

EDITORIAL

Wars may create winners and heroes, but they also generate suffering and sacrifice. A victim, in the etymological sense, is in fact a living creature sacrificed in religious rites. The German translation of victim (*‘Opfer’*) reflects these ideas of sacrifice and suffering, which remain important even in armed conflicts that do not have religious connotations.

Contrary to the well-defined battles of the Middle Ages, modern wars – where the distinction between combatants and civilians is blurred and even deliberately disregarded – often demand the sacrifice and suffering of the whole population. War victims are therefore ubiquitous, increasingly recognized and often represented by organizations that compete even amongst themselves to draw attention to their specific plight and to make known the injustices done to them. More than this, a sense of self-perceived collective victimhood emerges as a major theme in societies involved in intractable conflicts, and forms a fundamental part of the collective memory of the conflict.

The notion of ‘war victims’ has several connotations, and the use of the term ‘victim’ as an identity can have different implications, depending on who is using it, claiming it, rejecting it or attributing it to others. Its negative connotations may have an impact on the person or persons concerned. This implies that the term should be used with some care and insight.

The term can be understood to mean all people whom humanitarian law seeks to protect in the event of international or non-international armed conflict. Any person may be harmed physically or mentally, be deprived of their fundamental rights, suffer emotional distress or lose their property. Humanitarian assistance for all victims of war, within this meaning of the term, is intended to attenuate the harmful effects of conflicts as far as possible; assistance from humanitarian organizations often compensates for the inadequacy of aid from the warring parties. In international law, however, the notion of ‘victim’ is normally defined more restrictively, applying only to those persons who have been harmed by the consequences of an internationally unlawful act. This understanding of the term, compared with that of humanitarian organizations, narrows down the range of victims considerably, since it means, for example, that a person killed in

accordance with the principle of proportionality (the oft-cited collateral damage) would not be a 'victim'.

From a humanitarian perspective, armed conflicts and violence are about people – the risks, vulnerabilities and suffering they are exposed to, and the actions that must be undertaken to prevent, mitigate or put an end to that suffering. For the ICRC, victims are people negatively affected by war and collective violence in a larger sense. The term 'victim' is therefore applied in a particular situation whose contextual framework is largely determined by international law and political factors. The history of the *Geneva Conventions of 1949 for the Protection of Victims of War* gives an account of an enlarging circle of victims who attained a particular status under international law. Whereas initially only military personnel were protected once out of combat (and by extension, prisoners of war as well), the emphasis is now laid on civilians and the civilian population as a whole. Even more precisely, humanitarian law aims at protecting all persons not directly participating in hostilities. Conversely, it shows that there are still other victims who were (or are) excluded from these Conventions.

The ICRC wants to put all the victims of armed conflict and collective violence at the heart of its protection and assistance action – irrespective of the contextual, legal and political framework of the violence, or the category to which victims belong. It should recognize the potential and active identity of a person beyond the institutional label of 'victim', as this constitutes an important step in respecting that person's human dignity.

Increasing accountability towards all victims and making their voice heard may, however, stand in contradiction to the interests of other stakeholders. The ICRC therefore has to find a path between a victim-oriented and a situation-conditioned approach. It tries to do so through neutral and independent humanitarian action that is not concerned with the origin and causes of the conflict, and which is not connected to a wider political agenda.

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