

N.B. As per the disclaimer, neither the ICRC nor the authors can be identified with the opinions expressed in the Cases and Documents. Some cases even come to solutions that clearly violate IHL. They are nevertheless worthy of discussion, if only to raise a challenge to display more humanity in armed conflicts. **Similarly, in some of the texts used in the case studies, the facts may not always be proven;** nevertheless, they have been selected because they highlight interesting IHL issues and are thus published for didactic purposes.

[N.B.: Model cards filled out by US army (Third Infantry Division), annexed to “Strengthening Measures for the Respect and Implementation of International Humanitarian Law and Other Rules Protecting Human Dignity in Armed Conflicts”, 2-4 September, 2004, San Remo, Italy, *The Military Lawyer Nuisance or Necessity*, by Lt. Colonel Mike Newton Judge Advocate General’s Corps, United States Army.]

Commanders are responsible for assessing proportionality before authorizing indirect fire into a populated area or protected place (NFA/RFA). Refer to ROE; seek legal advice; copy SJA, G5 and FSE.

POPULATED AREA TARGETING RECORD

(Military Necessity – Collateral Damage – Proportionality Assessment)

I. MILITARY NECESSITY – What are we shooting at and why?

1. DTG of mission: _____

2. Location – Grid Coordinates: _____

3. Enemy Target (WMD, CHEM, SCUD, ARTY, ARMOR, C2, LOG)

a. Type and Unit: _____

b. Importance to Mission: _____

4. Target Intel:

a._ How Observed: UAV, FIST, SOF, other: _____

b._ Unobserved: Q36, Q37, ELINT, other: _____

c._ Last Known DTG of Observation or Detection: _____

5. Other Concerns as applicable:

a._ US Casualties: Number: _____ Location _____

b._ Receiving Enemy Fire: Unit _____ Location _____

II. COLLATERAL DAMAGE – Who or what is there now?

6. City: _____ Original Population: _____

7. Estimated Population Now in Target Area (if known):

8. Cultural, Economic, or Other Significance and Effects:

III. MUNITIONS SELECTION – Mitigate civilian casualties and civilian property destruction

9. Available Delivery Systems Within Range: _____

155 MLRS, ATACMS, AH64, CAS, other: _____

10. Munitions: DPICM, Precision-Guided Munitions (PGM), other:

IV. COMMANDER'S AUTHORIZATION TO FIRE – Proportionality analysis

11. Legal Advisors' Rank and Name: _____

12. Civil Affairs/G5 Advisor: _____

13. Is the anticipated loss of life and damage to civilian property acceptable in relation to the military advantage expected to be gained?

Yes/No

14. Commander or Representative's Rank, Name, and Position:

15. Optional Comments:

16. DTG or Decision:

17. TARGET NUMBER:

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