NLSIU, Bangalore) LLM from National Law School of India University, Bengaluru; she did her LL.B. from Faculty of Law, Delhi University as well as M.A. and B.A. from Hindu College and DCAC from DU respectively. Neha has been a Visiting Fellow, School of Social Work, Michigan State University, 2016 and invited speaker Panelist at Global Conference, Whitney R. Harris World Law Institute, Washington University in St. Louis, 2015.

Ms. Sumiti Ahuja

Ms. Sumiti Ahuja, Assistant Professor, Faculty of Law, University of Delhi,

Ms. Sumiti Ahuja completed her LL.M. from the Indian Law Institute with specialization in Criminal Law and Corporate Law, and has over nine years of teaching experience. She has done her LL.B. from the Faculty of Law, University of Delhi. She is currently pursuing PH.D. in the area of Forensics and Law. Prior to joining the teaching profession, she has worked as Research Assistant for projects funded by different agencies of Govt. of India. She has developed various audio-video teaching modules under UGC e-PG Pathshala programme in the area of Criminology, under the aegis of an MHRD Project. Her areas of interest are Criminal Law, Law of Evidence, Interpretation of Statutes, and Clinical Legal Education.



Dr. Navtika Singh Nautiyal

Dr. Navtika Singh Nautiyal presently working as an Assistant Professor in School of law, Forensic Justice and Policy studies at National Forensic Sciences University, Gandhinagar, Gujarat. She has 9 years of Teaching and Research Experience. She has completed her Philosophy of Doctorate in 'Inter-country adoption laws from Uttarakhand University, Dehradun' and LLM from Indian Law Institute, New Delhi.

Dr. Rinu Saraswat



Associate Professor at School of Law, Apex University, Jaipur, M.A, LL.M, PH.D,

Dr. Rinu have 5 yrs of teaching experience in renowned institutions like Jagannath University and Apex University. Participated in more than 20 national and international seminars and conferences and 5 workshops and training programmes.

Dr. Nitesh Saraswat

E.MBA, LL.M, PH.D, PGDSAPM

Currently working as Assistant Professor at Law Centre II, Faculty of Law, University of Delhi. Dr. Nitesh have 14 years of Teaching, Administrative and research experience in Renowned Institutions like Amity University, Tata Institute of Social Sciences, Jai Narain Vyas University Jodhpur, Jagannath University and Nirma University. More than 25 Publications in renowned National and International Journals and has authored a Text book on CR.P.C and Juvenile Delinquency law.



Subhrajit Chanda



BBA. LL.B. (Hons.) (Amity University, Rajasthan); LL. M. (UPES, Dehradun) (Nottingham Trent University, UK); PH.D. Candidate (G.D. Goenka University)

Subhrajit did his LL.M. in Sports Law, from Nottingham Trent University of United Kingdoms, with international scholarship provided by university; he has also completed another LL.M. in Energy Law from University of Petroleum and Energy Studies, India. He did his B.B.A.LL.B. (Hons.) focussing on International Trade Law.

ABOUT US

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provide dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

VIOLATION OF INTERNATIONAL HUMANITARIAN LAW BY STATE ACTORS - A LEGAL ANALYSIS OF PAKISTANS ATTACKS IN POONCH

AUTHORED BY - DEEPALI SINGH & KASHYAP

Abstract

Armed conflict, with its very capability for violence, is kept in check. International Humanitarian Law (IHL) has been codified as a legal and ethical code, with the intent of protecting those not participating in the hostilities—i.e., civilians—against the atrocities of war. Founded on the Geneva Conventions of 1949, Hague Regulations, and customary international law, IHL formulates basic principles such as distinction, proportionality, and precaution, with the intention of restricting the effects of armed violence. However, the Poonch, Jammu and Kashmir, massacre of May 7, 2025, illustrates the ghastly consequences that result when these principles are disregarded. Presumably, in retaliation for India's Operation Sindoor, which targeted terrorist infrastructure after a ghastly civilian massacre at Phalgam, Pakistan shelled civilian targets at Poonch. The attack killed thirteen civilians, including four children, and injured many more. Further, the attack inflicted massive infrastructural damage, targeting residential buildings, schools, and religious places of worship.

This paper offers a critical examination of legal violations taking place under international humanitarian law, taking a look at the legal commitments of Pakistan as a signatory to the Geneva Conventions and Additional Protocol I. It is true that Pakistan is a non-signatory to all the relevant treaties, but it is still bound by customary international law, which clearly bans indiscriminate shelling of civilians. The artillery shelling of Poonch is not only a grave violation of legal commitments but also a major ethical failure, a repeat of the same elsewhere in other conflict zones such as Gaza. Examining the incident through The Prism of law, the paper concludes that there exists an immediate need for stronger mechanisms of accountability and calls for international humanitarian law to be viewed as a mandatory code of conduct and not as an optional best practice in situations of armed conflicts.

Keywords:

Global Humanitarian Law, Civilian Protection, Geneva Conventions, Poonch Shelling Incident

01. INTRODUCTION

Armed conflicts have a direct impact over non-combatants as it has a profound impact though disproportionate suffering. The development of international humanitarian law (IHL) was tasked with bringing nations together in their pursuit of an ethical code in times of greatest need, in acknowledgment of this dark reality. Born on the bloody battlefields of the past and formalized by the Geneva Conventions of 1949¹ and the Hague Regulations² humanitarian law transcended legal formalism; it was a call to action for what was right. It drew lines that were never to be crossed, even in times of most vicious warfare; it sought to ensure that residential buildings were not reduced to rubble, that civilians were not collateral damage, and that children were not subjected to the incessant crackle of fire seared into the mind. The general aspirations of humanitarian law are noble and despairing: to mitigate human suffering in the midst of conflict, to protect those who do not take part in hostilities, and to ensure that, as vicious as war is by its nature, it does not descend to barbarism. International Humanitarian Law operates at two specific levels i.e. at international level and at non-international level (National level). Though its central principles—distinction, proportionality, and necessity—were tasked with protecting civilians, medical facilities, schools, places of worship, and all of humanity, experience shows that these principles are often ignored³. It was this simple mandate—to look on the forgotten and protect the vulnerable in times of war—that was the driving force behind the creation of international humanitarian law, or IHL⁴. Born of the Geneva Conventions of 1949 and the centuries of customary international law that came before it, IHL is code and moral compass. Its very nature—the principles of difference, proportionality, and precaution—call to those who wage war to do so within bounds set not merely by law, but by conscience. Civilians must be distinguishable from combatants. Attacks

¹ Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, Aug. 12, 1949, 6 U.S.T. 3114, 75 U.N.T.S. 31

² Hague Convention (IV) Respecting the Laws and Customs of War on Land, Oct. 18, 1907, 36 Stat. 2277, T.S. No. 539.

³ ICRC, Customary International Humanitarian Law, Rule 1 (Distinction between Civilians and Combatants), Rule 14 (Proportionality), and Rule 15 (Precautions in Attack), https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule1, v1_rul_rule14, v1_rul_rule15.

⁴ Jean S. Pictet, The Fundamental Principles of the Red Cross, in IHL Texts and Commentaries (ICRC 1952); Protocol Additional to the Geneva Conventions, May 8, 1977, 1125 U.N.T.S. 3

cannot be too frequent as a proportion of expected military gain, and attempts must be made to the utmost to spare non-combatants. These three principles—proportionality, caution, and distinction—are not buzzwords. These doctrines are the foundation principles over which the structure of International Humanitarian law is built upon. Geneva Convention and the optional protocols specifically stand against armed aggression. The term aggression is defined as; “*the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or any other manner inconsistent with the Charter of the United Nations*” (Resolution 3314 (XXIX) of the United Nations General Assembly) The legal definition of aggression in this resolution sought to demarcate, with specificity and normative definition, the line of illegal inter-state violence to be internationally condemned. Importantly, aggression is recognized not only as a violation of international comity but also as codified crime against peace—a category first evolved at the Nuremberg Trials (1945–46) and then further crystallized in Article 5(1)(d) and Article 8 bis of the Rome Statute of the International Criminal Court (ICC).

Its gravity is that it is a jus cogens norm—a customary rule of international law not subject to derogation even by treaty. Such description reflects the universal and non-negotiable ban on aggression due to the common commitment of the international community to the maintenance of international peace and security, as articulated in Article 2(4) of the United Nations Charter. Article 2(4), universally recognized as part of the post-World War II international legal order, categorically forbids "the threat or use of force against the territorial integrity or political independence of any state."

Legally, aggressive acts undermine the doctrine of state sovereignty, breach the doctrine of non-intervention, and upset the coherence of collective security regimes undertaken under Chapter VII of the UN Charter. The Security Council is especially vested with the authority to determine the commission of any act of aggression and to act under Articles 39–42, including sanctions or armed intervention, for the purpose of restoring international peace. The Friendly Relations Declaration of 1970 (UNGA Resolution 2625) also specifies that no territorial acquisition arising out of the threat or use of force will be valid.

Aggression therefore constitutes not merely a violation of treaty commitments but also an international delict giving rise to state responsibility, compensation, and—where individual fault is established—international criminal liability. The crime of aggression alone among

international crimes aims not merely at conduct in war but specifically at the decision of authoritative government officials to initiate the use of armed force in clear violation of the UN Charter. This lesson entails a crucial moral and legal analysis: those who start wars without cause are most accountable for the subsequent tsunami of violations of human rights.

As such, armed aggression is an act with broad legal and geopolitical ramifications and cannot be regarded as a contained or isolated violation. It detracts from the minimum legal tenets, indispensable to the success of peaceful international relations, and constitutes a direct attack on the collective security system contemplated in the post-1945 international legal order. It is therefore inherently contrary to the principle of international peace, and its prohibition remains an integral component of contemporary international law. When states wage war, they are the difference between dignity and devastation. But history has shown that these principles are not always observed. It is seen in the indiscriminate bombardments of Gaza, where families are interred in rubble as apartment blocks come crashing down in seconds. Palestinian generations are being brought up in the shadow of smoke and the wail of the siren. And when we thought that the world had seen enough, it happened again, this time in the picturesque valleys of Jammu and Kashmir. Laws passed to protect humanity are sometimes taken as suggestions rather than compulsions in places where politics bleeds and borders spill. This was brutally illustrated in the pre-dawn hours of May 7, 2025, when an outburst of artillery fire along the Line of Control woke the sleeping Poonch district of Jammu and Kashmir.

When retribution is paramount, the laws of war remain the same. A close examination of the events in Poonch from both legal and ethical perspectives is warranted. As a signatory to significant humanitarian law conventions, it is pertinent to discuss if Pakistan has remained true to its international obligations. Are Pakistan's actions in accordance with the law of proportionality, or do they represent a callous indifference to the welfare of civilians? Beyond the legal aspect, the importance of such questions is monumental, as they significantly form part of the global moral conscience of the international community. This article will present the deterioration of humanitarian protections in the conflict areas in the subsequent sections, specifically bringing to the fore the deplorable event in Poonch. The narrative will be a stark case study illustrating the repeated breach of the laws that are intended to promote human dignity. We start at the site where the nocturnal peace was first broken—Poonch—where Pakistan's actions portend the foreboding fact that, even in modern times, the framework of humanitarian law is perilously exposed to dislocation when the political will to ensure that it

continues weakens. We will proceed to extend the analysis to include similar atrocities occurring in other parts of the world, such as Palestine and Israel. Additionally, this article will explore the obligations of state and non-state actors under international humanitarian law and propose tangible legal and policy-based solutions aimed at addressing and mitigating the impact of armed conflicts. In addition, this paper will analyze the obligations of state and non-state actors under international humanitarian law and will propose practical policy and legal recommendations with the view to dealing with and mitigating the impacts of armed conflicts.

02. Erosion of Humanitarian Protections in Poonch: A Legal and Moral Breach

Early in the morning hours of May 7, 2025 when the night had descended upon Poonch, the serene and peaceful valleys of the Poonch district of the Jammu and Kashmir state were shelled and destroyed by the firing and other artillery of the other side of the Line of Control by the then Pakistan army during the hours when the civilians were peacefully sleeping at home. The Pakistan army perpetrated this inhuman act in retaliation of the operation Sindoor⁵, which had been launched by the Indian armed forces. It made targeted attacks at the terrorist infrastructure in Pakistan and the Pakistan-occupied Kashmir regions.⁶ This operation was launched in retaliation of the April 22 Pahalgam attack, which took the lives of 26 innocent civilians.

Pakistan's attack on Indian civilians was a response to the mission, wherein our Indian forces attacked the terrorists, and it was not only inhumane but was also catastrophic. Nearly 13 innocent civilians were murdered, four of whom were kids, and 42 were injured. The impact of this attack was drastic, and the residents went through a massive amount of psychological trauma.⁷ Most families lost their homes, while massive infrastructural losses were seen in schools and gurdwaras. Families emptied their homes to escape to an underground bunker or a safe location. This attack indicates that humanitarian crisis is being faced by the residents of

⁵ Operation Sindoor Highlights: Explosions Heard Near LoC in J&K's Rajouri and Poonch, THE TIMES OF INDIA (May 7, 2025), https://timesofindia.indiatimes.com/india/operation-sindoor-live-updates-jammu-and-kashmir-pahalgam-terror-attack-indian-army-military-strikes-pok-pakistan/amp_liveblog/120950644.cms.

⁶ Operation Sindoor: Indian's Precision Strikes on Pak Terror Camps After Pahalgam Attack, INDIA TODAY (May 7, 2025), <https://www.indiatoday.in/india/story/indian-strikes-on-pak-terror-camps-glbs-2720646-2025-05-07>.

⁷ Don't Want War: Kashmiri Towns Caught in Deadly India-Pakistan Crossfire, AL JAZEERA (May 8, 2025), <https://www.aljazeera.com/features/2025/5/8/dont-want-war-kashmiri-towns-caught-in-deadly-india-pakistan-crossfire>.

Poonch⁸. These actions indicate a breach of international humanitarian law by Pakistan's forces. Pakistan is a signatory to the Additional Protocol-1 of the Geneva Convention alone, but it is still bound under Article 1, which binds the parties, "to respect and ensure its respect," for the provisions of the protocol in all situations. This also includes the protection of the civilians and civilian installations during armed conflicts.

Although Pakistan has not ratified the additional protocol 1 of the Geneva Convention, it is nevertheless bound by the customary international humanitarian laws⁹, which are binding on all states regardless of whether there was or not any ratification of the treaty. It also codifies some principles like distinction and proportionality¹⁰. The "principle of distinction" requires that the parties to the conflict, prior to attacking, always distinguish between civilians and soldiers during the time of war or any form of conflict, and only soldiers may be attacked. The "principle of proportionalities" requires that attacks likely to cause excessive damage, loss, or injury to civilian life or infrastructure shall be strictly limited and forbidden. Therefore, the shelling of the civilian parts of Poonch, Jammu and Kashmir proves that there was a clear breach of these principles on the part of the state of Pakistan.

The Principle of Doctrine of Proportionality originated with the 1907 Hague Regulations,¹¹ which provides that attacks of this type against civilian are prohibited. Attacks and bombardments of undefended locations, including towns, villages, houses and buildings, are strictly prohibited by Article 25 of the Hague Regulations. The deliberate aiming at civilians in towns and civilian structures, including places of worship and schools, confirms that Article 25 of the Hague Regulations has been breached by Pakistan.

Apart from the laws of armed conflict, these acts are also a breach of certain international human rights law particularly ICCPR signed by Pakistan. According to the Article 6 of the International Covenant on Civil and Political Rights¹², guarantees the right to life under Article

⁸ 1971 *Wasn't Half as Terrifying for Shell-Shocked Poonch*, TIMES OF INDIA (May 9, 2025), <https://timesofindia.indiatimes.com/india/1971-wasnt-half-as-terrifying-for-shell-shocked-poonch/articleshow/121007399.cms>

⁹ ICRC, *Customary International Humanitarian Law, Volume I: Rules 1* (Jean-Marie Henckaerts & Louise Doswald-Beck eds., 2005), <https://ihl-databases.icrc.org/customary-ihl/eng/docs/home>.

¹⁰ *Id.* at 3–12. See also G.A. Res. 2444 (Dec. 19, 1968) (affirming the principles of distinction and proportionality as customary international law).

¹¹ Hague Convention (IV) Respecting the Laws and Customs of War on Land and Its Annex: Regulations Concerning the Laws and Customs of War on Land art. 25, Oct. 18, 1907, 36 Stat. 2277, 1 Bevans 631.

¹² International Covenant on Civil and Political Rights art. 6, Dec. 16, 1966, 999 U.N.T.S. 171.

6. The arbitrary deprivation of life through indiscriminate shelling of civilian localities constitutes a grave breach of this basic right. The gruesome sequence of events that occurred in Pooch is not merely a breach of legal obligation but also serves to highlight the ethical breach, destruction of homes, targeting of civilians and community institutions, and instillation of fear among innocent populace is a destruction of the very basis of humanitarian protection that the international community has strived hard to uphold. It is imperative and important that such violations are identified and denounced. Addressing such issues helps avoid further erosion of international norms and to safeguard rights and lives of civilians caught in the crossfire of conflict.

03. Safeguarding Civilians in Conflict Zones: Legal Duties Under International humanitarian Law

The obligations provided by international humanitarian law categorically demand that military action cannot be aimed at civilians. To protect, respect, and treat humanely civilian populations, the Geneva Conventions and their additional protocols, customary international humanitarian law, and the Hague Convention form a shared corpus of full legal principles. India and Pakistan are both obligated by the essential principles of the Geneva Convention, which prioritizes the protection of civilians during armed conflicts. In May 2025, when targeted by India's operation Sindhoor, Pakistan retaliated with heavy artillery firing along the line of control (LOC), which almost solely targeted the Poonch district of Jammu and Kashmir. Pakistan's move is a breach of customary international humanitarian law's principles of distinction and proportionality.

3.1 Civilian Protection Under the Geneva Convention

The Geneva Convention of 1949 established the fundamental rights of civilians in times of armed conflict. Targeting non-combatants is prohibited, and civilian infrastructure and property must be safeguarded in times of conflict, according to Common Article 3. India and Pakistan are both parties to the Geneva Convention, thus making such protection obligatory for both nations. In May 2025, amidst and after India's Operation Sindhur, there was a reported cross-border ceasefire along the civilian side of Poonch, in Jammu and Kashmir. This has led to civilian deaths, injuries, a climate of fear, displacement of the population, and destruction of homes, schools, and essential infrastructure.

Pakistan was accused of violating the principle of distinction, customary laws and article 51 of

Additional Protocol 1, which prohibits attacks that do not distinguish clearly between military objectives and civilians. In Poonch, Pakistan's cross-border shelling was not connected with military objectives. International humanitarian laws mandate all parties to take precautions to minimize the harm to civilians, such as warning and avoidance of civilian areas, yet no such precautions seem to have been taken by Pakistan forces prior to or during the Poonch shelling. While India is not a signatory to Additional Protocol 1, it is still bound by customary international humanitarian law, including protection obligations by taking necessary precautions and examining the safety measures to safeguard civilians. The recent Pakistan shelling in Poonch, which resulted in heavy civilian casualties, most likely violated the principle of the Geneva Convention and customary international humanitarian law. The Geneva Convention is not just aspirational, but it strongly imposes a clear legal obligation on India and Pakistan in conflict to refrain from declining humanitarian norms in South Asia. Both nations have to fulfill their legal obligation, particularly when civilians' lives are involved. Shelling in civilian areas results in long-term harm and psychological trauma; the rate of prolonged violence creates fear, disrupts ordinary life, and dissolves the fibre of civilian society. Geneva Convention and customary international humanitarian law offer strong legal protection, but owing to the absence of a direct enforcement mechanism and political protection, they are under threat. Ultimately, the protection of civilians is not only a legal obligation it is a moral and humanitarian imperative in war.

3.2 Doctrine of proportionality and civilian harm evaluating Pakistan's shelling in Poonch under IHL

The doctrine of proportionality is designed to limit the effects of war by protecting individuals who are not or no longer participating in hostilities and seeks to strike a balance between military necessity and humanitarian consideration. Article 51 (5)(b) of Additional Protocol 12 Geneva Convention of 1949¹³, explains the doctrine of proportionality recognised as customary international law binding even on states not party to Additional Protocol 1, such as India. If the harm is excessive in proportion to military advantage, the anticipation military gain against the potential harm. Only Pakistan is a party to additional protocol 1 which elaborate on the rules of proportionality distinction and precautions in attack India while not a signatory to additional protocol 1 is still bound by customary international humanitarian law which includes the

¹³ Id. art. 51(5)(b); see also ICRC, *Rule 14. Proportionality in Attack*, ICRC CUSTOMARY IHL DATABASE, https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule14.

doctrine of proportionality as a universally accepted norm, but the app done by Pakistan engaging in cross border selling targeting areas in whose district of Jammu and Kashmir was against the doctrine of proportionality. The doctrine of proportionality serves as a vital check on the conduct of hostilities, particularly in cases of protracted and politically sensitive conflicts such as Jammu and Kashmir. Why legal enforcement remains complex, the moral and legal obligation to protect civilians remains undiminished. This incident highlights the critical need for strict adherence to humanitarian law, robust monitoring of border incidents, and continued engagement with international legal standards to prevent future harms to the civilian population. The selling by Pakistan in Poonch following the operation Sindhu appears to violate the spirit and letter of the principles under international humanitarian law.

The Israeli-Palestinian conflict, specifically the latest Israel-Gaza conflict¹⁴, has been causing grave concerns under international humanitarian law. The escalation in 2023 and early 2024, beginning with Hamas' large-scale attack on Israel on October 7, 2023, has seen a grave violation of international humanitarian law. International ministerial law is rooted in Geneva convention of 1949 along with customary international humanitarian law codified by international committee of Red Cross¹⁵ which apply is following principle like the parties must distinguish between combats and civilians¹⁶ and between military objectives and civilian object that comes under the principle of distinction as well as the principal of proportionality which talks about attacks must not¹⁷ cause excessive civilian harm about concrete and direct military advantages anticipated. These principles also come with the military necessity¹⁸; only necessary military actions are permitted during the conflict stage; feasible steps must be taken to minimise incidental civilian harm. The revolution of collective punishment needs to be considered; civilians must not be punished for actions they did not commit. Although Israel is not a party to the Additional Protocol, one of its provisions is recognised as customary international law binding on all parties. Disproportionate attacks by the Israeli military on October 7 involved extensive aerial bombardments. These operations caused a high number of civilian deaths, including women and children. According to rule 14¹⁹ of customary

¹⁴ Patrick Kingsley et al., Hamas Attacks Israel as Militants Pour In From Gaza; Scores of Israelis and Palestinians Are Killed, N.Y. Times (Oct. 7, 2023), <https://www.nytimes.com/live/2023/10/07/world/israel-gaza-attack-news>.

¹⁵ Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), Aug. 12, 1949, 75 U.N.T.S. 287.

¹⁶ Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), art. 48, June 8, 1977, 1125 U.N.T.S. 3.

¹⁷ Id. art. 51(5)(b).

¹⁸ Id. art. 57.

¹⁹ Int'l Comm. of the Red Cross (ICRC), *Customary International Humanitarian Law*, Rule 1, Rule 14 (2005),

international humanitarian law, attacks which may be expected to cause incidental damage to civilian life and an excess of military advantage are prohibited, but the bombing done by the military in Jabalia refugee camp²⁰, resulting in dozens of civilian deaths, raises questions about proportionality. Indiscriminate attacks done by Israel in areas without distinguishing military targets from civilian objects and extensive use of high explosive munitions are violative of article 51(4) of Additional Protocol 1 and customary international humanitarian law rule 12²¹. According to articles 18 to 20 of the 4th Geneva Convention,²² hospitals and medical units enjoy special protection, but those institutions have reportedly been damaged or destroyed in Israeli strikes. For example, damage to Al-Shifa Hospital ²³has prompted condemnation and accusations of violating protections for medical establishments. Under article 34 of the 4th Geneva convention hostage taking is prohibited ²⁴hostages must be released unconditionally and any threats to their lives are violation of both international humanitarian law and human rights law, over 240 individuals including civilians were reportedly abducted and taken into Gaza during the conflict which was violative of article 34 of 4th Geneva convention.²⁵ The United Nations human rights council has established a commission to investigate violations in Gaza and Israel. This mechanism, together with evidence, documents atrocities and may contribute to future accountability ability, even if actual prosecution faces political hurdles. These violations under 4 the urgent need for independence investigation accountability mechanism and most importantly adherence to fundamental principles of international humanitarian law, the laws of war, or not optional even in the most difficult and asymmetrical of conflicts; they are essential to preserving humanity amidst armed violence.

04. International Responsibility and Conflict Resolution: Upholding Obligations and Addressing Armed Aggression

The principle of international responsibilities plays a critical role in an increasingly interconnected world for preserving global peace and security. This is especially significant when States engage in acts of armed aggression, as seen in recurring hostilities such as

<https://ihl-databases.icrc.org/en/customary-ihl>.

²⁰ United Nations Office of the High Commissioner for Human Rights (OHCHR), *UN Experts Condemn Israeli Attacks on Jabalia Refugee Camp*, Press Release (Nov. 1, 2023), <https://www.ohchr.org/en/press-releases>.

²¹ Protocol I, supra note 2, art. 51(4); ICRC, *Customary IHL*, supra note 5, Rule 12

²² Fourth Geneva Convention, supra note 1, arts. 18–20.

²³ Al Jazeera Staff, *Israeli Strike Damages Al-Shifa Hospital, Dozens Killed*, Al Jazeera (Nov. 2023), <https://www.aljazeera.com/news>.

²⁴ Fourth Geneva Convention, supra note 1, art. 34.

²⁵ United Nations, *Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory*, Human Rights Council (Feb. 2024), <https://www.ohchr.org/en/hr-bodies/hrc/coi-opt>.

Pakistan's actions in Poonch under Operation Sindhur. Under international law, the maintenance of international peace depends on states honouring their legal and moral obligations. A principal and multidimensional approach rooted in legal accountability, diplomatic resolve, and strategic prudence can empower a state like India to respond effectively to aggression while contributing to global peace and justice.

4.1 Obligation in International Relations

In the international community, countries need to work together to solve problems and avoid conflict. One of the main bases for this is treaties. When countries sign and accept a treaty, they take on obligations and legal duties, and they are expected to obey under international law. It is required to follow the rules relating to peace and war, trade, environmental protection, human rights, and military limits. The rule of "pacta sunt servanda" describes that countries must obey the treaties they have accepted, and they must do so honestly and in good faith. Under international law, a country that breaks a treaty must stop the wrongful action immediately and promise not to repeat it. Other countries affected by the violation can respond; they may use diplomatic protest, take the case to an international court, or use peaceful means. In serious cases, like war crimes or aggression, the international community may take stronger actions through the United Nations or international courts. Treaties and obligations are a major part of how international law works. They are the rules that countries agree to follow when they sign and ratify treaties. Institutions like repeated military aggression, such as shelling by Pakistan across the Line of Control, allow India to use treaty law, including the Geneva Convention and UN Charter, to demonstrate that Pakistan has violated international rules. This gives India a strong legal and moral position to act in settling differences and seeking international support.

4.2 Tangible solution on Armed aggressions

A recurring episode of armed escalation by Pakistan, especially along the Line of Control in Jammu and Kashmir, continues to pose a serious challenge to India's national security and regional stability. These actions, which often include ceasefire violations and cross-border shelling, threaten not only the sovereignty of India but also the broader framework of international peace and security. Diplomacy is the first and most essential tool in addressing aggression. India must continue to assert its stance on an international platform, exposing Pakistan's support for cross-border terrorism. Alongside diplomatic and legal solutions rooted in international law, particularly Article 51 of the UN Charter, India retains the right to defend

itself if an armed attack occurs. India can argue through established legal frameworks that Pakistan's support for non-state militant actors qualifies as a direct armed attack. Additionally, acts like shelling civilian areas that result in the deaths of non-combatants along the Line of Control may violate the Geneva Conventions, which protect civilians during times of conflict. India can use these violations to build a legal case at international forums or pressure bodies like the International Criminal Court to investigate Pakistan's actions. After the Pulwama attack in 2019, India withdrew its Most Favoured Nation status and imposed heavy customs duties on Pakistani goods. Such measures have affected Pakistan's already fragile economy. In the long term, India should develop a clear national security doctrine that addresses cross-border terrorism, hybrid warfare, and internal security. This doctrine should guide how India responds to threats, including using diplomacy, applying military force, and coordinating with allies. The 2016 surgical strikes and 2019 Balakot air strikes were examples of limited but effective military actions initiated by India that stayed within the framework of international law while sending a strong message. These responses not only targeted terrorist infrastructure but also demonstrated India's readiness to act decisively without engaging in full-scale conflict. Maintaining strong border defenses, investing in modern surveillance technology, and ensuring rapid response capabilities are essential components of India's military strategy.

05. Conclusion

The Poonch tragedy is not just another page in the great book of Indo-Pak relations; it is a grim reminder of the terrible price that has to be paid when international law on human rights takes a backseat to retribution and political heartlessness. When shells from artillery fall not on military bases but on schools, on churches, and on sleeping children, the world is forced to ask: what does our treaties, our agreements, and our promises signify if they are flouted in times of necessity?

On 7 May 2025, Pakistan's move is a violation of legal principles and a gross failure of morality. Targeting civilians is not just an incidental evil of war, but a crime against humanity and a direct affront to the inherent values that underpin international solidarity. This move is a violation of the express provisions and inherent principles of the Geneva Conventions, the Hague Regulations, and customary international law—systems intended not only to regulate the conduct of states but necessarily intended to protect human life.

In order to make international humanitarian law effective and ethical, accountability must be

attached to acts of atrocity. In progressing, the global community is required to uphold the existing mechanisms of pursuing legal recourse and settling conflicts. Certain remedies to armed conflicts—particularly in areas plagued with a history of ceasefire breaches and interstate violence—must constitute a multi-dimensional framework comprising legal, diplomatic, and strategic elements. For example, India can continue to assert its legal stance under Article 51 of the United Nations Charter, upholding the inherent right of self-defense against armed aggression. In addition, repeated instances of aggression resulting in civilian loss of life may be pushed to the center stage in global forums such as the International Court of Justice or the International Criminal Court, especially when such instances have the potential to constitute war crimes.

Apart from legal action, there needs to be continuous diplomacy to isolate and bring attention to repeated violations of international law. It needs to be addressed through attempts to organize international opinion towards more enforcement of humanitarian norms and towards a reform of international tools to make them better equipped to prevent repeated abuse. Strategically, while military preparedness is vital, whatever action is taken, it needs to be contained and consistent with international legal norms to be legitimate and avoid escalation. Such acts as those which took place in Poonch cannot be allowed to vanish in the mists of time or be confined to the footnotes of diplomatic history. Instead, they must call forth demands for justice, reparations, and institutional reform. The protection of civilians can never be a discretionary exercise; it is an ongoing obligation that distinguishes just war from raw savagery.

Let Poonch stand for more than just a slogan etched into the fragments of war. Let it be a turning point—a call to the international community to increase the implementation of humanitarian law, to hold violators accountable, and to remind us that, even in the midst of war, the dictates of humanity should not be abandoned.