

Fourth Geneva Convention (1949)

Protected Persons

Article 4

Persons protected by the Convention are those who, at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, **in the hands of a Party to the conflict or Occupying Power** of which they are not nationals.

Persons protected by... the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949, shall **not** be considered as protected persons within the meaning of the **present Convention**.

Additional Protocol I (1977)

Article 48 *(Basic rule)*

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 50 *(Definition of civilians and civilian population)*

A civilian is any person who does not belong to one of the categories of persons referred to in Article 4... of the Third Convention.... The presence within the civilian population of individuals who do not come within the definition of civilians does not deprive the population of its civilian character.

Article 51 (*Protection of the civilian population*)

The civilian population as such, as well as individual civilians, shall not be the object of attack. Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited.

Civilians shall enjoy the protection afforded by this Section, unless and for such time as they take a direct part in hostilities.

Indiscriminate attacks are prohibited. Indiscriminate attacks are: (a) Those which are not directed at a specific military objective; (b) Those which employ a method or means of combat which cannot be directed at a specific military objective...

[Prohibited attacks:] An 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.

The presence or movements of the civilian population or individual civilians shall not be used to render certain points or areas immune from military operations, in particular in attempts to shield military objectives from attacks or to shield, favour or impede military operations.

Article 54

(Protection of objects indispensable to the survival of the civilian population)

It is prohibited to attack, destroy, remove or render useless **objects indispensable to the survival of the civilian population**, such as foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works....

The prohibitions... shall not apply to such of the objects covered by it as are used by an adverse Party: (a) as **sustenance solely for the members of its armed forces**; or (b) if not as sustenance, then in **direct support of military action**, provided, however, that **in no event shall actions against these objects** be taken which may be expected to leave the **civilian population** with such inadequate food or water as to **cause its starvation or force its movement**.

British Air Staff memo, Sep 1941

The ultimate aim of an attack on a town area is to **break the morale of the population** which occupies it. To ensure this, we must achieve two things: first, we must **make the town physically uninhabitable** and, secondly, we must **make the people conscious of constant personal danger**. The immediate aim, is therefore, twofold, namely, to produce (i) destruction and (ii) fear of death.