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Beyond the Battlefield: Reassessing the Protection of Civilians in Urban Warfare under International Humanitarian Law

ABSTRACT

Armed conflicts in urban environments are increasingly jeopardising the civilian rights and causing unimaginable damage to the urban infrastructures, devastating the economy and civilian protection. Despite the existence and execution of security mechanisms under International Humanitarian Law, urban warfare has escalated civilian harm, emphasising legal and practical obstacles to the effective application of key International Humanitarian Law principles, namely precaution, distinction and proportionality. The prevailing International Humanitarian Law principles render civilian security; however, their enforcement is often hindered by uneven compliance, widening the accountability gap in the operative protection mechanisms. This paper analyses the effectiveness of civilian protection under International Humanitarian Law in the context of urban warfare, and how civilian casualties are further affected by accountability incongruities within the standardised framework of International Humanitarian Law. By following a doctrinal legal analysis and a qualitative approach along with a limited comparative study of another international body in implementing its principles, the paper examines the legal architecture that governs civilian protection and the persisting challenges of urban warfare, wherein it argues that the central hindrance of the accountability gap does not rest only on weak legal protections but on the combined interaction of structural and enforcement challenges. Further, this paper evaluates the difficulties of enforcement, investigation and attribution that limit effective compliance within International Humanitarian Law principles. Conclusively, it proposes measures to strengthen compliance and accountability, thereby enhancing civilian protection in contemporary urban warfare.

KEYWORDS

International Humanitarian Law, Civilian Protection, Urban Warfare, Accountability, and Laws of Armed Conflict.

1. INTRODUCTION

The present era of armed conflicts has been increasingly noted to be fought in urban environments that are heavily populated, which makes civilians vulnerable to unprecedented risks despite the existence of

standard protections guaranteed under the International Humanitarian Law. Such widespread conflicts not only bring devastation to the civilian infrastructure, like food supply, water, housing, energy plants, industrial quarters and the economy as a whole, but also wreck and disrupt civilian lives. In addition to that, urban warfare exposes civilians to large-scale displacement. It causes unthinkable civilian casualties that gravely affect the quality of life of people and the resources required for the reconstruction of all the damage that has occurred.

And while International Humanitarian Law has developed significantly to address the humanitarian consequences of twentieth-century armed conflicts, persisting urban warfare exposes several obstacles that are present within its structure, including challenges directly impacting civilian protection, which are further enhanced by non-compliance of execution mechanisms, that, under certain circumstances, fail to address its desired obligations. This leads to immeasurable loss of human lives and amounts to significant civilian harm that the law aims to diminish.

And as such, this paper investigates the alarmingly increasing civilian casualties in urban warfare today. It examines the effectiveness of civilian protection under International Humanitarian Law, thereby assessing the law's efficiency and analysing the accountability gap that undermines civilian security. The study shows that urban warfare has exposed structural barriers to implementing International Humanitarian Law principles, while existing accountability deficits compound these barriers. Together, these two issues contribute to the widening gap between legal protection and practical enforcement. This paper examines the rationale for the persistence of the protection gap and proposes measures to address the aforementioned issues to ensure civilian protection.

2. LEGAL FRAMEWORK FOR CIVILIAN PROTECTION UNDER INTERNATIONAL HUMANITARIAN LAW

Before World War II, protection norms and legal rules were particularly tailored to combatants, and efforts were made to codify warfare norms without any explicit enforcement of civilian protection. These included the Lieber Code of 1863 and the Hague Conventions of 1899 and 1907, under which combatant rights and duties, limitations, permissible weapons use, and warfare tactics were codified, with combatants as the primary focus rather than civilians.¹

¹ *The Evolution of Civilian Protection Under the Geneva Conventions*, TheLaw.Institute, <https://www.icrc.org/en/document/how-humanitarian-corridors-work> (last visited June 16, 2026).

However, after World War II, the civilian casualties significantly raised questions relating to protection, where millions became victims of war atrocities and were subjected to bombings, deportations, torture, and exterminations. And while the first three Geneva Conventions addressed combatant-related norms, the fourth Geneva Convention, which came into force on Oct 21, 1950, focused on prisoners of war, wounded and the protection of civilians.²

2.1 *The Geneva Convention IV*

The Fourth Geneva Convention protected civilians in occupied and enemy-controlled territories, with due regard to humane treatment and other necessities, such as medical care, family unity, and occupational safety. It prohibited attacking civilians, taking hostages, giving out collective punishments and deportations.³ This led to the establishment of civilian-focused protection norms that safeguarded civilian rights. This convention also broadened the horizons of humanitarian law by extending the applicability of the laws between signatory nations, even without a formal declaration of war, to situations with persistent war characteristics. It also included, alongside its predecessor conventions, the applicability of humanitarian law to non-international armed conflicts, thereby extending the law to situations of civil war and to non-state armed forces. Furthermore, the convention rendered humanitarian aid, facilitating access to relief supplies and safeguarding women, children, medical staff, and internees.⁴

2.2 *Additional Protocols 1977*

The 1977 Additional Protocols brought a more developed set of rules to the Geneva Conventions by expanding protections for civilians and clarifying norms. Protocol I applies to international armed conflicts (interstate war), and codifies principles such as distinction, proportionality, and precaution.⁵ It has inhibited indiscriminate attacks, safeguarded civilian infrastructure such as schools and hospitals, and, in relation to combatants, protected them during anti-colonial liberation.⁶

Subsequently, Protocol II applies to non-international armed conflicts (civil wars and internal disputes) and upholds humanitarian protections for warfare not covered by the Geneva Convention IV. It also prohibits

² Wikipedia, https://en.wikipedia.org/wiki/Fourth_Geneva_Convention (last visited June 13, 2026).

³ *Id.*

⁴ *The Evolution of Civilian Protection Under the Geneva Conventions*, *supra* note 1.

⁵ *Geneva Conventions and their Protocols*, Legal Information Institute, https://www.law.cornell.edu/wex/geneva_conventions_and_their_additional_protocols (last visited June 15, 2026).

⁶ *The Evolution of Civilian Protection Under the Geneva Conventions*, *supra* note 1.

targeting civilians, forced displacement and collective punishment, along with ensuring the humane treatment of non-participants of war. These protocols recognised civilians as the victims of warfare, by also strengthening norms against disproportionate and indiscriminate attacks.⁷ Moreover, internal wars were not previously regulated under International Humanitarian Law, but the protocols extended jurisdiction to the said wars.

2.3 Principle of Distinction

The principle of distinction was broadly applied under Convention IV, codified under Article 48 and states that parties to a conflict must always distinguish between combatants and civilians, and between military objectives and civilian objects; it also establishes that civilians and their property must be protected, and that only combatants and military objectives may be lawfully targeted. The Additional Protocol I codifies the distinction as a binding principle, making it part of customary International Humanitarian Law (binding on states that haven't ratified the protocols), and also prohibits indiscriminate attacks (those not aimed at military targets).⁸ In urban warfare, commanders must determine whether a target is a military objective or civilian. This principle begins the lawful targeting under International Humanitarian Law, where the principles of proportionality and precaution function.

2.4 Principle of Proportionality

The Principle of Proportionality governs the conduct of hostilities. Codified under Article 51(5) (b) of Additional Protocol I to the Geneva Conventions, it prohibits attacks that may be expected to cause incidental civilian harm which would be excessive concerning the concrete and direct military advantage anticipated.⁹ This principle recognises that civilian casualties are a possibility in armed conflicts; nevertheless, it aims to ensure that such harm remains limited and not disproportionate to the military objective pursued. By striking a harmonious balance between military necessity and humanitarian considerations, this principle serves as a crucial mechanism for diminishing civilian suffering during hostilities.

2.5 Principle of Precaution

This principle complements the principle of proportionality and is codified under Article 57 of Additional Protocol I. It requires the parties

⁷ *Id.*

⁸ Additional Protocol I, art. 48.

⁹ *Id.* art. 51(5)(b).

to a conflict to take all feasible precautions in planning and executing military operations to reduce casualties and avoid civilian harm.¹⁰ These precautions may include verification of target sites, investigations of military targets, civilian evacuations, and the use of military methods of conflict that minimise civilian casualties, with advance warnings under certain circumstances. This principle highlights the proactive side of International Humanitarian Law, whereby it imposes an obligation on combatants to consider the humanitarian consequences of their actions during conflicts.

The Fourth Geneva Convention and Additional Protocol I form a major pillar of civilian protection under International Humanitarian Law. Supplemented by the principles of distinction, proportionality and precaution, these pillars collectively govern the conduct of hostilities and seek to reduce civilian harm.

3. BARRIERS TO CIVILIAN PROTECTION IN CONTEMPORARY URBAN WARFARE

Persistent armed conflicts are increasingly evident in urban environments, essentially causing alterations in the operational realities of warfare. Compared to traditional battlegrounds, modern societies are characterized by the proximity of civilian populations, residential quarters, urban infrastructure, and military objectives. This vicinal blend poses significant obstacles to the execution of International Humanitarian Law, specifically the principles of distinction, proportionality, and precaution. As warfare enters urban infrastructures, the parties to the conflict face difficulties in identifying, verifying and executing targets, reducing civilian casualties and maintaining compliance with the international norms. The most significant obstacle posed by urban conflicts is the application of the principle of distinction, which is often blurred as differentiation between combatants and civilians in the realities of warfare is not always adequately met, thereby increasing unlawful targeting of civilians and the threat of civilian harm.

3.1 Urbanization of Armed Combats

Modern conflicts occur in densely populated areas more often than on abandoned or isolated battlefields. It is evident in many contemporary conflicts, namely, Gaza, Kyiv, Khartoum, Aleppo, where Military Operations in Urban Terrain (MOUT) are applied in distinct tactics like the use of geographic chokepoints, combatants fighting from building, complex tunnel networks, and other underground and high-altitude conflicts; utilisation of drone strikes, digital warfare and smart munitions that further mould the battlefields; formation of sieges in civilian places

¹⁰ *Id.* art. 57.

and other specialized forms of training simulations essentially prepared for urban attacks.¹¹ The central issue herein is that civilians and combatants occupy the same physical space, a pattern increasingly seen in persistent armed conflicts. The urbanization of said conflicts poses numerous threats to humanitarian considerations, raising questions for continuous non-compliance and accountability gaps, leading to unprecedented civilian harm.

3.2 Barriers to the Principle of Distinction

Structurally and practically, the application of the principle of distinction becomes strenuous. The principle requires the parties to a conflict to differentiate between civilians and combatants. Still, urban warfare perplexes this, as the combatants often mix up within the populations, making the distinction risky. Additionally, numerous civilian infrastructures, such as schools and hospitals, end up being used for military purposes, and the combatants also often conduct their operations from residential spaces. Despite the clarity of the legal norms and their constraints, the abovesaid complications make factual identification essentially difficult.

3.3 Dual-Use Infrastructures and Civilian Vulnerability

Most of the infrastructure, namely the communication networks, bridges, water supply, and electricity grids, serve civilians. Oftentimes, these are targeted as they can also have military value. This results in a proportionality conundrum: whether an infrastructure that supplies both civilians and combatants would still be considered a legitimate target. The said urban infrastructure remains protected and relies on the conditions and principles delineated in International Humanitarian Law, especially under Article 52 of Additional Protocol I.¹² Such use of infrastructure is justified only if the target provides a military advantage and contributes to military operations. Nevertheless, attacking forces must still ensure that they take feasible precautions to reduce incidental civilian harm; that any infrastructure is not explicitly targeted to disrupt economic operations or to affect civilian will; and that they strictly adhere to the principle of proportionality constraints.

3.4 Human Shield Concerns and Civilian Concentration

Human Shielding is outlawed under International Humanitarian Law, where strict prohibitions are codified in Article 28 of the Geneva

¹¹ The Geostrata, <https://www.thegeostrata.com/post/cities-as-battlegrounds-evolving-nature-of-modern-warfare> (last visited June 20, 2026).

¹² Additional Protocol I, art. 52.

Convention IV¹³ and Articles 51(7) and 58 of Additional Protocol I.¹⁴ Even the Rome Statute of the International Criminal Court under Article 8(2)(b)(xxiii) declares the use of civilians for military shielding as an explicit war crime.¹⁵ Human shielding erases the line between combatants and civilians, resulting in incidental civilian harm in situations of targeting a military objective. However, it does not absolve the attackers of the obligation to apply the principles of precaution and proportionality.

Furthermore, under certain circumstances, civilians would not be in a position to vacate the conflict zone. They would be forced to remain there, where displacement might not be possible. Even the armed groups might operate near high civilian concentrations, wherein even lawful attacks could result in significant civilian casualties. Even though targeting concentrated urban areas is prohibited under the principles of proportionality, distinction, and precaution, such targeting still causes civilian harm in wartime. Nonetheless, key principles, including the Prohibition of Area Bombardment under Amended Protocol II to the Convention on Certain Conventional Weapons and the Prohibition of Indiscriminate Attacks, are forbidden in civilian concentration regions.¹⁶

3.5 Operational and Intelligence Constraints

In situations of urban warfare, decisions regarding the collection and verification of intelligence have limitations that directly affect the principle of precaution that commanders and attacking forces must follow. Incomplete intelligence or dynamic conditions on the battlefield make it harder to maintain surveillance and form perfect intelligence that adheres to principles of distinction and proportionality, respectively.

Technological constraints also further limit the efficiency of military operations, where communication channels or networks fail to convey decisions. Moreover, means of warfare are strictly imposed under the International Humanitarian Law, notwithstanding any technological advancements yet autonomous weapons, Artificial Intelligence (AI) and cyber warfare challenge the boundaries of International Humanitarian Law, where there are always risks of indiscriminate attacks on civilians, limitations of AI in differentiating combatants and civilians,¹⁷ meeting

¹³ International Humanitarian Law Database - ICRC, <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/article-28> (last visited June 21, 2026).

¹⁴ Additional Protocol I, *supra* note at 51(7) and 58.

¹⁵ Rome Statute of the International Criminal Court art. 8(2)(b)(xxiii).

¹⁶ International Humanitarian Law Database - ICRC, <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule13> (last visited June 23, 2026).

¹⁷ Yeelen Marie Geairon, Deciding under algorithms: artificial intelligence and the protection of civilian infrastructure in armed conflict, ICRC BLOG (last visited June 23, 2026, 23:21 PM), <https://blogs.icrc.org/law-and-policy/category/special->

precautionary requirements to verify intelligence on the target or foreshadow systemic harm and accountability asymmetries for unlawful harms.

4. ACCOUNTABILITY GAPS IN THE PROTECTION OF CIVILIANS

Safeguarding civilians under International Humanitarian Law relies not only on the existence of legal principles but also on their effective implementation. Nevertheless, contemporary urban warfare creates significant barriers to accountability.

4.1 Investigative Challenges in Urban Conflict

Under conditions of urban warfare, most of the evidence is usually destroyed, and major sites for investigation are inaccessible. Additionally, the ongoing hostilities and conditions of unrest make it more strenuous to conduct appropriate investigative measures. Large-scale damage to infrastructure and civilian displacement create complications in investigative initiatives and witness displacement, making it harder to establish what happened.

4.2 Attribution of Accountability

Urban warfare paves the way for uncertainty as questions arise as to whether the attacks were deliberately undertaken, if the intelligence collection and verification had any discrepancies, whether the decisions taken by the commanders and conflict parties were responsible and adhered to the principles of the International Humanitarian Law and the distinct legal conundrum concerning the rightful assessment of the proportionality principle. This uncertainty raises questions on accountability, where attributing liability tends to get complex.

4.3 Institutional Limitations in Accountability Mechanisms

Even with documentation of violations and evidence, enforcement mechanisms often face political constraints and jurisdictional barriers. The challenges to accountability become intensified due to constraints within the institutional execution mechanisms. Institutions like the International Criminal Court have a crucial part in addressing grave violations of International Humanitarian Law; however, even its effectiveness is often limited due to lengthy investigations, jurisdictional barriers and differing levels of state co-operation.¹⁸ Similarly, the

themes/artificial-intelligence-in-military-decision-making/.

¹⁸ *Exploring the Challenges Faced by the International Criminal Court*, TheLaw.Institute,

existence of legal principles does not essentially guarantee effective accountability, especially in intricate urban warfare, where non-cooperation from conflict parties and state consent issues lead to inadequate investigations.

4.4 The Emerging Accountability Gap

Urban warfare increases the likelihood of civilian casualties while simultaneously making investigation, attribution and prosecution more strenuous. That being said, civilian protection depends on both legal norms and their efficient enforcement. The discrepancies across investigations, witness displacement, limited access to combat zones, and the intricacies of military operations often hinder independent investigative efforts. Thus, the challenges of urban warfare are further compounded by the aforementioned institutional barriers, resulting in an accountability gap. This resulting gap between the legal obligations and practical execution contributes to the existing tradition of impunity in certain conflict situations. Consequently, the unique conditions of urban warfare not only increase civilian harm, make investigations difficult and attributing liability uncertain, but also undermine the mechanisms aimed at holding perpetrators accountable. Therefore, the gap emerges between legal protection in theory and protection in reality.

5. RECOMMENDATIONS

Addressing the barriers to civilian protection in present urban warfare requires a multidimensional approach that confluences stronger compliance mechanisms, better investigative mechanisms, and an enhanced accountability architecture that translates into a civilian-protection-focused approach, reducing damage to civilians and also addressing contemporary urban warfare challenges intensified by accountability asymmetries.

5.1 Strengthening Compliance with International Humanitarian Law

The barriers to the principles of distinction and proportionality may be overcome by including efficient military training and civilian-protection-centred training that helps address problems of factual identification and minimise civilian casualties, and by developing updated operational guidelines and urban warfare-specific protocols. With the incorporation of urban warfare doctrines into military operations and the strict prohibition of residential infrastructure being used in warfare, the principle of distinction reduces dilemmas regarding factual identification and the civilian threat. Further, even with the prohibition

<https://thelaw.institute/application-of-ihl/challenges-international-criminal-court/> (last visited June 21, 2026).

of indiscriminate attacks, unlawful targeting of civilians, and disproportionate attacks on military objectives, measures can be taken to minimise these threats by incorporating civilian-centred training and improved military tactics to strengthen compliance with International Humanitarian Law principles, thereby significantly reducing these threats.

5.2 Improving Investigation and Evidence Collection

Given the challenges of evidence disappearance and witness displacement, improving investigative mechanisms and evidence collection becomes more pertinent. Forming independent fact-searching missions, preserving evidence digitally and utilising open-source intelligence that may help improve evidentiary limitations, finding displaced witnesses with the help of digital tools like satellite imagery, digital documentation records and geolocating devices.

5.3 Enhancing Accountability Mechanisms

The cardinal issue of weaker enforcement mechanisms may be mitigated with greater state co-operation and state consent in investigative situations. With the help of international investigative bodies, namely, the United Nations Commission for Inquiry, the Institute for International Criminal Investigations (IICI), the International Criminal Court (ICC), and mainly UN Human Rights Council Mandated Bodies, they essentially assist in fact-finding missions and in attributing accountability. Nonetheless, stronger domestic accountability measures would enhance accountability at the domestic level, suggesting no further inquiry from international mechanisms and enforcing accountability without increasing caseload at the international level.

5.4 Promoting Civilian-Centric Approaches in Urban Warfare

In addition, humanitarian corridors that allow the safe passage of humanitarian aid and civilian evacuation under a ceasefire, with careful and strict monitoring, help bring a civilian-centric approach to urban warfare.¹⁹ With mechanisms for civilian evacuations from protected zones and coordination with humanitarian organisations worldwide, civilian harm and casualties can be minimised. Such measures would contribute to narrowing the gap between the normative protections offered under International Humanitarian Law and their actual

¹⁹ International Committee of the Red Cross, <https://www.icrc.org/en/document/how-humanitarian-corridors-work> (last visited June 24, 2026).

enforcement during armed conflicts.

6. CONCLUSION

The International Humanitarian Law provides a comprehensive legal architecture to protect civilians in times of armed conflict through the principles of distinction, proportionality, and precaution. However, the practicalities of persistent urban warfare pose grave challenges to the effective implementation of these protections. The alarmingly increasing concentration of military operations in highly populated urban environments amplifies the threat to civilian protection and creates significant practical difficulties to ensure compliance with humanitarian principles.

Nevertheless, these obstacles extend beyond the battlefield and, as demonstrated throughout this paper, urban warfare increases the likelihood of civilian casualties and also impedes the mechanisms essential for accountability. The same conditions that increase civilian harm also undermine investigations and enforcement. Urban warfare not only threatens civilian protection but also weakens the implementation mechanisms aimed at safeguarding it. Evidentiary damage, witness displacement, the intricacies of attributing accountability, and institutional limitations in executing mechanisms collectively contribute to the existing accountability gap. Subsequently, violations of International Humanitarian Law may remain inadequately investigated or addressed, thereby undermining justice and deterrence.

Therefore, the protection of civilians requires not just the existence of legal principles but also better execution measures. By strengthening investigative capacities, greater improvement in compliance with humanitarian principles, and enhancing accountability measures, it could essentially be ensured that the protections guaranteed under International Humanitarian Law are upheld in practice. As armed conflicts continue to escalate, the effectiveness of civilian protection will rely on the international community's ability to bridge the persistent gap between legal principles and operational realities.