



Available online at: <http://jurnal.uns.ac.id>

Yustisia Jurnal Hukum

| ISSN (Print) 0852-0941 | ISSN (Online) 2549-0907 |

YUS-^{ISIA}
Yustisia Jurnal Hukum

Legality of Iranian Embassy Bombing by Israel in Syria According to International Humanitarian Law

Adeline Anindya Rusdianto^{1*}; Diajeng Wulan Christianti²

^{1,2}Faculty of Law, Universitas Padjadjaran, Indonesia

*Corresponding author's email: adeline21001@mail.unpad.ac.id

Article Information

Received for publication December 18, 2024
Accepted after corrections December 29, 2025

Keywords: International Humanitarian Law, Legitimate Target, Military Objective

DOI: 10.20961/yustisia. v14i3.96626

Abstract

International Humanitarian Law (IHL) asserts that attacks can only be made against things that help the military and whose destruction gives the military an unambiguous advantage. In April 2024, Israel bombed the Iranian consulate within the embassy premises in Syria, claiming that the building served as a military objective, given Iran's persistent support for Hezbollah in its conflict with Israel and engaged in military activities within the consulate. This paper asserts that the legitimacy of Israel's attack hinges on two critical issues. First, in the ongoing armed conflict between Israel and Hezbollah, to what extent Iran can be legitimately targeted based on its support for Hezbollah. Second, whether Iran's consulate in Syria qualifies as a legitimate target under IHL and whether the attack satisfies the principle of proportionality. This paper concluded that IHL applies to Israel's bombing of the Iranian consulate, and Iran's support of Hezbollah in its conflict with Israel places it at risk of being targeted under IHL. However, this classification does not automatically validate the attack. There is no sufficient evidence to demonstrate that the attack was proportionate, as it targeted an object located in Syria, and the anticipated military advantage fails to justify the civilian casualties incurred.

I. Introduction

Although international law has evolved throughout time to ensure peace and security in all states, military conflict is unlikely to be avoided entirely. However, international rules and regulations continue to play a vital role during armed conflict to protect individuals in need and govern the 'legal' means of combat ([Melzer, International Humanitarian Law: A Comprehensive Introduction, 2016](#)). This situation is when international humanitarian law (hereinafter abbreviated to **IHL**) takes a part. IHL constitutes a legal framework governing the conduct of armed conflict ([Hamidah & Muhammad](#)). The purpose of IHL is to protect non-combatants and limit the use of force to what is necessary to achieve legitimate military goals in order to reduce violence ([Kolb & Hyde, 2008](#)).

The enforcement of IHL may be invoked when a state resorts to armed force against another state ([Paulus & Vashakmazde, 2009](#)). Conventional armed conflicts recognise that conflict transpires between two entities. In the realm of International Armed Conflict (hereinafter abbreviated to **IAC**), a third party may be regarded as a participant in an ongoing armed conflict if it engages directly in hostilities, thereby significantly contributing to the military efforts of one of the belligerents, thus establishing a co-belligerency ([Manogar & Christianti, 2023](#); Maria Helena Carbonell Yáñez, 2019). Similar to the concept of co-belligerency, in a situation of Non-International Armed Conflict (hereinafter abbreviated to **NIAC**"), determining a third party's position in giving support to one of the parties is by assessing its contribution to the hostilities. However, a different standard should be considered to determine the status of a third party that supports one of the parties in an NIAC. The concept of co-belligerency derives from the concept of neutrality, which concerns the standing and obligations of states during IAC ([Bartels](#)).

The notion of evaluating a third party's support to one of the parties in a Non-International Armed Conflict (NIAC) arises from the provision that an individual may be deemed a legitimate target if they engage directly in hostilities ([Steenbergh & Lesaffre, 2019](#)). If a third party is confirmed to be involved in hostilities, they can be seen as a party to the war. They must follow the rules of IHL when assisting one of the parties in an ongoing conflict ([Ferraro, 2015](#)). An analysis of current armed conflicts, particularly in a Non-International Armed Conflict (NIAC) context, utilises International Humanitarian Law (IHL) to address the involvement of one or more third parties that aided a specific party to the conflict in military operations ([Ferraro, 2015](#)). To evaluate the potential activation of IHL by one or more third parties involved in supporting a specific party, it is contended that mere political and/or financial assistance from third parties may not invoke IHL. In contrast, military or logistical aid to a party in an ongoing conflict may indeed activate IHL ([Ferraro, 2015](#)).

It is indisputable that such complex cases do exist, and this is the case of the bombing of the Iranian consulate building within the embassy premises in Syria by Israel, which occurred in April 2024. Israel initiated the bombing as they suggested

that the embassy complex was not a diplomatic-used building, but rather it was "*a military building ... disguised as a civilian building*" ([Heine, 2024](#)). This reasoning was derived since there were military advisers of the Islamic Revolutionary Guard Corps (hereinafter abbreviated to **IRGC**), Iranian military personnel, in the building. Thirteen were killed, including the high commander of IRGC and his deputy ([Maulana, 2024](#)). Iranian and Syrian officials, on the other hand, have stated that the consulate building has a diplomatic standing and is used for diplomatic and consular purposes because it is part of the diplomatic complex ([Yönt, 2024](#)). The problem arises since there is no direct armed clash between Iran and Israel. However, Israel demolished the consulate building by saying it was a military building instead of a civilian one. This circumstance means that it is seen as a military target that should be judged according to the rules of international humanitarian law (IHL). Iran has only been attacking Israel directly with missiles and drones that hit Israel almost two weeks after the demolition of the embassy facility ([Gadzo, 2024](#)). There has not been any direct attack between the two states before the consulate building bombing incident.

As mentioned in the previous, IHL only applies to people who are in a dispute, including any third party that is thought to be a part of the conflict. Israel's actions may be "reasonable" if it sees Iran as a legitimate target, since Iran has openly admitted to being allied with Hezbollah, with whom it has fought in armed confrontation with Israel ([Robinson, 2024](#)). Exchanging attacks between Hezbollah and Israel were triggered by the Hamas-led attack in October 2023, which led to the attack of Israel in the Gaza Strip ([Gadzo, 2024](#)). The attacks by Hezbollah were to show support for Palestine. Consequently, Israel initiated attacks on Lebanon's territory from where cross-border mortar fire had been launched ([Gadzo, 2024](#)). Iran is believed to be in alliance with Hezbollah, indicated by giving military training, majority financial support, and weaponry to Hezbollah ([Harmouch & Nakissa, 2023](#)). In addition, Hezbollah's secretary general admitted that all its resources for military operations came from Iran ([Al Jazeera English, 2004](#)). Noting that the attack took place in Syria, Israel has always been trying to justify its action by stating that it is to prevent Iran's growing military presence in Syria, including its ally, Hezbollah ([Motamedi, 2024](#)). If we conclude that Iran is a legitimate third-party target in the Hezbollah-Israel conflict, a subsequent issue emerges regarding the consulate building bombed by Israel, which was proposed as a military structure, suggesting its justification under International Humanitarian Law as a military object. The concept of difference is one of the most important rules set forth by the IHL. It says that military targets and civilian people (and products) must be kept separate. This circumstance means that it is not okay to attack those who are not involved in the fight, and the only attack that is allowed weakens the enemy's military power ([Kolb & Hyde, 2008](#)). The assessment of the legitimacy of attacking a "military object" must take into account the provision of Article 52(2) Additional Protocol I of the 1949 Geneva Conventions (hereinafter abbreviated to **AP I**), which also formed a Rule 8 of

customary international humanitarian law (hereinafter abbreviated to **CIHL**). It provides the limitations of those whose nature, location, purpose, or use contributes effectively to military operations in which its destruction, capture, or neutralization would result in a definite military advantage. Thus, to qualify as a military object, two criteria must be fulfilled in accordance with Article 52(2) AP I: it must make an effective contribution to military action by nature, location, purpose, or use, and it must result in a definite military advantage when it is destroyed, captured, or neutralized ([Dinstein](#)).

This study examines two significant issues in determining the validity of Israel's attack. The first section of this article outlines the position of the dispute between Israel and Hezbollah, followed by an examination of whether Iran can be regarded as a participant in the conflict between Hezbollah and Israel, and thus, if hitting Iranian objects is lawful under IHL. The second section of this paper will discuss whether Iran has been proven to be a participant in the hostilities, rendering it a legitimate target in the Israel-Hezbollah conflict, and what justification is provided under IHL in attacking the Iranian consulate building located in the embassy premises in Syria.

II. Iran's Position as a Third-Party to the Israel-Hezbollah Conflict

A. Defining the Conflict between Israel-Hezbollah: IAC or NIAC?

According to Common Article 2(1) of the 1949 Geneva Conventions, an IAC is defined as a circumstance in which two or more High Contracting Parties engage in either a formal declaration of war or other hostilities, regardless of mutual acknowledgement of the state of war. The word 'High Contracting Parties' in the article refers to sovereign bodies, which means that an IAC is a scenario in which a dispute occurs between nations ([Vite, 2009](#)). On a case-to-case basis, the form of IAC may vary from a direct conflict between states to an intervention by one or more states in a pre-existing conflict ([Vite, 2009](#)). In contemporary armed conflicts, IAC is considered to exist as soon as states initiate armed forces against another state, regardless of the intensity of the confrontations, and without having to take into account a formal declaration of war made by such states ([Melzer, International Humanitarian Law: A Comprehensive Introduction, 2016](#)). The absence of a formal declaration of war does not preclude the existence of an IAC, what should be taken into consideration is the belligerent intent, which is implied from factual conditions rather than relying solely on official recognition of a state of war ([Melzer, International Humanitarian Law: A Comprehensive Introduction, 2016](#)). Consequently, the determination of an IAC is primarily based on the actual events occurring on the ground.

Common Article 3 of the 1949 Geneva Conventions, implicitly referencing Article 2, pertains to armed conflicts of a non-international nature occurring within the territory of a High Contracting Party, specifically involving at least one non-governmental party, referred to as non-state armed groups ([Vite, 2009](#)). To further analyse whether a conflict constitutes an NIAC, the two fundamental elements must be fulfilled: the intensity of the violence and the organization of the parties

([Prosecutor v. Tadić](#)). The collective dynamics of the conflict can evaluate the intensity, the state's requirement to mobilise military forces due to insufficient police capabilities, the duration and frequency of violent incidents and military engagements, the types of weaponry employed, civilian displacement, territorial control by opposing factions, and casualty figures ([Vite, 2009](#)). The organisational structure of these groups is apparent in their hierarchical command systems, their capacity to coordinate and deploy multiple units, their ability to recruit and train new combatants, and their compliance with established internal rules and procedures ([Vite, 2009](#)).

The conflict between Hezbollah and Israel has been going on for a long time. The dispute goes back to the Arab-Israeli war of 1948, when more than 750,000 Palestinians moved to southern Lebanon. This set the stage for subsequent battles as Palestinians tried to get their land back ([Patel & Singh, 2024](#)). In the 1960s and 1970s, the Palestine Liberation Organisation (hereinafter abbreviated to PLO) set up a stronghold in southern Lebanon that was used as a base for attacks against northern Israel. These attacks led to Israeli military actions, which ended with invasions meant to destroy the PLO's infrastructure in Lebanon ([Robinson, 2024](#)). During this invasion, Hezbollah was formed as a Shiite militant group with the backing of Iran, aiming to resist Israeli occupation and support Lebanese Shiites ([Al Jazeera, 2024](#)). The ongoing conflict between Hezbollah and Israel culminated in several major confrontations, one of which was the 2006 Lebanon war. Following the occurrence of war in 2006, sporadic clashes continued along the Israel-Lebanon border, with Israel conducting airstrikes against Hezbollah targets in Lebanon ([Robinson, 2024](#)). In 2023, tensions rose quickly when Hezbollah started attacking over the Israel-Lebanon border to show support for the Palestinians during the Israel-Hamas war in the Gaza Strip. This situation was part of the ongoing fighting between Israel and Hezbollah. This fighting between Hezbollah and Israel has continued along the border till 2024 ([Robinson, 2024](#)). Defining the conflict between Hezbollah and Israel is still a debatable discussion. Some view that the conflict of Israel-Hezbollah constitutes an IAC, while others view that the conflict is a NIAC.

In July 2006, an incident involving Hezbollah and Israel's military forces, the Israel Defence Forces (hereinafter abbreviated to IDF), erupted into a major armed war in Lebanon and Israel. The hostilities were triggered by Hezbollah's dual-pronged offensive, consisting of rocket launches targeting Israeli military posts and border villages, as well as a ground incursion beyond the Blue Line, resulting in the deaths of eight Israeli soldiers and the detention of two others ([International Committee of the Red Cross, n.d.](#)). The conflict then lasted for 33 days, and it ended in August 2006 ([Britannica, 2024](#)). As a response to the conflict, the United Nations Commission of the Human Rights Council (hereinafter written to **Commission**) adopted a resolution, considering that the conflict between Hezbollah and Israel qualifies as an IAC ([Report of the Commission of Inquiry on Lebanon pursuant to Human Rights Council Resolution S-2/1 Third Session, 2006](#)). According to the

report, the Commission concluded an IAC occurred based on the following: first, Hezbollah is a legitimate political party with duly elected representatives as part of the government; second, Hezbollah's activities in southern Lebanon indicate a potential association with the Lebanese government, implying the formation of a resistance movement against Israel's occupation of Lebanese territory; and third, although the main attacks were directed ([Report of the Commission of Inquiry on Lebanon pursuant to Human Rights Council Resolution S-2/1 Third Session, 2006](#)).

The Commission's conclusion established a precedent that presents problems, given Israel's principal confrontation was not with Lebanon as a sovereign state. Instead, it was aimed at Hezbollah, a non-state armed force. Taking into account the Commission's belief that there was a link between Hezbollah and the government of Lebanon, implying a 'belonging' between the two, as well as the hostilities directed against Lebanese civilians and infrastructure, both situations may trigger an NIAC and an IAC at the same time.

The International Criminal Tribunal for the Former Yugoslavia (hereafter referred to as the ICTY) developed a legal test to determine whether a war scenario is international or not. In the Tadić case, the ICTY emphasised that non-international armed conflicts can be considered international if a state controls a non-state group ([Gal](#)). ICTY's Tadić test is widely used to determine if a pre-existing NIAC is international. The ICTY defined 'overall control' as a relationship of dependence and allegiance between an armed group and a state in which a state has overall control over that armed group ([Prosecutor v. Tadić](#)). An overall control is formed when a state, in addition to training and equipping or providing operational support towards an armed group, also supports an armed group in organizing, coordinating, or planning military actions ([Prosecutor v. Tadić](#)). The overall control test may create a non-state armed group's 'belonging' link to a state, resulting in the internationalisation of a previously existent war between the non-state armed group and its adversary state. However, this is not the situation with Hezbollah, Israel, and Lebanon. According to the UN Commission's report, Hezbollah is a deeply ingrained component of Lebanese society, operating as a political party with representatives in parliament. Given its central role in the Lebanese political establishment, Hezbollah's link to Lebanon is predictable. Nonetheless, it does not imply that there is a dependence and allegiance between Hezbollah and Lebanon, because Hezbollah remains an autonomous armed group with independent sources of finance, training, and military activities of the Lebanese government ([Bedreddin, 2024](#)). Furthermore, in the ongoing conflict, Lebanese Prime Minister Mikati openly said that the state (Lebanon) is incapable (rather than unwilling) to cease the ongoing conflict, and the choice to go to war with Israel in October 2023 did not involve the government's decision ([Bedreddin, 2024](#)). According to the Tadić case, any use of force by a state on another state's territory without their consent, even if the fighting is between the enemy state and a non-state arm, triggers the applicability of IAC between the two states ([Akande, 2011](#)).

It is important to remember that conflicts between a state and a non-state armed

group are always considered NIAC. The type of conflict is based on who is participating, not on where they are located, such as cross-border activities or enormous distances ([Lubell, 2017](#)). The conflict between Hezbollah and Israel is categorized as an NIAC, as it does not meet the standards set by the Tadić case for internationalization of a pre-existing conflict. On the other hand, Israel's direct hostilities on Lebanon's territory may result in IAC. As a result, both an IAC and NIAC occur at the same time. Regardless, to establish Iran's stance in this conflict, we will focus on the Hezbollah-Israel conflict, designated as an NIAC.

B. The Concept of Participation by Third Parties in a NIAC and Iran's Position in the Hezbollah-Israel Conflict

As previously stated, the war between Hezbollah and Israel is classified as an NIAC; hence, IHL recognised a concept in which a person may lose their protection by engaging in certain acts of hostility. As a result, that person raises the possibility of being assaulted directly as a legitimate target ([Maurer, 2023](#)). Such concept is known as direct participation in hostilities. The concept of direct participation in hostilities stems from the provision of IHL contained in Article 51(3) of AP I and Article 13(3) of Additional Protocol II (hereinafter written to **AP II**), which formed as a CIHL under Rule 6. For an individual to qualify as indeed has direct participation in hostilities, several crucial criteria must be met. The criteria are that: (1) the act must be likely to have a detrimental impact to adversely affect military operations or capabilities or to result in the death, injury, or destruction of any protected persons or objects; (2) a direct causal relationship must be established between the act and the potential harm, either as a direct consequence of the act or as an integral part of a coordinated military operation; and (3) the act must be specifically formulated to directly cause substantial harm to a particular target, with a clear purpose of aiding one party in the conflict and undermining the other ([Melzer, Interpretive Guidance on the Notion of Direct Participation in the Hostilities under International Humanitarian Law, 2009](#)). To put it simply, conduct constitutes direct participation in hostilities when it meets the standard of harm, has direct causation, and exists in a belligerent nexus.

The primary objective of the concept of direct participation in hostilities is to evaluate whether the actions or conduct of an individual can be classified as participation in hostilities, thereby relinquishing their protection against military risks. A parallel methodology is employed to determine whether specific actions or behaviours executed by a third-party entity can be considered participation in hostilities, thereby rendering them a legitimate target in a conflict. The International Committee of the Red Cross (hereinafter abbreviated to the **ICRC**) introduced the 'support-based' approach, which acts as a guide in determining whether an act conducted by a third party, be it by one or more states, a coalition of a state, including international organizations, intervene in a NIAC, supporting one of the parties to the conflict, may lead them to be considered as a party to the on-going conflict, resulting in a status of being a lawful target ([Ferraro, 2015](#)). The determination of a party to the

conflict status is ascertained when the third party's conducts align with the pre-existing conflict through the nature of its supporting participation towards one party of the conflict rather than solely relying on the indicative criteria for determining the existence of a NIAC (Ferraro, 2015). Pinpointing the legal implication of participation made by a third party in a NIAC prevents a situation when such party is actively participating in military operations and collectively engaging in hostilities within the context of a pre-existing NIAC from evading classification as parties to the conflict, rendering them to preclude in claiming immunity from direct attacks by the 'enemy' power or the adversary ([Ferraro, 2015](#)).

The concept of third-party participation in the context of the ' support-based' approach can be regarded as an intervention to support one of the parties to the conflict, consisting of providing military resources in a pre-existing conflict or forming joint military operations whose aim is to weaken or neutralise the 'enemy' power or adversary. The main point of assessing the approach is to determine whether the participating action made by the third-party power could reasonably be considered as support to one of the parties in conflict, and if it is considered as so, hence, the action would be considered as an act of hostilities as an intervening power against the adversary in favor of the supported party ([Ferraro, 2015](#)).

Mirroring the concept of direct participation in the hostilities, the rationale behind the idea of foreign interventions in an ongoing NIAC is similar to the rationale of the notion of direct participation in the hostilities ([Steenberghe & Lesaffre, 2019](#)). According to the notion of direct participation in hostilities, persons who directly engage in combat or other hostile acts lose their protected status. Likewise, foreign entities that conduct certain acts in supporting one of the parties to a NIAC may be considered participants in the hostilities ([Steenberghe & Lesaffre, 2019](#)). The approach demonstrates that the participation of a third party in the hostilities exists under the basis that there is a directness of contribution by the intervening power to the conduct of the hostilities ([Rudolphy, 2022](#)). Hostilities are understood as the collective resorts of means and methods that cause harm to the 'enemy' power or adversary ([Melzer, Interpretive Guidance on the Notion of Direct Participation in the Hostilities under International Humanitarian Law, 2009](#)). Given that the hostilities establish a conflicted relationship between the parties involved, any intervening power forming support must have a significant connection to the hostilities itself, acknowledged as one of 'directness' ([Wentker, Jackson, & Hill-Cawthorne](#)). To qualify an intervening power as a participant to the hostilities in the NIAC, it must have a specific direct link to certain military operations towards one of the parties where it substantially contributes to weakening the adversary ([Steenberghe & Lesaffre, 2019](#)). It must be proven that, indeed, any assistance given by the intervening power that constitutes direct or material participation in the hostilities would result in making the said power a having 'directness' to the pre-existing conflict ([Rudolphy, 2022](#)). This alone would lead to the determination of a third party participating in a NIAC, making it a lawful target to be attacked by the enemy power.

The existence of participation by a third party in a NIAC is considered to be

stronger when the intervening power exercises control over one of the parties in conflict. Other than the approach adopted by ICRC in establishing the implication of participation of an assisting party based on its direct connection to the hostilities, an approach by establishing an 'overall control' by the intervening power towards one of the parties to the conflict is also considered. As stated above, the 'overall control' is a legal test established by the ICTY through the Tadić case. The 'overall control' test establishes the relationship of a party to the conflict, in this particular context, the non-state armed group is acting on behalf of the intervening power ([Ferraro, 2015](#)).

The test establishes a criterion for determining 'overall control' when a state exerts influence over a non-state armed group, not merely through the provision of resources or funding, but also by facilitating the overarching planning of military operations, irrespective of whether the state provided any explicit directives ([Prosecutor v. Tadić](#)). It is understood then that the notion of overall control established by the ICTY goes beyond just merely monitoring or checking by a state; it also involves an exercise of a form of authority over a non-state armed group ([Ferraro, 2015](#)). Although the context of the consideration given by the ICTY in establishing the 'overall control' test is to determine the classification of an armed conflict, it may affect the determination of third-party participation in an NIAC as that party which exercises the overall control will be considered as a participant to the hostilities, resulting in a party to the conflict status ([Rudolphy, 2022](#)).

Regarding Iran's stance in the Hezbollah-Israel conflict, both Iran and Hezbollah openly acknowledge Iran's support for Hezbollah against Israel. Does its backing imply a determination of participation in the hostilities? As previously elucidated, multiple methodologies exist for ascertaining the involvement of a third party in hostilities during a non-international armed conflict (NIAC). Some argue for a higher threshold, while others advocate for a more inclusive approach that includes actions like intelligence sharing and operational planning assistance, which are already considered participation in hostilities, contingent upon specific circumstances ([Rudolphy, 2022](#)). As previously established, the involvement of an assisting power must evaluate the direct link to the hostilities, requiring substantial support aimed at undermining the adversary's strength and providing the assisted party with a meaningful contribution to their military efforts. The Secretary-General of Hezbollah, Hassan Nasrallah, who has led the organisation for over 30 years, stated that the entire budget of Hezbollah—including expenses, wages, weaponry, and rockets—is provided by Iran ([Al Jazeera English, 2004](#)). It is estimated since 2018 that Iran has provided Hezbollah with a total of \$700 million annually to support its military operations against Israel (Haq, 2024). In addition, Iran also provides Hezbollah with military training as well as political, diplomatic, and organizational aid ([Congressional Research Service, 2024](#)).

Some might argue that financial assistance and weapon provision alone do not suffice to categorise Iran as a participant in the hostilities. However, based on the premise that support from an assisting power, which has significantly contributed to

one party in a conflict, confers a military advantage, Iran's provision of financial aid and weaponry to Hezbollah undoubtedly grants a military edge. This is because Iran supports Hezbollah's military operations and gives them all the tools they need. Hezbollah would be in a very bad situation against Israel if Iran did not provide it with money, weapons, and training. So, according to the first way of figuring out Iran's role in the Hezbollah-Israel conflict, its backing has met the requirement of being directly involved in the fighting, which means that it has materially helped Hezbollah fight against Israel.

Whether or not Iran exercises "overall control" over Hezbollah is somewhat a debatable question. Hezbollah has been long known as Iran's proxy since it shared the same ideology with Iran, and Iran has indeed shared its influence over Hezbollah and furthered its objectives without actually being in a direct confrontation against Israel ([Haq, 2024](#)). There even exists an extreme view stating that Hezbollah often directly aligns with and acts on behalf of Iran. However, it is still an arguable fact since it is undeniable that there is a connection between the two, yet Hezbollah's objectives are not always perfectly aligned with Iran's ([Haq, 2024](#)). According to the 'total control' test, it is essential to verify that Iran exerts authority over Hezbollah by actively coordinating military activities; however, the specific facts required to satisfy this test remain ambiguous. Nonetheless, it can be contended that while the relationship between Iran and Hezbollah may not meet the criteria for overall control, Iran's involvement in hostilities persists, as it has substantially contributed to Hezbollah's military operations against Israel through a 'support-based' framework. The distinction between the two schemes lies in their legal implications, as the absence of overall control creates a parallel between NIAC and IAC ([Ferraro, 2015](#)). On the other hand, when the overall control is established, as mentioned above, then the consequence would be that the law of IAC would be applicable.

III. Legitimacy of Attacking Iran's Consulate Building in Syria

A. Determining the Iranian Consulate Building as a Military Object

Once a supporting or intervening state is classified as a 'participant' in hostilities, its assets may be deemed lawful military targets under IHL ([Rudolphy, 2022](#)). It must be noted that attacks may only be directed toward military objects ([Ir., 1997](#)). As previously mentioned, IHL establishes the idea of a military object, which consists of objects that, by their nature, location, purpose, or use, make an effective contribution to military activities, giving a military advantage. On the other hand, there are no explicit rules provided under AP II that define what constitutes a 'military object' as it only provides stipulation on protecting specific civilian objects, for instance, indispensable to the survival of the civilian population foodstuffs, agricultural and provide protection to cultural properties ([Farhat, Nurdin, & Basir, 2022](#)). Nevertheless, although the provision of military object originated from AP I, meant to apply in situations of IAC, the rule of military objective has formed as a CIHL, where it has become the most fundamental principle, applies both during the situation of IAC or NIAC ([Kolb & Hyde, 2008](#)). Based on this stipulation, the parties to the

conflict are prohibited from direct attacks against civilian objects yet allowing them to damage and destroy military objects ([Koplow, 2022](#)). It aims to differentiate between legitimate military targets and civilian objects that are protected from attacks ([Heikkinen & Fiax, 2016](#)). This is known as the principle of distinction which became one of the very fundamental principles applicable in IHL. To assess further whether or not an object may be considered a “military object,” making it legitimate to be attacked, it must be taken into account each of the elements established under AP I.

First, the type of object. To ascertain if an object qualifies as a legal military asset, it is essential to evaluate whether it possesses an intrinsic characteristic that inherently facilitates military operations ([Dinstein](#)). Some examples of what are determined by its nature are indeed military objects are military aircraft and missiles, warships, military camps, and military ports and airfields ([Dinstein](#)). However, the interpretation of the notion ‘object’ does not only limited to just “objects”, but also includes a living creature, in this context regarded as the military personnel ([Dinstein](#)). In the current case, Israel argued that the Iranian consulate building within its embassy premises in Syria is a military building disguised as a civilian one ([Heine, 2024](#)). Assessing Israel's statement in terms of the 'nature' element, it is difficult to prove that the Iranian consulate building is a military building, as a consulate building within an embassy premises is only designated for carrying out diplomatic and consular missions by international law. This was confirmed by Iranian and Syrian officials, who stated that the facility was part of the diplomatic complex that housed diplomatic and consular operations in Syria ([Yönt, 2024](#)). However, considering the fact there were IRGC military advisers, which includes the high commander and his deputy, and other Iranian military personnel inside the building, it is reasonable to determine by the ‘nature’, although the building was intended not for military purposes, that it is a military objective.

Second, determine the object's location. It refers to the circumstance in which an object could be considered a military object when it is located in an area that is a legitimate target under the element of 'location,' an object situated in an area that gives effective contribution to the military advantage, for example, in bridgeheads and strips of land offering control over the harbour entrance ([Cohen & Zlotogorski, 2021](#)). The consequence of this understanding is that even by nature, an object is a civilian one, if it is located within a military base, then it cannot be immune from an attack ([Dinstein](#)). One other view that might help in explaining what it means by the element of 'location' to determine a military objective is that an object may be designated a military objective if its location impedes the line of fire targeting another legitimate military objective ([Henderson, 2009](#)). In this scenario, the Iranian consulate building was not located on a military post, as shown in the preceding example. The building was located on the Mezzeh highway in central Damascus, Syria's capital city, near the Al-Razi Hospital, the Canadian embassy, and across the street from a firm's building ([Baladi, 2024](#)). Implying that the building was an object located in an area where day-to-day non-military activities are being conducted, hence, it is hardly

proven that under this element, the building was indeed a military object.

Third, the purpose of the object. Refers to the intended future use of the object ([Sassoli](#)). Under this notion, it is not determined in the beginning that such use of the object would contribute to a military advantage otherwise it would be considered military by its nature ([Dinstein](#)). Fourth, the use of the object. Although it seems to be similar, it must be distinguished between the 'purpose' and the 'use' of the object as the 'use' refers to the object's present function. The notion of the 'use' of the object for military objectives does not depend on the object's nature or the intended expected purpose ([Dinstein](#)). One example that has been widely acknowledged in regard to the 'use' of an object for military objectives is when weapons factories or even extraction industries supplying raw materials to the factories, constitute legitimate military objectives if they contribute to the military operations, by supporting the operation indirectly ([Sassoli](#)).

The Iranian and Syrian officials' claim that the structure was used for diplomatic purposes also supports the idea that the embassy building is not a military object. The "use" criterion expresses that the building's current use must have been for military purposes. The idea of "use" means that just because the IRGC military advisers, including the high commander and his deputy, and Iranian military troops were inside the structure, it does not mean that it was meant for military purposes. Just because there are military personnel in a building does not mean that it should be used for military purposes. Many embassies, especially those of larger countries, have a lot of military and intelligence personnel living there to keep up good relations in the field of defence ([Heine, 2024](#)). However, as stated by Israel, given the fact that the building had not been identified as a consulate in maps or in publications of the Iranian Ministry of Foreign Affairs, it is reasonable to say that the building was of a military one by its use, especially when the important persons of the IRGC including its military personnel were present in the building. As by the notion of 'purpose' requires the future intention of the object, it is hardly proven, although possible, that the building was intended for military purposes.

In terms of the military advantage that is regulated by the idea of a "military objective," "military advantage" means that an attack must be real and directly related to military goals, not just a political outcome. This means that when the object is attacked, it must make the enemy's military potential weaker ([Sassoli](#); [Dinstein](#)). A military advantage must be realized through actions that directly or indirectly diminish the enemy's combat forces ([Henderson, 2009](#)). Indirectly, meaning that the attack of a military object must not only be limited to instant physical damage to the adverse party, but it can also include where it weakens the adverse party's fighting and defending capability ([Henderson, 2009](#)). For example, attacking a factory that produces helmets for use by the adversary combatants would not be considered as directly affecting the adverse party in instant physical damage. Instead it weakens the adversary military forces indirectly.

Going back to the current instance, striking the Iranian consulate building, based on what has been said before, may help Israel gain a military edge. It is a strategic move to say that the consulate building was a military building because it makes it

harder for Iran to employ its military or give military support to Hezbollah in its fight with Israel. This is because high-ranking officers and members of the IRGC were there, and one of the dead was the major general of the IRGC, who was in charge of giving weapons to Hezbollah and working with them ([Baladi, 2024](#)). Thus, causing death and injury to those persons may create a significant advantage for Israel, offering definite military advantage ought to be sought by attacking the building. Therefore, as a concluding thought, the consulate building can be regarded as a military object under IHL.

B. Assessing the Proportionality of Israel's Attack toward the Consulate Building

The preceding argument has demonstrated that the structure may be classified as a military asset rather than a civilian one. The implementation of the criteria of distinction seeks to focus exclusively on legitimate military objectives, but accidental damage to civilian objects or individuals may still occur during military actions directed at a military target. ([Farhat, Nurdin, & Basir, 2022](#)). Thus, as stipulated by Rule 14 CIHL, directing an attack towards military objects must be taken in accordance with the principle of proportionality. The principle of proportionality is essential to uphold civilian protection by prohibiting attacks on military objectives if the anticipated incidental harm to civilians or civilian objects outweighs the expected military advantage ([Sassoli](#)). It aims to ensure that when an attack is excessively harmful to the civilians or civilians' objects, it must be avoided. What are considered as 'incidental harm' in this context are civilians' death, civilians being injured, including damages to civilians objects ([Gillard, 2018](#)).

To assess whether 'an attack' could cause incidental harm, it must be taken into consideration: the causation and foreseeability ([Gillard, 2018](#)). To establish the causation between an attack and the incidental harm, what is to be considered is that in any event such incidental harm would not have occurred unless it is for the attack. Not only that it must be proven that the incidental harm is caused by the attack, it has to be proven that such occurrence must have been foreseeable at the time the attack was launched. The foreseeability is assessed on whether or not it is reasonable to believe that an incidental harm may have occurred as a potential consequence of the attack. The 'reasonableness' must take into consideration on how the attack was planned and conducted, including elements namely time available, weather, available troops and enemy activity, and territory/area ([Gillard, 2018](#)).

Israel claimed that the consulate building was a military object in this case to justify its actions. On the other side, representatives from Iran and Syria claimed that the building was utilised for diplomatic and consular purposes. As was claimed before, the building itself could be seen as a military target. However, since the consulate building was on the same property as the embassy and was also used as a home for Iranian and Syrian families, the attack also killed two Syrian civilians who lived there ([Baladi, 2024](#)). The bombing did not only cause a total destruction of the consulate building, as it is located within the embassy premises it has also damaged

the complex, rendering its use as the headquarters for diplomatic missions, diminished. The objectives ought to be sought, initially, may have been to limit Iranian's power and influence in Syrian soil, however, the fact that Israel has been casually directing the attack toward Syria without it being a part of the conflict itself, it is not impossible to cause casualties. Israel has ignored the fact that the consulate building was located in Syria, a third-party territory uninvolved in the conflict that has suffered severe and unjustified destruction to its people and infrastructure. To summarise, while the consulate building may be considered a military object, Israel's attack was not reasonable.

IV. Conclusion

Armed conflicts in the traditional concept are usually thought of as happening between two groups who are directly at odds with each other and use armed forces. At the moment, violent conflicts are getting worse and more complicated, and they come with a lot of new problems. There is a real chance of armed conflict between states and non-state actors on the land of a third state right now. This is a big problem for international peace and security. The start of an armed conflict without a direct participant in the fighting is marked by the presence of a third party. But that does not mean that IHL does not apply to that third party if it has greatly contributed to the conflict, which can be shown by providing material support to one of the parties to the conflict. Also, the complexity of modern armed conflicts has shown that attacks can happen across borders against the land of a state that is not involved in the conflict.

The article highlights that there is a highly complex scenario in simply determining the conflict between Hezbollah and Israel. The issue is aggravated by Iran's role in supporting Hezbollah, resulting in an alliance that considerably contributes to hostilities. This article concludes that Iran has met the threshold of substantial contribution, having a direct relationship to the hostilities in the Hezbollah-Israel war, by providing Hezbollah with financial and military material assistance, giving Hezbollah a considerable military edge. As a result, Iran's support for Hezbollah prompted Israel to perceive them as an enemy, a participant in the hostilities, placing them at risk of being designated a valid military target.

As Iran is regarded as a lawful target under IHL, its objects can also be considered as military objects under IHL. Nevertheless, the bombing by Israel of the Iranian consulate building in Syria cannot be justified. Indeed, the consulate building may be considered a military objective during the occurring circumstance; however, when an object is considered to be a military objective, the attack directed must be proportionate. In this context, Israel has failed to fulfil the proportionality assessment as Israel has neglected the fact that the building was located in Syria, a territory of a party uninvolved in the conflict, which has caused casualties and damage to the premises that were used for diplomatic purposes. Therefore, the act of directing an attack by Israel toward the consulate building is not justified under IHL.

References:

Akande, D. (2011, October). *Are Extraterritorial Armed Conflicts with Non-State Groups International or Non-International?* Retrieved from EJIL: Talk!: <https://www.ejiltalk.org/are-extraterritorial-armed-conflicts-with-non-state-groups-international-or-non-international/>

Al Jazeera English (Director). (2004). *What is Hezbollah and how is it linked to the Israel-Gaza War? | Start Here* [Motion Picture].

Al Jazeera. (2024, September 18). *The history of Conflict between Hezbollah and Israel*. Retrieved from Al Jazeera: <https://www.aljazeera.com/news/2024/9/18/hezbollah-and-israel-a-timeline-of-conflict>

Baladi, E. (2024, April 3). *Hidden Aspects of Iranian Consulate Building Targeted in Damascus*. Retrieved from <https://english.enabbaladi.net/archives/2024/04/hidden-aspects-of-iranian-consulate-building-targeted-in-damascus/>

Bartels, R. (n.d.). Parties to an Armed Conflict under International Humanitarian Law. *Revue de Droit Militaire et de Droit de la Guerre = The Military Law and Law of War Review*, 56(2), 451-488.

Bedreddin, H. (2024, September 18). *Israel, Hezbollah, and Lebanon: A Tripartite Conflict*. Retrieved from Opinio Juris: <http://opiniojuris.org/2024/09/18/israel-hezbollah-and-lebanon-a-tripartite-conflict/>

Britannica. (2024, October 15). *2006 Lebanon War*. Retrieved from Encyclopedia Britannica: <https://www.britannica.com/event/2006-Lebanon-War>

Cohen, A., & Zlotogorski, D. (2021). *Proportionality in International Humanitarian Law*. Oxford University Press.

Congressional Research Service. (2024, September). *Iran-Supported Groups in the Middle East and U.S. Policy*.

Dinstein, Y. (n.d.). Legitimate Military Objectives under the Current Jus in Bello. *International Law Studies*, 78, 139-172.

Farhat, S. A., Nurdin, R., & Basir, S. M. (2022). Attack Against Civilian Objects: An Analysis under International Humanitarian Law. *Hasanuddin Law Review*, 8(1).

Ferraro, T. (2015). The ICRC's Legal Position on the Notion of Armed Conflict Involving Foreign Intervention and on Determining the IHL Applicable to This Type of Conflict. *International Review of the Red Cross*, 97(900), 1127-1252.

Gadzo, M. (2024, October 2). *Timeline: The key moments that led to Iran's missile attacks on Israel*. Retrieved from Al Jazeera: <https://www.aljazeera.com/news/2024/10/2/timeline-the-key-moments-that-led-to-irans-missile-attacks-on-israel>

Gal, T. (n.d.). Unexplored Outcomes of Tadić: Applicability of the Law of Occupation to War by Proxy. *Journal of International Criminal Justice*, 12(1).

Gillard, E.-C. (2018). *Proportionality in the Conduct of Hostilities: The Incidental Harm Side of the Assessment*. Chatam House.

Hamidah, F. N., & Muhammad, F. M. (n.d.). Improving Compliance towards International Humanitarian Law: Filling in the Gaps? *Jurnal Hukum Pidana dan Ketatanegaraan*, 13(1).

Haq, I. u. (2024, March). *Iran and Hezbollah: Proxy Power Play*. Retrieved from Institute for Security and Development Policy: <https://www.isdp.eu/iran-and-hezbollah-proxy-power-play/>

Harmouch, S., & Nakissa, J. (2023, January 23). *How much influence does Iran have over its proxy 'Axis of Resistance' - Hezbollah, Hamas, and the Houthis?* Retrieved from The Conversation: <https://theconversation.com/how-much-influence-does-iran-have-over-its-proxy-axis-of-resistance-hezbollah-hamas-and-the-houthis-221269>

Heikkinen, T., & Fiax, M. (2016). The Need for Unified Understanding of 'Military Objective' in the Context of Human Shields and Passive Precautions Concepts. *International and Comparative Law Review*, 16(2).

Heine, J. (2024). *Are Embassies Off-Limits? Ecuadorian and Israeli Actions Suggest Otherwise - and that Sets a Dangerous Diplomatic Precedent*. Retrieved from The Conversation: <https://theconversation.com/are-embassies-off-limits-ecuadorian-and-israeli-actions-suggest-otherwise-and-that-sets-a-dangerous-diplomatic-precedent-227398>

Henderson, I. (2009). *The Contemporary Law of Targeting: Military Objectives, Proportionality and Precautions in Attack Under Additional Protocol I*. International Humanitarian Law Series.

International Committe of the Red Cross. (n.d.). *Israel/Lebanon/Hezbollah Conflict in 2006*. Retrieved from International Committe of the Red Cross: <https://casebook.icrc.org/case-study/israellebanonhezbollah-conflict-2006>

Jr., H. B. (1997). The Principle of the Military Objective in the Law of Armed Conflict. *United States Air Force Academy Journal of Legal Studies*, 8.

Kalshoven, F., & Liesbeth, Z. (2011). *Constraints on the Waging of War: An Introduction to International Humanitarian*. Cambridge University Press.

Kolb, R., & Hyde, R. (2008). *An Introduction to the International Law of Armed Conflicts*. North America: Hart Publishing.

Koplow, D. A. (2022). Reverse Distinction: A US Violation of the Law of Armed Conflict in Space. *Harvard National Security Journal*, 13.

Lubell, N. (2017). Fragmented Wars: Multi-Territorial Military Operations against Armed Groups. *International Law Studies*, 93(215), 214-250.

Manogar, G. J., & Christanti, D. W. (2023). Principle of Neutrality and the Obligation to Prevent International Humanitarian Law Violations: A Case Study of US Military Assistance in Russia-Ukraine War. *Padjadjaran Jurnal Ilmu Hukum*, 10(1), 80-100.

Maulana, M. A. (2024). Unveiling Iran's Deterrence by Denial Strategy in Retaliatory Strike Against Israel. *Indonesian Journal of International Relations*, 8(2), 480-503.

Maurer, D. (2023, February). *A State's Legal Duty To Warn Its Own Civilians On Consequences Of Direct Participation In Hostilities*. Retrieved from Articles of War: <https://ieber.westpoint.edu/states-legal-duty-warn-civilians-consequences-direct-participation->

hostilities / #:~:text=Under%20the%20“direct%20participation%20in,the%20area%20of%20the%20attack%20

Melzer, N. (2009). *Interpretive Guidance on the Notion of Direct Participation in the Hostilities under International Humanitarian Law*. International Committee of the Red Cross.

Melzer, N. (2016). *International Humanitarian Law: A Comprehensive Introduction*. International Committee of the Red Cross.

Motamedi, M. (2024, April 4). *Why does Israel keep launching attacks in Syria*. Retrieved from Al Jazeera: <https://www.aljazeera.com/news/2024/4/4/why-does-israel-keep-launching-attacks-in-syria>

Patel, M., & Singh, R. (2024, September 29). *Why Israel and Hezbollah have long been fighting each other*. Retrieved from The Indian Express: Journalism of Courage: <https://indianexpress.com/article/explained/explained-global/why-israel-and-hezbollah-have-long-been-fighting-each-other-9592136/>

Paulus, A., & Vashakmazde, M. (2009). Asymmetrical War and the Notion of Armed Conflict - A Tentative Conceptualization. *International Review of the Red Cross*, 91(873).

Prosecutor v. Tadić, Judgment (Appeal Judgment) (International Criminal Tribunal for the Former Yugoslavia).

Report of the Commission of Inquiry on Lebanon pursuant to Human Rights Council Resolution S-2/1 Third Session, A/HRC/3/2 (UNGA November 23, 2006).

Robinson, K. (2024, October 29). *What is Hezbollah?* Retrieved from Council on Foreign Relations: <https://www.cfr.org/backgrounder/what-hezbollah>

Rudolphy, M. P. (2022). Who is at War? On the Question of Co-belligerency. In H. Kriger, *Yearbook of International Humanitarian Law*. Asser Press.

Sassoli, M. (n.d.). *How does Law Protect in War?* International Committe of the Red Cross.

Steenberghe, R. v., & Lesaffre, P. (2019). The ICRC's 'Support-Based Approach': A Suitable but Incomplete Theory. *QIL*, 59.

Vite, S. (2009). Typology of Armed Conflicts in International Humanitarian Law: Legal Concepts and Actual Situations. *International Review of the Red Cross*, 91(873).

Wentker, A., Jackson, M., & Hill-Cawthorne, L. (n.d.). Identifying Co-Parties to Armed Conflict In International Law. Chatam House.

Yáñez, M. H. C. (2019). The conservationist principle under international humanitarian law versus a transformative occupation in a human rights context. *Padjadjaran Jurnal Ilmu Hukum (Journal of Law)*, 6(1). <https://doi.org/10.22304/pjih.v6n1.a2>

Yönt, S. (2024, April 9). *Israeli Strikes on Iranian Embassy: A grave threat to global diplomatic laws*. Retrieved from Middle East Monitor: <https://www.middleeastmonitor.com/20240409-israel-strike-on-iranian-embassy-a-grave-threat-to-global-diplomatic-laws/>