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Home > Unnecessary suffering (or superfluous injury)

Refers to the effects of certain methods ^[1] or means of warfare ^[2] which uselessly aggravate the suffering of disabled men. International humanitarian law forbids such methods ^[1] and means ^[2].

OUTLINE

Chapter 9, III. 1. The basic rule: Art. 35 of PI ^[3]

LEGAL SOURCES

HR, 23(e) ^[4]

PI, 35/2 ^[5]

CIHL, 70 ^[6]

CASES

ICJ, Nuclear Weapons Advisory Opinion (Para. 78), p. 776 ^[7]

United States, Memorandum of Law: The Use of Lasers as Anti-Personnel Weapons (Paras. 4 and 8)

[8]

Israel/Lebanon/Hezbollah, Conflict in 2006 (Part I, Paras. 249-263) [9]

United States, Surrendering in the Persian Gulf War [10]

Afghanistan, Assessment of ISAF Strategy [11]

Afghanistan, Code of Conduct of the Mujahideen (Art.41) [12]

ECHR, Isayeva v. Russia (Paras. 19, 33, 165-167, 191-191) [13]

Georgia/Russia, Human Rights Watch's Report on the Conflict in South Ossetia (Paras. 8, 20-22, 28) [14]

Georgia/Russia, Independent International Fact-Finding Mission on the Conflict in South Ossetia (Paras. 58-63) [15]

Autonomous Weapon Systems [16]

Libya, Use of cluster bombs [17]

Afghanistan/US, 'Mother of all bombs' [18]

BIBLIOGRAPHIC RESOURCES

Suggested readings:

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MEYROWITZ Henri, "The Principle of Superfluous Injury or Unnecessary Suffering: From the Declaration of St. Petersburg of 1868 to Additional Protocol I of 1977", in *IRRC*, No. 299, October 1994, pp. 98-122.

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[4]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=61CDD9E446504870C12563CD0>

[5]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=0DF4B935977689E8C12563CD0>

[6] https://www.icrc.org/customary-ihl/eng/docs/v1_rul_rule70

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