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

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

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Fundamental distinction between Combatants and Civilians [10]

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

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obligation to distinguish between legitimate targets and civilians, and between military objectives and civilian objects
obligation of combatants to distinguish themselves

GCIII, 4/A(1) and (2)

PI, 44/3

CIHL, 106
Amnesty International, Breach of the Principle of Distinction

United States, The Schlesinger Report

Afghanistan, Code of Conduct for the Mujahideen (Art. 63)

United States, Status and Treatment of Detainees Held in Guantanamo Naval Base

ECHR, Khatsiyeva v. Russia (Paras. 132-138)

Cambodia/Thailand, Border Conflict around the Temple of Preah Vihear

Belgium, Public Prosecutor v. G.W.

ICRC Appeals on the Near East

Israel/Gaza, Operation Cast Lead

Israel, Human Rights Committee’s Report on Beit Hanoun

United States/United Kingdom, Report on the Conduct of the Persian Gulf War

Armed Conflicts in the former Yugoslavia (Para. 13)

Federal Republic of Yugoslavia, NATO Intervention
South Sudan: Medical Care Under Fire [38]

European Court of Human Rights, Kononov v. Latvia [39]

Autonomous Weapon Systems [40]

U.S., Lethal Operations against Al-Qa'ida Leaders [41]

Libya, NATO Intervention 2011 [42]

UN, Report of the Secretary-General for the World Humanitarian Summit [43]

ICRC, International Humanitarian Law and the challenges of contemporary armed conflicts in 2015 [44] (Paras. 229-230 [45])

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

Syria, Report by UN Commission of Inquiry (March 2017) [47]

Afghanistan, Bombing of a Civilian Truck [48]

Italy, Use of force against ambulances in Iraq [49]

Syria, the Battle for Aleppo [50]

Iraq/Syria/UK, Drone Operations against ISIS [51]
Iraq, The Battle for Mosul [52]

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

Syria, Syrian rebels treat captured Filipino soldiers as 'guests' [54]

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

Central African Republic, Coup d'Etat [56]

Georgia: Attacks against peacekeepers [57]

Somalia/US, Airstrikes in Somalia [58]

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

Yemen, Humanitarian Impact of the Conflict [60]

BIBLIOGRAPHIC RESOURCES

Suggested readings:


PETERS Ralph, “The New Warriors Class”, in Parameters, Summer 1994, pp. 16-26


Further reading:

DOSWALD-BECK Louise, “The Value of the Geneva Protocols for the


Source URL: https://casebook.icrc.org/glossary/distinction

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