International humanitarian law is the branch of international law that seeks to impose limits on the destruction and suffering caused by armed conflict. It establishes, in the words of Art. 22 of the Hague Regulations, [1] that “the right of belligerents to adopt means of injuring the enemy is not unlimited.” A group of general and fundamental principles are central in pursuing this aim to limit the effects of armed conflicts:

- the principle of humanity [2] (the “elementary considerations of humanity being reflected and expressed in the Martens clause [3])
- the principle of proportionality [9],
- the principle of military necessity [10] (from which flows the prohibition of superfluous injury and unnecessary suffering [11]).

Hague Convention V, Preamble [13]

GCI, 63 [14] (see ICRC updated Commentary [15])

GCII, 62 [16] (see ICRC updated Commentary [17])

GCIII, 142 [18]

GCIV, 158 [19]

PI, 1/2 [20]

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ICJ, Nuclear Weapons Advisory Opinion (Para 78) [21]


ICTY, The Prosecutor v. Kupreskic (Paras 525-527) [25]

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