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Hummus Trail Controversy Revives Debate on Geneva Conventions, Universal Jurisdiction and India's Legal Obligations in War Crimes Cases

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Recent Developments:

- The **Hind Rajab Foundation (HRF)** filed a complaint before the **Union Ministry of Home Affairs, Bureau of Immigration**, and police authorities seeking the arrest of an Israeli soldier vacationing in **Himachal Pradesh** over alleged war crimes committed during the Gaza conflict.
- The incident has renewed discussion on **India's obligations under the Geneva Conventions**, the scope of **Universal Jurisdiction**, and the implementation of the **Geneva Conventions Act, 1960**.

Hummus Trail:

Meaning:

- The **Hummus Trail** is an informal travel circuit covering destinations in India that are particularly popular among young Israeli travellers, especially after completion of compulsory military service.
- The expression draws inspiration from the **Hippie Trail** or **Hashish Trail** of the **1970s–1980s**, although it is primarily associated with tourism rather than conflict.

Major Destinations:

- The principal destinations include **Kasol, Dharamkot, Rishikesh, Pushkar, Goa, Hampi, Gokarna, Kodaikanal**, and the **Andaman and Nicobar Islands**.

Tiul Gadol (Big Trip):

- Many young Israelis undertake **Tiul Gadol**, meaning the **Big Trip**, immediately after mandatory military service.
- The journey generally lasts between **6 months and 1 year** and is often financed through post-service benefits.
- Approximately **80,000 Israeli tourists** visit India annually, with a significant proportion participating in this travel tradition.

Recent Tourism Cooperation:

- In **2026**, Israel allocated **4 million NIS** to strengthen bilateral tourism cooperation and increase tourist exchanges with India.

Geneva Conventions and International Humanitarian Law:

Overview:

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- The **Four Geneva Conventions of 1949** constitute the foundation of **International Humanitarian Law (IHL)** governing armed conflicts.
- Their primary objective is to limit human suffering by protecting persons who are not participating in hostilities or are no longer able to fight.
- The Conventions are supplemented by the **Additional Protocols of 1977 and 2005**, which expand humanitarian protections in modern conflicts.

Four Geneva Conventions:

- **First Geneva Convention:** Protects wounded and sick members of armed forces on land.
- **Second Geneva Convention:** Protects wounded, sick, and shipwrecked military personnel at sea.
- **Third Geneva Convention:** Provides legal protection to prisoners of war.
- **Fourth Geneva Convention:** Protects civilians living in areas affected by armed conflict and military occupation.

Grave Breaches under the Fourth Geneva Convention:

- Grave breaches include **wilful killing, torture, inhuman treatment, unlawful deportation, hostage-taking, extensive destruction of property without military necessity**, and denial of fair trial rights.
- Such violations constitute serious war crimes under international humanitarian law.

Universal Jurisdiction:

Meaning:

- **Universal Jurisdiction** enables a State to investigate or prosecute individuals accused of specified international crimes irrespective of:
 - The nationality of the accused.
 - The nationality of the victim.
 - The place where the offence occurred.

Legal Basis under Geneva Conventions:

- The Geneva Conventions require every State Party to search for persons alleged to have committed **grave breaches**.
- States must either prosecute such individuals before their own courts or extradite them to another competent jurisdiction.
- This principle seeks to prevent perpetrators of serious international crimes from escaping accountability by crossing international borders.

India's Legal Framework:

Geneva Conventions Act, 1960:

- India enacted the **Geneva Conventions Act, 1960** to implement its treaty obligations under the Geneva Conventions.
- The Act criminalises acts classified as **grave breaches** under all four Geneva Conventions.

Jurisdiction under the Act:

- Indian courts may exercise jurisdiction over any person accused of committing a grave breach irrespective of nationality.

- The location where the alleged offence occurred does not restrict the applicability of the Act if the accused is found within India.

Punishment:

- Wilful killing of protected persons may attract **death penalty or life imprisonment**.
- Other grave breaches are punishable with imprisonment extending up to **14 years** under the Act.

Absence of a Standalone War Crimes Law:

- India does not possess a comprehensive domestic statute separately defining and prosecuting war crimes outside the framework of the **Geneva Conventions Act, 1960**.

Administrative Powers Available to India:

Immigration Measures:

- Where criminal proceedings are not initiated, immigration authorities retain sovereign authority to regulate the presence of foreign nationals under domestic immigration laws.

Deportation:

- The **Ministry of Home Affairs** and the **Bureau of Immigration** may facilitate deportation of a foreign national in accordance with applicable legal procedures, where considered appropriate under Indian law.

Global Practice of Universal Jurisdiction:

International Trend:

- Human rights organisations have increasingly invoked universal jurisdiction before domestic courts in different countries to seek accountability for alleged international crimes.

Examples:

- Legal proceedings invoking universal jurisdiction have been initiated before authorities in **Chile, Brazil, Canada, United Kingdom, Italy**, and several European jurisdictions.

Issues Before India:

International Legal Obligations versus Strategic Interests:

- India must balance its obligations arising from international humanitarian law with its expanding strategic partnership with Israel.

Diplomatic Sensitivities:

- Any legal action involving foreign military personnel may have implications for bilateral relations and regional diplomacy.

Domestic Legal Capacity:

- Effective implementation depends upon evidence collection, judicial scrutiny, procedural safeguards, and executive coordination.

International Judicial Context:

- The controversy has emerged during ongoing proceedings instituted by **South Africa** against Israel before the **International Court of Justice (ICJ)** concerning alleged violations of the **Genocide Convention**, increasing international attention on accountability mechanisms.

Significance for International Humanitarian Law:

Protection of Civilians:

- The Geneva Conventions reinforce the principle that civilians must remain protected during armed conflict.

Ending Impunity:

- Universal jurisdiction seeks to ensure that perpetrators of grave international crimes cannot evade justice merely by travelling abroad.

Strengthening Rule-Based International Order:

- Consistent implementation of humanitarian law strengthens respect for international legal norms and enhances global accountability.

Way Forward:

Strict Adherence to Rule of Law:

- Every allegation should be examined strictly in accordance with domestic law, treaty obligations, and principles of natural justice.

Strengthening Domestic Legal Framework:

- India may consider modernising its legal architecture governing international crimes to address evolving humanitarian challenges.

Balancing Diplomacy and Legal Commitments:

- Foreign policy considerations should remain consistent with India's international legal obligations while preserving strategic partnerships.

Capacity Building:

- Investigation agencies, prosecutors, immigration authorities, and judicial institutions should receive specialised training relating to **International Humanitarian Law** and international criminal accountability.

Value Addition for UPSC:

Difference between International Humanitarian Law and International Human Rights Law:

- **International Humanitarian Law** applies specifically during armed conflicts and regulates the conduct of warfare.
- **International Human Rights Law** applies at all times, during peace as well as armed conflict, subject to limited permissible derogations.

Important International Institutions:

- **International Committee of the Red Cross (ICRC):** Guardian and promoter of **International Humanitarian Law** and the Geneva Conventions.
- **International Court of Justice (ICJ):** Settles legal disputes between States and provides advisory opinions.
- **International Criminal Court (ICC):** Tries individuals accused of genocide, crimes against humanity, war crimes, and the crime of aggression; **India is not a State Party to the Rome Statute.**

Important International Crimes:

- **Genocide.**
- **Crimes against Humanity.**
- **War Crimes.**
- **Crime of Aggression.**