

Second State Consultation on Prevention Good Practices

Statement of Italy

Geneva, 25th November 2025

* * * * *

SESSION 1: Weak or incomplete legal and regulatory frameworks

We agree that weak or incomplete legal and regulatory frameworks increase the risk of IHL violations, as gaps in domestic legislation may affect predictability and accountability. Italy acknowledges that full implementation of IHL obligations in domestic law is a complex and long-term process.

Italy recognizes that some frameworks should be monitored, such as RoE aligned with IHL and regularly updated, the incorporation of international crimes into national legislation, procedures governing weapons systems review (in line with Article 36 AP I), detention, protection of civilians and conduct of hostilities.

Italy already employs a number of **legal, institutional and administrative measures that support the implementation of IHL at the national level:**

- the respect of IHL principles into Rules of Engagement and operational directives, developed in accordance with Italy's international obligations and adapted to the mandates and contexts of missions. In particular, work is ongoing – and almost completed - on the update of the Manual of International Law applicable to Military Operations, conceived as a comprehensive reference for the armed forces on IHL, including some issues particularly important in contemporary armed conflicts. Moreover, the General Office for Legal Affairs of the Defence Staff has adopted a series of directives relevant to the implementation of IHL, such as the directive on the protection of cultural property in the event of armed conflict;
- structured interministerial cooperation among the Ministry of Defence, the Ministry of Foreign Affairs and International Cooperation, the Ministry of Justice and other relevant institutions, aimed at ensuring coherence in national positions, legislative processes, training policies and overall implementation of IHL. This cooperation also takes place thanks to the engagement of the above Ministries in the IHL National Committee.
- extensive education and training activities, delivered to armed forces, police forces, judicial actors, civil servants and other relevant professionals, as described in detail in the First National Voluntary Report;
- regular cooperation with the Italian Red Cross, academia, centres of expertise such as the Sanremo Institute, and international partners, which contributes to dissemination of IHL, capacity-building and the identification of possible areas for strengthening the domestic framework.

The ICRC's *Bringing IHL Home* guidelines indicate that States should monitor and measure their progress in implementing IHL at the domestic level.¹ These measures could include:

¹ <https://international-review.icrc.org/sites/default/files/reviews-pdf/2022-01/bringing-ihl-home-guidelines-on-national-implementation-of-ihl-915.pdf>

- periodic reviews of domestic legislation and policies to assess alignment with IHL obligations;
- regular updates of operational directives and guidance, including ROE, in order to ensure consistency with IHL norms and evolving operational contexts;
- use of interministerial coordination mechanisms, with a view to assessing whether the different ministries (MFA, MoD, MoJ) involved in IHL implementation are effectively sharing information on a regular basis, ensuring coherence and helping identify possible gaps.

Italy sees value in peer-to-peer exchanges and good-practice sharing among States, as these processes can support national assessments by providing comparative perspectives on existing measures and helping identify areas where domestic frameworks may require strengthening.

SESSION 3: Dehumanization of the enemy / Brutalization

Dehumanization of the enemy and brutalization practices highly increase the risk of IHL violations. Italy recognizes the relevance of the factors highlighted by the ICRC,² including prolonged exposure to hostilities, stress and negative group dynamics.

While we don't have specific mechanisms formally designed to monitor "dehumanization", several existing practices can indirectly help reduce such risks, contributing to maintaining a professional and disciplined environment and reducing the likelihood of behaviour inconsistent with IHL. These practices include:

- rotation of deployed units in line with NATO and UN standards, limiting prolonged exposure to combat-related stress;
- the presence of psychological support structures within the armed forces, which assist personnel before, during and after deployment;³
- post-deployment debriefings, which allow the command chain to identify stress-related challenges and address them;
- training and command messaging that emphasize IHL principles, the dignity of persons and ethical conduct.⁴

Italy also sees value in regular exchanges - such as these consultations - with other States, the ICRC and specialized experts on possible ways to better understand and address early signs of dehumanization.

SESSION 4: Lack of transparency / Openness to scrutiny

Italy would like to recall that, **under common Article 1 to the Geneva Conventions, States must "respect and ensure respect" for IHL in all circumstances**. Ensuring respect requires not only adopting rules, but also having mechanisms to verify compliance, investigate alleged violations and, where appropriate, repress breaches of IHL.

² ICRC, *The Roots of Behaviour in War* (2004); ICRC, *The Roots of Restraint in War* (2018).

³ <https://www.difesa.it/giornalemedicina/cts-psichiatriapsicologiamilitare/index/26702.html#:~:text=completo,-QUI>

⁴ https://www.icrc.org/sites/default/files/document/file_list/obligation-dissemination-ihl.pdf

Italy shares the ICRC's view that domestic implementation of IHL is a continuous process, which includes assessing existing measures, identifying gaps, planning corrective actions and monitoring and measuring progress, as recalled in the *Bringing IHL Home* Guidelines.

Transparency and scrutiny are closely linked to effective investigations and accountability for alleged violations. The Guidelines on Investigating Violations of IHL,⁵ issued by the Geneva Academy in 2019, for instance underline that credible investigations are grounded in independence, impartiality, thoroughness, promptness and transparency and thus essential both to maintain discipline in armed forces and to demonstrate compliance with international obligations.

As highlighted in its Voluntary Report published in 2023, Italy addresses the repression of IHL violations through its Wartime Military Criminal Code, which includes offences defined as “crimes against the laws and customs of war” and through the jurisdiction of domestic courts, in line with treaty and customary obligations requiring States to investigate and prosecute war crimes. These provisions have been applied in a series of criminal proceedings for war crimes conducted from the 1990s to the past decade, notably with the support of specialised judicial police units, including Carabinieri branches assisting Military Prosecutors in the investigation and prosecution of such offences.

Italian legislation on international missions⁶ and the Military Code explicitly require compliance with IHL principles and international criminal law⁷, entrusting commanders with the responsibility to oversee respect for IHL in operations,⁸ which could be declined in appropriate reporting and control mechanisms.

On this basis, Italy considers that domestic measures which may reduce transparency or limit scrutiny over military operations risk undermining the State's ability to meet its obligations under IHL, in particular to prevent and repress violations, to carry out effective investigations into alleged violations and to provide accountability to victims and to the international community.

SESSION 5 — Lack of knowledge of the context

Insufficient understanding of the operational context is an additional factor significantly increasing the risk of IHL violations. Effective compliance with and application of the rules on distinction, proportionality and precautions requires reliable knowledge of the civilian environment, including the presence of protected persons and objects.

Critical contextual elements include social and cultural dynamics, language and communication patterns, local security norms and the precise location of protected sites. These challenges are particularly acute in operations where civilians and combatants may be intermingled and where operational environments evolve rapidly. Indicators of limited contextual awareness may include misunderstandings at checkpoints, incorrect or imprecise threat assessments or difficulties in interacting with the local population.

⁵ [Microsoft Word - Guidelines on Investigating Violations of International Humanitarian Law Law, Policy and Good Practice.docx](#)

⁶ Law 145/2016, art.1(1)

⁷ Legislative Decree 66/2010, art. 89(4)

⁸ *ibid*, art 624

To track these risks, States may consider monitoring incident reports linked to misidentification or miscommunication, regularly evaluating the adequacy of pre-deployment training and drawing on feedback from liaison officers, legal advisers and civil-military cooperation units.

In Italy's experience, understanding the operational context is strengthened through structured pre-deployment preparation, including IHL-based training and scenario-based exercises for multinational missions. The deployment of legal advisers and specialised teams can contribute to situational awareness and support commanders in integrating IHL considerations into planning and operations.

More broadly, measures that can enhance contextual understanding include mandatory theatre-specific modules, engagement with local actors and humanitarian organisations and information-sharing within multinational command structures.