

RISK 2

ATTACKS ON CIVILIANS AND OTHER UNLAWFUL KILLINGS, AND ATTACKS ON CIVILIAN OBJECTS

WHAT ACTS OR SITUATIONS CONSTITUTE THE PRESENCE OF THE RISK?

This protection risk refers to attacks against civilians in a context of armed conflict. **Attack** means any act of violence against the civilian population and civilian objects, whether in offence or in defence, even if the attack does not lead to the death or injury of civilians. Unlawful attacks can result from a **direct attack** against civilians, an **indiscriminate attack** and a **disproportionate attack**. In International Humanitarian Law (IHL), it is fundamental to distinguish between civilians and combatants, as well as between military objectives and civilian objects. A **civilian** is any individual who does not belong to any of the various categories of combatants defined in the Geneva Convention and its Additional Protocols. They are persons who are not members of the armed forces and do not take part in hostilities. The **civilian population** comprises all persons who are civilians. While in situation of international armed conflict, it is easier to distinguish between combatants and civilians, in situations of internal armed conflicts that distinction can be less clear. **Civilian objects** are defined as all objects that are not military objectives. Towns, cities, villages, residential areas, dwellings, buildings, houses, schools, civilian means of transportation, hospitals, places of worship, displacement sites and cultural property are normally used for civilian purposes. and, as such, should not be subjects of attack. In doubt, they should be treated as a civilian object.

WHAT FACTORS MUST BE IDENTIFIED FOR MONITORING?

While monitoring this protection risk, it is important to report on all types of attacks, whether they are intentional or unintentional, directly or indirectly causing harm to civilian population and objects or perpetrated by State or non-State actors. It is also fundamental to identify whether attacks are **indiscriminate**: 1) when they do not distinguish between military and civilian population or objects (e.g. bombing a highly populated area); 2) whether the use of methods or means of warfare cannot be directed at a specific military objective; 3) the effects of which cannot be limited, (e.g. the use of cluster munitions in densely populated urban areas, the use of biological weapons and the use of mines in populated urban areas). It is essential as well to identify when attacks are **disproportionate**, when a party to the conflict carries out an attack on a military target which can be expected to cause loss of civilian life or injury to civilians or damage to civilian objects, which would be excessive (disproportionate) in relation to the concrete and direct military advantage anticipated (principle of proportionality). This risk is often the cause or driver of the other 14 protection risks.

WHAT INFORMATION & DATA CAN ILLUSTRATE THE PRESENCE OF THE RISK?

Generally, in situation of armed conflict there is a wealth of information on incidents, consequences of attacks and targeting. This data and information may be found beyond the monitoring done by the protection sector and requires a thorough analysis of primary and secondary sources. Civilians injured, killed, or incidents with direct impact on civilians or civilian infrastructure can be identified through: protection of civilian mechanisms, cluster-specific monitoring and data, research and analysis centres, human rights monitoring mechanisms and partners, media, protection monitoring, UN mission dedicated mechanisms, and national bodies. Often it may not be possible to have precise numbers or statistics on attacks, due to access and other constraints. It is therefore important to use observation, expert judgement, triangulate available information, and ensure the reporting on the protection risk, independently from available statistics.