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, 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 (the “elementary considerations of humanity being reflected and expressed in the Martens clause)
- the principle of distinction between civilians and combatants, and between civilian objects and military objectives;
- the principle of proportionality,
- the principle of military necessity (from which flows the prohibition of superfluous injury and unnecessary suffering).

See Humanity; Military Necessity; Martens Clause; Proportionality; Distinction; Superfluous injury or unnecessary suffering;
Hague Convention V, Preamble

GCI, 63 (see ICRC updated Commentary)

GCII, 62 (see ICRC updated Commentary)

GCIII, 142

GCIV, 158

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CASES

ICJ, Nuclear Weapons Advisory Opinion (Para 78)


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

Nicaragua (Para 218)

Kupreskic (Paras 525-526)

Colombia, Constitutional Conformity of PII (Para 22)

ICJ, Nicaragua v. US (Para 242)
ICJ/Israel, Separation Wall (B. Paras 36-85) [28]

Libya, NATO Intervention 2011 [29]


Iraq, Crimes by Militia Groups [31]

BIBLIOGRAPHIC RESOURCES


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