

## A CRITICAL ANALYSIS OF CIVILIAN PROTECTION IN THE ISRAEL/US AND IRAN ARMED CONFLICT UNDER INTERNATIONAL HUMANITARIAN LAW

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### **Abstract**

*International Humanitarian Law seeks to protect persons who are not directly participating in hostilities. This is firmly established under the Geneva Conventions and their Additional Protocols. Despite these comprehensive legal provisions, civilians continue to bear the brunt of modern armed conflicts, raising concerns about the effectiveness of existing legal and institutional frameworks. This research examines the persistent gap between the normative guarantees of civilian protection and the realities of their enforcement in contemporary armed conflicts. Focusing on the Israel/US and Iran armed conflict as a case study, the research interrogates the extent to which the parties comply with the fundamental principles of international humanitarian law, such as distinction, proportionality, and precaution. Adopting a doctrinal and analytical methodology, this research draws on relevant legal instruments, state practice, and reports from international organizations to assess compliance with established norms. The research finds that while the legal regime governing civilian protection is robust in theory, its implementation is significantly undermined by weak enforcement structures and strategic military considerations. It concludes that the continued endangerment of civilians is not due to a deficiency in law, but rather a failure of compliance and accountability. The research advocates for strengthened civilian harm mitigation and enforcement mechanisms, stronger political will, and enhanced international cooperation to ensure that the protection of civilians moves from legal promise to practical reality.*

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**Keywords:** International Humanitarian Law, International Armed Conflict, Israel, United States of America, Iran, Civilians, Protection, Reality

## 1.0 INTRODUCTION

International humanitarian law is the law which seeks to regulate the conduct of armed conflict, it seeks to ensure the protection of civilians in armed conflict situations, as well as, the limitation of the effects of hostilities.<sup>1</sup> This obligation is codified in core legal instruments such as the Geneva Conventions and further elaborated in the Additional Protocol I. These instruments impose binding duties on parties to armed conflicts to distinguish between civilians and combatants, to refrain from indiscriminate attacks, and to take all feasible precautions to minimize civilian harm.<sup>2</sup>

Notwithstanding the clarity and robustness of these legal norms, contemporary armed conflicts continue to reveal a troubling pattern wherein civilians remain disproportionately affected by hostilities. The principles of international humanitarian law, such as, distinction, proportionality, and precaution are frequently undermined in practice, leading to widespread civilian casualties and destruction of civilian infrastructure.<sup>3</sup> This persistent disconnect between legal protection and lived reality raises critical questions about the effectiveness of the laws regulating armed conflicts.

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<sup>1</sup> Nils Melzer, *International Humanitarian Law: A Comprehensive Introduction*, (ICRC) 17.

<sup>2</sup> Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War 1949; Protocol Additional to the Geneva Conventions of 12 August 1949 (Protocol I) 1977, arts 48, 51, 57.

<sup>3</sup> J Henckaerts and L Doswald-Beck, *Customary International Humanitarian Law, Vol I: Rules* (CUP 2005) Rules 1, 14, and 15.

The Israel/US and Iran conflict<sup>4</sup> provides a compelling and contemporary case study for examining this gap. As an international armed conflict, it triggers the full application of international humanitarian law, including treaty and customary rules governing the conduct of hostilities. However, reports of missile strikes, retaliatory attacks, and severe collateral damage between Israel/U.S and Iran highlight critical challenges in upholding international humanitarian law, with both sides accused of endangering civilians. Israeli strikes targeting Iranian infrastructure have caused residential damage, while Iranian missile attacks have targeted populated areas, indicating potential war crimes.<sup>5</sup>

Judicial authorities have consistently affirmed the binding nature of humanitarian principles in armed conflict. In *Legality of the Threat or Use of Nuclear Weapons*, the International Court of Justice emphasized that the principles of distinction and the prohibition of unnecessary suffering are “intransgressible principles of international customary law.”<sup>6</sup> Similarly, in *Prosecutor v Tadić*, the International Criminal Tribunal for the Former Yugoslavia affirmed that fundamental humanitarian rules apply in all armed conflicts, irrespective of their classification.<sup>7</sup> These decisions underscore that the obligation to protect civilians is not merely aspirational but legally enforceable.

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<sup>4</sup> *Ibid*; see also art 2 common to the Geneva Conventions 1949.

<sup>5</sup> “Israel: Iran’s missile strike that killed nine civilians ‘must be investigated as a war crime’ – new investigation Format” (31 March 2026) <<https://reliefweb.int/report/israel/israel-irans-missile-strike-killed-nine-civilians-must-be-investigated-war-crime-new-investigation>> accessed 31 March 2026.

<sup>6</sup> *Legality of the Threat or Use of nuclear weapons* (Advisory Opinion) [1996] ICJ Rep 226, para 79.

<sup>7</sup> *Prosecutor v Tadić* (Jurisdiction) IT-94-1-AR72 (ICTY Appeals Chamber, 2 October 1995).

Despite this, enforcement remains a major challenge. Mechanisms for ensuring compliance whether through international courts, fact-finding commissions, or state responsibility are often constrained by political considerations, issues of jurisdiction, and the sovereignty of states.<sup>8</sup> Consequently, violations frequently go unpunished, thereby weakening the deterrent effect of international humanitarian law.

According to the United Nation Security Report in 2024, more than 36,000 civilian deaths in 14-armed conflicts was recorded in 2024.<sup>9</sup> According to Gaza Ministry of Health, as of 3 October 2025, 67,075 people have been killed and 169,430 people have been injured since the war broke out on 7 October, 2023 in the Israeli-Hamas conflict alone.<sup>10</sup> This research therefore interrogates the apparent paradox wherein civilians are extensively protected in law yet remain endangered in reality. Using the Israel/U.S and Iran conflict as a case study, it critically examines the extent of compliance with IHL obligations, identifies the factors contributing to violations, and evaluates the effectiveness of existing enforcement mechanisms. It argues that the persistence of civilian harm is less a function of normative deficiency and more a reflection of systemic challenges in implementation and accountability.

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<sup>8</sup> M Sassòli, *International Humanitarian Law: Rules, Controversies, and Solutions to Problems Arising in Warfare* (Edward Elgar 2019) 423–430.

<sup>9</sup> UNSC Report on Protection of Civilians< UNSC Report on Protection of Civilians.pdf > accessed 3 December, 2025. Cited in: MD Hanson, “Protected in Law, Endangered in Reality: The Unfulfilled Obligation for Protection of Civilians in Armed Conflict Zones” *African Journal of Legal Research [AJLR]* (2025) Vol. 3, No 4. Pg. 2

<sup>10</sup> Neta C. Crawford, “The Human Toll of the Gaza War: Direct and Indirect Death from 7 October 2023 to 3 October 2025” <[https://costsofwar.watson.brown.edu/sites/default/files/2025-10/Human-Toll-inGaza\\_Costs-of-War\\_Crawford\\_7-October-2025.pdf](https://costsofwar.watson.brown.edu/sites/default/files/2025-10/Human-Toll-inGaza_Costs-of-War_Crawford_7-October-2025.pdf)> accessed 28 March 2026 Cited in: MD Hanson, “Protected in Law, Endangered in Reality: The Unfulfilled Obligation for Protection of Civilians in Armed Conflict Zones” *African Journal of Legal Research [AJLR]* (2025) Vol. 3, No 4. Pg. 2

The paper is structured into seven parts. Part one introduces the subject. Part two clarifies the various concepts under review. Part three examines the various Laws Regulating the Protection of Civilians in Armed Conflict Situations. Part four examines albeit briefly the conflict between Israel/United States and Iran. Part five evaluates the Challenges to the Protection of Civilians in the Israel/U.S. and Iran Conflict. Part six proffers solutions to enhance the protection of civilians. Part seven concludes the research.

## **2.0 CONCEPTUAL CLARIFICATION**

### **2.1 International Humanitarian Law**

International Humanitarian Law<sup>11</sup> is a set of rules that seek to limit the humanitarian consequences of armed conflicts.<sup>12</sup> It is also referred to as the law of armed conflict or the law of war.<sup>13</sup> The primary purpose of International Humanitarian Law is to restrict the means and methods of warfare that parties to a conflict may employ and to ensure the protection and humane treatment of persons who are not, or no longer, taking a direct part in the hostilities.<sup>14</sup>

### **2.2 Definition of Civilians and Civilian Population**

The concept of civilian protection is rooted in the distinction between combatants and non-combatants, a principle that has long been recognized in the laws and customs of war. Early codifications, such as the Lieber Code of 1863 and the Hague Regulations of 1907, laid the groundwork for modern humanitarian law by introducing limits on the means and methods of warfare.<sup>15</sup>

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<sup>11</sup> Hereinafter referred to as IHL.

<sup>12</sup> Nils Melzer (n.1)

<sup>13</sup> Also referred to as ‘jus in bello’.

<sup>14</sup> Nils Melzer (n.1)

<sup>15</sup> Hague Convention (IV) Respecting the Laws and Customs of War on Land 1907

However, it was the atrocities of the Second World War that catalyzed the development of a more robust legal regime; it led to the adoption of the Geneva Conventions, particularly the Fourth Geneva Convention, which specifically addresses the protection of civilian persons in time of war.<sup>16</sup> The Convention establishes fundamental guarantees, including protection against violence, intimidation, and collective punishment.

The evolution of civilian protection was further strengthened by the adoption of the Additional Protocol I, which expanded protections in international armed conflicts. It introduced detailed rules on the conduct of hostilities, and further emphasized the principles of distinction, proportionality, and precaution.<sup>17</sup> These developments reflect a shift from merely protecting civilians under occupation to actively regulating battlefield conduct to minimize civilian harm.

Customary international law has also played a crucial role in reinforcing these protections. The study by the International Committee of the Red Cross (ICRC) confirms that many rules relating to civilian protection have attained customary status, thereby binding all states regardless of treaty ratification.<sup>18</sup>

In IHL, the civilian population is negatively defined as comprising all persons who are neither members of the armed forces of a party to the conflict who are neither members of the armed forces of a party to the conflict nor participants in a *levee en masse*.<sup>19</sup> Thus, the definition also includes civilians accompanying the armed forces without being

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<sup>16</sup> Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War 1949

<sup>17</sup> Protocol Additional to the Geneva Conventions of 12 August 1949 (Protocol I) 1977

<sup>18</sup> J Henckaerts and L Doswald-Beck, *Customary International Humanitarian Law, Vol I* (CUP 2005).

<sup>19</sup> AP I, Art. 50 (1) and (2).

incorporated therein, such as war correspondents and as a general rule, private contractors therein, such as war correspondents and, as a general rule, private contractors and civilian intelligence or law enforcement personnel, even if some of them may be entitled to prisoner of war status upon capture.<sup>20</sup> In the case of doubt as to the civilian status of a person, that person must be considered as a civilian.<sup>21</sup>

A civilian is defined in Article 50 (1) of the Third Geneva Convention of 1949, as follows: “A Civilian is any person who does not belong to one of the categories of persons referred to in Article 4 (A) (1)(2), (3) and (6) of the Third Convention and in Article 43 of this Protocol.” The categories of persons referred to in Article 50(1) of the Third Geneva Convention of 1949 and named in Article 4 (A) (1), (2), (3), and (6) of the third Geneva Convention are members of armed forces and militia or volunteer corps of a party to the conflict; members of other militias and of other volunteer corps including those of organized resistance movements; members of regular armed forces professing allegiance to an authority unrecognized by the detaining power and; inhabitants of non-occupied territory who take up arms to resist invading forces.<sup>22</sup>

Therefore, any person who does not belong to any of these categories of persons is a civilian and is, under IHL entitled to protection during armed conflict. This protection is apropos such that where there is any doubt whether a person is a civilian or not, such person is considered a civilian and protected.<sup>23</sup> Also a civilian population comprises all persons

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<sup>20</sup> *Ibid.*

<sup>21</sup> AP I, Art. 50 (1).

<sup>22</sup> Geneva Convention III of 1949, art. 4A (1 -3). See also: MD Hanson, “Protected in Law, Endangered in Reality: The Unfulfilled Obligation for Protection of Civilians in Armed Conflict Zones” *African Journal of Legal Research [AJLR]* (2025) Vol. 3, No 4. Pg. 4.

<sup>23</sup> Additional Protocol I of 1977, art. 50 (1).

who are civilians and the presence of a combatant in civilian population does not deprive the population of its civilian character.<sup>24</sup>

### **2.3 What constitutes Armed Forces?**

Article 43 of AP I of 1977 provides thus:

The armed force of a party to a conflict consist of all organized armed forces, groups or units which are under a command responsible to that party for the conduct of its subordinate, even if that party is represented by a government or authority not recognized by an adverse party.

By virtue of Article 4 A (1), (2), (3) and (6) and Article 43 of AP I of 1977, all categories of armed forces and members include all persons who take part in armed conflicts. They constitute military objectives and are liable to be attacked during armed conflict.<sup>25</sup>

Article 1 of the Hague Regulations annexed to the Hague Convention IV of 1907 provides that combatants are identified by their uniforms or by openly carrying weapons. Militias and volunteer corps are also required to have “a fixed distinctive emblem recognizable at a distance” and to “carry arms openly.”

### **2.4 Armed Conflict**

The International Criminal Tribunal for the Former Yugoslavia, defines an armed conflict in the case of *Prosecutor v Tadić* as: “...the resort to armed force between States or protracted armed violence between

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<sup>24</sup> *Ibid.*

<sup>25</sup> Chris C. Wigwe, *International Humanitarian Law* (Readwide Publishers: 2010)129.

governmental authorities and organized armed groups or between such groups.”<sup>26</sup>

Armed conflicts are broadly classified under International Humanitarian Law into distinct categories based on the nature of the parties involved and the context of the hostilities. This classification is crucial because it determines the applicable legal regime, the scope of protection afforded to civilians, and the obligations imposed on parties to the conflict. These categories include: International Armed Conflict and Non-International Armed Conflict.

An international armed conflict<sup>27</sup> arises whenever there is resort to armed force between two or more States, irrespective of the intensity or duration of the hostilities. This definition is rooted in Common Article 2 of the Geneva Conventions, which provides that the Conventions apply to: “all cases of declared war or of any other armed conflict which may arise between two or more High Contracting Parties.”<sup>28</sup> In *Nicaragua v United States*, the International Court of Justice confirmed that the use of force between States may amount to an armed conflict even without formal recognition.<sup>29</sup> IACs are governed by Common Article 2 of the Geneva Conventions, Additional Protocol I and Customary International Humanitarian Law.

A Non-International Armed Conflict<sup>30</sup> on the other hand, occurs within the territory of a State and involves either: the armed forces of the state and organized armed groups, or two-armed groups within a state

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<sup>26</sup> *Prosecutor v Tadić* (Jurisdiction) IT-94-1-AR72 (ICTY Appeals Chamber, 2 October 1995).

<sup>27</sup> Hereinafter referred to as IAC.

<sup>28</sup> Common Article 2, Geneva Conventions 1949.

<sup>29</sup> *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v United States of America)* (Merits) [1986] ICJ Rep 14.

<sup>30</sup> Hereinafter referred to as NIAC.

fighting among themselves.<sup>31</sup> Additional Protocol II to the Geneva Conventions of 1949 defines internal armed conflict solely as a conflict occurring between the armed forces of the state and organised armed groups. NIACs are governed by Common Article 3 of the Geneva Conventions, Additional Protocol II (where applicable), and Customary International Humanitarian Law.

The conflict between Israel/US and Iran constitutes an international armed conflict because it involves the resort to armed force between sovereign states, thereby triggering the application of the Geneva Conventions, with respect to the rules on the protection of civilians, civilian objects, and the civilian population.

### **3.0 LAWS REGULATING THE PROTECTION OF CIVILIANS IN ARMED CONFLICT SITUATIONS**

Laws regulating the protection of civilians in armed conflicts situations include:

#### **a. The Geneva Convention IV Relative to the Protection of Civilian Persons in Time of War of 1949:**

This Convention is the principal treaty in International Humanitarian Law devoted specifically to the protection of civilians during armed conflict and occupation. It was adopted on 12 August 1949 and applies to both international armed conflicts and situations of military occupation. The Convention establishes that civilians are entitled to humane treatment and must be protected against violence, intimidation, collective punishment, unlawful detention, and forced displacement.

Article 27 provides that protected persons are entitled, in all circumstances, to respect for their persons, honour, family rights, religious convictions, and customs. They must be treated humanely and protected against all acts of violence or threats thereof. This article is

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<sup>31</sup> Common Article 3, Geneva Conventions 1949.

the cornerstone of civilian protection and reflects the fundamental principle that civilians are not lawful targets and must be safeguarded from abuse.

In *Prosecutor v. Delalić et al.*<sup>32</sup>, the International Criminal Tribunal for the former Yugoslavia held that civilians detained during armed conflict must be treated humanely and that torture and inhumane treatment constitute grave breaches of the Geneva Conventions.

Article 31 prohibits physical or moral coercion against protected persons. Article 32 prohibits murder, torture, corporal punishment, mutilation, and any brutality. These provisions guarantee civilians freedom from cruel and degrading treatment.

**b. Additional Protocol I relating to The Protection of Victims of International Armed Conflicts of 1977:**

The Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Additional Protocol I) significantly strengthens the protection afforded to civilians and other victims of international armed conflicts by elaborating and modernizing the rules contained in the 1949 Geneva Conventions.

Article 48 establishes the cardinal principle of distinction, requiring parties to an armed conflict to distinguish at all times between civilians and combatants and between civilian objects and military objectives, and to direct operations only against military objectives.<sup>33</sup> Article 51 further prohibits direct attacks against civilians and forbids

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<sup>32</sup> *Supra*

<sup>33</sup> Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Additional Protocol I) art. 48, June 8, 1977, 1125 U.N.T.S. 3.

indiscriminate attacks, including those expected to cause incidental civilian harm excessive in relation to the concrete and direct military advantage anticipated, thereby codifying the principle of proportionality.<sup>34</sup>

Article 52 extends protection to civilian objects, while Articles 54 and 56 specifically protect objects indispensable to civilian survival, such as foodstuffs, drinking water installations, and dams and nuclear electrical generating stations.<sup>35</sup>

Article 57 imposes precautionary obligations on commanders to verify targets, choose means and methods of warfare that minimize civilian harm, and cancel attacks if it becomes apparent that the target is not military or that civilian casualties would be disproportionate. Article 75 provides fundamental guarantees, prohibiting murder, torture, collective punishment, and outrages upon personal dignity against persons in the power of a party to the conflict.

These protections have been affirmed judicially; in *Prosecutor v. Kupreškić et al.*,<sup>36</sup> the ICTY recognized the principles of distinction, proportionality, and precautions in attack as binding customary norms designed to shield civilians from the effects of hostilities, while in *Legality of the Threat or Use of Nuclear Weapons*,<sup>37</sup> the International Court of Justice described these rules as “intransgressible principles of international customary law.”

Accordingly, Additional Protocol I provides a comprehensive and authoritative legal framework that operationalizes the protection of

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<sup>34</sup> Art. 51(2), (4)–(5)

<sup>35</sup> Arts. 52, 54, 56

<sup>36</sup> Case No. IT-95-16-T, Judgment, 524–535 (Jan. 14, 2000)

<sup>37</sup> 1996 I.C.J. 226, 78 (July 8).

civilians through the principles of distinction, proportionality, precaution, and humane treatment.

**c. Additional Protocol II relating to the Protection of Victims of Non-International Armed Conflicts of 1977:**

The Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Additional Protocol II) is the first international treaty devoted exclusively to the protection of victims of non-international armed conflicts and supplements common Article 3 of the four Geneva Conventions. It applies to armed conflicts occurring within the territory of a State between its armed forces and organized armed groups that exercise sufficient territorial control to conduct sustained and coordinated military operations.<sup>38</sup>

Article 4 sets out fundamental guarantees for persons who do not take a direct part or who have ceased to take part in hostilities, prohibiting violence to life and person, murder, torture, mutilation, collective punishments, hostage-taking, acts of terrorism, slavery, pillage, and outrages upon personal dignity.<sup>39</sup> Articles 5 and 6 provide humane treatment and judicial guarantees for persons deprived of liberty, including fair trial rights and the prohibition of convictions without a regularly constituted court. Article 13 establishes the central rule that the civilian population and individual civilians shall enjoy general protection against the dangers arising from military operations and shall not be the object of attack unless and for such time as they take a direct part in hostilities. Articles 14 to 17 protect objects indispensable to civilian survival, works containing dangerous forces, cultural objects,

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<sup>38</sup> Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Additional Protocol II) arts. 1(1), 2, June 8, 1977, 1125 U.N.T.S. 609.

<sup>39</sup> *Ibid.*, art. 4(2).

and prohibit forced movement of civilians except where required for their security or imperative military reasons.

These norms have been recognized as reflecting customary international law in *Prosecutor v. Tadić*,<sup>40</sup> where the International Criminal Tribunal for the former Yugoslavia affirmed that fundamental humanitarian principles apply equally in internal armed conflicts, and in *Prosecutor v. Akayesu*,<sup>41</sup> which enforced protections against violence directed at civilians during the Rwandan genocide.

Accordingly, Additional Protocol II provides a robust legal framework ensuring humane treatment, judicial guarantees, and direct protection of civilians and civilian objects in non-international armed conflicts.

**d. Statute of the International Criminal Court (Rome Statute):**

The Rome Statute of the International Criminal Court establishes the International Criminal Court and provides a comprehensive framework for individual criminal responsibility for genocide, crimes against humanity, war crimes, and the crime of aggression, thereby serving as a powerful mechanism for the protection of civilians in armed conflict.<sup>42</sup> Article 8 criminalizes serious violations of the laws and customs applicable in both international and non-international armed conflicts, including intentionally directing attacks against civilians not taking direct part in hostilities, attacking civilian objects, humanitarian personnel, hospitals, and objects indispensable to the survival of the civilian population, as well as rape, sexual slavery, forced pregnancy,

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<sup>40</sup> Case No. IT-94-1-AR72

<sup>41</sup> Case No. ICTR-96-4-T, Judgment, ¶¶ 608–609 (Sept. 2, 1998)

<sup>42</sup> Rome Statute of the International Criminal Court arts. 5–8, July 17, 1998, 2187 U.N.T.S. 90.

conscription of children under fifteen, unlawful deportation, and starvation of civilians as a method of warfare.<sup>43</sup>

Article 7 further protects civilians by defining crimes against humanity to include murder, extermination, enslavement, deportation, imprisonment, torture, rape, persecution, enforced disappearance, and other inhumane acts committed as part of a widespread or systematic attack directed against any civilian population. Article 28 imposes command responsibility on military commanders and superiors who knew or should have known that subordinates were committing such crimes and failed to prevent or repress them. Article 27 removes immunity based on official capacity, ensuring that heads of state and senior officials may be prosecuted.

The Court has applied these protections in cases such as *Prosecutor v. Thomas Lubanga Dyilo*,<sup>44</sup> Judgment Pursuant to Article 74 of the Statute, 603–607 (Mar. 14, 2012), where the accused was convicted for conscripting and enlisting children under fifteen, and *Prosecutor v. Bosco Ntaganda*<sup>45</sup>, which affirmed convictions for murder, rape, sexual slavery, persecution, forcible transfer, and attacks against civilians. Through its substantive criminal provisions and enforcement mechanisms, the Rome Statute transforms the humanitarian protections found in the Geneva Conventions and Additional Protocols into enforceable international criminal obligations, thereby deterring violations and ensuring accountability for atrocities committed against civilians.

**e. Customary International Humanitarian Law:**

Customary International Humanitarian Law consists of unwritten rules derived from general and consistent State practice accepted as law

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<sup>43</sup> Art. 8(2)(a), (b), (c), (e).

<sup>44</sup> ICC-01/04-01/06

<sup>45</sup> ICC-01/04-02/06, Judgment, 952–960 (July 8, 2019)

(*opinio juris*) and binds all States and parties to armed conflict irrespective of treaty ratification. The legal basis for customary law is reflected in Article 38(1) (b) of the Statute of the International Court of Justice, which recognizes “international custom, as evidence of a general practice accepted as law,” as a primary source of international law.<sup>46</sup> These Rules/Principles include:

#### **i. Principle of Distinction**

The principle of distinction is the cornerstone of civilian protection. It requires parties to an armed conflict to distinguish at all times between civilians and combatants, and between civilian objects and military objectives.<sup>47</sup> Attacks may only be directed against lawful military targets. This principle has been recognized as a norm of customary international law. In *Nuclear Weapons Advisory Opinion*, the ICJ described it as an “intransgressible” principle.<sup>48</sup> Any deliberate attack on civilians constitutes a grave breach of IHL and may amount to a war crime.

#### **ii. Principle of Proportionality**

The principle of proportionality prohibits attacks that may be expected to cause incidental civilian harm excessive in relation to the anticipated military advantage.<sup>49</sup> This principle acknowledges that civilian harm may occur but seeks to limit it within acceptable bounds. The application of proportionality involves complex assessments, often made under conditions of uncertainty. Nevertheless, failure to adhere to this principle may result in international responsibility and criminal liability.

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<sup>46</sup> Statute of the International Court of Justice art. 38(1)(b), June 26, 1945, 33 U.N.T.S. 993.

<sup>47</sup> Additional Protocol I 1977, art 48.

<sup>48</sup> *Legality of the Threat or Use of Nuclear Weapons* (Advisory Opinion) [1996] ICJ Rep 226.

<sup>49</sup> Additional Protocol I 1977, art 51(5)(b).

### **iii. Principle of Precaution**

The principle of precaution obligates parties to take all feasible measures to avoid or minimize incidental harm to civilians.<sup>50</sup> This includes verifying targets, choosing appropriate means and methods of warfare, and issuing effective warnings where possible.

### **iv. The principle of military necessity**

The principle of military necessity is another principle of customary international law. According to this principle, attacks against military objectives during armed conflict must aim to confer an attacking party with a military advantage over the other party. In the case of any injury to civilians and their belongings, such injury should be proportional and not excessive of the expected military advantage. Thus, it shall constitute war crimes if the attack on civilians was grave in relation to the anticipated military advantage.<sup>51</sup>

## **4.0 OVERVIEW OF THE CONFLICT BETWEEN ISRAEL/UNITED STATES AND IRAN**

The conflict involving Israel, the United States, and Iran is rooted in long-standing geopolitical tensions, particularly over Iran's nuclear programme, regional influence, and support for armed groups such as Hezbollah.<sup>52</sup> In recent escalations, Israel often with U.S. political and military backing has conducted targeted strikes against Iranian military installations and affiliated forces in the Middle East, while Iran has responded through missile attacks and proxy engagements.<sup>53</sup> These

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<sup>50</sup> *Ibid*, art 57.

<sup>51</sup> *Ibid*.

<sup>52</sup> Council on Foreign Relations, "What Is Hezbollah?" (April 17<sup>th</sup>, 2026) available at: <<https://www.cfr.org/backgrounders/what-hezbollah?>> accessed 30<sup>th</sup> April, 2026.

<sup>53</sup> Center for Preventive Action, "Iran's War With Israel and the United States" (Updated April 22, 2026) <<https://www.cfr.org/global-conflict->

hostilities have increasingly shifted from covert operations and proxy warfare to more confrontation, heightening the intensity and geographic spread of the conflict.

A major concern in this conflict is the growing rate of civilian casualties, which has been attributed to the conduct of hostilities in densely populated areas and the use of explosive weapons with wide-area effects.<sup>54</sup> Airstrikes on strategic targets are frequently carried out within or near civilian infrastructure, leading to incidental loss of civilian life and destruction of property.<sup>55</sup> The principle of distinction under International Humanitarian Law, which requires parties to distinguish between combatants and civilians, appears strained in such contexts, particularly where military objectives are embedded within civilian environments.

Furthermore, the principle of proportionality which prohibits attacks expected to cause excessive civilian harm relative to the anticipated military advantage has come under scrutiny. Reports from humanitarian organisations indicate that strikes on urban centres, including residential buildings and critical facilities such as hospitals, have resulted in significant civilian deaths and injuries.<sup>56</sup> Even where attacks are directed at legitimate military targets, the foreseeable harm to civilians raises serious legal and ethical concerns regarding compliance with IHL.

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[tracker/conflict/confrontation-between-united-states-and-iran](#)> accessed 30<sup>th</sup> April, 2026.

<sup>54</sup> *Ibid.*

<sup>55</sup> International Committee of the Red Cross, “Distinction and Proportionality in Armed Conflict” (Customary IHL Study, 2005).

<sup>56</sup> Amnesty International, *Reports on Civilian Harm in Middle East Conflicts* (2023–2025).

The humanitarian consequences extend beyond immediate casualties to include displacement, psychological trauma, and the collapse of essential services. Civilian populations in affected regions often face shortages of food, water, and medical care due to damaged infrastructure.<sup>57</sup> These conditions exacerbate vulnerability, particularly among women and children, and underscore the broader impact of the conflict beyond the battlefield.

In the early phase of the 2026 escalation, large-scale aerial bombardments by U.S./Israeli forces in Iran resulted in significant civilian casualties. Reports indicate that on 9 March 2026 alone, approximately 262 civilians were killed in multiple strikes, including deaths within residential apartment complexes, suggesting that attacks were carried out in densely populated civilian areas.<sup>58</sup>

Furthermore, within the first month of hostilities (February–March 2026), no fewer than 1,443 civilians, including at least 217 children, were reported killed as a result of sustained air operations.<sup>59</sup> Particularly disturbing is an incident in early March 2026 involving a strike on a girls' school in Iran, where up to 168 children were reported by Ryan et al<sup>60</sup> to have been allegedly killed. This act constitutes a grave breach of the protections afforded to civilian objects and children under IHL. The

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<sup>57</sup> Anthony Deutsch, "When do attacks on civilian installations amount to war crimes?" (March 31, 2026) <<https://www.reuters.com/world/middle-east/when-do-attacks-civilian-installations-amount-war-crimes-2026-03-31/>> accessed 30<sup>th</sup> April, 2026

<sup>58</sup> Missy Ryan et al, 'Civilian Toll Mounts in U.S.–Israel Strikes on Iran' (27 March 2026) Washington Post <<https://www.washingtonpost.com/national-security/2026/03/27/iran-war-civilian-deaths/>> accessed 30 April 2026.

<sup>59</sup> Anadolu Agency, 'Nearly 1,500 Civilian Deaths in a Month of U.S.-Israel Strikes on Iran' (2026) <<https://www.aa.com.tr/en/middle-east/nearly-1-500-civilian-deaths-in-a-month-of-us-israel-strikes-on-iran-human-rights-report/3882476>> accessed 30 April 2026.

<sup>60</sup> Ryan et al (n 58).

cumulative effect of these attacks has been compounded by displacement, with estimates suggesting that over 3.2 million civilians were forced from their homes within weeks of the conflict.<sup>61</sup>

Conversely, retaliatory actions by Iran against Israel have also resulted in direct civilian harm. During the June 2025 escalation, Iranian ballistic missile attacks targeted urban centres in Israel, leading to the deaths of civilians and widespread injury. For instance, on 15 June 2025, a missile strike on a residential building in Bat Yam resulted in the deaths of nine civilians, including three children.<sup>62</sup> Across the broader 12-day exchange, at least 28 Israeli civilians were killed and over 3,000 injured, with many casualties arising from strikes on residential neighbourhoods.<sup>63</sup> These incidents illustrate the reciprocal nature of violations, where both offensive and retaliatory operations have impacted civilian populations.

In addition to direct casualties, the destruction of civilian infrastructure particularly healthcare facilities has exacerbated the humanitarian crisis. Reports indicate that between late February and April 2026, at least 50 healthcare centres were forced to close and 16 hospitals were damaged due to ongoing attacks linked to the conflict.<sup>64</sup> The degradation of medical infrastructure has indirect but severe consequences,

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<sup>61</sup>Council on Foreign Relations, ‘Confrontation between the United States and Iran’ (2026) <<https://www.cfr.org/global-conflict-tracker/conflict/confrontation-between-united-states-and-iran>> accessed 30 April 2026.

<sup>62</sup>*Ibid.*

<sup>63</sup>Reuters, ‘How Many People Have Been Killed in U.S.-Israel War on Iran?’ (7 April 2026) <<https://www.reuters.com/world/middle-east/how-many-people-have-been-killed-us-israel-war-iran-2026-04-07/>> accessed 30 April 2026.

<sup>64</sup>Reuters, ‘Attacks on Hospitals, Medics Rising Due to Middle East Conflict – WHO’ (29 April 2026) <<https://www.reuters.com/world/middle-east/attacks-hospitals-medics-rising-driven-by-middle-east-conflict-says-world-health-2026-04-29/>> accessed 30 April 2026.

contributing to preventable civilian deaths and undermining access to essential care.

Under IHL, particularly Articles 48, 51 and 52 of Additional Protocol I to the Geneva Conventions, parties to a conflict are required to distinguish between civilians and combatants and to refrain from attacks that may cause excessive civilian harm relative to the anticipated military advantage. The incidents discussed above raise credible questions as to whether these obligations have been adequately observed by the parties involved. While Israel and the United States justify their actions as necessary for national and regional security, and Iran frames its responses as defensive, the high incidence of civilian casualties highlights persistent challenges in enforcing compliance with IHL. The conflict illustrates the urgent need for stronger accountability mechanisms and renewed commitment to the protection of civilians in armed conflict.<sup>65</sup>

## **5.0 CHALLENGES TO THE PROTECTION OF CIVILIANS IN THE ISRAEL/U.S. AND IRAN CONFLICT**

### **a. The Weapons utilised**

One of the foremost challenges is the use of long-range ballistic missiles, drones, and other explosive weapons with wide-area effects in densely populated urban centres such as Tehran, Tel Aviv, and Haifa. Such weapons often lack the precision necessary to distinguish effectively between military objectives and civilians, thereby increasing the likelihood of indiscriminate attacks contrary to Article 51(4) of Additional Protocol I and Rule 71 of customary IHL. Amnesty International reported that Iranian ballistic missile strikes, including the use of cluster munitions in populated areas, and Israeli airstrikes in

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<sup>65</sup> Human Rights Watch, “Laws of War and Accountability Mechanisms”  
<<https://www.hrw.org/world-report/2023/>> accessed 30<sup>th</sup> April, 2026

Iranian cities caused substantial civilian casualties and damage to civilian infrastructure.<sup>66</sup>

### **b. Urban Warfare and Civilian Exposure**

A central challenge with contemporary armed conflicts is the increasing conduct of hostilities within densely populated urban centres.<sup>67</sup> Nuclear facilities, missile depots, command centres, and air defence installations are frequently situated close to residential neighbourhoods and critical infrastructure. Even when attacks are directed at legitimate military objectives, the expected incidental civilian harm may be extensive, making proportionality assessments highly contentious and difficult to verify independently. This reality heightens the risk of incidental harm and undermines the principle of distinction<sup>68</sup> under International Humanitarian Law.<sup>69</sup>

### **c. Difficulties in Applying the Principle of Proportionality**

Another challenge that affects the protection of civilians from direct and incidental attack is the complexity attached to the act of determining whether an attack is proportionate. IHL states that those who plan or decide on any attack must refrain from launching, or must suspend any

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<sup>66</sup> Amnesty International, “Urgent need to protect civilians amid unprecedented escalation in hostilities between Israel and Iran” (18 June 2025) <<https://www.amnesty.org/en/latest/news/2025/06/urgent-need-to-protect-civilians-amid-unprecedented-escalation-in-hostilities-between-israel-and-iran/?>> accessed 20<sup>th</sup> May, 2026

<sup>67</sup> Nils Melzer (*Ibid* n.1)

<sup>68</sup> The principle of distinction is the cornerstone of IHL. It is based on the recognition that the only legitimate object which States should endeavour to accomplish during the war is to weaken the military forces of the enemy. See: The Preamble to the St. Petersburg Declaration.

<sup>69</sup> International Committee of the Red Cross, *Customary International Humanitarian Law Study* (2005)

See also: ICRC, “The Principle of Distinction between Civilian Objects and Military Objectives” <<https://ihl-databases.icrc.org/ar/customary-ihl/v2/rule7>> accessed 30<sup>th</sup> April, 2026

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 concrete and direct military advantage anticipated.<sup>70</sup>

Unfortunately, commanders must balance anticipated military advantage against expected civilian harm, often in situations involving time pressure and uncertain intelligence. Thus resulting in attacks that cause excessive civilian casualties relative to the intended military gain.

#### **d. Ineffective Evacuation Warnings**

Another major challenge is the issuance of overly broad or ineffective evacuation warnings. While Article 57(2)(c) of Additional Protocol I requires effective advance warning when circumstances permit, warnings directing millions of civilians to evacuate without identifying safe routes, shelters, or humanitarian support can create panic and may amount to psychological terror rather than genuine protection. Amnesty International criticized warnings issued during the 2025 Israel–Iran escalation as vague and impracticable for large urban populations.<sup>71</sup>

#### **e. Involvement of Non-State Actors and Proxy Warfare**

The participation of proxy groups aligned with Iran complicates compliance with international humanitarian law, particularly due to the nature and structure of such non-state armed actors. These groups including organisations such as Hezbollah and the Houthis operate as non-state armed groups within ongoing armed conflicts and are bound by at least the minimum standards of Common Article 3 of the Geneva Conventions. However, their decentralised and hybrid structures often

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<sup>70</sup> API. ARTS. 51 (5) (b) and 57 (2) (a) (iii) and (b); CIHL, Rules 14, 18 and 19.

<sup>71</sup> Amnesty International (n 66).

weaken effective command and control, thereby undermining enforcement of humanitarian norms.<sup>72</sup>

Proxy actors frequently conduct hostilities from within or in close proximity to civilian populations, thereby blurring the distinction between civilian and military objectives.<sup>73</sup> This operational pattern significantly increases the risk of civilian harm, either directly through their own methods or indirectly by exposing civilian areas to retaliatory attacks. Under IHL, the use of civilians to shield military objectives is expressly prohibited and constitutes a violation of the laws of war.<sup>74</sup>

#### **f. Damage to Civilian Infrastructure**

Civilian infrastructure including hospitals, schools, electricity, and water systems has been severely affected.<sup>75</sup> Whether directly targeted or incidentally damaged, the destruction of these facilities disrupts essential services and leads to indirect civilian suffering and deaths, compounding the humanitarian crisis.<sup>76</sup>

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<sup>72</sup> Jennifer Maddocks, 'Iran and Its Proxies: Attribution and State Responsibility' (2025) 106 *International Law Studies*; 712 <<https://digital-commons.usnwc.edu/ils/vol106/iss1/26>>(<<https://digital-commons.usnwc.edu/ils/vol106/iss1/26>> accessed 30 April 2026.

<sup>73</sup> *Ibid.*

<sup>74</sup> Tyler Stapleton, 'How the Use of Human Shields Violates International Law' (2017) Foundation for Defense of Democracies <<https://www.fdd.org/analysis/2017/07/27/how-the-use-of-human-shields-violates-international-law/>> accessed 30 April 2026.

<sup>75</sup> Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (adopted 8 June 1977, entered into force 7 December 1978) 1125 UNTS 3, arts 48, 51, 52, 57.

<sup>76</sup> International Committee of the Red Cross (ICRC), 'Urban Services During Protracted Armed Conflict' (2015) <<https://www.icrc.org/en/document/urban-services-during-protracted-armed-conflict>> Accessed 30 April 2026.

### **g. Weak Accountability Mechanisms**

The enforcement of international humanitarian law remains a major challenge due to political constraints and jurisdictional limitations. Institutions such as the International Criminal Court often face obstacles in prosecuting violations, thereby fostering impunity and weakening deterrence against attacks on civilians. The Court's jurisdiction is limited to states that are parties to the Rome Statute or situations referred by the United Nations Security Council, which is itself subject to political veto dynamics.<sup>77</sup> This structural limitation has practical implications in conflicts involving powerful states such as the United States and their allies, which are not parties to the Rome Statute, thereby restricting the Court's reach.<sup>78</sup>

Moreover, enforcement is further hindered by issues of state cooperation, as the ICC lacks its own enforcement mechanism and depends on states to arrest and surrender suspects.<sup>79</sup> It is important to note however, that in politically sensitive conflicts, states may be unwilling to cooperate due to strategic alliances or geopolitical considerations, resulting in selective justice.<sup>80</sup>

### **h. Weakened Civilian Harm Mitigation Systems**

Another challenge is the erosion of civilian harm mitigation and transparency mechanisms. Reports in 2026 indicated that the U.S. Department of Defense's Civilian Harm Mitigation and Response program had been significantly weakened, raising concerns that

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<sup>77</sup> Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force 1 July 2002) 2187 UNTS 90, arts 12–13.

<sup>78</sup> International Criminal Court, 'States Parties to the Rome Statute' <https://asp.icc-cpi.int/states-parties> accessed 30 April 2026.

<sup>79</sup> Human Rights Watch, 'Q&A: US, Israel, Iran and the Laws of War' (2026) <<https://www.hrw.org/news/2026/04/08/questions-and-answers-us-israel-iran-and-the-laws-of-war>> accessed 30 April 2026.

<sup>80</sup> *Ibid.*

institutional safeguards designed to reduce civilian casualties were no longer functioning effectively.<sup>81</sup>

**i. Restrictions on Humanitarian Access**

Humanitarian access and information blackouts constitute additional obstacles. Internet shutdowns, restrictions on journalists, and limitations on independent monitoring reduce the ability of humanitarian organizations and investigators to assess civilian needs, document violations, and facilitate relief. Such conditions foster impunity and delay emergency assistance to affected populations.<sup>82</sup>

**6.0 SOLUTIONS TO ENHANCE THE PROTECTION OF CIVILIANS**

**a. Strengthened civilian harm mitigation systems**

States should restore and strengthen civilian harm mitigation and response mechanisms, including transparent casualty tracking, prompt investigations, public reporting, and ex gratia assistance to victims and affected communities. Institutionalized lessons-learned processes can improve future operational conduct.

**b. Strengthening Compliance with the Principle of Distinction, proportionality, and precautions in attack under Articles 48, 51, and 57 of Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts.**

Parties to the conflict must adopt stricter targeting procedures, including improved intelligence gathering and robust verification processes, in order to minimise harm to civilians. Under international humanitarian

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<sup>81</sup> The Guardian, “Pentagon quietly shut legally required program to prevent civilian deaths by military, watchdog finds: Trump administration accused of cutting military’s civilian harm program in light of US strike on girls’ school in Iran” <<https://www.theguardian.com/us-news/2026/may/15/pentagon-civilian-death-program?>> accessed 20<sup>th</sup> May, 2026

<sup>82</sup> Amnesty International (n 66).

law, there is a clear obligation on all parties to take constant care in the conduct of military operations and to verify that targets are legitimate military objectives before launching an attack.<sup>83</sup> The use of precision-guided weaponry, while not a legal requirement per se, reflects a practical means of complying with the principles of distinction and proportionality by reducing the likelihood of incidental civilian harm.<sup>84</sup> Furthermore, the obligation to take feasible precautions in attack requires parties to avoid, where possible, conducting strikes in heavily populated areas, especially where the expected civilian harm would be excessive in relation to the anticipated military advantage.<sup>85</sup> This includes the duty to choose means and methods of warfare that minimise civilian damage and, where circumstances permit, to cancel or suspend attacks if it becomes apparent that the target is not lawful or that the attack would be disproportionate.<sup>86</sup> In contemporary conflicts such as those involving the United States, Israel and Iran, the adoption of enhanced targeting protocols and precision technologies is therefore not merely strategic but essential for compliance with IHL and the reduction of civilian casualties.

### **c. Improving Proportionality Assessments**

There is a need for more robust decision-making frameworks in military operations, grounded in the requirements of international humanitarian law. In particular, the incorporation of legal advisers within operational planning structures is expressly encouraged under Additional Protocol I to the Geneva Conventions, which requires states to ensure that

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<sup>83</sup> Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of International Armed Conflicts (Additional Protocol I) (adopted 8 June 1977, entered into force 7 December 1978) 1125 UNTS 3, art 57(1)–(2).

<sup>84</sup> International Committee of the Red Cross (ICRC), ‘Customary IHL Study: Rule 17 (Choice of Means and Methods of Warfare)’ <<https://ihl-databases.icrc.org/en/customary-ihl/v1/rule17>> accessed 30 April 2026.

<sup>85</sup> Additional Protocol I, art. 51(5)(b).

<sup>86</sup> Additional Protocol I, art. 57(2) (b)–(c).

commanders are advised on the application of IHL during the planning and execution of attacks.<sup>87</sup> This institutional safeguard strengthens compliance with the principles of distinction, proportionality, and precautions in attack.

The integration of real-time surveillance and intelligence technologies can significantly enhance the accuracy of proportionality assessments by improving situational awareness and target verification. Such technological tools assist commanders in assessing whether anticipated incidental civilian harm would be excessive in relation to the concrete and direct military advantage anticipated, as required under IHL.<sup>88</sup>

The combination of qualified legal advisers and advanced surveillance systems contributes to more informed operational decisions and reduces the risk of excessive incidental civilian harm. This approach reflects the evolving interpretation of “feasible precautions” under customary IHL, which requires not only technical capability but also institutional commitment to civilian protection in the conduct of hostilities.<sup>89</sup>

#### **d. Effective Warnings**

Effective and practicable advance warnings should be issued in accordance with Article 57(2)(c) of Additional Protocol I. Warnings should clearly identify threatened areas, safe routes, and available humanitarian assistance, and should be communicated in languages and

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<sup>87</sup> Protocol Additional to the Geneva Conventions of 12 August 1949 (Additional Protocol I) (1977) 1125 UNTS 3, art 82.

<sup>88</sup> International Committee of the Red Cross (ICRC), *Commentary on the Additional Protocols* (1987) paras 2209–2213. Note however that these tools must be complemented by rigorous human legal oversight to ensure that algorithmic or intelligence-driven assessments do not replace legal judgment.

<sup>89</sup> ICRC, *Customary International Humanitarian Law Database*, Rule 15: Precautions in Attack <<https://ihl-databases.icrc.org/en/customary-ihl/v1/rule15>> accessed 30 April 2026.

formats accessible to all civilians, including persons with disabilities, older persons, and those without internet access.

**e. Regulating the Conduct of Non-State Actors**

Efforts should be made to ensure that non-state armed groups comply with international humanitarian law standards. Although such actors are not formal parties to treaties in the same way as states, they are nonetheless bound by customary IHL and, at a minimum, the provisions of Common Article 3 of the Geneva Conventions.<sup>90</sup>

However, ensuring compliance remains difficult due to the absence of centralised authority structures and enforcement mechanisms within many such groups. Compliance can, nonetheless, be enhanced through a combination of international pressure, targeted sanctions, and constructive engagement. International bodies such as the United Nations Security Council have increasingly adopted sanctions regimes targeting individuals and entities responsible for violations of IHL, including members of non-state armed groups.<sup>91</sup>

Additionally, engagement initiatives led by organisations such as the International Committee of the Red Cross (ICRC) play a crucial role in promoting awareness and voluntary adherence to humanitarian norms among such actors.<sup>92</sup> These efforts may include training, dissemination of IHL principles, and the negotiation of special agreements under Common Article 3 to reinforce compliance.

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<sup>90</sup> Geneva Conventions of 12 August 1949, Common art 3; see also International Committee of the Red Cross (ICRC), *Customary International Humanitarian Law* (2005). This establishes baseline obligations regarding humane treatment, protection of civilians, and the prohibition of indiscriminate violence.

<sup>91</sup> United Nations Security Council, 'Sanctions Regimes' <https://www.un.org/securitycouncil/sanctions/information> accessed 30 April 2026

<sup>92</sup> International Committee of the Red Cross (ICRC), 'Engaging Non-State Armed Groups on IHL' <https://www.icrc.org/en/what-we-do/engaging-non-state-armed-groups> accessed 30 April 2026

Furthermore, practice has shown that non-state armed groups may be induced to commit to IHL through instruments such as unilateral declarations or deeds of commitment, which, while not treaties in the strict sense, create normative expectations and facilitate monitoring.<sup>93</sup> Ultimately, a multifaceted approach combining coercive and cooperative strategies is necessary to improve compliance, reduce civilian harm, and strengthen the overall effectiveness of IHL in contemporary conflicts.

**f. Protection of Critical Civilian Infrastructure**

The special protections given to medical and humanitarian facilities under International Humanitarian Law must be respected at all times by parties to a conflict. Hospitals, aid centres, and relief personnel play a critical role in preserving life during hostilities, and any attack on them undermines basic humanitarian principles.<sup>94</sup> Practical measures such as the use of “no-strike lists,” the establishment of humanitarian corridors, and the observance of temporary ceasefires can go a long way in ensuring that aid reaches those in need and that civilians are safely evacuated from dangerous areas.<sup>95</sup>

**g. Enhancing Accountability and Enforcement Mechanisms**

Strengthening international justice mechanisms is key to deterring violations of International Humanitarian Law. When perpetrators know they may be held accountable, compliance is more likely. This requires sustained support for institutions such as the International Criminal Court, the promotion of independent and impartial investigations into

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<sup>93</sup> Geneva Call, ‘Deeds of Commitment’ <https://www.genevacall.org/what-we-do/deed-of-commitment/> accessed 30 April 2026

<sup>94</sup> Geneva Convention IV Relative to the Protection of Civilian Persons in Time of War 1949, arts 18–20; Additional Protocol I to the Geneva Conventions 1977, arts 12 and 15

<sup>95</sup> *Ibid.*

alleged violations, and the imposition of targeted sanctions against individuals responsible for serious breaches of IHL.<sup>96</sup>

**h. Diplomatic de-escalation**

Diplomatic engagement by regional organizations and influential States should prioritize de-escalation, ceasefires, and negotiated confidence-building measures. Civilian protection is most effective when supported by sustained political efforts to reduce hostilities.

**i. Unhindered Humanitarian Access**

Humanitarian organizations, journalists, and independent monitors should be granted safe and unimpeded access to affected areas. Reliable information enables rapid assistance, documentation of violations, and informed international responses.

**7.0 CONCLUSION**

The protection of civilians in armed conflict remains one of the most fundamental yet persistently violated principles of International Humanitarian Law. The provisions of the Geneva Conventions, as well as, other instruments examined herein, is neither deficient nor ambiguous. The Law clearly prohibits attacks on civilians and civilian objects, and requires strict adherence to principles such as distinction, proportionality, and precaution. Yet, in the context of the Israel/U.S. and Iran conflict, the recurring pattern is not a failure of law, but a failure of compliance. Civilian populations continue to bear the brunt of hostilities, often caught in the crossfire of strategic interests, technological warfare, and retaliatory cycles. This reality echoes the proverbial saying that when elephants fight, it is the grass that suffers, aptly capturing the disproportionate impact of conflict on those who are neither participants in nor drivers of the violence.

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<sup>96</sup> Rome Statute of the International Criminal Court arts 5, 25 and 27; United Nations Security Council, ‘Resolution 1593 (2005)’ (referring the situation in Darfur to the ICC)

Contemporary conflicts increasingly blur the lines between military and civilian spaces, particularly in urban settings, thereby heightening the risk of unlawful harm. Reports of strikes affecting civilian infrastructure and essential services further underscore the gap between legal obligations and operational realities. These developments reinforce a troubling truth that despite the robust protections afforded under IHL, civilians remain disproportionately affected by modern warfare.

Addressing this disconnect requires not only the reaffirmation of legal norms, but also genuine political will, accountability, and enforcement on the part of all State parties. Strengthening international justice systems, ensuring respect for humanitarian principles, and prioritising civilian protection in military decision making are not optional ideals but urgent necessities. Without these, the promise of protection under the law risks becoming merely theoretical.

Ultimately, the legitimacy of International Humanitarian Law depends not on its existence, but on its observance. Until parties to conflict consistently uphold their obligations, civilians will remain, in reality, protected in law but endangered in practice.