

Protection accorded to Civilans and Civilian Objects in Armed Conflicts under IHL

حماية المدنيين والأعيان المدنية زمن النزاعات المسلحة بموجب القانون الدولي الإنساني

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Received: 27/09/2024 Accepted : 11/06/2025 Published :30/06/2025

Abstract:

The study addresses the critical issue of civilian protection under International Humanitarian Law (IHL), highlighting the alarming increase in civilian casualties in modern warfare and the urgent need for accountability mechanisms for IHL violations. It evaluates existing legal frameworks, assesses accountability measures, and identifies protection gaps while emphasizing the principles of distinction and proportionality necessary for safeguarding civilians. The study also discusses challenges such as non-compliance, the complexities of urban warfare, and emerging technologies that hinder enforcement efforts. To enhance adherence to IHL, it calls for stronger legal frameworks and greater international cooperation to ensure effective civilian protection. Through thorough legal analysis and case studies, the study seeks to clarify legal responsibilities in armed conflicts and promote robust civilian protections.

Key words: Civilians, Civilian Objects, War, International Law, Responsibility.

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المخلص:

صناعة صيدلانية، مناولة، صناعة دوائية، تنمية، الجزائر.

تتناول الدراسة مسألة حماية المدنيين أثناء النزاعات المسلحة ضمن أحكام وقواعد القانون الدولي الإنساني، مسلطة الضوء على الزيادة المقلقة في عدد الضحايا المدنيين في الحروب الحديثة والحاجة الملحة لتفعيل آليات المساءلة عن انتهاك هذه القواعد والأحكام.

كما تقيم هذه الدراسة الأطر القانونية الحالية، وتدرس تدابير المساءلة، وتحدد الثغرات في الحماية، مع التركيز على ضرورة مراعاة مبدأي التمييز والتناسب والمبادئ اللازمة لحماية المدنيين خلال الحروب. كما تناقش الدراسة التحديات التي تواجه وتعيق تطبيق قواعد القانون الدولي مثل عدم الامتثال وعدم التقيد بقوانين واعراف الحرب، واستعمال التقنيات والأسلحة الحديثة في الحروب والتي تزيد من عدد الضحايا المدنيين خلال الحرب كما تتسبب في تدمير الأعيان المدنية على نطاق واسع، مما يعيق جهود الإغاثة وإسعاف المتضررين، ومن أجل تعزيز الالتزام بالقانون الإنساني الدولي، تدعو الدراسة إلى تعزيز وتفعيل المساءلة القانونية وزيادة التعاون الدولي لضمان حماية فعالة للمدنيين، وذلك من خلال تحليل قانوني شامل ودراسات حالة.

الكلمات المفتاحية: المدنيين، الأعيان المدنية، الحرب، القانون الدولي، المسؤولية.

1. Introduction

The targeting of civilians and civilian objects during armed conflicts is a critical issue in contemporary international humanitarian law (IHL). This topic is of paramount importance due to the increasing incidence of civilian casualties in modern warfare, where civilians account for the majority of victims. The implications of such actions extend beyond immediate harm, affecting humanitarian access, long-term recovery efforts, and the overall stability of affected regions. Understanding the legal responsibilities that arise from these actions is essential for promoting accountability and protecting human rights in conflict zones.

Objectives of the Study

This study aims to achieve several key objectives:

- **Examine the Legal Framework:** To analyze the existing legal frameworks that govern the protection of civilians under IHL, including relevant treaties and customary international law.

- **Assess Accountability Mechanisms:** To evaluate the mechanisms available for holding individuals and states accountable for violations related to targeting civilians.
- **Identify Challenges and Gaps:** To identify the challenges and gaps in the current legal protections for civilians and propose recommendations for improvement.

Research Question

The central question guiding this study is: What are the legal responsibilities and consequences for parties involved in armed conflicts who intentionally target civilians and civilian objects, and how can accountability be effectively enforced?

Methodology

To address this question, the study employs a multi-faceted methodology that includes:

- **Legal Analysis:** A comprehensive review of international treaties, customary laws, and case law related to IHL and war crimes.
- **Case Studies:** Examination of recent conflicts where civilian targeting has been reported, analyzing specific incidents to illustrate legal implications and accountability measures.

Chapter One: International Legal Framework for Civilian Protection

The international legal framework for civilian protection in armed conflicts is primarily governed by International Humanitarian Law (IHL) and various human rights laws. This framework aims to alleviate the suffering of civilians during warfare while ensuring their safety and dignity. Key components include the Geneva Conventions, which provide comprehensive rules for the protection of civilians and establish obligations for parties to distinguish between combatants and non-combatants. Additionally, customary international law encompasses principles that are binding on all states, regardless of treaty obligations.⁽¹⁾

Human rights laws, particularly the International Covenant on Civil and Political Rights (ICCPR), further protect civilians even during emergencies or armed conflicts by emphasizing fundamental rights such as the right to life. Various United Nations resolutions also reinforce the importance of civilian protection in armed conflicts, with Resolution 1265 explicitly recognizing the need for protective measures.⁽²⁾

Despite this well-established legal framework, several challenges hinder effective civilian protection. A significant issue is non-compliance with IHL by both state and non-state actors, often due to ignorance or deliberate disregard for the law. The trend of urban warfare complicates the application of IHL, leading to higher civilian casualties as it becomes difficult to distinguish between combatants and civilians. Moreover, emerging technologies in warfare, such as drones and cyber warfare, pose additional challenges that require adaptations to ensure effective civilian protection. Finally, the enforcement of international laws often relies on political will, with states sometimes reluctant to hold allies accountable for violations, undermining the effectiveness of existing legal frameworks.⁽³⁾

Section One: Principles of International Humanitarian Law (IHL)

International Humanitarian Law (IHL) is a set of rules that seeks to limit the effects of armed conflict for humanitarian reasons. It protects individuals who are not participating in hostilities and restricts the means and methods of warfare. The core principles of IHL are essential for ensuring the protection of civilians and those hors de combat (out of the fight). Here are the fundamental principles:

1. Key Principles of IHL

International Humanitarian Law (IHL) is a set of rules that seek to limit the effects of armed conflict for humanitarian reasons. It is primarily concerned with the protection of individuals who are not participating in hostilities and regulates the means and methods of

warfare. Two of the key principles of IHL are distinction and proportionality.

Key Principles of International Humanitarian Law

2. Distinction

The principle of distinction mandates that all parties involved in a conflict must differentiate between combatants and non-combatants. This principle is crucial for ensuring that civilians are protected from the impacts of warfare.

- Combatants: Individuals who are engaged in hostilities and can be lawfully targeted.
- Non-combatants: Civilians who should not be targeted and must be protected from direct attacks.

Attacks may only be directed at military objectives, which are defined as objects that make an effective contribution to military action and whose total or partial destruction offers a definite military advantage. This principle aims to minimize civilian casualties and protect those who are not participating in the conflict, thereby upholding humanitarian standards during warfare.

3. Proportionality

The principle of proportionality prohibits attacks that may cause incidental loss of civilian life or damage to civilian property if such losses would be excessive in relation to the anticipated military advantage gained. This principle seeks to balance military necessity against humanitarian concerns.

- Military Advantage: The expected gain from an attack must outweigh any potential harm to civilians or civilian objects.

This principle is particularly significant in asymmetric conflicts where the lines between combatants and non-combatants may become blurred. It requires careful consideration by military commanders when planning operations to ensure that actions taken do not result in disproportionate harm to civilians, thus reinforcing the need for accountability and adherence to humanitarian norms in warfare.⁽⁴⁾

Section Two: Accountability Mechanisms for Violations

Accountability Mechanisms for Violations of International Humanitarian Law (IHL)

Accountability for violations of International Humanitarian Law (IHL) is crucial to ensuring that individuals and entities responsible for such violations are held responsible. Various mechanisms exist to enforce accountability, ranging from international courts to national legal systems. Here are the primary accountability mechanisms:

1. International Criminal Court (ICC)

The International Criminal Court (ICC) is a permanent judicial institution established to prosecute individuals for serious international crimes, including genocide, war crimes, and crimes against humanity. Operating under the Rome Statute, which came into force on July 1, 2002, the ICC aims to provide a mechanism for accountability when national courts are unwilling or unable to prosecute such crimes.

Key Functions and Jurisdiction

1.1. The ICC's jurisdiction encompasses:

- Genocide: Acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group.
- Crimes Against Humanity: Widespread or systematic attacks against civilian populations, including murder, enslavement, torture, and enforced disappearance.
- War Crimes: Serious violations of the laws and customs of war, including willful killing and taking hostages.
- The Crime of Aggression: The crime of aggression is a critical aspect of international law, defined as the use of armed force by one state against another without justification. This concept was formally recognized in the Rome Statute of the International Criminal Court (ICC), particularly following the Kampala Conference in 2010⁽⁵⁾, which established a clearer framework for prosecuting such acts. The crime encompasses various actions,

including invasion and military occupation, that violate the sovereignty and territorial integrity of states. Despite its recognition, prosecuting aggression poses significant challenges.

1.2. Impact on Global Justice:

The ICC has been instrumental in promoting accountability for serious crimes at an international level. It provides a platform for victims to seek justice and has raised awareness about human rights violations globally. However, its effectiveness is often hampered by the aforementioned challenges. Continuous efforts are needed to enhance its operational capacity and address issues related to state cooperation and political will.

In conclusion, while the ICC represents a crucial step towards global justice and accountability for heinous crimes, it must navigate complex political landscapes and resource limitations to fulfill its mandate effectively.

2. Monitoring Mechanisms

Organizations like the World Health Organization (WHO) have developed monitoring systems to track violations against health care in conflict zones, which can facilitate accountability by documenting incidents and providing data for potential legal actions.⁽⁶⁾

3. Corporate Accountability

With increasing involvement of corporations in conflict zones, there is a growing focus on holding these entities accountable for IHL violations. While enforcement at the international level is limited, national laws can be adapted to impose responsibilities on corporations operating in conflict areas.⁽⁷⁾

Chapter Two: Consequences of Targeting Civilians in Armed Conflicts

The consequences of targeting civilians in armed conflicts are profound and far-reaching, affecting not only the immediate victims but

also the broader societal framework. Civilians often endure direct violence, resulting in significant casualties and injuries. The intentional targeting of non-combatants violates international humanitarian law (IHL), which seeks to protect civilians during conflicts. However, such violations are prevalent, leading to devastating outcomes.

One of the most significant consequences is the psychological impact on affected populations. Civilians exposed to violence frequently experience mental health issues, including post-traumatic stress disorder (PTSD), anxiety, and depression. Research indicates that these psychological effects can persist long after the conflict has ended, with individuals suffering from long-term emotional distress and trauma-related disorders. For example, studies have shown that communities in conflict zones report higher rates of mental health issues compared to those in peaceful areas, highlighting the enduring scars of war on civilian populations.

In addition to psychological trauma, targeting civilians disrupts essential services and infrastructure. Attacks on hospitals, schools, and residential areas lead to a collapse of public services, exacerbating humanitarian crises. The destruction of healthcare facilities during conflicts significantly limits access to medical care, leading to increased mortality rates from preventable diseases and injuries. In regions like Syria and Yemen, the targeting of civilian infrastructure has resulted in widespread suffering and a humanitarian disaster.⁽⁸⁾

Section One: Humanitarian Impact on Civilian Populations

The humanitarian impact of armed conflicts on civilian populations is profound and multifaceted, affecting their safety, health, and overall well-being. This section explores the various dimensions of this impact, particularly in the context of recent conflicts.

1. Displacement and Internal Migration

Armed conflicts often lead to significant internal displacement as civilians flee violence and seek safety. This displacement can exacerbate existing vulnerabilities and create new challenges, including:

- **Loss of Shelter:** Many displaced individuals lose their homes, leading to overcrowded living conditions in temporary shelters or camps.
- **Access to Basic Services:** Displacement disrupts access to essential services such as healthcare, education, and sanitation, which can lead to increased morbidity and mortality rates among affected populations.
- **Psychosocial Trauma:** The stress of displacement, combined with exposure to violence, can result in long-term psychological effects, including anxiety, depression, and post-traumatic stress disorder (PTSD) among civilians.

2. Health Impacts

The health impacts of war on civilian populations are profound and multifaceted, affecting both physical and mental well-being. Armed conflicts expose civilians to direct violence, leading to injuries and fatalities. For instance, the ongoing war in Ukraine has resulted in over 3,000 civilian casualties, including thousands of deaths, while also displacing millions and severely damaging healthcare infrastructure,⁽⁹⁾ The destruction of health facilities and the disruption of medical services exacerbate existing health crises, leaving many without access to essential care.

Moreover, the psychological toll of war is significant. Civilians often experience post-traumatic stress disorder (PTSD), anxiety, and depression due to the trauma of conflict. Studies indicate that civilians in war zones report higher levels of moral injury and mental health issues compared to military personnel. The stress of displacement and loss further compounds these mental health challenges, creating a cycle of suffering that can persist long after hostilities cease.

In addition to immediate injuries and mental health issues, wars introduce long-term health risks through exposure to toxic remnants of war, such as heavy metals and chemical agents. These toxic substances can lead to respiratory diseases, cardiovascular problems, and reproductive health issues among affected populations.⁽¹⁰⁾

Furthermore, the collapse of public health systems during conflicts increases vulnerability to infectious diseases due to inadequate sanitation, food shortages, and disrupted vaccination programs.

Section Two: Legal and Political Ramifications

The legal and political ramifications of armed conflict on civilian populations are profound, influencing both the enforcement of International Humanitarian Law (IHL) and the broader geopolitical landscape. This section examines these ramifications in detail, focusing on legal frameworks, accountability mechanisms, and the political implications of violations.

1. Legal Frameworks and Protections

International Humanitarian Law provides a robust legal framework aimed at protecting civilians during armed conflicts. Key elements include:

- Geneva Conventions: The four Geneva Conventions and their Additional Protocols establish comprehensive protections for civilians, including prohibitions against targeting non-combatants and civilian objects. These treaties form the backbone of IHL, obligating states to ensure respect for their provisions during conflicts.⁽¹¹⁾
- Customary International Law: Many principles of IHL are recognized as customary international law, binding all states regardless of treaty obligations. This includes fundamental principles such as distinction and proportionality, which are essential for civilian protection.
- Emerging Legal Norms: As conflicts evolve, new legal norms are emerging to address contemporary issues such as cyber warfare and the use of starvation as a method of warfare. These developments highlight the need for IHL to adapt to changing warfare dynamics.⁽¹²⁾

2. Accountability Mechanisms

Ensuring accountability for violations of IHL is critical for deterring future abuses and providing justice for victims:

- International Criminal Court (ICC): The ICC prosecutes individuals for war crimes, genocide, and crimes against humanity. Its role is vital in holding perpetrators accountable when national jurisdictions fail to act.
- Ad Hoc Tribunals: Temporary tribunals, such as those established for the former Yugoslavia and Rwanda, have played significant roles in addressing specific conflicts and establishing legal precedents for accountability.
- National Courts: States have a responsibility to prosecute war crimes under universal jurisdiction principles, allowing them to hold violators accountable regardless of where the crime occurred.
- Corporate Accountability: With increasing involvement of corporations in conflict zones, there is a growing focus on holding these entities accountable for their actions during armed conflicts.

3. Political Implications

The political ramifications of violations against civilians extend beyond immediate humanitarian concerns:

- State Sovereignty vs. Humanitarian Intervention: Violations of IHL often raise questions about state sovereignty versus the international community's responsibility to intervene in cases of mass atrocities. This tension complicates diplomatic relations and can lead to polarized

Conclusion :

The issue of targeting civilians and civilian objects during armed conflicts is a pressing concern in contemporary international humanitarian law (IHL). The increasing prevalence of civilian casualties in modern warfare highlights the urgent need to address the legal responsibilities and consequences for parties involved in such actions. This study has examined the existing legal frameworks that aim to

protect civilians, including the Geneva Conventions and customary international law, while also assessing accountability mechanisms that are in place to hold violators accountable. Despite these frameworks, significant challenges persist, including non-compliance with IHL, the complexities introduced by urban warfare, and the implications of emerging technologies. The need for political will among states to enforce these laws is paramount, as is the necessity for continuous dialogue among nations, legal experts, and humanitarian organizations to develop effective strategies for civilian protection.

Key Findings:

- Legal Frameworks: The Geneva Conventions and customary international law provide essential protections for civilians, yet many violations go unpunished.
- Accountability Mechanisms: Various mechanisms exist, such as the International Criminal Court (ICC) and hybrid courts, but face challenges like political will and access to justice.
- Humanitarian Impact: Targeting civilians leads to severe humanitarian consequences, including casualties, displacement, health crises, and infrastructure destruction.

Recommendations:

- Enhance compliance with IHL through education and training for military personnel.
- Adapt legal frameworks to address modern warfare challenges, particularly urban conflict scenarios.
- Foster political will among states to prosecute violators of IHL and support international accountability initiatives.
- Increase support for humanitarian organizations to ensure they can operate effectively in conflict zones and provide necessary aid to affected populations.

References

Citing a Journal Article:

- [1] Asif Khan1* | Shaukat Hussain Bhatti2 | Abid Shah, An overview on individual criminal liability for crime of aggression, *Liberal Arts & Social Sciences International Journal (LASSIJ)*, Vol. 5, No. 1, (January-June 2021), <https://doi.org/10.47264/idea.lassij/5.1.28>.
- [2] Benjamin Mason Meier, JD, LLM, PhD, Hannah Rice, BA, and Shashika Bandara, Monitoring Attacks on Health Care as a Basis to Facilitate Accountability for Human Rights Violations, *Health and Human Rights Journal*, 2021 Jun; 23(1): 55–70.
- [3] Boisen, Lovisa. “The Protection of Civilians in the Event of Emergency or Armed Conflict : A Study of the International Humanitarian Law and Real Life Experiences of Armed Conflict.” (2014),
- [4] IDO KILOVATY, ICRC, NATO and the U.S. – Direct Participation in Hackactivities – Targeting Private Contractors and Civilians in Cyberspace under International Humanitarian Law, *Duke law and technology review*, N°1, Vol 15, 2016.
- [5] Mwita John, Analysis of the Extent of Protection Accorded to Civilians, Civilian Populations, and Civilian Objects by International Humanitarian Law in Armed Conflicts, *East African Journal of Law and Ethics*, Volume 7, Issue 1, 2024, DOI: 10.37284/eajle.7.1.1823.
- [6] RÉGIS BISMUTH , MAPPING A RESPONSIBILITY OF CORPORATIONS FOR VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW SAILING BETWEEN INTERNATIONAL AND DOMESTIC LEGAL ORDERS, *Denver Journal of International Law and Policy*, Vol. 38, No. 2, 2010.
- [7] Rusli4, Protection of Civilian Victims of Armed Conflict Based on International Law (Case Study of the Israeli and Palestinian Conflict), *IJRAEL: International Journal of Religion Education and Law*, Vol. 3 No. 2 August 2024, DOI:10.57235/ijrael.v3i2.2976.
- [8] Shedrack Ekpa, Loveth E. Ugbagwu-Ekpa, Protection Of Civilian Population In International Humanitarian Law, *Kampala International University Law Journal [KIULJ]* (2023) Vol. 5, Issue I, <https://doi.org/10.59568/KIULJ-2023-5-1-06> .
- [9] Steven Kleemann, Berlin School of Economics and Law, Germany & University of Potsdam, Germany, Cyber Warfare and the “Humanization” of International Humanitarian Law, *International Journal of Cyber Warfare and Terrorism*, Volume 11 • Issue 2 • April-June 2021, P08.
- [10] Wireko Andrew Awuah, Inside the Ukraine war: health and humanity, *Awuah WA*, June 2022 Vol 98 No 1160, DOI : <https://doi.org/10.1136/postgradmedj-2022-141801>

Citing a Communication in a Conference

- [1] Jo Durham, Ms. Stacey Pizzino, The Health Impacts of Toxic Remnants of War on Civilian Populations: A Scoping Review, Prehospital and Disaster Medicine, Vol. 34, Supplement 1, <https://doi.org/10.1017/S1049023X19000815> Published online by Cambridge University Press.
- [2] Kate G. Byrne, Psychological impact of far-right terrorism against Muslim minorities on national distress, community, and wellbeing, scientific reports, doi : <https://doi.org/10.1038%2Fs41598-022-05678-x>

Bibliographic

¹ - Shedrack Ekpa, Loveth E. Ugbagwu-Ekpa, Protection Of Civilian Population In International Humanitarian Law, Kampala International University Law Journal [KIULJ] (2023) Vol. 5, Issue I, <https://doi.org/10.59568/KIULJ-2023-5-1-06> ,P107.

² - Boisen, Lovisa. “The Protection of Civilians in the Event of Emergency or Armed Conflict : A Study of the International Humanitarian Law and Real Life Experiences of Armed Conflict.” (2014),

³ - Moody Rizqy Syailendra Putra¹ Amelia Abdullah Zimah² Febriany³ Vennia Neshya

Rusli⁴, Protection of Civilian Victims of Armed Conflict Based on International Law (Case Study of the Israeli and Palestinian Conflict), IJRAEL: International Journal of Religion Education and Law, Vol. 3 No. 2 August 2024, DOI:10.57235/ijrael.v3i2.2976 , P78.

⁴ - Steven Kleemann, Berlin School of Economics and Law, Germany & University of Potsdam, Germany, Cyber Warfare and the “Humanization” of International Humanitarian Law, **International Journal of Cyber Warfare and Terrorism**, Volume 11 • Issue 2 • April-June 2021, P08.

⁵ - Asif Khan^{1*} | Shaukat Hussain Bhatti² | Abid Shah, An overview on individual criminal liability for crime of aggression, Liberal Arts & Social Sciences International Journal (LASSIJ), Vol. 5, No. 1, (January-June 2021), <https://doi.org/10.47264/idea.lassij/5.1.28> , P 433

⁶ - Benjamin Mason Meier, JD, LLM, PhD, Hannah Rice, BA, and Shashika Bandara, Monitoring Attacks on Health Care as a Basis to Facilitate Accountability for Human Rights Violations, Health and Human Rights Journal, 2021 Jun; 23(1): 55–70, P15.

⁷ - RÉGIS BISMUTH , MAPPING A RESPONSIBILITY OF CORPORATIONS FOR VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW SAILING BETWEEN INTERNATIONAL AND DOMESTIC LEGAL ORDERS, Denver Journal of International Law and Policy, Vol. 38, No. 2, 2010, P210.

⁸ Kate G. Byrne, Psychological impact of far-right terrorism against Muslim minorities on national distress, community, and wellbeing, scientific reports, doi : <https://doi.org/10.1038%2Fs41598-022-05678-x>

⁹ - Wireko Andrew Awuah, Inside the Ukraine war: health and humanity, Awuah WA, June 2022 Vol 98 No 1160, DOI : <https://doi.org/10.1136/postgradmedj-2022-141801> , P 408.

¹⁰ - Jo Durham, Ms. Stacey Pizzino, The Health Impacts of Toxic Remnants of War on Civilian Populations: A Scoping Review, Prehospital and Disaster Medicine, Vol. 34, Supplement 1, <https://doi.org/10.1017/S1049023X19000815> Published online by Cambridge University Press, S 32.

¹¹ - Mwita John, Analysis of the Extent of Protection Accorded to Civilians, Civilian Populations, and Civilian Objects by International Humanitarian Law in Armed Conflicts, East African Journal of Law and Ethics, Volume 7, Issue 1, 2024, DOI:10.37284/eajle.7.1.1823 , P08.

¹² - IDO KILOVATY, ICRC, NATO and the U.S. – Direct Participation in Hackactivities – Targeting Private Contractors and Civilians in Cyberspace under International Humanitarian Law, Duke law and technology review, N°1, Vol 15, 2016, P02.