

Targeted Killings of Nuclear Scientists: Assessing Israel's Attack Legality under International Humanitarian Law

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Abstract. *International Humanitarian Law (IHL) protects civilians from attack unless they directly participate in hostilities (DPH). In June 2025, Israel launched Operation Rising Lion, a series of targeted strikes against Iranian nuclear scientists, claiming that they were directly participating in Iran's nuclear weapons programme and thus constituted lawful military objectives. The attack also caused a number of civilian casualties. This study analyzes the exact legal status of the scientists to determine whether their work in the nuclear program makes them lose their civilian protection and become lawful targets. Furthermore, this study examines whether Operation Rising Lion complied with the fundamental principles of IHL, namely the principles of distinction, proportionality, and precautions. This research employs a normative legal research method. The objective of this study is to provide a clear legal analysis of these targeted strikes and assess the overall legality of the military action. Ultimately, this study concludes that although Iranian nuclear scientists may qualify as DPH under the extensive approach, the strikes cannot be considered lawful. The use of powerful munitions in densely populated residential areas indicates that the operations were indiscriminate in nature. By claiming that the resulting civilian casualties were incidental, Israel has misused the concept of proportionality to justify what in substance amounts to violations of the principle of distinction and the prohibition of indiscriminate attacks.*

Keywords: Attack; Distinction; Indiscriminate; Proportionality; Scientist.

1. Introduction

On 13 June 2025, Israel launched an air strike called 'Operation Rising Lion' against Iran. During the attacks, Israeli Prime Minister Benjamin Netanyahu announced that Israel was targeting both Iran's nuclear infrastructure and the scientists working on its nuclear program. Dozens of Iranian nuclear scientists were killed in the attack, including senior nuclear scientists Mohammad Mehdi Tehranchi and Fereydoun Abbasi (CNN, 2025) (Beaumont, 2025).

Israel's attack on Iranian nuclear scientists may be analyzed through the lens of targeted killing, which refers to the deliberate, premeditated use of lethal force by a State or organized armed group against a specifically identified individual. The act of targeted killing is governed by Human Rights Law (HRL) and International Humanitarian Law (hereinafter referred to as IHL). Human rights law applies both outside and during armed conflicts, but in the latter case, IHL serves as *lex specialis* (Melzer, 2015) (Gunnflo, 2012). An international armed conflict occurs when states use armed force and IHL applies from the moment armed force is first used. In Operation Rising Lion, Israel launched a massive air strike using more than 200 fighter jets, drones, and command units, and IHL thus applies in an armed conflict between Israel and Iran (ICTY Tadić Case) (Reuters, 2025).

In IHL, targeted killings are classified as "attacks", defined in Article 49(1) of Additional Protocol I as acts of violence against the adversary, and must comply with IHL to be deemed justifiable. Israel claimed that Iranian nuclear scientists played a central role in advancing a nuclear weapons program and that their assassination is justified to severely undermine Iran's capabilities and prevent a potential nuclear threat (Ministry of Foreign Affairs of Israel, 2025). In an official statement, Israel asserts that Iranian nuclear scientists constitute legitimate military targets on the grounds that they take a direct part in hostilities (hereinafter referred to as DPH) (Ministry of Foreign Affairs of Israel, 2025). The attack, however, provoked widespread international controversy. Mohamed Eslami, the Vice President and Head of the Atomic Energy Organization of Iran, stated that Israel committed a serious violation by carrying out assassinations of scientists and targeting nuclear facilities under international safeguards (IAEA, 2025).

In conducting a legitimate attack under IHL, there are three fundamental principles that must be respected, namely distinction, proportionality, and precautions in attack. The principle of distinction requires parties to an armed conflict to distinguish, as far as feasible, between combatants and civilians. In international armed conflict, combatants are members of the armed forces, whereas civilians are any persons who do not belong to the armed forces (Additional Protocol I, Art. 43) (Additional Protocol I, Art. 50). Generally, civilians are protected from attack under IHL and it is strictly prohibited to direct attacks against them or civilian objects (Additional Protocol I, Art. 51). However, this protection is not absolute and may be lost if civilians are directly participating in hostilities (ICRC Customary IHL Rule 6). Israel claims that Iranian nuclear scientists fall under the category of DPH, making them legitimate military targets, while Iranian officials deny this claim. The key question is whether these scientists qualify as DPH or remain protected civilians.

Even if they are considered legitimate targets, the legality of the operation depends further on compliance with proportionality and precaution. The principle of proportionality prohibits attacks expected to cause excessive incidental civilian harm in relation to the concrete and direct military advantage anticipated (Additional Protocol I, Art. 51(5)(b)). The principle of precautions in attack requires parties to verify targets and take all feasible steps to minimize civilian harm (Additional Protocol I, Art. 57).

In Operation Rising Lion, Israeli strikes targeting Iranian scientists also resulted in significant civilian casualties, including deaths, injuries, and destruction of residential areas. Israel maintains that its operations complied with the principles of distinction, proportionality, and precautions, and that incidental civilian harm does not automatically render an attack unlawful (Ministry of Foreign Affairs of Israel, 2025). However, Iranian authorities argue that the attacks violated fundamental principles of IHL and amounted to indiscriminate attack (Islamic Republic of Iran, Ministry of Foreign Affairs, 2025).

Based on the background above, the main objective of this study is to provide a clear legal analysis of the targeted strikes. Specifically, the research examines the exact legal status of the scientists to determine whether their work in the nuclear program makes them lose their civilian protection and fall within the category of DPH, thereby rendering them legitimate military targets. Building upon this analysis, the study further assesses the overall legality of the military action in Operation Rising Lion, examining whether it complied with the fundamental principles of IHL, namely the principles of distinction, proportionality, and precautions. Ultimately, by determining whether the strikes can be legally justified as a lawful attack, this research hopes to contribute to academic discussions about the developing concept of DPH and the problematic application of the proportionality principle in contemporary practice.

2. Research Methods

This research applied a normative legal research method to examine primary and secondary legal materials through the statute, conceptual, and case approaches. The statute approach reviewed the Geneva Conventions, the 1977 Additional Protocol I, and customary international law regarding armed conflicts. To understand the underlying legal theories, the conceptual approach examined the concept of DPH by comparing the restrictive view in the 2009 ICRC Interpretive Guidance with the extensive view proposed by legal experts. Additionally, it analyzed expert opinions to assess the meaning of 'incidental' within the principle of proportionality due to the lack of explicit regulation. Finally, the case approach evaluated Israel's Operation Rising Lion in June 2025. All collected materials were then analyzed qualitatively using a descriptive-analytical method.

3. Results and Discussion

3.1. The Development of the Concept of DPH: Between Restrictive and Extensive Interpretations

Under the principle of distinction, attacks may only be directed against combatants and must not be directed against civilians. However, civilians lose protection if they are deemed to be directly participating in hostilities, as reflected in Article 51(3) of Additional Protocol I and widely recognized as customary international law (ICRC, 2025). While recognized under customary international law, neither treaty law nor customary law provides a precise definition of how an individual qualifies as DPH. The notion of DPH originates from the phrase “taking no active part in the hostilities” in Common Article 3 of the Geneva Conventions (Commentary on Additional Protocols, 1977). Although different terminology is used in the Geneva Conventions and Additional Protocols, the authentic French text uses “participant directement,” indicating that “direct” and “active” participation refer to the same level of involvement (Commentary on Additional Protocols, 1977).

DPH consists of two elements, namely “direct participation” and “hostilities”. Although international law does not provide a strict definition of hostilities, the Commentary on Additional Protocol I explains that hostilities include acts undertaken with the intention of causing harm to military personnel or equipment (Commentary on Additional Protocols, 1977). Participation in hostilities refers to individual involvement in such acts, which may be direct or indirect depending on the level of engagement (Blank & Noone, 2016).

Defining direct participation is complex and highly dependent on context. The Commentary to Additional Protocol I notes that limiting it only to combat operations would be too narrow, while extending it to the entire war effort would be too broad, as civilian populations inevitably contribute indirectly to war efforts without becoming combatants (Commentary on Additional Protocols, 1977).

To clarify this concept, the International Committee of the Red Cross conducted extensive expert consultations beginning in 2003, involving legal scholars, military experts, and government representatives (Melzer, 2009). This process resulted in the 2009 Interpretive Guidance on the Notion of Direct Participation in Hostilities, which establishes three cumulative criteria for determining DPH: threshold of harm, direct causation, and belligerent nexus (Melzer, 2009). These criteria are further explained as follows:

- 1) the act must be likely to adversely affect the military operations or military capacity of a party to an armed conflict or, alternatively, to inflict death, injury,

- or destruction on persons or objects protected against direct attack (threshold of harm), and
- 2) there must be a direct causal link between the act and the harm likely to result either from that act, or from a coordinated military operation of which that act constitutes an integral part (direct causation), and
 - 3) the act must be specifically designed to directly cause the required threshold of harm in support of a party to the conflict and to the detriment of another (belligerent nexus).

However, the interpretation of these elements remains controversial and subject to differing views. Furthermore, the Guidance itself is not legally binding, but it was issued with the expectation that states and practitioners would be encouraged to adopt its recommendations. (Melzer, 2009). The 2009 Interpretive Guidance, which reflects the ICRC's position on the concept of DPH, has been regarded as relatively restrictive and has attracted criticism from several scholars advocating a more extensive interpretation, including Michael N. Schmitt, William H. Boothby, and Kenneth Watkin (Bosch, 2014). As a result, it is necessary to compare the restrictive and extensive approaches in relation to the three core elements of DPH, namely the threshold of harm, direct causation, and belligerent nexus (Schmitt, 2010).

Threshold of Harm

Elements	Restrictive	Extensive
Threshold of Harm	Requires harm of a military nature or death, injury, or destruction of protected persons/objects	Considers both weakening the enemy and strengthening one's own forces as sufficient harm.

In the ICRC's restrictive approach, the threshold of harm requires harm of a military nature, including death, injury, or destruction of protected persons or objects. If a specific act is designed to, or capable of, producing such harm, it is irrelevant whether the harm ultimately materialises. The assessment therefore focuses on the objective likelihood that the act will result in the required level of military harm (Çetinkaya, 2016). Thus, when an action can reasonably be expected to cause military harm, the threshold requirement is generally satisfied regardless of the final outcome (ICRC Interpretive Guidance, 2009).

By contrast, under the extensive approach, Schmitt criticises the ICRC interpretation on the basis that the military harm requirement is overly narrow because it excludes support activities that do not directly cause harm to the enemy (Melzer, 2010). He argues that this element should not exclude civilian actions intended to enhance a party's military operations or capacity, since both harm and

benefit are relative concepts in warfare (Schmitt, 2010). In this view, the strengthening of an adversary's capacity may be as strategically significant as the weakening of its forces (Schmitt, 2010). So the element of harm should consider both sides of the coin. Moreover, In respect of attacks which target protected persons, Schmitt disputes the ICRC's interpretation, which requires death or destruction, because he argues that such an interpretation will exclude activities such as civilian deportation or civilian hostage taking (Schmitt, 2010).

Direct Causation

Elements	Restrictive	Extensive
Direct Causation	- Requires a sufficiently close causal link between the act and the resulting harm - Harm must occur in "one causal step"	- Rejects the strict "one causal step" requirement - Includes acts that directly enhance military capacity, even without immediate physical harm

In the ICRC's restrictive approach, for a specific act to qualify as "direct" rather than "indirect" participation in hostilities, there must be a sufficiently close causal relation between the act and the resulting harm (Schmitt, 2010). Even the Interpretive Guidance continued that the harm must be brought in one causal step to qualify the direct causal element (ICRC, 2009). If a specific act does not result in harm in one causal step, the direct causation requirement is still met if the act is an integral part of a concrete and coordinated operation that will directly result in harm in one causal step (ICRC, 2009). This emphasizes that the resulting harm does not have to be directly caused by each contributing person individually, but by the collective operation as a whole (Melzer, 2010). Consequently, even individuals playing a minor role lose their civilian protection if their contribution forms an integral part of that concrete military operation (Schmitt, 2010).

From extensive approach, Schmitt again criticized ICRC's interpretation of direct causation because it's only linked to a physical act causing harm, when in modern warfare acts that directly enhance the military capacity or operations of a party, without resulting in direct and immediate harm to the enemy may have a marked effect on the belligerent's capacity to win (Schmitt, 2010). Schmitt argues that the effect of the one causal step requirement is that it excludes a range of activities aimed at building capacity (Schmitt, 2010). The ICRC's notion of one causal step may be much more complicated to apply in practice because attacks in modern conflicts are usually achieved through multiple integrated steps (Bosch, Schmitt, & Watkin, 2014). For example, tactical intelligence gathering on the battlefield is undeniably direct participation, but it may not necessarily influence hostilities in one step or be an integral part of a particular collective operation (Cetinkaya, 2016).

The intelligence acquired may need to be fused with other intelligence, analyzed, and disseminated to fighting forces before it can have a military effect. Thus, direct causation should not be limited to the notion of “one causal step”, but should be understood as sufficiently close causal relations according to the facts on the ground (Schmitt, 2010). Brigadier-General Kenneth Watkin also noted that it is not only unrealistic to expect soldiers to only target individuals at the end of the causal chain, but it also may place their military and all civilians at risk if soldiers are prohibited from neutralizing an attacker until he is actually in the process of planting or detonating the explosive (Watkin, 2012). ICRC’s interpretation of direct causation arguably puts the armed forces at a disadvantage along with other civilians in proximity to the attack (Schmitt, 2010).

Belligerent Nexus

Elements	Restrictive	Extensive
Belligerent Nexus	The act must be specifically designed to support one party to the armed conflict <i>and</i> to the detriment of another. Both elements must be satisfied simultaneously for the requirement to be fulfilled	The nexus may be satisfied if the act is in support of a party to the conflict <i>or</i> to the detriment of another. It is sufficient that the conduct fulfills one of the two conditions.

In The ICRC’s restrictive approach, the belligerent nexus requirement would be satisfied if an act which meets the first two criteria, was “specifically designed in support of a party to an armed conflict and to the detriment of another” (ICRC, 2009). The element of belligerent nexus is the least controversial of the three constitutive elements. From the extensive approach, Schmitt supports the notion that there must be a link to the hostilities, but this only criticism is that he is in favor of the belligerent nexus test to be framed as an alternative formulation of “in support of a party to an armed conflict or to the detriment of another”. So the focus, therefore, should be on whether the conduct is objectively capable of inflicting harm, either by depriving a party to the conflict of certain advantages or promoting their military efforts of another (Schmitt, 2010).

To fulfill the element of belligerent nexus, an individual must be fully aware of their actions and the role they play in the conduct of hostilities. Although this nexus generally depends on the objective purpose of the operation rather than subjective intent, a civilian's mental state is highly relevant. The belligerent nexus element is clearly not met if civilians are totally unaware of their participation. For example, a driver who does not know they are transporting a bomb, or an individual who is completely deprived of their physical freedom of action, cannot be considered to fulfill this requirement (ICRC, 2009).

3.2. Iranian Nuclear Scientist as PDH Under Extensive Approach

A central issue in determining whether Iranian nuclear scientists can be classified as DPH is whether Iran is in fact developing nuclear weapons. Since the early 2000s, the international community has often suspected Iran of having such a program. By law, Iran must follow the 1968 Treaty on the Non Proliferation of Nuclear Weapons. As a Non Nuclear Weapon State under this treaty, Iran must allow the International Atomic Energy Agency (hereinafter referred to as IAEA) to strictly monitor all of its nuclear activities.

On June 9, 2025, the IAEA stated that Iran no longer possesses over 400 kg of uranium enriched to 60%, which is far higher than fuel obligations under NPT to keep their uranium stockpile below 300 kg of up to 3.67% enriched uranium (IAEA, 2025). Iran continues to assert that its nuclear programme is solely for peaceful purposes, but the IAEA audit could not confirm whether this remains the case. IAEA Director Rafael Grossi stated that the rapid accumulation of highly enriched uranium in Iran is a serious concern (Grossi, 2025).

The increase in Iran's uranium enrichment has also been cited by the increasing tensions between Israel and Iran's proxy in Lebanon, namely Hezbollah, which began to heat up again after Israel launched a large-scale attack in March 2025 (Reuters, 2025). Additionally, on June 12, 2025, the IAEA Board of Governors adopted a resolution noting that Iran had failed to cooperate fully with the IAEA, undermined the IAEA's ability to do its work by withdrawing designations of inspectors, sanitized locations where activities took place, used undeclared nuclear material in different sites in Iran, and conducted activities with potential proliferation implications (IAEA Board of Governors, 2025).

While no definitive conclusion regarding Iran's possession of nuclear weapons remains legally sensitive, the IAEA's official stance in its 12th June 2025 provides a critical legal turning point. By explicitly noting Iran's concealment efforts, extensive sanitization, and provision of inaccurate explanations, the IAEA formally stated it cannot assure that the Iranian nuclear program is exclusively peaceful unless and until Iran assists in resolving the outstanding issues and proves its nuclear program is only for peaceful purposes (IAEA Board of Governors, 2025). This shifts the burden of proof entirely onto Iran. To date, Iran has failed to provide the necessary cooperation or evidence to clear these doubts. Consequently, as long as these outstanding issues remain unresolved, its nuclear activities cannot be presumed peaceful and must legally be characterized as a non-peaceful threat.

The subsequent discussion focuses on whether Iranian nuclear scientists meet the three cumulative elements required to be classified as DPH, as claimed by Israel. In assessing whether Iranian nuclear scientists can be classified as taking DPH, a preliminary question arises as to whether one should adopt a restrictive or an

extensive approach to the concept of DPH, as each interpretation yields significantly different outcomes. The differences can be seen as follows:

Threshold of Harm

Under the extensive approach, the development of nuclear weapons by Iranian scientists can satisfy the threshold of harm, because harm and benefit are relative concepts. As Schmitt argues, the strengthening of a party's military capacity may be just as much a concern for commanders in the field as the weakening of the enemy's forces. Preventing an adversary from acquiring or enhancing a nuclear capability is therefore strategically equivalent to directly degrading its existing forces (Schmitt, 2010). Even before the weapon is used, the development and possession of nuclear weapons significantly influence the opposing party's strategic calculations, force posture, and operational planning (Schmitt, 2010). Iranian nuclear scientists play an indispensable role in this process and their contributions to building such a capability are thus sufficient to meet the threshold of harm under the extensive approach.

However, under the restrictive approach, the development of nuclear weapons by scientists generally does not satisfy the threshold of harm. According to the ICRC Interpretive Guidance, the required threshold is met only if the act is likely to cause harm to the military operations or military capacity of a party to the conflict in a relatively direct and immediate manner, or to inflict death, injury, or destruction on persons or objects protected against direct attack (ICRC, 2009). Nuclear research and development activities are considered too remote from actual military operations.

Direct Causation

The extensive approach recognises that nuclear scientists fulfil the element of direct causation because their work directly contributes to building the military capacity of a party to the conflict. In the development of nuclear weapons, Iranian nuclear scientists do not merely provide general support, but perform specialised tasks that are indispensable to the creation of the weapon itself. Their research, design, enrichment processes, and testing form an integrated and necessary link in the causal chain that leads to the production of a nuclear capability. Although the process involves multiple stages, the extensive approach rejects the restrictive "one causal step" test as unrealistic for complex long-term military operations. Instead, it focuses on whether the act is integral or has a sufficiently close causal relationship to the ultimate harm. Scientific contributions are a *sine qua non* factor in developing a nuclear weapon. Without their direct involvement, the nuclear weapon cannot be developed. By actively and deliberately building the destructive capacity of one party, their contributions are not remote or indirect, but form an essential part of the military effort that will eventually enable the party to inflict

harm on the adversary. Therefore, the role of Iranian nuclear scientists in directly constructing Iran's nuclear capability satisfies the element of direct causation under the extensive approach (Schmitt, 2010).

On the other hand, the restrictive approach applies a strict "one causal step" test for direct causation. As Melzer explains, the element of direct causation should be interpreted strictly, meaning that the harm must be brought about in one causal step. Acts that merely build or maintain a party's capacity to harm its adversary in unspecified future operations do not qualify as DPH, even if they are connected to the resulting harm through an uninterrupted chain of events and may be indispensable to it (Melzer, 2009). Under this standard, nuclear scientists do not fulfil the element of direct causation because their contributions are several steps removed from the actual infliction of harm.

Belligerent Nexus

The belligerent nexus element requires that the act be specifically linked to the support of one party to the conflict or to the detriment of another. Under the extensive approach, this element is fulfilled when the research and related activities are conducted with the specific objective of producing or supporting the development and use of nuclear weapons for military purposes in an armed conflict. General or purely civilian nuclear research would not meet this requirement. However, when nuclear scientists are aware that their work is intended to contribute to a nuclear weapons programme in the context of an armed conflict, the belligerent nexus is satisfied. The nexus is absent only in exceptional cases where the individual is wholly unaware of the role their conduct plays in the hostilities. In the case of scientists working on a military nuclear programme, such awareness is normally present (ICRC, 2009).

Under the restrictive approach, the element of belligerent nexus would generally not be satisfied because, in order to meet this requirement, an act must be specifically designed to directly cause the required threshold of harm in support of one party to the conflict and to the detriment of another. Since the activities of nuclear scientists themselves do not satisfy the threshold of harm under the restrictive approach, their conduct likewise fails to fulfil the requirement of belligerent nexus.

The ICRC's restrictive interpretation has been criticised for failing to adequately balance humanitarian considerations with the realities of military necessity (Marshall, 2017). In modern armed conflict, a party's military power depends not only on its armed forces but also on the quality and quantity of its means of warfare. In contrast, the extensive approach may better reflect the operational and strategic realities of modern armed conflict. Limiting lawful targeting only to those individuals physically executing an attack would be operationally unrealistic

and strategically untenable, particularly when facing threats involving nuclear weapons. The extensive approach is therefore more appropriate in cases where civilian contributions have a decisive impact on a party's ability. The Manhattan Project during World War II provides a clear historical example that the involvement of civilian scientists can be really decisive and create a significant military advantage that contributed directly to Japan's surrender (Borer, 2018). It is known that more than 90% of the World War II Project Manhattan personnel were civilians, but some experts believe that their participation in the U.S. atomic weapons program was of such importance as to have made them liable to legitimate attack (Parks, 1989). Similarly, the September 1944 Allied bombing raids on the German rocket sites at Peenemunde regarded the death of scientists involved in research and development at that facility to have been as important as destruction of the missiles themselves and such attack of these individuals would not constitute assassination. In this regard, if the extensive approach to DPH is applied, Iranian nuclear scientists who play an integral role in the development of a military nuclear capability may likewise be regarded as lawful targets on the basis of DPH.

3.3. Conducting Legitimate Attack under IHL

To determine the legality of a military operation IHL, an attack must strictly adhere to three fundamental principles. The first fundamental rule is the principle of distinction. As set out in Article 48 of AP I, this principle requires that military operations only be directed against military objectives. Consequently, Articles 51(2) and 52(1) expressly confirm that civilians and civilian objects must not be made the object of attack. Because operations must exclusively target legitimate military objectives, any attack failing to do so is unlawful, even if civilians are not deliberately targeted. Article 51(4) reinforces this by prohibiting three types of indiscriminate attacks. Although not deliberately aimed at civilians, these attacks fail to target military objectives properly and indiscriminately strike both lawful and prohibited targets. Specifically, indiscriminate attacks violate the basic rule of distinction because they either (a) are not directed at a singularly identified legitimate target, (b) employ means or methods that cannot distinguish precisely between lawful and prohibited targets, or (c) use means or methods whose effects cannot be limited, thus impacting all targets without distinction (Luigi, 2024).

An attacker might claim their aim was solely to strike lawful targets and that they did not intend to harm protected persons. However, IHL completely rejects this justification since indiscriminate attacks are inherently of a nature to strike without distinction. The prohibition of area bombardment in Article 51(5)(a) provides another clear example. This rule characterizes an attack as indiscriminate if it treats multiple clearly separated military objectives within a city, town, or village as a single target. This confirms that even when several lawful targets exist

in an area, it is absolutely prohibited to employ methods such as shelling densely populated areas where civilians are mixed with military targets.

The second rule is the principle of precaution that requires warring parties to exercise constant care during military operations. They must take all feasible measures to ensure attacks only target military objectives and avoid excessive civilian harm (Additional Protocol I, Art. 57). This principle outlines the practical steps commanders must take to satisfy their duty of constant care. For instance, they must do everything feasible to verify targets and take all possible precautions when choosing the means and methods of warfare to avoid incidental harm. Furthermore, commanders must cancel or suspend an attack if the target turns out to be civilian or if the expected harm becomes excessive relative to the anticipated military advantage. They must also give effective advance warnings and select the target option that causes the least danger to civilians when multiple choices offer a similar military advantage.

Compliance with the principle of precaution is assessed based on the standard of a reasonable military commander. Attackers must take measures considered reasonable given the information available at the time and place of the strike (Isabel, 2016). Many argue that evaluating proportionality and precautions inevitably involves a subjective assessment by the commander launching the attack. Nevertheless, compliance with this rule must ultimately be measured against the objective standards of common sense and good faith based on the information the commander had.

Finally, the principle of proportionality is codified in Article 51(5)(b) of AP I and recognized as Customary International Law. It explicitly prohibits attacks expected to cause incidental loss of civilian life, injury, or damage that would be excessive in relation to the concrete and direct military advantage anticipated. Serving as a corollary to the principle of distinction, this rule acknowledges that causing incidental harm to civilians is often unavoidable during hostilities. However, the proportionality principle remains a crucial safeguard to prevent unnecessary suffering and helps maintain a vital balance between humanitarian considerations and military necessity (Farah, 2023).

There is a fundamental difference between indiscriminate attacks and attacks that result in incidental civilian harm under principle of proportionality. In order to be assessed as not excessive in relation to concrete and direct military advantage anticipated, the civilian harm must be incidental in the first place. However, in contemporary practice, this requirement is frequently neglected, leading to a problematic application of the principle of proportionality, where harm to civilians is justified on the basis of military necessity without first establishing its incidental nature.

What constitutes incidental itself is not explicitly explained in AP I or in other laws of armed conflict. During negotiations in Geneva on its 1973 draft of the Additional Protocols, ICRC described proportionality as applying to effects that incidentally or accidentally endanger the civilian population. Suggesting that the drafters employed the term incidental mostly as a synonym of accidental. There are recent studies attempting to clarify the concept of incidental civilian harm. Dr Daniele Luigi argues that such harm is incidental only if it is not the main goal and the civilian casualties do not exceed the number of military targets. Conversely, Dr Aurel Sari argues that the law focuses on how an attack is directed rather than its final outcome. He believes that if a strike targets a lawful military objective, any resulting civilian harm is considered incidental regardless of its scale. Ultimately, Dr Luigi focuses on limiting the acceptable outcome and scale of the damage, whereas Dr Sari focuses purely on the intention and direction of the attack.

Building upon both perspectives, civilian harm can only be properly assessed under the principle of proportionality if the attack was genuinely directed at a lawful military objective. Where an attack is directed at a military objective and accidentally causes civilian harm, that harm may be classified as incidental and thus subject to the proportionality test under Article 51(5)(b). However, the mere assertion from a belligerent that an attack was directed at a lawful military objective is not sufficient to establish that the resulting civilian harm is truly incidental. A belligerent may claim that its attack was directed to a military target, but if, for example, the attack is launched by bombing an enemy commander located within a dense crowd of civilians, the resulting civilian deaths cannot be regarded as incidental and assessed solely under the proportionality rule.

In this regard, the principle of feasible precautions under Article 57 of AP I plays a crucial role in determining whether civilian harm qualifies as incidental to be a matter of proportionality assessment or if it's a deliberate breach of indiscriminate attack. If the chosen method is incapable of distinguishing between military objectives and civilians, or tends to produce wide-area effects, the resulting civilian harm can hardly be characterised as incidental. Furthermore, feasible precautions also include the obligation to provide effective advance warning of attacks which may affect the civilian population, unless circumstances do not permit. When such warnings are feasible but not given, it becomes even more difficult to argue that the civilian harm was merely incidental.

3.4. Operation Rising Lion: Lawful Targeted Killing or Indiscriminate Attack?

In an official report after the 12 Day War, Israel stated that Israel's actions during the operation were in accordance with the law of armed conflict. This includes the rules of distinction, proportionality and precautions in attacks. They assert that the objective of the attack is to neutralize the existential and imminent threat posed by the Iranian regime's nuclear weapons program and the attack only

targeted at lawful military objectives, such as, Iranian ballistic capabilities, Facilities and objects that are part of the nuclear weapons program, members of Iran's armed forces, and Iranian nuclear scientists who take direct part in the hostilities (Human Rights Activist News Agency, 2025).

However, Israel attacks on Iranian nuclear scientists involved numerous civilian harms. The operations not only killed 15 senior Iranian nuclear scientists but also resulted in the deaths of family members and neighbors, bringing the total documented fatalities to over 60. Field reports and medical data reveal that almost every targeted attack on nuclear scientists inevitably results in additional civilian casualties among family members and innocent bystanders. The deadliest attack was the attempt to kill Dr. Mohamadreza Sedighi Saber, a specialist in advanced centrifuges. On June 13, Israel strike a residential block in southern Tehran where he lives and the explosion caused the building to collapse entirely and killed 43 others, including the son of the nuclear scientist who also died trapped under the rubble. Dr. Sedighi however survived the initial assassination and moved to his parents' house in Ashrafiyeh, in Gilan Province. On June 24, Israel unleashed an attack on that residents and fifteen civilians were killed and thirty more injured as the missile strike through a densely populated area, destroying over 400 homes and businesses. Among the dead were Dr. Sedighi and members of his family such as his wife, their three children, his parents-in-law, and his brother-in-law whose bodies were found in pieces amid the wreckage. Forensic evidence suggests that Israel use precision-guided bombs, suicide drones, and long-range rockets in the attack (United Nations, 2025; Mohammad Reza Sedighi & Mohsen Mohammadi, 2025).

Israel's official report does not specifically address the civilian casualties resulting from the attacks on Iran. Instead, it only emphasizes that Israel abides by the rule of proportionality in conducting attacks and states that proportionality assessments was based on the facts reasonably available to military commanders at the time of the attack. The report further asserts that civilian casualties or damage to civilian objects, while tragic, do not in themselves establish that an attack was disproportionate without considering both the expected civilian harm and the anticipated military advantage. Through this position, Israel implicitly maintains that its attacks were conducted in accordance with the principle of proportionality and that the civilian harm caused was not excessive in relation to the concrete and direct military advantage anticipated from the operation (Ministry of Foreign Affairs of Israel, 2025).

This position is problematic because it is questionable whether the issue at hand is truly a matter of proportionality. As previously discussed, civilian harm can only be properly assessed under the principle of proportionality if the attack was genuinely directed at a lawful military objective, because only then the civilian

harm that occurred may be classified as incidental. But, Israel's mere assertion that the attack was only directed at Iranian nuclear scientists as a lawful military objective is not sufficient to establish that the resulting civilian harm is truly incidental. The determination must also consider whether Israel fulfilled its obligations under the principle of precautions in attack, particularly in the choice of means and methods. If the chosen method is incapable of distinguishing between the military objective and civilians, or is likely to produce wide-area destructive effects, the resulting civilian harm can hardly be characterised as incidental.

In the Israeli strike on the apartment building where Dr. Sedighi resided, Israel used guided munitions with sufficient explosive power to cause the entire building to collapse. Although the bomb could be accurately directed to a specific coordinate, the target was located inside a high-rise residential building occupied by many civilians. In such circumstances, it is difficult to maintain that a munition powerful enough to destroy an entire apartment building was directed solely at one individual. The principle of distinction requires that attacks must not only be directed at military objectives, but also prohibits attacks which, although not deliberately aimed at civilians or civilian objects, are not properly directed at military objectives either. Such attacks are of a nature to strike military objectives and civilians or civilian objects without distinction and are therefore considered indiscriminate attacks under Article 51(4) of AP I. Israel's subsequent attack on the residential complex in Astane Ashrafiyeh, which ultimately killed Dr. Sedighi along with 14 other civilians, injured 30 others, and caused damage to over 400 homes and businesses, can also be regarded as an indiscriminate attack, since it deliberately violates Article 51(5)(a) of AP I, which prohibits to target military objectives by employing methods such as shelling densely populated areas or areas where protected persons or objects are mixed with lawful targets.

In each of these cases, the mass civilian harm cannot realistically be described as merely incidental, nor can it properly fall under the assessment of proportionality. Flattening entire apartment buildings and residential blocks through powerful aerial bombardment in densely populated areas demonstrates a purposeful acceptance that civilians would inevitably be harmed. By systematically framing every civilian death as incidental simply because a military target was present somewhere in the area, Israel has distorted the concepts of distinction and proportionality. Israel's attacks on Iranian nuclear scientists cannot be considered proportional, nor even be properly assessed within the framework of the principle of proportionality, as they constitute a direct violation of the principle of distinction through indiscriminate attacks.

4. Conclusion

In IHL, the concept of DPH remains evolving and continues to spark debate between the restrictive and extensive approaches. However, in the context of

nuclear threats, limiting lawful targeting only to those individuals physically executing an attack and fulfilling the strict “one causal step” requirement would be operationally unrealistic and strategically untenable. The extensive approach is therefore more appropriate in cases where civilian contributions have a decisive impact on a party’s ability to win the war. Accordingly, Iranian nuclear scientists qualify as DPH under the extensive approach and can thus be considered lawful military targets. Even though the Iranian nuclear scientists are regarded as lawful military targets, Operation Rising Lion cannot be deemed lawful. Israel has stated that its actions during the operation were in accordance with IHL. However, the facts on the ground suggest otherwise. The strikes caused significant civilian harm due to the means and methods employed, which appear to have been indiscriminate in nature. By claiming that the resulting civilian casualties, although tragic, were proportionate to the anticipated military advantage, Israel has misused the principle of proportionality to justify what amounts to violations of the principle of distinction and the prohibition of indiscriminate attacks.

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