FACTS

The Republic of Arkania and the State of Belvaria have remained involved in several international armed conflicts for over five decades. The issue pertaining dispute between these two nations are related to sovereignty over the Orion Border Region, a strategically significant territory containing vital transportation corridors and energy infrastructure. Belvaria had allegedly established operational bases within densely populated civilian areas, including residential neighbourhoods, educational institutions, and public infrastructure.

Furthermore, there were repeated cross-border attacks allegedly carried out by military groups operating from the disputed territory, consequently Arkania announced that it is going to enhance its military command structure through the integration of Artificial Intelligence into battlefield decision-making. According to Arkania, rise in the complexity of modern warfare and the volume of intelligence generated from satellites, surveillance aircraft, electronic interception, unmanned aerial systems, and cyber intelligence rendered conventional human analysis is unable to handle/provide timely military responses.

And there is a need to address these operational challenges, as a result of which, Arkania's Ministry of Defence developed an integrated AI-assisted targeting architecture known as the ATHENA Combat Intelligence Network.

About ATHENA Combat Intelligence Network

The ATHENA Combat Intelligence Network comprised of three interconnected artificial intelligence systems designed to assist military commanders in detecting potential military objectives.

The first component of ATHENA, known as ATLAS, processed satellite imagery, communications intercepts, drone surveillance, financial records, travel histories, biometric databases, and social-media activity to identify buildings and infrastructure that would be helpful for military purposes. ATLAS was powerful in the sense it generated daily recommendations identifying locations considered likely to contain military assets, weapons depots, command centres, or logistical facilities.

The officials of the Arkania in their official statements stated that before the deployment of ATHENA, intelligence units were capable of identifying approximately twenty (20) potential military objectives annually through conventional intelligence analysis, however with the deployment of ATLAS, the military reportedly generated nearly two hundred (200) potential targets each day.

Then a second component, designated HELIOS, employed machine-learning algorithms to assign every individual within the conflict zone a numerical “Threat Probability Index” ranging from 1 to 100. Individuals receiving higher scores were considered more likely to be affiliated with Belvarian armed forces or organized armed groups. Persons whose scores exceeded a predetermined operational threshold were automatically included in military target review lists for further assessment.

Then there was, HERMES, which continuously monitored the movements of individuals previously identified by HELIOS using geolocation data, aerial surveillance, and communication metadata. When an individual who has been flagged enters a particular structure, HERMES immediately notified operational commanders, enabling rapid decisions regarding possible military action.

Arkania maintained that ATHENA functioned exclusively as a decision-support system and that no strike could occur without express approval from a human commander.

Military Operations

In the first quarter of 2026, Arkania conducted a series of precision air operations against locations identified through ATHENA.

And in the official statements released through press and media, it was asserted by Arkania that all air strikes targeted legitimate military objectives and were authorized only after human review of intelligence generated by the AI systems.

Civilian Harm

Arkania conducted several air strikes during the campaign which resulted in significant civilian casualties.

As a result of the aforesaid, several Independent humanitarian organizations reported that numerous residential buildings struck by Arkania housed displaced civilians alongside individuals suspected of belonging to Belvarian armed groups. Investigations further suggested that several individuals classified by HELIOS as

high-risk had no demonstrable affiliation with organized armed groups and had instead been misidentified because of incomplete or inaccurate datasets used during algorithmic training.

Another incident - one particular strike on the Lumen Residential Complex, forty-eight civilians, including women and children, were killed after HERMES identified the presence of a suspected Belvarian commander inside the building.

Despite the aforesaid, Arkania maintained that the operation complied with international humanitarian law because the commander constituted a lawful military objective and the attack had been authorized after human assessment of all available intelligence.

However, Belvaria disputed these assertions, arguing that the strike relied primarily upon unreliable algorithmic predictions rather than independently verified intelligence and therefore violated the principles of distinction, proportionality, and precaution.

Media coverage worldwide and International Reaction

The military campaign by Arkania attracted widespread international attention.

The United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions expressed concern that excessive reliance upon algorithmic recommendations could undermine compliance with international humanitarian law where meaningful human judgment was replaced by automated decision-making.

Several humanitarian organizations similarly questioned whether commanders exercising only cursory review of AI-generated recommendations could genuinely satisfy the legal obligation to distinguish between civilians and combatants or to take all feasible precautions before launching attacks.

Arkania rejected these criticisms and maintained that all intelligence generated by the system remained subject to human verification and operational discretion before any strike authorization.

Proceedings Before the International Court of Justice

As a result of the aforesaid, the State of Belvaria instituted proceedings before the International Court of Justice alleging that the Republic of Arkania had violated its obligations under international humanitarian law by employing AI-assisted targeting systems in a manner incompatible with the principles of distinction, proportionality, precaution, and humanity.

Belvaria further alleged that Arkania failed to conduct an adequate legal review of ATHENA prior to its deployment and unlawfully delegated essential targeting functions to machine-learning systems whose operation lacked transparency, explainability, and predictability.

Arkania denied all allegations, contending that ATHENA merely assisted commanders in processing intelligence, and all attacks were ultimately authorized by human decision-makers, and that international humanitarian law neither prohibits AI-assisted

targeting nor prescribes any particular form of technological decision support during armed conflict.

The Parties have submitted the dispute to the International Court of Justice for adjudication.

Issues for Consideration

1. Whether the use of AI-assisted targeting systems such as ATHENA is compatible with the principles of distinction, proportionality, and precaution under International Humanitarian Law.

2. Whether reliance upon algorithmic threat assessments and predictive targeting recommendations satisfies the requirement of meaningful human control in the use of force.

3. Whether the Republic of Arkania complied with its obligation under the applicable international laws and rules to conduct an adequate legal review before deploying ATHENA.

4. Whether the use of AI-generated targeting recommendations resulting in civilian casualties engages the international responsibility of the Republic of Arkania.

5. Whether the delegation of significant targeting functions to AI-assisted systems is consistent with the Martens Clause and the principles of humanity and public conscience.

6. Whether existing international humanitarian law adequately regulates AI-assisted targeting systems or whether evolving

customary international law imposes additional obligations upon States employing such technologies.

APPLICABLE LAWS

1. **Charter of the United Nations.**
2. **Geneva Convention, 1949.**
3. **Additional Protocol I to the Geneva Convention.**
4. **The Martins Clause and the Applicable Laws of Armed Conflict.**
5. **General Principles of International Law.**
6. **General Principles of International Humanitarian Law.**
7. **ICJ statute**
8. **ILC draft articles on the law of treaties.**
9. **Hague Conventions of 1899 and 1907.**