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The principle of distinction is a fundamental principle of international humanitarian law <sup>[1]</sup> which provides that parties to an armed conflict must “at all times distinguish between the civilian population <sup>[2]</sup> and combatants <sup>[3]</sup> and between civilian objects <sup>[4]</sup> and military objectives <sup>[5]</sup> and accordingly shall direct their operations only against military objectives”. This implies that indiscriminate attacks <sup>[6]</sup> and the use of indiscriminate means <sup>[7]</sup> and methods of warfare <sup>[8]</sup> are prohibited.

See Fundamental principles of IHL <sup>[1]</sup>; Adverse distinction <sup>[9]</sup>; Civilian population <sup>[2]</sup>; Combatants <sup>[3]</sup>; Civilian objects <sup>[4]</sup>; Military objectives <sup>[5]</sup>; Indiscriminate attacks <sup>[6]</sup>; Means of warfare <sup>[7]</sup>; Methods of warfare <sup>[8]</sup>;

## OUTLINE

Fundamental distinction between Combatants and Civilians <sup>[10]</sup>

Conduct of hostilities, II. The protection of the civilian population against the effects of hostilities, 1. Basic rule: Art. 48 of Protocol I <sup>[11]</sup>

## LEGAL SOURCE

**obligation to distinguish between legitimate targets and civilians, and between military objectives and civilian objects**

PI, 48 <sup>[12]</sup>

PI, 52 <sup>[13]</sup>

CIHL, 1 <sup>[14]</sup> and 7 <sup>[15]</sup>

### **obligation of combatants to distinguish themselves**

GCIII, 4/A(1) and (2) <sup>[16]</sup>

PI, 44/3 <sup>[17]</sup>

CIHL, 106 <sup>[18]</sup>

## **DOCUMENTS**

France, Accession to Protocol I <sup>[19]</sup> (Part B., para. 8 <sup>[20]</sup>)

ICRC Appeals on the Near East <sup>[21]</sup> (Part B. <sup>[22]</sup>)

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Malaysia, Osman v. Prosecutor <sup>[23]</sup>

Nigeria, Pius Nwaoga v. The State <sup>[24]</sup>

Amnesty International, Breach of the Principle of Distinction <sup>[25]</sup>

United States, The Schlesinger Report <sup>[26]</sup>

Afghanistan, Code of Conduct for the Mujahideen <sup>[27]</sup> (Art. 63 <sup>[27]</sup>)

United States, Status and Treatment of Detainees Held in Guantanamo Naval Base <sup>[28]</sup>

ECHR, Khatsiyeva v. Russia <sup>[29]</sup> (Paras. 132-138 <sup>[29]</sup>)

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Belgium, Public Prosecutor v. G.W. <sup>[31]</sup>

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Israel/Gaza, Operation Cast Lead <sup>[33]</sup>

Israel, Human Rights Committee's Report on Beit Hanoun <sup>[34]</sup>

United States/United Kingdom, Report on the Conduct of the Persian Gulf War <sup>[35]</sup>

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Federal Republic of Yugoslavia, NATO Intervention <sup>[37]</sup>

South Sudan: Medical Care Under Fire <sup>[38]</sup>

European Court of Human Rights, Kononov v. Latvia <sup>[39]</sup>

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Libya, NATO Intervention 2011 <sup>[42]</sup>

UN, Report of the Secretary-General for the World Humanitarian Summit <sup>[43]</sup>

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Libya, Report of the Office of the UN High Commissioner for Human Rights (2014/15) <sup>[46]</sup>

Syria, Report by UN Commission of Inquiry (March 2017) <sup>[47]</sup>

Afghanistan, Bombing of a Civilian Truck <sup>[48]</sup>

Italy, Use of force against ambulances in Iraq <sup>[49]</sup>

Syria, the Battle for Aleppo <sup>[50]</sup>

Iraq/Syria/UK, Drone Operations against ISIS <sup>[51]</sup>

Iraq, The Battle for Mosul <sup>[52]</sup>

Germany, Aerial Drone Attack in Mir Ali/Pakistan <sup>[53]</sup>

Syria, Syrian rebels treat captured Filipino soldiers as 'guests' <sup>[54]</sup>

Central African Republic/Democratic Republic of Congo/Uganda, LRA attacks <sup>[55]</sup>

Central African Republic, Coup d'Etat <sup>[56]</sup>

Georgia: Attacks against peacekeepers <sup>[57]</sup>

Somalia/US, Airstrikes in Somalia <sup>[58]</sup>

“Great March of Return” Demonstrations and Israel’s Military Response <sup>[59]</sup>

Yemen , Humanitarian Impact of the Conflict <sup>[60]</sup>

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