

# Targeting Law

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# Targeting Law

- ▶ Predominantly applicable to '**attacks**' as distinguished from 'military operations'
- ▶ Definition of 'attack' in Art. 49(1) AP I
- ▶ 'Act of violence':
  - Any form of physical coercion that
  - Is designed to inflict, or in fact results in, **death, injury, damage or destruction**
  - **Not** limited to 'kinetic' effects (arg. chemical or biological attacks)
  - Problem: 'cyber attacks'

# Principle of Distinction

“In order to ensure respect for and protection of the civilian population and civilian objects, the Parties to the conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly shall direct their operations only against military objectives”

Article 48 AP I

# Lawful Military Targets

Article 52 (2) AP I:

“In so far as objects are concerned, military objectives are limited to those objects which by their nature, location, purpose or use make an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage.”

# Precautions in Attack

- ▶ All feasible measures in order to ensure that
  - Attacks are limited to military objectives
  - Collateral damage is minimized
  - No attack results in prohibited collateral damage
- ▶ No further attacks if possibility of prohibited collateral damage

# Precautions in Attack

“Feasible precautions are those precautions which are practicable or practically possible taking into account all circumstances ruling at the time, including humanitarian and military considerations.”

Article 3(10) Amended Prot. II to CCW

# “Targeting Cycle”

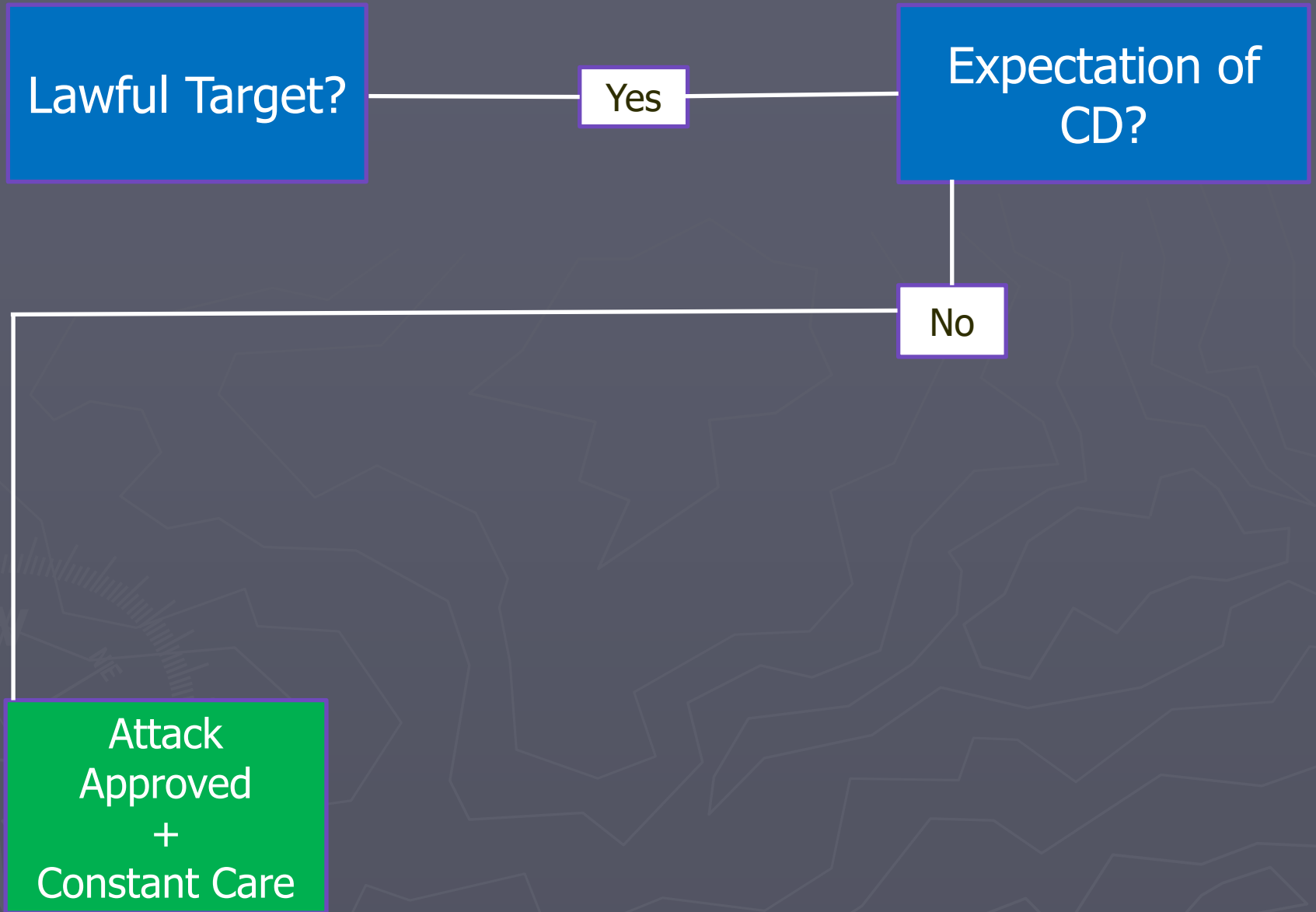
How to Implement the Obligation to  
Take Precautions in Attack

Lawful Target?

No

Prohibition or  
Cancellation/  
Suspension





Lawful Target?

Yes

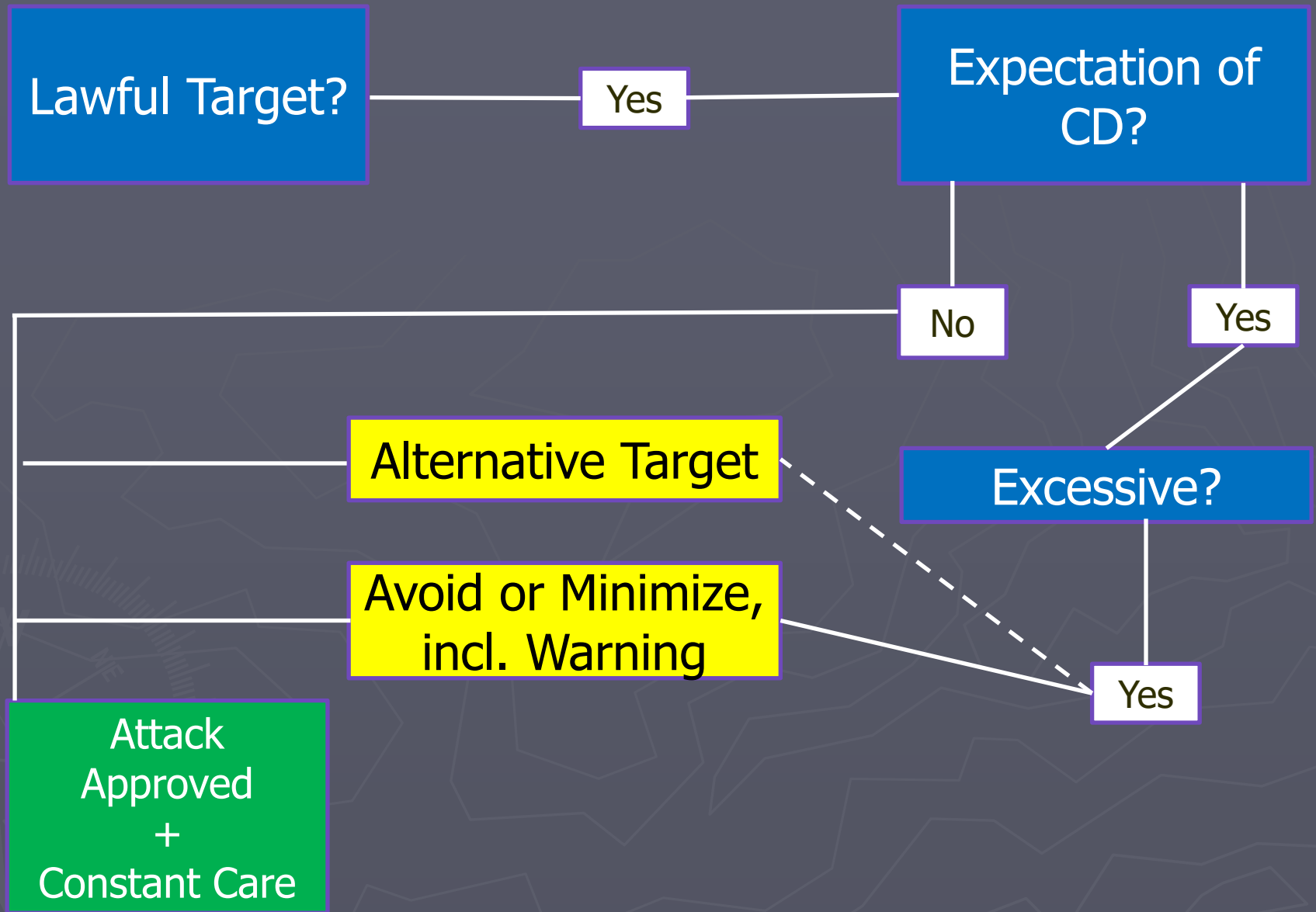
Expectation of  
CD?

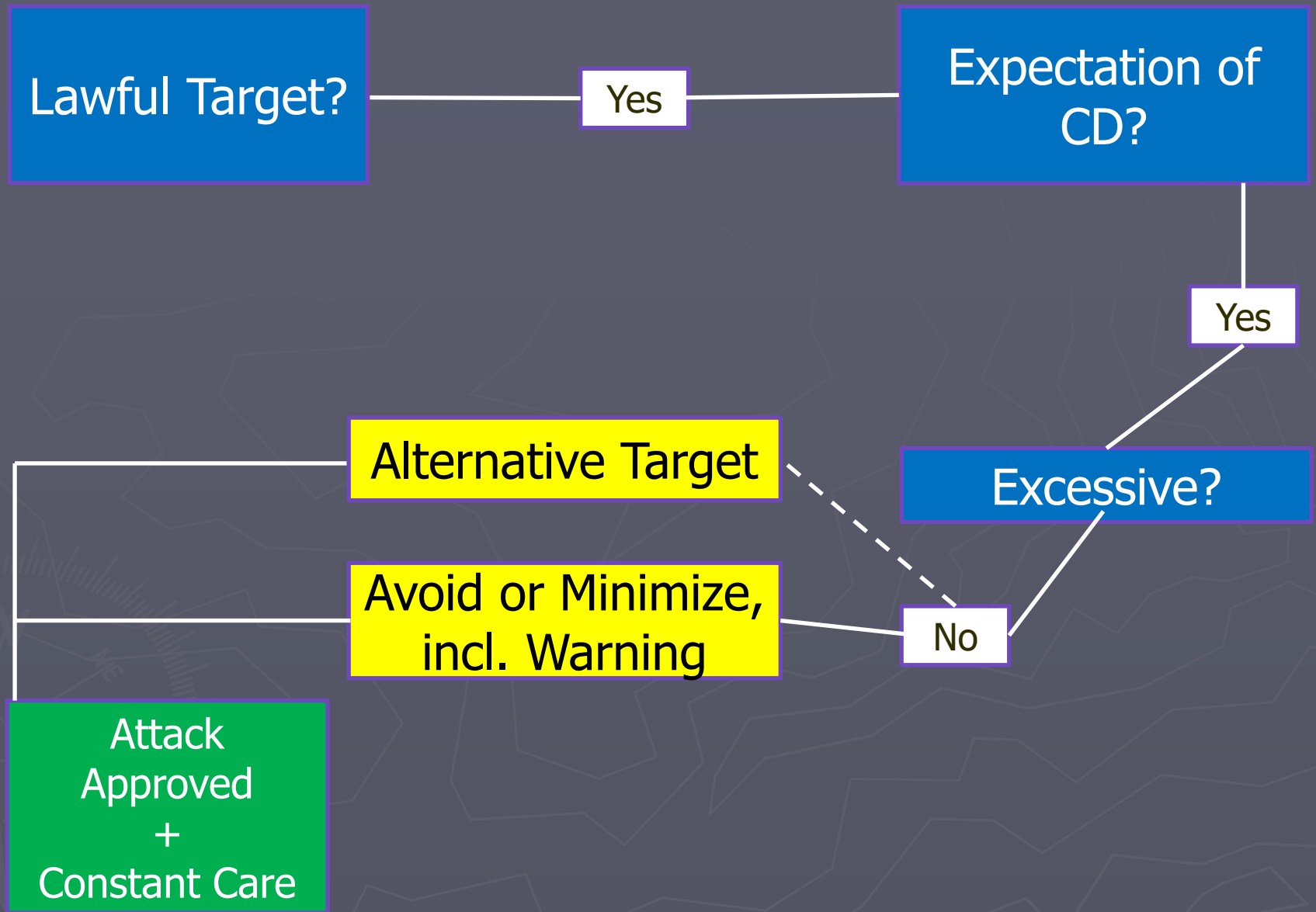
Yes

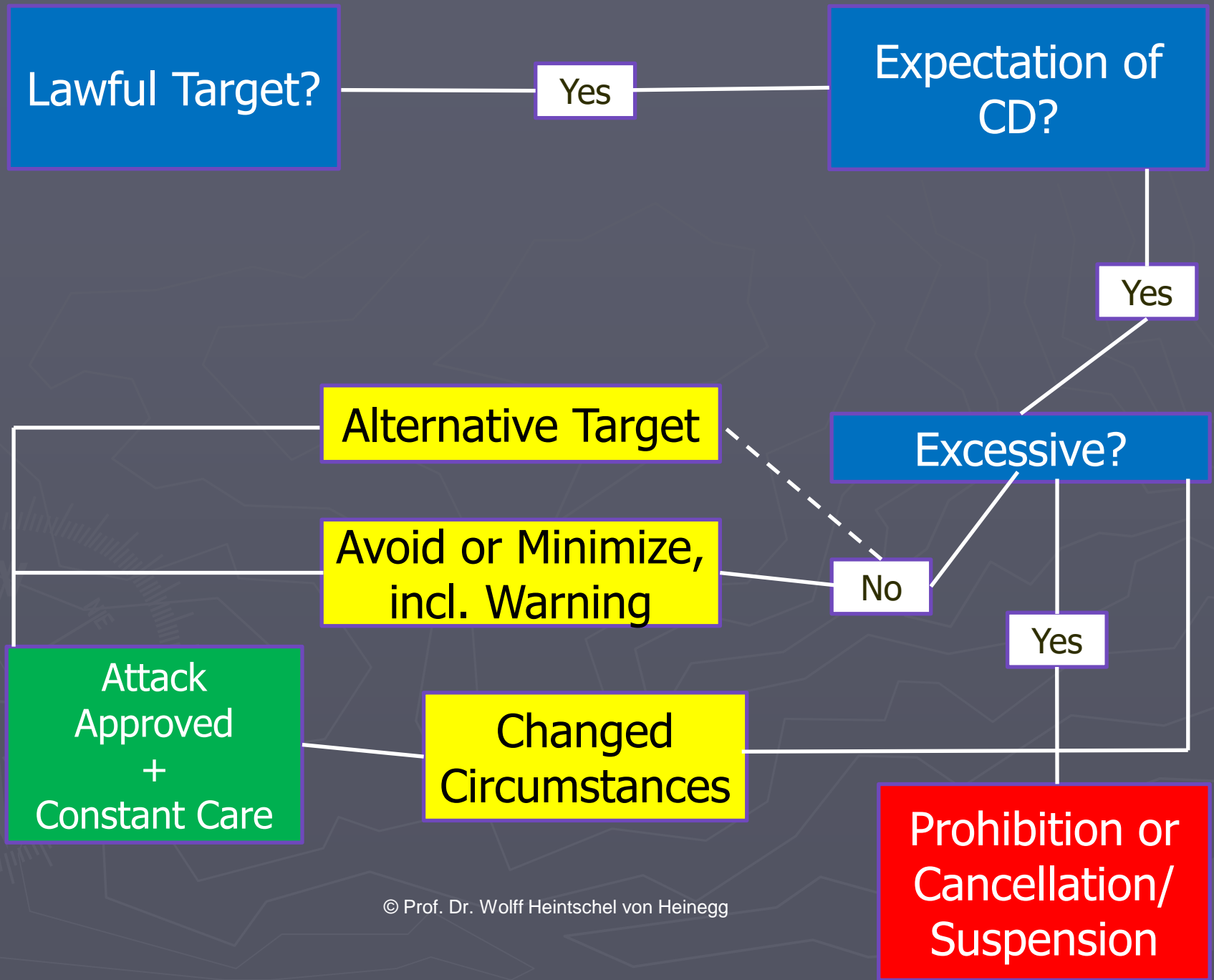
Excessive?

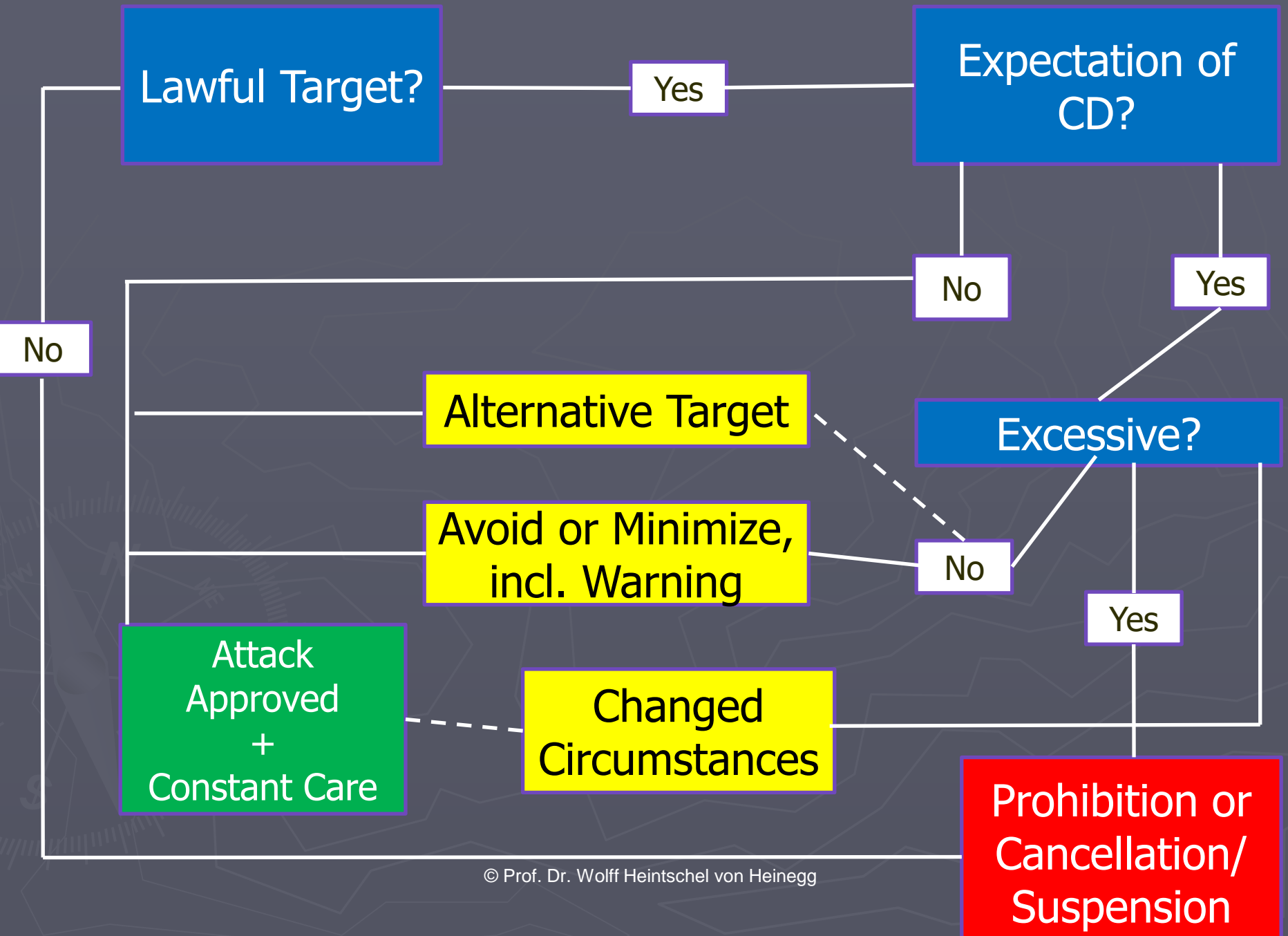
Yes

Prohibition or  
Cancellation/  
Suspension









# End of Presentation