

VIOLATION OF HUMAN RIGHTS BY PMSCs IN ARMED CONFLICT- A HIDDEN TRUTH

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Abstract

War and Peace are two common words since civilization and societal growth in this world. Various developments in the field from science to culture have been compelled to change the character of war. Technology and its growth are really notable throughout the globe. In war field the various kind of weapons with high scientific and technical enhancement are remarkable one. But in the battle field the presence of soldiers are indispensable in nature or it is one of essential elements regarding armed conflict. Some changes have been noticed in this field. Generally, all the respective States are recruiting their personal force in the battle ground, but private armies are playing great role now a day in this respect. But while discharging their duties this private armies are drastically violating basic rights which are not admirable in the humanitarian law.

Key Words: Armed conflict, Private Military Companies, Montreux document, Human rights.

Introduction

Civilization, development and war are connected with each other since the human existence in this universe. The world has been witnessed from the Punic war to most devastating two world wars. The aftermath of the war in particular or whether in general is not at all delightful. Due to the technological development various kind of advanced methods of warfare are available now. Among them some are cost effective in nature. But it is to be noted that army is indispensable part of any war apart from other means.

Privatization and globalization are very common terms in contemporary economic policies. Advent of these policies makes a remarkable economic growth throughout the world. War and its privatization is one of the growing industries particularly in developing States. Private Military Companies and their activities are increasing day by day though this practice is not a new phenomenon. It is now common fact that highly professional companies with trained staff are ready to provide their service in the battle field and most of them offer their service through digital platform using the websites.

Former Secretary – General of the United Nations Mr. Kofi Annan once said that he had considered for engaging skilled professionals from private firm to solve the problems in Goma, the refugee camps in Rwanda.

But it is doubtful to him that world may not be accept this proposal. But in respect past we have been noticed that the private military companies provided logistic aid in Sierra Leone. So, it can easily understand that situations have been changed.

However the private military companies are the main focus of this current paper. So other than the evolution of this company's author intend to light upon their activities specially the human rights and its violations. Various literatures revealed that these companies have been involved in major human rights violations.

Through the course of this paper author has tried to explain the ICRC's position and observations in this context.

PMSCs and their evolution

Historical evidence disclosed that in many occasions private soldiers have been engaged to support the armed forces. Previously, private soldiers are termed as mercenary and their origin can be traces to the Akkadian reign. Therefore it can be said that the practice of private armed forces are not at all new matter.

Three factors are leading to emerged this industry in early 1990s. Primary factor is government functions and its outsourcing. The changing nature of warfare and the termination of the cold war are other mentioned causes in this context.

Colonel David Stirling established the Special Air Service (SAS) an elite fighting force in 1941. In 1967 he founded the first private military service company namely Watch Guard International. This company employed the former experienced personnel of SAS. Moreover the high quality of professionalism of these private military companies made an international benchmark.

The International Community has been witnessed for an outsourcing of military services in a large extent. The private military service business that has created a benchmark in Iraq and Afghanistan.

PMSCs in Indian Perspectives

India takes a different look in Private military companies. It is well known fact that the Western World specially US and Europe are the birthplace of PMSCs. UAE has recently use private militaries in many instances.

According to the report prepared by FICCI expressed that these companies are very popular in India. More than 8 million people are engaged with this profession. But in the case of PMSCs , India always show her strict governance.

India precludes her citizens to carry gun without cogent ground. The act relating to arms from pre-independence era to post independence point of time regulate the carrying, possession and other related matter in a restricted manner. So it is quite difficult for security companies to use weapons in a larger extent.

On the other hand India always depends upon her armed forces and solely believe that the members of the forces are enough to fight against enemies in the conflict.

So we can say that like west private military companies do not have a solid impact on defense matters in India. Government directly controlled the projects and companies relating to defense. No private player should take entry in this context.

PMSCs and Human Rights violations

It is evident that these companies have been involved in human rights violations in many instances. It is now become a concern of international community.

Iraq and Afghanistan are very common in recent past for the conflicts that have been occurring in their land. PMSCs particularly in these two States have been violating human rights in a great extent.

In 2009 a shooting incident occurred between two forces in the office of the Attorney General in Kandahar. In consequence of this conflict a huge number of civilians get affected. Two years back in 2007 Unity Resources Group fired and killed two Armenian Women as the women's car get closer to the convoy protected by this group in Central Baghdad, Iraq.

Apart from the incidents stated above the most serious human rights violation occurred by Blackwater a PMSC on 16th September, 2007 in Nisour Square, Baghdad. In this shooting incident nearly about seventeen people were killed and many more injured badly. All casualties, killed in this incident were innocent Iraqi civilians.

These are few examples that I want to light upon in relation to human rights violations by PMSCs. Moreover it is clear that they are not only violating the provisions of human rights law but also humanitarian law too.

ICRC's initiative and Montreux Document

Different literatures relating to this particular area proved that these private military service providers are in a forefront for violating the war regulations. A joint initiative of the ICRC and Swiss government in 2006 makes a remarkable milestone in respect of operating procedures of PMSCs.

Furthermore an appearance of PMSCs in large number raised concerns in several issues. In particular legal issues are very serious in this context. After extensive research and various meetings with States and several other authorities in 2008 the Montreux Document was adopted. The main jurisprudence behind this document is to implement regulations and obligations of States with respect to PMSCs. States are solely responsible for any wrong made by the personnel of PMSCs.

Furthermore it can be say that Montreux Document is a result of consensus of the States. The State parties agreed between themselves to introduce some strict regulations for PMSCs and also implementing international law to them.

Conclusion

The purpose of this research paper to light upon the inhuman role of private armies' through the globe. A detailed study in this respect expressed that these companies have been going beyond their actual limits. But it is important to know the obligations under international law.

Moreover it is to be noted that the principles of humanitarian law shall be respect by all the States in general. Article 127 and 144 of the Geneva Convention (3rd & 4th) should be ensuring by all. Other than this law the human rights must be taken into consideration seriously.