

EXPLOSIVE WEAPONS IN POPULATED AREAS

Armed conflicts are increasingly fought in population centres, but often with weapon systems that were originally designed for use in open battlefields. When used in populated areas, explosive weapons that have wide-area effects are very likely to have indiscriminate effects. They are a major cause of harm to civilians and of disruption of services essential for their survival.

What are the weapons of concern and who uses them?

Explosive weapons are activated by the detonation of a high-explosive substance creating blast and fragmentation effects.

The explosive weapons raising concerns when used in populated areas are those having wide-area effects. There is generally no cause for concern when such weapons are used in open battlefields, but when they are used against military objectives located in populated areas their effects are often indiscriminate and devastating for civilians.

Explosive weapons might affect a wide area because of the large destruction radius of the individual munition used, the inaccuracy of the delivery system, and/or the delivery of multiple munitions over a wide area. These categories of explosive weapons include large bombs and missiles, indirect fire weapon systems such as mortars, rockets and artillery, multi-barrel rocket launchers and certain types of improvised explosive devices (IEDs).

Most armed forces and many non-State armed groups have these kinds of weapons. While their typical effects when used in populated areas are often foreseeable, parties to armed conflicts too rarely adapt their means and methods of warfare to urban environments.

What is a (densely) populated area?

The terms 'densely populated areas' and 'populated areas' should be understood as synonymous with 'concentration of civilians', defined in international humanitarian law as "a city, town, village or other area containing a similar concentration of civilians or civilian objects."

A victim's story

First I heard shelling. It sounded like machine guns. Then there was a terrible explosion. The earth was shaking. The walls were cracking. The plaster fell from the ceiling. I was holding my children as we crouched in a corner. It was so loud. I felt like my head would burst. I had to open my mouth to balance the pressure. About one hour later the night was quiet again and I dared to go upstairs where my suspicion that a bomb had caused the explosion was confirmed. Parts of the outer wall of my house had collapsed. All the windows were broken. Glass splinters and iron fragments from the bomb were spread all over the rooms. The bomb had completely destroyed a grocery store about 100 metres from my house. Across the street, about ten houses had been partially destroyed. Ten civilians had been killed and dozens were wounded.

As told to the ICRC.



What are the humanitarian consequences of the use of explosive weapons in populated areas?

Recent armed conflicts have shown that the use of explosive weapons that have wide-area effects in populated areas is a major cause of civilian casualties and of damage to or destruction of civilian homes and critical infrastructure.

The consequences on the health of civilians are not limited to death, physical injury and disability, but also include long-term impacts on mental well-being. The ability of health-care facilities and services to cope with a massive influx of wounded people and the injuries they present, and to provide adequate care, is also significantly affected.

Less visible but equally devastating are the reverberating effects of an attack using explosive weapons in populated areas, as consequences of incidental damage to critical infrastructure. For example, damage to a hospital is likely to cause disruption to medical services, which in turn is likely to lead to the death of patients. Damage to critical infrastructure such as water and electrical facilities and supply networks, which are particularly vulnerable to the effects of explosive weapons, can cause severe disruption to the essential services on which civilians depend for their survival, leading to the spread of diseases and further deaths.

Such effects are accentuated where there is protracted use of explosive weapons in populated areas over a prolonged period of time. Ultimately, those who survive may have no choice but to leave, increasing the number of displaced people.

ICRC and International Red Cross and Red Crescent Movement position

The ICRC and the International Red Cross and Red Crescent Movement are calling on parties to armed conflicts to avoid using explosive weapons that have a wide impact area in densely populated areas due to the significant likelihood of indiscriminate effects.

A victim's story

Our neighbourhood has been subjected to bombings countless times; sometimes the attacks lasted for days. The sound of the explosions and the trembling of the earth was terrifying. We never knew if we would be the next ones to lose our home. My five-year-old daughter was particularly affected and she has lost her speech. This is when we decided to leave. We have been refugees for over a year now and still she does not talk. The slightest sound makes her wince.
As told to the ICRC.

What does international humanitarian law (IHL) say about the use of explosive weapons in populated areas?

Although the use of explosive weapons in populated areas is not expressly regulated by IHL, any such use must in all circumstances comply with IHL rules regulating the conduct of hostilities – in particular the prohibition of direct attacks on civilians or civilian objects, the prohibition of indiscriminate and disproportionate attacks, and the obligation to take all feasible precautions in attack.

Indiscriminate attacks are those that strike military objectives and civilians or civilian objects without distinction, notably because they employ a weapon which cannot be directed at a specific military objective or the effects of which cannot be limited as required by IHL.

Disproportionate attacks are those 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.

Evidence arising from the recent use of explosive weapons in populated areas raises serious questions regarding how those using such weapons are interpreting and applying IHL rules. Given the foreseeable effects of explosive weapons, an attacking party's ability to comply with IHL insofar as populated areas are concerned depends on its choice of means and methods of warfare. It must respect IHL in all circumstances, even if alternative, more discriminate weapons or tactics are not available to it.

A victim's story

In the middle of the afternoon, I was sitting in the front yard of our house talking to my family, when we heard an artillery shell land in the garden next door. Within seconds, the house was hit by another shell. That was the one that killed ten members of my family, including five children and three women. Three others were injured, including one woman who died of her wounds three weeks later.
As told to the ICRC.



Is there a need for new rules to regulate the use of explosive weapons in populated areas?

There are divergent views on whether existing IHL rules are sufficient to regulate the use of explosive weapons in populated areas, or whether there is a need to clarify their interpretation or to develop new standards or rules to better protect civilians in populated areas.

These divergences in experts' views and in the practice of militaries may point to ambiguities in the interpretation of these IHL rules. These ambiguities need to be resolved in accordance with the overarching objective of these IHL rules to protect civilians and civilian objects.

Is not the problem that some parties deliberately shield their military operations in populated areas?

Urban warfare, in which military objectives are intermingled with civilians and civilian objects, presents many challenges for armed forces. Too often, an enemy will deliberately shield its military activities in populated areas, thus endangering the civilian population. However, such unlawful behaviour does not relieve the military commanders from their responsibility to minimize the incidental effects on civilians of an attack. Such a responsibility is heightened in densely populated areas and may require the use of alternative weapons and/or tactics.

Further reading

- ICRC, *Explosive Weapons in Populated Areas: Humanitarian, Legal, Technical and Military Aspects*, Report on Expert Meeting, Chavannes-de-Bogis, 24-25 February 2015, Geneva, June 2015.
- ICRC, *International Humanitarian Law and the challenges of contemporary armed conflicts: Report*, October 2015, pp. 47-53.

All documents are available on ICRC website:
www.icrc.org/ewpa