

Whether an act by a civilian constitutes taking a direct part in hostilities is likely to depend highly on the context, such as the weapon systems or methods of warfare employed by the civilian's side in the conflict.²⁹¹ For example, in some contexts, training and logistical support may be viewed as taking a direct part in hostilities, while in other contexts it might not.²⁹² The following considerations may be relevant:²⁹³

- the degree to which the act causes harm to the opposing party's persons or objects, such as
 - whether the act is the proximate or "but for" cause of death, injury, or damage to persons or objects belonging to the opposing party; or
 - the degree to which the act is likely to affect adversely the military operations or military capacity of the opposing party;
- the degree to which the act is connected to the hostilities, such as
 - the degree to which the act is temporally or geographically near the fighting; or
 - the degree to which the act is connected to military operations;
- the specific purpose underlying the act, such as
 - whether the activity is intended to advance the war aims of one party to the conflict to the detriment of the opposing party;
- the military significance of the activity to the party's war effort, such as
 - the degree to which the act contributes to a party's military action against the opposing party;
 - whether the act is of comparable or greater value to a party's war effort than acts that are commonly regarded as taking a direct part in hostilities;²⁹⁴
 - whether the act poses a significant threat to the opposing party;
- the degree to which the activity is viewed inherently or traditionally as a military one, such as
 - whether the act is traditionally performed by military forces in conducting military operations against the enemy (including combat, combat support, and combat service support functions);²⁹⁵ or
 - whether the activity involves making decisions on the conduct of hostilities, such as determining the use or application of combat power.