

Exploration 2A: Limiting the devastation



What are the basic rules of international humanitarian law?

1 Attacks must be limited to combatants and military targets.

- 1.1 Civilians may not be attacked.
- 1.2 Civilian objects (houses, hospitals, schools, places of worship, cultural or historic monuments, etc.) may not be attacked.
- 1.3 Using civilians to shield military targets is prohibited.
- 1.4 It is prohibited for combatants to pose as civilians.
- 1.5 Starvation of civilians as a method of combat is prohibited.
- 1.6 It is prohibited to attack objects that are indispensable to the survival of the civilian population (foodstuffs, farming areas, drinking water installations, etc.).
- 1.7 It is prohibited to attack dams, dykes or nuclear power plants if such attack may cause severe losses among the civilian population.

2 Attacks or weapons which indiscriminately strike civilian and military objects and persons, and which cause excessive injury or suffering are prohibited.

- 2.1 Specific weapons are prohibited – chemical and biological weapons, blinding laser weapons, weapons that injure the body by fragments which escape detection by X-rays, poison, anti-personnel land mines, etc.
- 2.2 It is prohibited to order or to threaten that there shall be no survivors.

3 Civilians, wounded combatants, and prisoners should be spared, protected and treated humanely.

- 3.1 No one shall be subjected to physical or mental torture, corporal punishment or cruel or degrading treatment.
- 3.2 Sexual violence is prohibited.
- 3.3 Parties to the conflict must search for and care for enemy wounded and sick who are in their power.
- 3.4 It is prohibited to kill or wound an enemy who is surrendering or who is *hors de combat*.
- 3.5 Prisoners are entitled to respect and must be treated humanely.
- 3.6 Taking hostages is prohibited.
- 3.7 Forced displacement of the civilian population is prohibited. What is called “ethnic cleansing” is prohibited.
- 3.8 People in the hands of the enemy have the right to exchange news with their families and to receive humanitarian assistance (food, medical care, psychological support, etc.).
- 3.9 Vulnerable groups, such as pregnant women and nursing mothers, unaccompanied children, the elderly, etc., must be given special protection.
- 3.10 Children under 15 may not be recruited or used as combatants.
- 3.11 Everyone is entitled to a fair trial (impartial tribunal, regular procedure, etc.). Collective punishment is prohibited.

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4 Military and civilian medical personnel and facilities (hospitals, clinics, ambulances, etc.) must be respected and protected and must be granted all available help for the performance of their duties.

- 4.1 The red cross or red crescent emblem symbolizes the protection of medical personnel and facilities. Attacks on persons or objects wearing the emblem are prohibited. Using the emblem falsely is prohibited.
- 4.2 Medical units and transports shall not be used to commit acts harmful to the enemy.
- 4.3 In the treatment of the wounded and sick, no priority should be given except on medical grounds.

Definitions

collateral damage: damage or loss caused incidentally during an attack undertaken despite all necessary precautions designed to prevent, or in any event to minimize, loss of civilian life, injury to civilians and damage to civilian objects

hors de combat: describes combatants that have been captured, have been wounded or are sick or shipwrecked and thus are no longer in a position to fight

civilian: any person who is not a combatant (In case of doubt, person shall be considered to be a civilian.)

If and for such time as civilians take a direct part in hostilities, they become combatants and lose their protection.

civilian objects: any objects that are not military targets

If and for such time as civilian objects are used in support of military action, they become military targets and lose their protection.

combatant: person taking direct part in hostilities or member of the armed forces

military targets: combatants and objects which by their nature, location, purpose or use make an effective contribution to military action and whose destruction offers a definite military advantage