**Documenting** 5

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**Deliberate and**

**Indiscriminate Attacks**

As the majority of the civilian population, women, children and older people are particularly vulnerable to attacks by either party to the conﬂict, which often result in death, maiming or other injuries. Some of these attacks may be deliberate, while others are indiscriminate. The deﬁnitions and differences between the two are highlighted below.

Civilian casualties (what military spokespersons refer to as ‘collateral damage’) are to be expected in war. But there are clear principles that set limits on the conduct of hostili- ties and in particular outlaw the use of certain methods of warfare. These principles are designed to protect civilian lives to the maximum extent possible. They can be summarized as follows:

Killings and Attacks According to the Laws of War

KEY PRINCIPLES

**Prohibitions**

* **The civilian population, including individual civilians, shall not be targeted for attacks or killings.**
* **Prisoners of war, the wounded and the sick and, more generally, anyone who is not or is no longer engaged in combat, shall not be the subject of attacks or killings.**

Not all killings and attacks are prohibited by IHL. Armed forces are not prohibited from attacking or killing individuals taking a



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**Example:** Attacks on villagers in the eastern part of the Democratic Republic of Congo (DRC)

direct part in hostilities, such as soldiers or members of armed opposition groups. As long as those taking part in hostilities are not prisoners or have not put down their arms, they may be legally killed according to the laws of war.

**Principle of Distinction**

**– Parties to a conﬂict should at all times distinguish be- tween the civilian population and combatants and be- tween civilian objects and military objectives. Accordingly, they shall direct their operations only against military objectives.**

“Military objectives are limited to those objects, which, by their nature, location, purpose or use make an effective con- tribution to military action and whose total or partial destruc- tion, capture or neutralization, in the circumstances ruling at the time, offers a deﬁnite military advantage.” (Article 52(2) of Protocol 1)

Under international law, if it is unclear whether a target is used for military purposes, it should be assumed and treated as if it is not.

In the attacks reported below, there is very little doubt that all parties to the conﬂict in the DRC intentionally targeted civilians for attacks and killings, in many cases in revenge for defeat or losses. According to the authors of the report, most of the victims appear to be women, children and the elderly who had not been able to ﬂee or who thought they would not be targeted by combatants.

### **Deliberate Attacks or Killings**

“[...] After being defeated in battle by a combination of MLC (Movement for the Liberation of Congo) and Ugandan forces in July 1999, retreating FAC (Congolese Armed Forces) soldiers in Kodoro and Boso-Ngombo areas of Basankusu territory, Equateur province, reportedly killed many unarmed civilians, including women and children. Most of those killed were re- portedly from the Ngombe ethnic group which the government soldiers accused of supporting the MLC. The victims included Pius Andapongo, a local chief of Boende-Moera, who was reportedly found by FAC soldiers in possession of a letter in which he had allegedly asked the MLC to intervene and stop human rights violations by the FAC in his area. The soldiers also reportedly raped many women, including Claire Mokbulu who was raped by 12 soldiers at Djombo and a 12-year-old girl who was raped by two soldiers at Boso-Nduku.

“[...]On 17 March 1999, members of the RCD (*Rassemblement Congolais pour la Democratie*) reportedly killed at least 109 people at Budaha in Burhinyi county. The massacre **followed** several days of ﬁghting in nearby Mukungwe and neighbouring villages of Ngweshe country between members of the RCD and mayi-mayi, during which many RCD combatants were report- edly killed [...] The killings at Budaha were apparently **in revenge** for the losses the RCD suffered during the ﬁghting [...]

Deliberate killings are those that are intentional and have not occurred by accident or because of ignorance or self- defence. They are unlawful when the victims are civilians or persons *hors de combat.*

A deliberate attack on civilians results when an armed force intentionally targets and attacks civilians. Women and children often ﬁnd themselves the victims of attacks because they are easily located in their homes by army and paramilitary patrols.

“Between 15 and 20 October 1999, RCD soldiers publicly killed at least 12 women — some of whom were buried alive after being tortured, including raped — accused of witchcraft in Mwenga, South-Kivu.

“According to several human rights groups and other sources in eastern DRC, on 23 October 1999 RCD-Goma combatants shot dead at least 50 unarmed civilians, many of them women trad- ers, at Kahungwe market which is situated some 40 kilometres north of Uvira in South-Kivu province.

“[...] In late July to early August 1999 Burundian government soldiers attacked the villages of Bulunga and Buzimba, setting many houses on ﬁre. Some of the victims were lepers living in Buzimba.”56

### Indiscriminate Attacks

An indiscriminate attack on civilians results when an armed force attacks a military objective with reckless disregard for the likely impact such an attack will have on civilian lives. Its main characteristics are as follows:

**Circumstances:** Presence of both military objectives and civilians within a given area.

**Purpose of the attack:** civilians and civilian deaths are not the purpose of the attack. The attack is arguably directed at the military objective in the area. (If the attack was aimed at civilians, then it would be a deliberate rather than an indiscriminate attack).

1. Amnesty International, *Democratic Republic of Congo: Killing Human Decency*, May 31, 2000, AI Index: AFR 62/07/00, p.20.

**Consideration of the impact of the attack:** The attack is launched without any or sufﬁcient consideration of its likely impact on civilians. The means or weapons used prove that the attack forces did not properly consider the impact of the attack on civilians.

**Precautions to prevent civilian casualties:** The attack is launched without any precautions taken to avoid civilian casualties. IHL speciﬁcally identiﬁes a number of precau- tions that parties to the conﬂict should take before launch- ing an attack on an area in which civilians are present.

#### Types of indiscriminate attacks

Indiscriminate attacks may include the following (in accor- dance with article 51 of Additional Protocol 1):

#### Attacks that are not directed at a speciﬁc military objective

These attacks include engaging in ‘blind ﬁre’ into enemy ter- ritory, ﬁring without any reliable information on supposed targets, orders for aircrews to release bombs anywhere over enemy territory before returning to base, attacks which treat as one military objective, and subject to ‘area bombardment’, a number of clearly distinct and separated military objectives located among the civilian population.

#### Example:

In the case below, the two girls narrowly escaped death, having found themselves caught in an armed confronta- tion.

“[...] *They almost killed two of my daughters in an armed confrontation. The girls had gone to wash clothes in the stream and the guerillas arrived to bathe. Then an army*

*patrol arrived and the girls ran back to the house with the patrol ﬁring at them* [...]” 57

#### Example:

The attack described below reveals a reckless disregard for civilian lives by the armed forces. In some cases, soldiers from the other party to the conﬂict had already evacuated the areas before the attack took place, in others, civilians ﬂed early in the course of the attack. In addition, there does not appear to have been any attempt to distinguish between civilians and speciﬁc military targets.

“*From mid-October onwards, the AFDL (Alliance of Demo- cratic Forces for the Liberation of Congo-Zaire) attacked the refugee camps in South-Kivu, one after another [...] Some or all of the camps had a military presence. The United Nations High Commissioner for Refugees (UNHCR) had sponsored a contingent of Zairian soldiers to provide security in the camps, and some Zairian troops had been sent to areas near refugee camps as part of the counter-insurgency operations. In at least some instances, the Zairian soldiers ﬂed before the at- tack started. The camps also contained armed members of the former Rwandese army and interahamwe militia respon- sible for the genocide in Rwanda in 1994, and members of a Burundian armed opposition group. However, the assaults were not conﬁned to military objectives, and there is evidence of indiscriminate killings of unarmed victims in the course of some of the attacks*.” 58

1. Extract from Amnesty International, *Just what do we have to do to stay alive? – Colombia’s internally displaced: dispossessed and exiled in their own land*, London: Amnesty International, AMR 23/048/1997, 1997.
2. Extract from Amnesty International, *Zaire: Hidden from Scrutiny*, 1996 (Index: 62/029/1996)

#### Attacks that employ a method or means of combat that cannot be directed at a speciﬁc military objective

The weapons used can be said to be indiscriminate by their very nature because they are not accurate, such as anti- personnel landmines and cluster bombs. The use of some weapons is strictly prohibited under IHL.

**Example:** mines

Scores of civilians, even after the war has ended, are killed or maimed because of the use of indiscriminate weapons such as anti-personnel mines or anti-tank mines by all parties to a conﬂict. In the large majority of cases, armed forces do not erect warning signs to prevent unlawful ca- sualties among civilians. They also often lay mines where they are most likely to injure or kill civilians, such as on roads, near wells, around villages and in ﬁelds. They also do not always keep records of where mines have been laid, rendering any de-mining efforts after the war has ended very difﬁcult and dangerous. In addition to being indiscriminate in their effect, anti-personnel or anti-tank mines also cause unnecessary suffering to those taking an active part in a conﬂict.

In 1997, the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (Mine Ban Treaty) was signed by 122 countries and came into force on March 1, 1999. By May 25, 2000, 137 states had signed the Mine Ban Treaty, but there are still many that have not yet signed. Some of these countries are major producers or stockpilers, such as China, India, Pakistan, Russia and the USA.

**Example:** cluster weapons

Cluster weapons are not banned under international law, but by their nature they are very likely to violate the prohibition against indiscriminate attack. In addition, unexploded sub- munitions are a continued threat to anyone who comes into contact with them. According to press reports, dozens of civilians have been killed in Kosovo since the end of the air campaign by the accidental detonation of unexploded cluster bomblets and landmines. One year after the conﬂict, there are still thousands of unexploded canisters in Kosovo alone. Many of these bomblets are embedded beneath the surface of the soil and are not easily detected.

#### Attacks that are likely to hit military objectives and civilians or civilian objects without distinction because of the method or means of combat employed

This category refers to the use of weapons that affect wide areas, or attacks on military objectives whose destruction is likely to impact on civilians.

**Example:** Attacks on chemical plants or nuclear power plants.

### Evidence and Information Required

In essence, the investigation of attacks and killings require the following actions to be carried out:

* Monitoring of the armed conﬂict;
* Keeping track of all allegations of attacks and killings and their evolution;
* Identifying patterns regarding attacks and killings;
* Identifying patterns regarding the identity of the victims, the locations of the attacks, the methods used, the cir- cumstances, the alleged perpetrators, ofﬁcial responses;
* Conducting fact-ﬁnding missions, and asking yourself the following key questions:
* Is it safe to go to the scene? Are there alternative places where I can gather further information and evidence?
* What kind of evidence do I need in order to establish that abuse took place? (see below)
* Who is most likely to give me access to this evidence?
* Assessing information, including the following key issues:
* Whether the reported allegation or incident violates in- ternational humanitarian standards (see below);
* Reliability of the primary (and at times only) source;
* Consistency of the allegation with the pattern of abuse;
* Validity or consistency of medical and other evidence;
* Reliability of testimony;
* Responsibilities and identiﬁcation of the perpetrators.

In addition to the general steps identiﬁed in Chapters Three and Four of this manual, to which you should refer, the investigation and assessment of attacks and killings require the following speciﬁc set of information and evidence:

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| **3.1 Identity of the Victims** |
| **Evidence**  You must prove that the victims were civilians or persons *hors de combat* |
| **Information required**   * Victims’ names, occupation, occupation at the time of the attack or killing, age, ethnicity, possible links to armed forces, etc.; * Number of civilians killed or wounded; * Number of armed forces’ members killed or wounded. |
| **Assessment**  Did the victims belong to any of categories considered to be illegitimate targets under IHL? (see p. 112) |

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| **3.2 Military objectives** |
| **Evidence**  You must discover whether there were any military objectives in the area. |
| **Information**  Military objectives in the area; how far they are from civilians; presence of military objectives in the area in the past and how long ago they were there; timing and duration of the attack. |
| **Tips**  Ask witnesses to identify the approximate location of the civil- ian population, the military presence and potential targets, or to assess the approximate distances. If you are outside the area where the attack took place, refer to a detailed map. |
| **Assessment**   * If there were no military objectives at the time of the attack, you can safely conclude that the civilians were deliberately targeted. * If there were military objectives at the time of the attack, then the attacks may have been indiscriminate. |

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| **3.3 Precautions taken before the attack** |
| **Evidence**  You must prove that no or insufﬁcient precautions were taken before the attack. |
| **Information**   * Ask witnesses whether they received any warning (i.e. leaf- lets dropped from airplanes asking civilians to leave; broad- casts informing them that they would be attacked) and how much time after these warnings they had to leave. * Ask attacking forces what type of precautions they took to prevent loss of civilian life, i.e. how much knowledge did they have of the area under attack, and what, if any, type of system they used to locate their target (i.e. forward observers, aerial surveillance, radar systems). |
| **Assessment**  – Compare the precautions taken with the list of precautions required according to IHL (provided at the end of this sec- tion). If no warnings were issued to civilians, you can argue that the attack was indiscriminate (unless it appeared that warning them was totally impossible). |

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| **3.4 Nature and accuracy of the weapons** |
| **Evidence**  You may need to prove that the weapons used were inherently indiscriminate or that they lacked in accuracy. |
| **Tips**  Military personnel who were present at the time of the attacks are your best sources for this type of inquiry. If you are unable to interview them, ask other eye-witnesses to describe the attacks (i.e. the noise made by the bombs, their effects, etc.). Their information may allow your contacts who have military expertise to draw conclusions on what kinds of weapons were used. |
| **Information**   * The type of weapons system used and its accuracy, taking into account the range at which it was ﬁred, the size of the military objective, the weather or other conditions (including any immediate threats faced by those ﬁring it); * The type and quantity of ammunition used in the attack; * If the attack was from the air (warplane, helicopter), the type of aircraft used in the attack and height and distance from the target. |
| **Assessment**   * If the weapons used were prohibited under IHL or consid- ered as inherently indiscriminate such as landmines, you can conclude that the attack was indiscriminate and the killings unlawful. * If the weapons used were inaccurate because of the cir- cumstances (i.e. bad weather), the forces attacking were under the obligation to stop the attack. If they failed to do so, the killings should be considered as unlawful. |

### Challenges to Documentation

In your investigation of killings and attacks, you are likely to face many challenges. The following section aims to provide you with possible solutions to address these chal- lenges.

#### Logistical and security risks

The best way to analyze any particular incident in which allegations of unlawful civilian killings are made is to send a research mission to the site to investigate as soon as possible after the attack. The promptness of the mission is essential in order to assess the damage suffered before the evidence is removed or altered.

However, in many cases, you will be unable to get to the area where the attack took place because of logistical or security risks. You will be unable to interview survivors, gather material evidence, such as bullets or bomb shells, or assess the distance between the possible military objectives and the civilians.

#### Possible solutions

* Please refer to the section on fact-ﬁnding in Chapter Four of this manual.
* Attempt to interview those who have ﬂed the area. They include eye-witnesses to the attack (who may have found refuge in other regions or in IDP or refugee camps. Some key witnesses may be able to escape and you may gain access to them through your contacts). Others who you may ﬁnd it useful to interview include military or civilian personnel who have left the area, especially ICRC or Red Cross/Red Crescent personnel, medical staff who treated casualties and UN and NGO staff.
* Procure and study detailed accurate maps of the area.
* Gather and study the armed forces’ public statements and reactions to allegations, its reports on how it con- ducted the air campaign, its accounts of particular inci- dents and general explanations of operational prac- tices.
* Gather and study news reports, government and UN reports.
* Consult with experts.
* Meet with ofﬁcial delegations to discuss your concerns and to listen to their version of the attacks.

#### Lack of military or weapon expertise

You may ﬁnd yourself unable to assess the nature of the methods or weapons used, whether their effect could be described as inherently indiscriminate, and whether they may even be unlawful weapons by their very nature.

#### Possible solution

The only approach to this challenge, besides building your own expertise over time (through researching such abuse and consulting specialized journals), is to seek assistance from experts in military engagement and weapons. Only then will you be able to reach some conclusions regarding the weapons or the methods used, i.e. whether they may have been indiscriminate. To assist these experts in their analyses and conclusions, you should gather as much information as possible and get detailed testimony from eye-witnesses.

#### Deliberate versus indiscriminate attacks

You may investigate many situations in which it is not always clear whether the forces deliberately targeted civil- ians or whether they sought to attack a military objective

without sufﬁcient consideration of the impact of the attack on civilians.

#### Solution

Remember that it may not always be necessary to deter- mine conclusively whether a particular attack was deliber- ate as opposed to indiscriminate — if it was either, any civilian deaths resulting from it were unlawful.

#### Legitimate versus illegitimate targets

Parties to the conﬂict may argue that the individuals tar- geted for killings were legitimate, in other words, that they were not civilians or persons *hors de combat*. This line of argument may be especially used in the case of civilians who may have some links with the armed forces, such as public servants, or, indeed, those providing shelter to armed forces.

#### Possible solutions

Please refer to the list at the end of this section, which includes persons who should always be considered as il- legitimate targets, according to IHL and human rights work.

Most importantly, you should remember that there must be a presumption of civilian status unless shown otherwise. The alleged perpetrators should explain why they consider that their target was a legitimate one. It will then be up to you to prove that this was not the case.

#### Collateral damages

preclude collateral damages. For instance, NATO has argued that its attack on the Serbian state television and radio sta- tion (RTS) on April 23, 1999 was legitimate because RTS was a propaganda organ and that propaganda is direct support for military action. Both the ICRC and AI have convincingly demonstrated that the target was not a legitimate military objective, that the resulting civilian casualties were unlaw- ful, and therefore that the attack constituted a war crime. They relied on the deﬁnition and expert interpretation of military objective provided by Article 52(2) of Protocol 1.59

#### Possible solutions

Familiarize yourself with the deﬁnition of military objec- tives provided by IHL (see above).

Many IHL standards have been interpreted by the ICRC, legal or military experts. You should study their interpreta- tions, review the literature on the subject, if available, ask legal students to ﬁnd legal documentation on the subject, etc. Whenever possible, you should contact ICRC representa- tives, or legal or military experts for their opinion.

Even if the target was indeed legitimate as argued, this does not necessarily imply that the killings of civilians were legal. Two questions must be asked: Were the means or weapons used accurate enough? Were all necessary precau- tions taken to prevent civilian casualties?

#### Precautions taken to avoid civilian casualties

Parties to the conﬂict may argue that they took all neces- sary precautions to avoid civilian casualties.

Parties to the conﬂict may argue that an attack was aimed

at a legitimate military objective and that the deaths of civilians were unfortunate but that the laws of war do not

1. Amnesty International, NATO/Federal Republic of Yugoslavia. *Collateral Damage” or Unlawful Killings? Violations of the Laws of War by NATO during Operation Allied Force*, June 2000, AI Index EUR 70/18/00.

#### Possible solutions

Compare the ofﬁcial reports on the precautions taken with the list of measures identiﬁed by the laws of war, which parties to a conﬂict should follow before attacking an area with known civilian presence. Even the ofﬁcial version may indicate gaps in what the forces should have done.

Compare the ofﬁcial reports on the precautions taken with what eye-witnesses are reporting. There may be discrepan- cies, i.e. the armed forces may claim to have taken precau- tions that, in fact, were not implemented. The failure on the part of the attacker to take such measures should be seen as demonstrating the unlawful nature of the attack.

#### Use of human shields

Force A (responsible for the attack) may argue that Force B was using civilians as human shields.

#### Possible solution

The laws of war provide you with a response to this type of assertion. The use of human shields to prevent an attack on military targets is prohibited, so Force B would be clearly violating the laws of war. However, this violation does not justify the attack — in other words, under IHL, Force A still has the legal obligation not to attack civilians. Furthermore, again by virtue of IHL, the presence within the civilian population of individuals who do not fall under the deﬁnition of civilians does not deprive the population of its civilian character.

#### Difﬁculty in determining responsibility

You may ﬁnd it difﬁcult to determine which forces were responsible for the attacks or the killings, whether deliber- ate or indiscriminate. In some situations, all parties to the

conﬂict may deny responsibility for particular attacks or killings, or accuse the other parties to have launched the particular attack or to be responsible for the particular killings.

#### Possible solutions

Here, your knowledge of patterns is essential. Although you may never be able to reach deﬁnite conclusions, you may be able to link the attack to an overall pattern and *allege* where responsibility lies. The circumstances and tar- gets of the attacks, the methods and type of weapons used, the identity of the civilians, etc. may all ﬁt a particular pattern.

Please refer to Chapter Four of this manual for a list of patterns and key issues, and questions to guide the assess- ment of responsibilities.

#### Exposing the gender dimension of the attack

Although an increasing number of reports on violations of the laws of war list the gender and age of victims, or highlight the fact that many victims were women and children, many other gender-based dimensions of the at- tacks and the killings are overlooked. The reasons may include lack of time, too many abuses to document and absence of a gender-sensitive approach.

#### Possible Solutions

As stressed throughout this manual, abuses in armed con- ﬂicts are not gender-neutral. Some of the objectives of your monitoring and advocacy work, besides seeking redress and justice for the victims, is to ensure that the voices of women in armed conﬂicts and post-conﬂict situations are not silenced, to shape knowledge, and to question

traditional versions of warfare and history. It is therefore essential that in the course of your documentation and reporting, you always seek to expose the gender-speciﬁc dimensions of the attacks or killings, as well as their pos- sible interaction with other identity markers such as eth- nicity, religion and race.

The key issues that guide this exercise have been identi- ﬁed in another manual.60 They can be summarized as the research and analysis of the impact of gender and other identity markers on the circumstances, causes and conse- quences of attacks, the identity of the victims and their access to remedies.

### **List of Illegitimate Targets of Attacks**

Individuals killed who belong to any of the following cat- egories are considered to be illegitimate targets. Their kill- ing is therefore unlawful.

* Civilians who have no direct link to armed forces, the government, or armed opposition groups;
* Civilian ofﬁcials who perform a public function which is not directly related to the conduct of hostilities (such as mayors of cities or villages);
* Civilians performing contract work for armed forces, provided that this work is not directly related to the conduct of hostilities (such as construction workers);
* Public servants (provided they are not members of the armed forces);
* Workers in factories related to the war (such as arma- ment factories);

1. Agnès Callamard, *Methodology for Gender-Sensitive Research*, AI-Canada and ICHRDD, Montréal, 1999.

* Civilians who voluntarily or involuntarily provide shel- ter or food to members of armed forces;
* Medical personnel (such as Red Cross and Red Crescent personnel);
* Civil defence personnel (meaning persons involved in organizing assistance to the civilian population);
* Soldiers who are *hors de combat* (such as wounded, sick or captured soldiers, or soldiers who have surrendered);
* Religious personnel, whether military or civilian, attached to the armed forces and exclusively engaged in offering spiritual assistance;
* Civilian journalists who are attached to or who accom- pany armed forces.

### **Standards Related to Precautions to Prevent Civilian Casualties**

**or Collateral Damages**

Articles 57 and 58 of the Additional Protocols to the Geneva Conventions relating to the Protection of Victims of Inter- national Armed Conﬂicts state the following:

1. *In the conduct of military operations, constant care shall be taken to spare the civilian population, civilians and civilian objects.*
2. *With respect to attacks, the following precautions shall be taken:*
   1. *those who plan or decide upon an attack shall*
      1. *do everything feasible to verify that the objectives to be attacked are neither civilians nor civilian objects*

*and are not subject to special protection but are military objectives within the meaning of paragraph 2 of Article 52 and that it is not prohibited by the provisions of this Protocol to attack them;*

* + 1. *take all feasible precautions in the choice of means and methods of attack with a view to avoiding, and in any event to minimizing, incidental loss or civil- ian life, injury to civilians and damage to civilian objects;*
    2. *refrain from deciding to launch any 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 advan- tage anticipated;*
  1. *an attack shall be cancelled or suspended if it becomes apparent that the objective is not a military one or is subject to special protection or that the attack 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 con- crete and direct military advantage anticipated;*
  2. *effective advance warning shall be given of attacks which may affect the civilian population, unless circumstances do not permit.*

1. *When a choice is possible between several military objec- tives for obtaining a similar military advantage, the objective to be selected shall be that the attack on which may be expected to cause the least danger to civilian lives and to civilian objects.*
2. *In the conduct of military operations at sea or in the air, each Party to the conﬂict shall, in conformity with its rights and duties under the rules of international law applicable in armed conﬂict, take all reasonable precautions to avoid losses of civilian lives and damage to civilian objects.*
3. *No provision of this Article may be construed as author- izing any attacks against the civilian population, civil- ians or civilian objects.*

#### Art. 58. Precautions against the effects of attacks

*The Parties to the conﬂict shall, to the maximum extent feasible:*

* 1. *without prejudice to Article 49 of the fourth Conven- tion, endeavour to remove the civilian population, indi- vidual civilians and civilian objects under their control from the vicinity of military objectives;*
  2. *avoid locating military objectives within or near dense- ly populated areas;*
  3. *take the other necessary precautions to protect the ci- vilian population, individual civilians and civilian objects under their control against the dangers resulting from military operations.*