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An attack of a nature to strike military objectives <sup>[1]</sup> and civilians <sup>[2]</sup> or civilian objects <sup>[3]</sup> without discrimination, i.e. an attack which

- a. is not directed at a specific military objective (or person);
- b. employs a method <sup>[4]</sup> or means of warfare <sup>[5]</sup> which cannot be directed at a specific military objective (or person); or
- c. employs a method or means of combat the effects of which cannot be limited as required by international humanitarian law.

Indiscriminate attacks are prohibited and include:

- a. an attack by bombardment <sup>[6]</sup>, by any means or method which treats as a single military objective a number of clearly separated and distinct military objectives located in a city, town, village or other area containing similar concentration of civilians <sup>[2]</sup> or civilian objects;
- b. an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the tangible and direct military advantage <sup>[7]</sup> anticipated.

## OUTLINE

Chapter 9, II. 6. c) indiscriminate attacks <sup>[8]</sup>

## LEGAL SOURCE

## **General prohibition**

CIHL, 11 <sup>[9]</sup>

## **attacks not directed at a specific military objective**

PI, 51/4(a) <sup>[10]</sup>

CIHL, 12a <sup>[11]</sup>

## **use of weapons which cannot be directed at a specific military objective**

PI, 51/4(b) <sup>[10]</sup>

CIHL, 12b <sup>[11]</sup>

## **treating different military objectives as a single military objective**

PI, 51/5(a) <sup>[10]</sup>

CIHL, 13 <sup>[12]</sup>

## **principle of proportionality (See also Proportionality <sup>[13]</sup>)**

PI, 51/5(b) <sup>[10]</sup>

CIHL, 14 <sup>[14]</sup>

## CASES

ICRC, The Challenges of Contemporary Armed Conflicts <sup>[15]</sup>

ICJ, Nuclear Weapons Advisory Opinion <sup>[16]</sup> (Para. 43 <sup>[16]</sup>)

Israel, Operation Cast Lead <sup>[17]</sup> (Part II, paras 120-126 <sup>[18]</sup>, 230-232 <sup>[19]</sup>, 365-392 <sup>[20]</sup>)

Israel, The Targeted Killings Case <sup>[21]</sup> (Paras 40-46 <sup>[21]</sup>)

Israel, Human Rights Committee's Report on Beit Hanoun <sup>[22]</sup> (Para. 34, 38-42 <sup>[22]</sup>)

Israel/Lebanon/Hezbollah, Conflict in 2006 <sup>[23]</sup> (Part I, <sup>[24]</sup> Paras. 116-117 <sup>[25]</sup>, 140-148 <sup>[26]</sup>)

South Africa, Sagarius and Others <sup>[27]</sup>

ICRC, Iran/Iraq Memoranda <sup>[28]</sup>

Iran/Iraq, UN Security Council Assessing Violations of International Humanitarian Law <sup>[29]</sup>

United States/United Kingdom, Report on the Conduct of the Persian Gulf War <sup>[30]</sup>

United States/United Kingdom, Conduct of the 2003 War in Iraq <sup>[31]</sup>

Iraq, Use of Force by United States Forces in Occupied Iraq <sup>[32]</sup>

ICTY, The Prosecutor v. Martić <sup>[33]</sup> (Part B, Paras 303-313 <sup>[34]</sup>, 461-463 <sup>[35]</sup>, 470 and 472 <sup>[36]</sup>; Part C, 248 <sup>[37]</sup>)

ICTY, The Prosecutor v. Kupreskić et al. <sup>[38]</sup> (Para. 526 <sup>[38]</sup>)

ICTY, The Prosecutor v. Galić <sup>[39]</sup> (Part A, paras 57-61 <sup>[40]</sup> and 372-387 <sup>[41]</sup>)

Federal Republic of Yugoslavia, NATO Intervention <sup>[42]</sup> (Part A., paras 4, 18-19 <sup>[43]</sup> and Part B., paras 75-78 <sup>[44]</sup>)

Afghanistan, Drug Dealers as Legitimate Targets <sup>[45]</sup>

Afghanistan, Goatherd Saved from Attack <sup>[46]</sup>

Afghanistan, Assessment of ISAF Strategy <sup>[47]</sup>

Civil War in Nepal <sup>[48]</sup> (Part II. <sup>[48]</sup>)

ECHR, Isayeva v. Russia <sup>[49]</sup>

Georgia/Russia, Human Rights Watch's Report on the Conflict in South Ossetia <sup>[50]</sup> (Paras 21-22 <sup>[51]</sup>, 28-30 <sup>[52]</sup>, 41-47 <sup>[53]</sup> & 65-74 <sup>[54]</sup>)

Georgia/Russia, Independent International Fact-Finding Mission on the Conflict in South Ossetia <sup>[55]</sup> (Paras 66-67 & 71-73 <sup>[55]</sup>)

Iran, Victim of Cyber warfare <sup>[56]</sup>

The armed conflict in Syria <sup>[57]</sup>

ICTY, The Prosecutor v. Gotovina and Marka? <sup>[58]</sup>

Autonomous Weapon Systems <sup>[59]</sup>

Libya, NATO Intervention 2011 <sup>[60]</sup>

ICRC, International Humanitarian Law and the challenges of contemporary armed conflicts in 2015 <sup>[61]</sup> (paras 245 <sup>[62]</sup>, 255 <sup>[63]</sup>, 256 <sup>[64]</sup>, 261 <sup>[65]</sup>, 291-292 <sup>[66]</sup>)

Israel/Palestine, Operation Protective Edge (Gaza, 13 June - 26 August 2014) <sup>[67]</sup>

Syria, Report by UN Commission of Inquiry (March 2017) <sup>[68]</sup>

Syria, the Battle for Aleppo <sup>[69]</sup>

ICRC, Statement - War in Cities ; What is at Stake? <sup>[70]</sup>

Eastern Ukraine, OHCHR Report on the Situation: November 2016 - February 2017 <sup>[71]</sup>

Libya, Use of cluster bombs <sup>[72]</sup>

Kenya, Civilian Carnage <sup>[73]</sup>

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