



## Sinsajo y la guerra civil en Panem: una mirada desde el derecho internacional humanitario

Mockingjay and the Civil War in Panem: A Perspective from International Humanitarian Law.

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**Resumen |** El derecho internacional humanitario (DIH) regula los conflictos armados no internacionales, como las guerras civiles. Un ejemplo ficticio de este tipo de conflicto se encuentra en Sinsajo (partes 1 y 2), ambientado en Panem, mundo creado por Suzanne Collins. En esta historia, la población civil se levanta contra el régimen autoritario del Capitolio, desencadenando una guerra civil que culmina con la caída del gobierno y la instauración de una democracia. Este trabajo analiza diversas situaciones representadas en Sinsajo a la luz del derecho internacional humanitario, identificando sus conexiones con normas que buscan proteger a las personas en contextos de conflicto armado. A partir de este análisis, se reflexiona sobre la aplicabilidad y los desafíos del DIH incluso en escenarios de ficción, destacando su relevancia para comprender los límites de la violencia y la protección del principio de humanidad.

**Palabras clave |** conflicto armado no internacional, crímenes de guerra, castigo colectivo, perfidia

**Abstract |** International Humanitarian Law (IHL) regulates non-international armed conflicts like civil wars. A fictional example of this type of conflict is in Mockingjay (parts 1 and 2), set in Panem, a world created by Suzanne Collins. In this story, the civilian population rises against the authoritarian regime of the Capitol, triggering a civil war that culminates in the government's downfall and the establishment of a democracy. This paper analyzes various situations represented in Mockingjay in the light of International Humanitarian Law, identifying their connections with norms that seek to protect people in armed conflict and regulate the means and methods of combat. From this analysis, the article reflects on the applicability and challenges of IHL even in fictional scenarios, highlighting its relevance for understanding the limits of violence and the protection of the principle of humanity.

**Keywords |** non-internacional armed conflict, war crimes, collective punishment, perfidy



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## 1. Introduction

The narrative universe of *The Hunger Games*, created by Suzanne Collins, offers a unique opportunity to reflect on the fundamental principles of International Humanitarian Law. In particular, the *Mockingjay* films (Parts 1 and 2) starkly depict an internal armed conflict in the fictional country of Panem, allowing for an exploration, through fiction, of the rules governing non-international armed conflicts (NIACs), as well as the ethical and legal challenges that arise amid war.

Panem is an authoritarian nation divided into 13 districts (one of them allegedly destroyed) and ruled with an iron fist by the Capitol, a political and economic elite that exercises power through repression, media control, and the spectacle of violence. One of the Capitol's main tools for maintaining control over the districts is *The Hunger Games*—an annual competition in which young people from each district are forced to fight to the death, broadcast nationwide as a mandatory television spectacle.

However, throughout the saga, signs of dissatisfaction, pain, and resistance begin to surface. After Katniss Everdeen's symbolically defiant act in the Games, uprisings, protest actions, and acts of civil disobedience multiply. By the time the narrative reaches *Mockingjay*, Panem is engulfed in a civil war. The districts, led by the previously concealed District 13, rise up against the central power. Two distinct factions emerge: the Capitol's authoritarian regime, led by Coriolanus Snow, and a rebel coalition seeking to liberate Panem and establish a new democratic order.

Though fictional, this NIAC exhibits features that closely mirror many real-life confrontations: bombings, propaganda, the use of indiscriminate weapons, attacks on civilians, manipulation of information, torture, and tactical decisions that raise moral and legal dilemmas. In this context, this work analyzes a selection of key scenes from *Mockingjay* through the lens of IHL, exploring how this body of norms seeks to mitigate the effects of armed conflict by protecting individuals not directly involved in hostilities and by regulating the means and methods of warfare. It further reflects on the pedagogical value of fiction to illustrate humanitarian norms as well as the challenges inherent in their application, even within imaginary or fictional settings.

This paper contains spoilers. It analyzes specific scenes from *Mockingjay*. Readers familiar with the plot who wish to engage with the films through an IHL lens are encouraged to proceed.

## 2. The Treatment of Non-International Armed Conflicts in International Humanitarian Law

International Humanitarian Law, also referred to as *jus in bello*, the law of armed conflict, or the law of war, is a body of legal norms designed to mitigate the humanitarian consequences of armed conflicts (Melzer, 2022; Salmón, 2012). Its main objective is to protect individuals who are not directly involved in hostilities, such as civilians, medical or religious personnel, the wounded, and prisoners, and to restrict the methods and means of warfare employed by the parties to the conflict (Melzer, 2022; Salmón, 2012). Unlike *jus ad bellum*, which governs the legality of the resort to force, IHL applies regardless of the causes or the legitimacy of the conflict (Melzer, 2022; Salmón, 2012; Greenwood, 2008), once hostilities have begun.

IHL distinguishes between two categories of conflict: international armed conflicts (IAC), between two or more States, and NIACs, meaning those that occur within the borders of a State between governmental armed forces and one or more organized armed groups, or even between such groups themselves (Melzer,

2022; Salmón, 2012; Greenwood, 2008; Cullen, 2010). The latter category, long considered a matter of domestic jurisdiction, began to be regulated at the international level with the adoption of the 1949 Geneva Conventions, particularly through their Common Article 3.

Common Article 3 of the four 1949 Geneva Conventions establishes a humanitarian minimum applicable to all non-international armed conflicts, effectively serving as a “mini–Geneva Convention” Hoffman, 2003; . According to the International Court of Justice, this rule reflects “elementary considerations of humanity” applicable under customary international law to any armed conflict, whether of an internal or international nature<sup>1</sup>. This article prohibits, at all times and under all circumstances, acts such as violence to life and person—including murder, torture, and cruel treatment—hostage-taking, outrages upon personal dignity (such as humiliating or degrading treatment), and the passing of sentences without due judicial guarantees. These rules apply to all parties to the conflict, without requiring the formal recognition of a state of war by the State concerned; it is sufficient that the protracted armed violence occurring between sufficiently organized parties reaches the requisite threshold of intensity (Melzer, 2022; Salmón, 2012; Dinstein, 2021).

In 1977, the Additional Protocol II to the Geneva Conventions was adopted, aiming to expand the protections offered by Common Article 3 by providing a more detailed framework for NIACs. This protocol applies only when rebel armed groups are engaged in hostilities against a State, are sufficiently organized, and exercise control over a portion of the State’s territory, allowing them to conduct sustained and coordinated military operations. The Protocol’s provisions include the protection of civilians, the prohibition of indiscriminate attacks, the humane treatment of people deprived of liberty, and the obligation to provide care for the wounded and sick without discrimination.

In addition to these treaties, the fundamental principles of IHL also apply in NIACs. These principles include:

- The principle of distinction, which obliges the parties to the conflict to always distinguish between combatants and civilians, and prohibits direct attacks on civilians or civilian objects (Henckaerts y Doswald-Beck, 2005; Melzer, 2022; Additional Protocol II, article 13(2); Rome Statute, article 8(2)(e)(i)). This principle has been consistently affirmed in jurisprudence<sup>2</sup>.
- The principle of proportionality, which prohibits attacks that may cause incidental loss of civilian life or damage to civilian objects that would be excessive in relation to the concrete and direct military advantage anticipated (Henckaerts y Doswald-Beck, 2005; Melzer, 2022; Gillard, 2018).
- The prohibition of means and methods of warfare that cause superfluous injury or unnecessary suffering, including certain types of weapons or tactics that violate humanitarian limits (Henckaerts y Doswald-Beck, 2005; Melzer, 2022; Meyrowitz, 1994; Moir, 2002). The *Tadić*<sup>3</sup> judgment reinforces the applicability of this principle in the context of NIACs<sup>3</sup>.

Although Additional Protocol II of 1977 has not been ratified by all States and its applicability varies, several of its provisions have been recognized as part of customary international law (Dinstein, 2021; Meron, 1989) . However, it is unlikely that the entirety of Additional Protocol II has attained the status of customary international law (Bianchi, 2016; Dinstein, 2021). Moreover, some authors argue that identifying which specific norms within Additional Protocol II have attained customary status remains challenging (Bianchi, 2016). In 1995 the International Criminal Tribunal for the Former Yugoslavia (ICTY) in the *Tadić* case noted that many provisions of Protocol II could be regarded as declaratory of existing norms or as crystallizing emerging rules of customary law, or as important instruments in their evolution as general principles<sup>4</sup>. In summary, while Additional Protocol II is not fully part of customary international law, many of its rules have been recognized as such.

While it is evident that Panem has not ratified the Geneva Conventions, what if IHL were applicable within this fictional context? In *Mockingjay*, we are presented with a scenario in which an organized rebel force—represented by the insurgent Districts under President Alma Coin’s leadership—engages in a protracted armed conflict against the State of Panem, with a level of violence that clearly exceeds that of

mere internal disturbances. Zimmerman (2014) notes that the Capitol's attack on District 12 results in a significant number of internally displaced persons and decimates the remaining civilian population. Moreover, the use of advanced weaponry, along with the frequency and intensity of the hostilities—resulting in high numbers of casualties—suggest that the violence has surpassed the threshold of a simple “internal disturbance”. Consequently, the situation appears to meet the criteria for NIAC under IHL<sup>5</sup>.

### 3. Violations of IHL in the Conflict of Panem

The following section analyzes various situations depicted in *Mockingjay* that allow for reflection on the applicability of IHL in the context of a non-international armed conflict, even in fictional scenarios.

#### a. The Destruction of District 12 (*Mockingjay* – Part 1)

One of the first scenes in *Mockingjay - Part 1* is one of profound humanitarian impact: the destruction of District 12. Following the events of the Quarter Quell, the Capitol launches a massive aerial attack on the District, resulting in the death of thousands of civilians and the destruction of virtually all infrastructure. Only a few individuals manage to survive by seeking refuge in the surrounding woods. The scene is presented through the eyes of Katniss Everdeen, who, upon her return, witnesses the charred ruins and scattered corpses on the streets, a stark portrayal of the extreme consequences of indiscriminate wartime violence.

From the perspective of IHL, this attack constitutes a flagrant violation of the principle of distinction, a fundamental pillar of IHL. There is no indication of any effort to identify or limit the attack to military targets; instead, an entire city was bombed without any warning, resulting in widespread destruction. The absence of warning or prior evacuation also breaches the principle of precaution. Furthermore, no mention of any military installations or strategic objectives in the district would justify such massive bombing. Consequently, the attack represents a disproportionate and indiscriminate use of force, violating IHL. It is therefore more appropriate to conclude that the Capitol deliberately intended to target the civilian population and civilian property.

Moreover, the attack on District 12 may be interpreted as a form of collective punishment; that is, punishment inflicted on an entire population for acts attributable to some of its members. From the Capitol's perspective, the destruction of the district appears to serve as an example or warning, punishing the population for being the cradle of the rebellion symbolized by Katniss, the “Mockingjay”, rather than achieving a concrete military advantage. This form of collective punishment is incompatible with the protection of civilians and the principle of individual penal responsibility (Gasser, 2008). In the *Martic* case, the ICTY emphasized that the prohibition of reprisals against civilians—including acts amounting to collective punishment—is applicable in all armed conflicts, regardless of their classification<sup>6</sup>.

In conclusion, the bombing of District 12 represents a fictional instance which, if examined under legal standards, would constitute a war crime, giving rise to individual criminal responsibility for both those who ordered the attack and those who carried it out.

#### b. The Bombing of the District 8 Hospital (*Mockingjay* – Part 1)

Katniss Everdeen visits District 8 as part of the rebellion's propaganda strategy. During her visit, she goes to an improvised hospital where dozens of wounded and sick civilians are receiving medical care following the Capitol bombings. The scene conveys a message of resistance and solidarity, portraying Katniss as a symbol of hope for the district's inhabitants.

However, once her presence at the hospital becomes known, Capitol forces launch a direct airstrike on the medical facility with punitive intent. The order is explicitly issued by President Snow, stating: “Kill the wounded (...) Any association with the Mockingjay symbol is forbidden. Everyone inside that hospital has committed treason. Show them what it costs to be friends with Katniss Everdeen” (Lawrence, 2014).

From the standpoint of IHL, this attack constitutes a serious violation of fundamental rules. IHL protects the wounded and sick (Kleffner, 2008), as well as medical units and personnel (Vergara Lamadrid, 2024; Kleffner, 2008) without distinction. Common Article 3 of the Geneva Conventions requires humane treatment for the wounded and sick. Additionally, articles 9 to 12 of the Additional Protocol II reinforce this protection, protecting medical personnel and medical units, prohibiting attacks against them. Such units only lose their protection if they are used to commit harmful acts against the enemy, outside their humanitarian function (Melzer, 2022; Henckaerts y Doswald-Beck, 2005). This is not the case in this scene.

Both in IACs and NIACs, the deliberate bombing of a hospital with exclusively humanitarian function constitutes a war crime under International Criminal Law (ICL) (article 8(2)(b)(ix) for IACs, article 8(2)(e)(ii) for NIACs). Snow’s order reflects a strategy of collective punishment and symbolic deterrence through acts of terror that are explicitly prohibited by IHL as they violate the principle of humanity.

This scene illustrates the importance of humanitarian protection during an armed conflict. The protection of the wounded and sick, as well as the inviolability of medical facilities, constitute a legal obligation, the breach of which may result in individual criminal responsibility.

### c. The Destruction of District 5 - Dam (Mockingjay – Part 1)

In the film, a group of rebels from District 5 carries out an operation to destroy a hydroelectric plant. This facility supplies energy to all Panem, including the Capitol, and represents a key resource for its political, economic, and military functioning. The scene depicts the rebels infiltrating the site and detonating explosives, causing a nationwide blackout.

From the perspective of IHL, this action raises several important questions. One of the most significant is whether the attack complied with IHL—specifically, whether the hydroelectric plant constituted a legitimate military objective. According to Article 52(2) of Additional Protocol I and customary rule No. 8:

Military objectives are limited to those objects which by their nature, location, purpose or use make an effective contribution to military action and whose partial or total destruction, capture or neutralisation, in the circumstances ruling at the time, offers a definite military advantage. (Henckaerts y Doswald-Beck, 2005)

In terms of its nature and use, the hydroelectric plant provided energy to all Panem, including the Capitol, which was directly involved in the hostilities. Regarding its purpose, the plant powered the Capitol’s defense system, thereby making a direct contribution to its military capabilities. As for the criterion of military advantage, its destruction weakened the adversary’s defenses, providing a clear benefit to the rebel forces. Therefore, as a preliminary conclusion, the hydroelectric plant may be considered a military objective, as it meets both the requirement of effective contribution to military action and the provision of a definite military advantage.

Secondly, under customary rule No. 42 (Henckaerts y Doswald-Beck, 2005), works and installations containing dangerous forces—such as dams and nuclear plants—are afforded special protection due to the potential risk their destruction poses to the civilian population. This special protection is not absolute; it ceases only if the military objective in question provides regular, significant, and direct support to military operations, and if attacking it is the only feasible means of ending that support (Melzer, 2022).

In the case of Panem, the objective was to disable the Capitol’s military infrastructure. Although the dam collapsed and released a large volume of water, there is no indication that it caused widespread flooding or

severe humanitarian consequences for the population of District 5. While this implies a heightened duty of precaution, there is no indication of a violation *per se* of the special protection afforded to such facilities, as no means were employed that resulted in indiscriminate or disproportionately devastating effects on the civilian population.

Thirdly, IHL requires that even attacks on military objectives respect the principle of proportionality: attacks must not cause incidental harm to civilians or civilian objects that would be excessive in relation to the concrete and direct military advantage anticipated. The dam was defended by Capitol forces (Peacekeepers), indicating it was not a purely civilian site. Furthermore, there is no evidence of civilian presence or collateral casualties, suggesting that the rebels took reasonable precautions to minimize harm to civilians. Thus, in the absence of evidence of excessive civilian damage, the attack appears to have observed both the principle of proportionality and the duty of precaution.

In conclusion, the rebel attack on the District 5 hydroelectric plant may be deemed compliant with the rules of IHL for the following reasons: (i) the plant constituted a legitimate military objective, as it directly supported the Capitol's military operations; (ii) the attack did not violate the special protection afforded to works containing dangerous forces, insofar as it did not result in indiscriminate or devastating effects on the civilian population; and (iii) the principles of proportionality and precaution appear to have been observed, as there is no evidence of excessive collateral damage.

The attack on the District 5 dam, therefore, represents a borderline case that illustrates how, even in NIACs, armed groups must respect the principles of proportionality, military necessity, and precaution. While the rebels' action may be militarily justified, such analysis must consider the real effects on the civilian population. The legality of the attack ultimately hinges on whether all feasible measures were taken to minimize harm to civilians and whether the anticipated military advantage was concrete and significant.

#### **d. The Torture of Peeta Mellark (Mockingjay – Part 1)**

In *Mockingjay*, we witness the progressive physical and psychological deterioration of Peeta Mellark, who is being held captive by the Capitol. Although he initially appears in propaganda broadcasts, his appearance and behaviour increasingly show signs of psychological distress. Over time, these signs become unmistakable: Peeta has not only been used as a communication tool by the regime, but he has also been subjected to torture, including severe mental manipulation and isolation. His dissociation reaches the point where he becomes a human weapon: when he is finally reunited with Katniss, he tries to kill her, convinced that she is responsible for his family's death.

Under IHL, torture is absolutely prohibited in all circumstances, without exceptions. In the case of NIACs, this prohibition is codified in Additional Protocol II, article 4(2)(a), (see also [Henckaerts y Doswald-Beck, 2005](#) ). This prohibition constitutes a *jus cogens* norm, i.e., a non-derogable obligation that binds all parties ([de Wet, 2004](#))<sup>7</sup>. Common Article 3 of the Geneva Conventions states that “violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture” is prohibited.

Furthermore, article 8(2)(c)(i) of the Rome Statute of the International Criminal Court classifies torture as a war crime and as a crime against humanity when it is committed as part of a widespread or systematic attack against civilian population (article 7(1)(f)). In Peeta's case, torture serves a dual purpose: on one hand, it is intended to demoralize Katniss by exposing her to the suffering of her friend; on the other, it seeks to break the prisoner's will and reshape his identity to turn him into a lethal instrument, revealing a systematic and intentional use of both physical and psychological violence.

This treatment goes beyond inflicting physical pain: it seeks to strip the individual of their agency, destroy their psyche, and transform them into a tool serving military ends. In this sense, Peeta's torture also invites reflection on the lasting and devastating effects of violence on mental health, and how the body of the other—enemy, captive, dissenter—can be reduced to a testing ground for the exercise of power, in direct violation of human

dignity.

Ultimately, the case of Peeta Mellark represents a serious violation of IHL. In a real-world situation, those responsible for his torture could face international criminal prosecution.

### e. The Rescue of the Victors (*Mockingjay – Part 1*)

Towards the end of *Mockingjay – Part 1*, the rebels take advantage of the blackout caused by the destruction of the District 5 dam to carry out a rescue operation in the heart of the Capitol. The goal is to free the victorious tributes: Peeta, Johanna, and Annie, who are being held prisoners. The scene shows how, without electricity, the Capitol's air defenses are disabled, allowing a rebel unit to infiltrate.

During the operation, the rebels use a lethal gas to “clear” the building, securing the floors where the prisoners are held. The gas is released and acts indiscriminately, killing everyone who inhales it. It does not distinguish between combatants and possible civilians or personnel not involved in the hostilities. Although the declared military objective is to free the prisoners and weaken the Capitol's morale, the method used raises legal concerns.

The use of chemical weapons is prohibited under IHL, even in NIACs ([Henckaerts y Doswald-Beck, 2005](#)) because their use causes unnecessary suffering, violating the principle of humanity and the prohibition of means and methods of warfare that cause superfluous injury or unnecessary suffering. The 1993 Chemical Weapons Convention not only prohibits their use but also their development, production, storage, and transfer in all types of conflict, including NIACs like the one depicted in *Mockingjay*. Also, the Amended Protocol II to the Convention on Certain Conventional Weapons, also applicable to NIACs, prohibits “the use of any mine, booby-trap or other device designed or of a nature to cause superfluous injury or unnecessary suffering” (article 3(3); [Henckaerts y Doswald-Beck, 2005](#) ).

From a *jus in bello* perspective, the use of gas in this scene can be considered a violation of IHL. These weapons are inherently indiscriminate, as they cannot be directed exclusively at military objectives nor can their effects be limited in time and space, thus violating the principle of distinction. Moreover, their use causes unnecessary suffering, violating the principle of humanity. Even if used in a context where only enemy combatants are present, the inhuman nature of the means remains legally reprehensible. Furthermore, the death of the Peacekeepers by lethal gas is difficult to justify under the principles of military necessity and proportionality, especially if less cruel alternative means were available to achieve the rescue objective.

On the other hand, from the perspective of ICL, the use of chemical weapons in armed conflicts could constitute a war crime. Article 8(2)(b)(xvii) of the Rome Statute criminalizes the use of asphyxiating, toxic or similar gases in IACs. There is no express prohibition for NIACs in ICL.

In conclusion, while the rescue of the tributes could be considered a legitimate military objective, the method employed turns it illegal. The scene highlights how even actors portrayed as “the good guys” can commit serious violations of IHL when they resort to prohibited means. This episode invites reflection on the importance of maintaining ethical and legal constraints, even in the context of struggles for liberation, and underscores that the ends cannot justify all means in armed conflict.

### f. The Siege of “The Nut” in District 2 (*Mockingjay – Part 2*)

The rebels decide to lay siege to “The Nut,” a military fortress located in District 2, which serves as the headquarters for the Capitol's offensive operations. Its destruction would dismantle much of the enemy's repressive and logistical apparatus, facilitating entry into the Capitol. The rebel strategy is to block all exits except one, creating a corridor through which civilians could be evacuated and, eventually, the troops loyal to the Capitol could surrender.

During deliberations about the offensive, rebel commander Boggs remarks: “There's civilians in there. They should be given a chance to surrender” (Lawrence, 2015). This statement reflects a concern for respecting the principle of distinction between combatants and civilians, as well as the obligation to protect the civilian population, allowing them to evacuate whenever possible. The siege of “The Nut,” could constitute, in itself, a legitimate means of warfare, provided it complies with the principles of proportionality, military necessity, and humanity. Allowing a single escape route, intended for civilian evacuation, could be interpreted as a form of pressure that does not necessarily constitute a violation of IHL. However, compliance with IHL by the rebels is also called into question by President Coin’s decision to bomb “the Nut.” Although civilians are eventually allowed to evacuate, this occurs *ex post*—following an initial bombing. According to the principle of precaution, advance warning should have been given, and civilians should have been allowed to evacuate prior to the attack. In our view, the decision to bomb the Nut violates the principle of distinction by targeting military personnel and civilians indiscriminately (Riera González, 2024).

The situation becomes complicated when a man loyal to the Capitol pretends to surrender and, during a public speech by Katniss, pulls out a weapon and shoots her, injuring her. This act is a clear example of perfidy, a conduct which is expressly prohibited by IHL (Henckaerts y Doswald-Beck, 2005; Melzer, 2022). Additional Protocol I defines perfidy as “acts inviting the confidence of an adversary to lead him to believe that he is entitled to, or obliged to accord, protection under the rules of international law applicable in armed conflict, with intent to betray that confidence” (article 37(1)). However, perfidy is also prohibited concerning NIACs, as it is part of customary international law (Henckaerts y Doswald-Beck, 2005).

In criminal terms, Article 8(2)(e)(ix) of the Rome Statute of the International Criminal Court classifies “killing or wounding treacherously a combatant adversary” in NIACs as a war crime.

The siege of “The Nut” prompts reflection on several aspects of IHL: the legality of military sieges, the protection of civilians in combat zones, the possibility and obligation to allow evacuations, and the prohibition of acts of perfidy, whose commission undermines the minimal foundation of trust and humanity that the law seeks to preserve, even in the midst of war.

## **g. The Capitol’s Pods and the use of Mutts (Mockingjay – Part 2)**

During the final offensive against the Capitol, Katniss and her squad must traverse a city riddled with “pods”, hidden devices that are set off by stepping on a ground trigger. The pods deploy various types of weaponry: explosives, flamethrowers, machine guns, and even muttations (mutts). The mutts are animals genetically altered by the Capitol to be used as intelligent weapons, forms of torture, among other purposes. The pods, hidden in the urban infrastructure and with no visible signage, operate automatically and do not distinguish between combatants and civilians, affecting anyone who activates them.

From the perspective of IHL, the “pods” may be analyzed by analogy with landmines (Magee, 2015), whose deployment has been criticized for their inherently indiscriminate nature (Amnesty International, 2025). The 1997 Convention on the Prohibition of Anti-Personnel Mines, prohibits the use, storage, production, and transfer of mines that, by not discriminating against their victims, continue to kill and maim civilians long after hostilities have ceased. The “pods”, although more technologically sophisticated, present a similar problem: their indiscriminate activation, concealment, and presence in urban civilian environments violate the principles of distinction and precaution and, in some cases, cause unnecessary suffering. Alexa Magee (Magee, 2015) has also pointed out that these weapons would cause unnecessary suffering and would be indiscriminate.

Additionally, some of these pods release mutts. In one scene, an ambush in the sewers unleashes a horde of humanoid mutts against Katniss and her team. The mutts have been designed by the Capitol as instruments of torture, pursuit, coercion, and destruction. Their design—merging biological organisms with military function—constitutes a profound violation of the principle of humanity. From a legal standpoint, although IHL does not explicitly prohibit the use of living beings as weapons, it can be argued that the use of mutts is forbidden, as they are inherently unpredictable, uncontrollable, and cruel weapons, designed to cause terror and

extreme suffering. Their indiscriminate nature —failing to distinguish between combatants and civilians— violates the principle of distinction and the prohibition against causing unnecessary suffering.

From a broader perspective, the use of these tools reflects the total erosion of moral boundaries in armed conflict by the Capitol. The pods and mutts not only blur the line between military defense and total repression, but they also transform the civilian environment into an extermination field, dehumanizing the enemy and turning the city into a death trap, even for its population.

Together, the use of pods and mutts by the Capitol can be considered a systematic violation of multiple fundamental principles of IHL: distinction, proportionality, humanity, and the prohibition of weapons that cause unnecessary suffering. They serve as a clear example of how power, when exercised without ethical or legal limits, transforms technology into a tool of terror.

#### **h. The “Double Tap” at the Presidential Residence (*Mockingjay – Part 2*)**

In one of the most devastating scenes of *Mockingjay – Part 2*, a supposed Capitol ship launches a double-detonation bomb outside the presidential residence, where a group of civilians had gathered. The first explosion causes numerous casualties and attracts volunteer medical personnel to the scene, including Prim Everdeen. Moments later, a second explosion occurs deliberately, killing both the injured and those who came to assist them, including Katniss’s sister.

This type of tactic, which involves attacking a target and then launching a second attack when rescuers arrive, has been documented<sup>8</sup>. It’s known as the “double tap” and consists of a multiple attack on the same area successively and immediately, to be able to reach with subsequent attacks those who come to the aid of the victims of the original attack ([Lobo Fernández, 2019](#); [Benjamin, 2014](#)).

This double tap tactic is prohibited under international humanitarian law because it targets individuals who are *hors de combat* and/or wounded following the “first strike,” thereby violating the principle of humanity and the principle of prohibition of unnecessary suffering. It also violates the principle of military necessity, insofar as the combative capacity of the original targets has been ostensibly reduced or nullified after the first strike. This has been pointed out by Juan Francisco Lobo Fernández ([Lobo Fernández, 2019](#)). In this case, the principle of distinction would also be violated, insofar as it is directly aimed at civilians and medical personnel. The latter has also been pointed out by Alexa Magee ([Magee, 2015](#)) and Carla Riera González ([Riera González, 2024](#)).

Under international criminal law, the attack violates Articles 8(2)(e)(i) and 8(2)(e)(ii) of the Rome Statute, which prohibit the deliberate targeting of civilians and medical personnel using the distinctive emblems of the Geneva Convention in accordance with international law. In this scene, the crime is aggravated by the evident intention to cause as much harm as possible to both civilians and rescuers, making the attack not only illegal but especially cruel.

Additionally, the use of an aircraft bearing Capitol insignia to carry out the attack (presumably a Peacekeeper ship) introduces an element of perfidy, which is prohibited in NIACs by international customary law ([Henckaerts y Doswald-Beck, 2005](#)). The use of symbols or markings that lead the enemy to believe they are dealing with a friendly force to perpetrate an attack undermines trust in the fundamental protections of IHL ([Fleck, 1974](#)).

This scene also provides a valuable opportunity to reflect on the design of weapons under international law. Article 36 of Additional Protocol I requires each State Party to determine whether the use of any new weapon, means, or method of warfare it studies, develops, acquires, or adopts would be prohibited under international law in some or all circumstances. While no conventional or customary norm explicitly imposes this obligation in NIACs, I argue that armed non-state actors should be held to the same standard. This is grounded in the core humanitarian principles of distinction, proportionality, and the prohibition of unnecessary suffering, which apply equally in all types of armed conflict. Moreover, the obligation to respect fundamental rules of international humanitarian law does not depend on the legal status of the actor but on the nature of the conduct. Therefore,

when armed groups possess the capacity to develop or deploy new weapons, they should be expected to assess their legality under IHL to ensure compliance with the overarching aim of limiting the effects of armed conflict on human dignity.

What is most troubling is that it is later suggested that the attack was not carried out by the Capitol, but by the rebels themselves, following orders from President Coin. This decision, seemingly motivated by a propaganda logic to accelerate the downfall of Snow and consolidate popular support, involves the deliberate manipulation of civilian suffering for political purposes; this does not only constitute a war crime, but there is also an unacceptable instrumentalization of human life. This blurs the line between aggressor and liberator, highlighting how power, even when wielded by those who claim to fight for freedom, can give rise to conduct equally reprehensible as that of the defeated enemy.

In sum, the use of the “double tap” tactic in this scene represents a severe violation of IHL: it targets children, medical personnel, and unarmed civilians, using deceptive tactics and devices designed to maximize suffering. The revelation that the attack was an undercover operation by the rebels not only exacerbates its unlawfulness but also deeply questions the moral legitimacy of their leader.

### i. The Execution of Snow

President Snow is finally captured and executed for his role as the leader of the brutal system of subordination before and during the war. Although his execution is a political and symbolic response to his role as the architect of the repressive system, the scene raises fundamental questions about transitional justice and accountability for war crimes. Under IHL and ICL, military and political leaders can be held criminally responsible for grave violations of IHL, such as indiscriminate attacks or the use of prohibited weapons, and for crimes against humanity. Snow, as the commander-in-chief of the Capitol, conducted the war ruthlessly, systematically resorting to methods prohibited by IHL, such as attacks on civilians or the use of weapons with indiscriminate effects. Snow would thus be held responsible under the doctrine of command responsibility, both for ordering the commission of war crimes and crimes against humanity, and for his failure to prevent or repress them (Riera González, 2024). The doctrine of command responsibility is a creation of ICL (Ambos, 2005) and implies that the military leader or civilian superior may be held liable for crimes under international law committed by subordinates, based on their failure to fulfil their duties of control (Werle y Jessberger, 2017). For command responsibility to apply, several conditions must be met: i) a subordinate must have committed or attempted to commit a crime under international law; ii) the superior must have had knowledge of the subordinate's intent to commit or commission of a crime (in the case of military commanders, they *should have known*; while in the case of civilian superiors, it must be shown that they *consciously disregarded information* indicating such conduct); iii) the superior must have failed to take necessary and reasonable measures within their power to prevent or suppress the commission of the crime or to report it to those competent for investigation or prosecution; and iv) there must be a causal link between the superior's failure to exercise proper control and the commission of the crime.

In this sense, Snow's execution could be interpreted as the consequence of individual criminal responsibility for war crimes. While IHL does not prohibit the death penalty, it does set clear procedural safeguards: no one may be convicted or sentenced without a fair trial that affords all essential judicial guarantees. This is customary law (Henckaerts y Doswald-Beck, 2005).

Common article 3 establishes that any sentence and execution must be preceded by “a judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples”. Additional Protocol II (Article 6) and customary international law (Henckaerts y Doswald-Beck, 2005) set out a series of fundamental guarantees<sup>9</sup>.

However, Snow's public execution is not represented as the result of a transparent judicial process, but as a strong political act to solidify President Coin's power. This weakens the legitimacy of the sanction from a transitional justice perspective and suggests an ambiguity between justice and revenge. The scene can be read as

a critique of how, after wars, the “victors” could administer justice without true impartial accountability, which contradicts the spirit of IHL.

In conclusion, Snow’s execution could have represented a step toward building a new order based on legality and human rights, had it been preceded by a public and fair trial that adhered to established procedural guarantees. However, the circumstances surrounding his death—amid political tensions, under the shadow of Coin’s manipulation, and without any formal judicial process—blurs its characterization as an act of justice under IHL. Instead, it raises the possibility that it was a veiled act of vengeance under the guise of legality.

Moreover, the case invites reflection on the limits and risks of justice exercised by the “victors”. In real scenarios, ICL has sought to overcome this logic through ad hoc or permanent courts, such as the ICTY or the International Criminal Court, whose aim is to ensure impartiality, judicial independence, and due process, even for the main perpetrators of inhumane atrocities. Snow’s execution, lacking these elements, departs from the ideal of restorative or transformative justice and reproduces, in the name of peace, mechanisms of institutional violence, which were meant to be left behind with democracy in Panem.

In this sense, more than an act of justice under IHL and ICL, Snow’s death appears as the symbolic triumph of a new hegemony, which could hide its abuses under the mantle of legality. This scene serves as a reminder that accountability alone does not equate to justice, that a fair trial with due process must be guaranteed, and that the true challenge after a war is to build an order where the law constrains power, even that of the victors.

## 4. Conclusions

Throughout this paper, we have explored —through a critical and pedagogical perspective—the ways in which the dystopian fiction of *Mockingjay* can serve as a valuable framework for reflecting on the applicability and limitations of IHL in NIACs. The saga, and particularly the films depicting the final uprising against the Capitol, have allowed us to imagine a scenario in which the insurgency of the districts against the central power raises questions about the legal status of armed actors, the protection of the civilian population, and the legitimacy of certain means and methods of warfare.

One of the main merits of this approach is that it reveals the plasticity of IHL as a normative field that, while developed within a framework of legal and humanitarian rationality, is deeply conditioned by power relations and the interests at stake, both in fiction and in the real world. The case of Panem shows how, even when insurgent actors like District 13 seek to claim freedom and justice against an oppressive regime, their actions may violate fundamental principles of IHL, such as the distinction between combatants and civilians.

The figure of Alma Coin becomes particularly eloquent in this regard: her decision to attack civilians in the Capitol with explosives, including children, to discredit the enemy and legitimize her seizure of power, demonstrates an instrumentalization of violence that violates not only the legal principles of IHL but also the ethical values underlying its existence. Thus, *Mockingjay* forces us to ask whether the end justifies the means in war, and whether IHL norms can—or should—be respected in liberation struggles against unjust systems.

Additionally, the analysis suggests that IHL, conceived to mitigate the effects of armed violence, does not operate in a vacuum: its effectiveness depends on its acceptance by the parties in conflict, on the existence of accountability mechanisms, and on a broader political and moral commitment to subordinating warfare to minimal standards of humanity. When these conditions are absent, as is the case in Panem, IHL risks becoming a dead letter or, worse yet, a tool subject to manipulation by those who claim legitimacy while engaging in practices that contradict the essence of humanitarian law.

Finally, it is worth highlighting the pedagogical value of analyzing works of fiction like *Mockingjay* in teaching IHL. Far from being mere fantasies, these narratives allow us to visualize the concrete dilemmas and normative tensions that IHL faces in extreme situations. Moreover, they invite us to adopt a critical view of the selective application of IHL in international practice, especially when non-state actors, oppressed peoples, or

revolutionary movements seek to use this normative framework, while facing obstacles that rarely affect the most powerful states. In this sense, *Mockingjay* is not only a mirror of modern warfare but also a platform for rethinking justice in conflict, the ethics of power, and the real scope of humanitarian law.

Thus, the conclusion that emerges is that IHL, as a dynamic and evolving legal framework, must be interpreted both in its normative and political dimensions. The study of IHL, even through fictional scenarios, can help train legal professionals who are more aware of its ambiguities, more sensitive to the tensions between legality and legitimacy, and more deeply committed to the defense of human dignity in contexts where it is most at risk. Perhaps this is the true legacy of bringing the law to the trenches of imagination: preserving the enduring question of what it means to be human, even in the midst of war.

*Technical sheet 1*

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| Original title: The Hunger Games: Mockingjay – Part 1  |
| Title in Spanish: Los Juegos del Hambre: Sinsajo – Parte 1   |
| Year: 2014   |
| Duration: 123 minutes  |
| Country: United States   |
| Direction: Francis Lawrence  |
| Script: Danny Strong and Peter Craig   |
| Cast: Jennifer Lawrence, Josh Hutcherson, Liam Hemsworth, Woody Harrelson, Elizabeth Banks, Julianne Moore, Philip Seymour Hoffman, Jeffrey Wright, Stanley Tucci, Donald Sutherland |
| Producer: Lionsgate and Color Force  |

*Technical sheet 2*

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|--|
| Original title: The Hunger Games: Mockingjay – Part 2  |
| Title in Spanish: Los Juegos del Hambre: Sinsajo – Parte 2   |
| Year: 2015   |
| Duration: 137 minutes  |
| Country: United States   |
| Direction: Francis Lawrence  |
| Script: Danny Strong and Peter Craig   |
| Cast: Jennifer Lawrence, Josh Hutcherson, Liam Hemsworth, Woody Harrelson, Elizabeth Banks, Julianne Moore, Philip Seymour Hoffman, Jeffrey Wright, Stanley Tucci, Donald Sutherland |
| Producer: Lionsgate and Color Force  |

## Referencias

Ambos, K. (2005). *La parte general del Derecho Penal Internacional: Bases para una elaboración dogmática*. Konrad-Adenauer-Stiftung E.V.

Benjamin, M. (2014). The Grim Toll Drones Take on Innocent Lives. En M. Cohn (Ed.), *Drones and Targeted Killing: Legal, Moral, and Geopolitical Issues*. Olive Branch Press.

Bianchi, N. (2016). Sobre el estatus consuetudinario del artículo 3 común a los cuatro Convenios de Ginebra de 1949 y el Protocolo Adicional II de 1977. *Lecciones y Ensayos*, 97, 53-79.

Cullen, A. (2010). *The Concept of Non-International Armed Conflict in International Humanitarian Law*. Cambridge University Press.

de Wet, E. (2004). The Prohibition of Torture as an International Norm of jus cogens and Its Implications for National and Customary Law. *European Journal of International Law*, 15(1). <https://doi.org/10.1093/ejil/15.1.97>

Dinstein, Y. (2021). *Non-International Armed Conflicts in International Law*. Cambridge University Press.

*Finland: Move to leave convention banning anti-personnel mines could put civilian lives at risk*. (2025). Amnesty International. <https://www.amnesty.org/en/latest/news/2025/04/finland-move-to-leave-convention-banning-anti-personnel-mines-could-put-civilian-lives-at-risk/>

Fleck, D. (1974). Ruses of War and Prohibition of Perfidy. *Military Law and Law of War Review*, 13(2), 269-314.

Gasser, H. (2008). Protection of the civilian population. En D. Fleck (Ed.), *The Handbook of International Humanitarian Law*. Oxford University Press.

Gillard, E. (2018). Proportionality in the Conduct of Hostilities: The Incidental Harm Side of the Assessment. *Chatham House Research Paper*, 1-82.

Greenwood, C. (2008). Scope of application of Humanitarian Law. En D. Fleck (Ed.), *The Handbook of International Humanitarian Law*. Oxford University Press.

Henckaerts, J., & Doswald-Beck, L. (2005). *Customary International Humanitarian Law*. Cambridge University Press.

Hoffman, M. H. (2003). The Legal Status and Responsibilities of Private Internet Users Under the Law of Armed Conflict: A Primer for the Unwary on the Shape of Law to Come. *Global Studies Law Review*, 2(2), 415-426.

Kalshoven, F., & Zegveld, L. (2011). *Constraints on the Waging of War: An Introduction to International Humanitarian Law*. Cambridge University Press.

Kleffner, J. K. (2008). Protection of the wounded, sick and shipwrecked. En D. Fleck (Ed.), *The Handbook of International Humanitarian Law*. Oxford University Press.

Lawrence, F. (Dir.). (2015). *The Hunger Games: Mockingjay – Part 2*. Lionsgate.

Lawrence, F. (Dir.). (2014). *The Hunger Games: Mockingjay – Part 1*. Lionsgate.

Lobo Fernández, J. F. (2019). *Uso de drones en el derecho penal internacional de los conflictos armados*. Librotecnia.

Magee, A. (2015). *May the Law Be Ever in Your Favor: The Hunger Games and IHL*. Humanity in War Blog.  
<https://lawsofarmedconflict.wordpress.com/2015/12/17/may-the-law-be-ever-in-your-favor-the-hunger-games-and-ihl/>

Melzer, N. (2022). *International Humanitarian Law: A Comprehensive Introduction*. International Committee of the Red Cross.

Meron, T. (1989). *Human Rights and Humanitarian Norms as Customary Law*. Clarendon Press.

Meyrowitz, H. (1994). The principle of superfluous injury or unnecessary suffering: From the Declaration of St. Petersburg of 1868 to Additional Protocol 1 of 1977. *International Review of the Red Cross*, 34(299).  
<https://doi.org/10.1017/s002086040007830x>

Moir, L. (2002). *The Law of Internal Armed Conflict*. Cambridge University Press.

Riera González, C. (2024). *Fourth Annual Symposium on Pop Culture and International Law: The “Panem Statute” – the Reconfiguration of the State of Panem and the Trial of Coriolanus Snow for War Crimes and Crimes Against Humanity*. OpinioJuris.  
<https://opiniojuris.org/2024/10/30/fourth-annual-symposium-on-pop-culture-and-international-law-the-panem-statute-the-reconfiguration-of-the-state-of-panem-and-the-trial-of-coriolanus-snow-for-war-crimes-and-crimes-against-human/>

Salmón, E. (2012). *Introducción al Derecho Internacional Humanitario*. Comité Internacional de la Cruz Roja.

Vergara Lamadrid, A. (2024). La protección del personal sanitario y las unidades sanitarias bajo el Derecho Internacional Humanitario: una aproximación a partir de los ataques en Gaza. *Derecho y Sociedad*, 62.  
<https://doi.org/10.18800/dys.202401.002>

Werle, G., & Jessberger, F. (2017). *Tratado de Derecho Penal Internacional*. Tirant Lo Blanch.

Zimmerman, C. K. (2014). *Actually, Katniss, There is a Rule Book*. Humanity in War Blog.  
<https://lawsofarmedconflict.wordpress.com/2014/11/22/actually-katniss-there-is-a-rule-book/>

## Notas

**1** Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America). Merits. Paragraph 218 (27 June 1986).

**2** Prosecutor v. Milan Martić. Case no. IT-95-11. Decision. Paragraph 10 (8 March 1996); Prosecutor v. Dusko Tadić a/k/a “Dule”. Case No. IT-94-1. Decision on the defence motion for interlocutory appeal on jurisdiction. Paragraph 127 (2 October 1995).

**3** Prosecutor v. Dusko Tadić a/k/a “Dule”. Case no. IT-94-1. Decision on the defence motion for interlocutory appeal on jurisdiction. Paragraph 119 (2 October 1995).

**4** Prosecutor v. Dusko Tadić a/k/a “Dule”. Case no. IT-94-1. Decision on the defence motion for interlocutory appeal on jurisdiction. Paragraph 117 (2 October 1995).

**5** Carla Riera González (2024), on the contrary, argues that the conflict would be an IAC, as she points out that District 13 complies with the requirements of the Montevideo Convention and exercises effective

control over the rebels.

**6** Prosecutor v. Milan Martić. Case no. IT-95-11. Decision. Paragraph 16 (8 March 1996).

**7** Prosecutor v. Anto Furundžija. Case no. IT-95-17/1-T10. Judgment. Paragraphs 155-157 (10 December 1998).

**8** This is one of the main ways in which U.S. security forces are currently using drones.

**9** (i) Trial by an independent, impartial and regularly constituted court; (ii) information on the nature and cause of the accusation; (iii) necessary rights and means of defence: (a) right to defend oneself or to be assisted by a lawyer of one's own choice, (b) right to free legal assistance if the interests of justice so require, (c) right to sufficient time and facilities to prepare the defence, (d) right of the accused to communicate freely with counsel; (iv) trial without undue delay; (v) examination of witnesses; (vi) assistance of an interpreter; (vii) presence of the accused at the trial; (viii) compelling accused persons to testify against themselves or to confess guilt; (ix) public proceedings and (x) non bis in idem.