

Factual Circumstances	Applicable Law	Commentary
<p>Antonov bombers are inaccurate and indiscriminate weapons.</p>	<p>between combatants, who may take a direct part in hostilities and be attacked themselves, and non-combatants, who do not take a direct part in hostilities and cannot be attacked or used as human shields.</p> <p><b>Indiscriminate attacks are illegal under customary law. These include:</b></p> <ul style="list-style-type: none"> <li>(1) widespread and intended damage of civilian property ("wanton destruction")</li> <li>(2) attacks that are not targeted at military objectives;</li> <li>(3) the use of weapons that cannot be properly targeted ;and</li> <li>(4) attacks that treat an area with similar concentrations of military and civilian objectives as a single military objective;</li> <li>(5) use of weapons that have an uncontrollable effect;</li> <li>(6) an attack that may be expected to cause harm to civilians or civilian objectives in excess of the concrete and direct military advantage anticipated.</li> </ul> <p><b>Art. 38(4) CRC states:</b></p> <p>"In accordance with the parties obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure the protection and care of children who are affected by an armed conflict."</p> <p><b>Article 6(1) ICCPR states that:</b></p> <p>"Every human being has the inherent right to life. This right shall be protected by law. No one shall arbitrarily be deprived of his life."</p>	<p>⇒ Intentional, deliberate and willful killing and targeting of civilians is a war crime, and a crime against humanity when committed as part of a widespread or systematic attack directed against a civilian population. The Statute of the International Criminal Court (ICC) lists as war crimes in internal conflicts several serious violations of Common Art. 3 including violence to life and person including murder, outrages upon personal dignity, and summary executions. Serious violations of customary law that are war crimes include intentional attacks on the civilian population and individual civilians, pillage and rape. In addition, persons found responsible for indiscriminate attacks on civilians that result in extensive, unnecessary and willful damage may also be guilty of the crime of wanton destruction.</p> <p>⇒ UN General Assembly resolution 2444 (XXIII) of 19 December 1968 on respect for human rights in armed conflicts, the recognized the principle of civilian immunity and affirmed that "it is prohibited to launch attacks against civilian populations as such."</p> <p>⇒ Indiscriminate and arbitrary attacks on civilians are in violation of the non-derogable right to life articulated in the ICCPR, the AC and</p>