

427th Support Battalion
Geneva and Hague
Convention-Law of War
Briefing

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Enabling Learning Objective A

Identify the key elements of the Hague and Geneva Conventions that pertain to small unit combat operations.

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Unlawful Targets

The attack of noncombatants and protected property is illegal.

- ◆ Noncombatants
- ◆ Protected Property



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Lawful Targets

- ◆ Combatants- a combatant is any one engaging in hostilities in an armed conflict on behalf of a party to the conflict.
- ◆ Military Objectives- A combatant, a dependent place, and those objects which by their nature, location, purpose or use, make an effective contribution to military action.
- ◆ Incidental Injury and Collateral Damage- Unavoidable and unplanned damage to civilian personnel and property incurred while attacking a military objective.



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NONCOMBATANTS

- ◆ CIVILIANS
- ◆ WOUNDED AND SICK
- ◆ HORS DE COMBAT
- ◆ PRISONERS OF WAR
- ◆ PARACHUTISTS OF DISABLED AIRCRAFT
- ◆ MEDICAL PERSONNEL
- ◆ CHAPLAINS
- ◆ JOURNALISTS

Civilians

- ◆ Civilians are persons who are not members of the enemy's armed forces and who do not take part in the hostilities.



Wounded and Sick

- ◆ Soldiers who have fallen by reason of sickness or wounds and who cease to fight are to be respected and protected.
- ◆ Shipwrecked members of the armed forces at sea are to be respected and protected.
- ◆ Shipwrecked includes downed passengers/crews on aircraft, ships in peril and castaways.



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Hors de combat

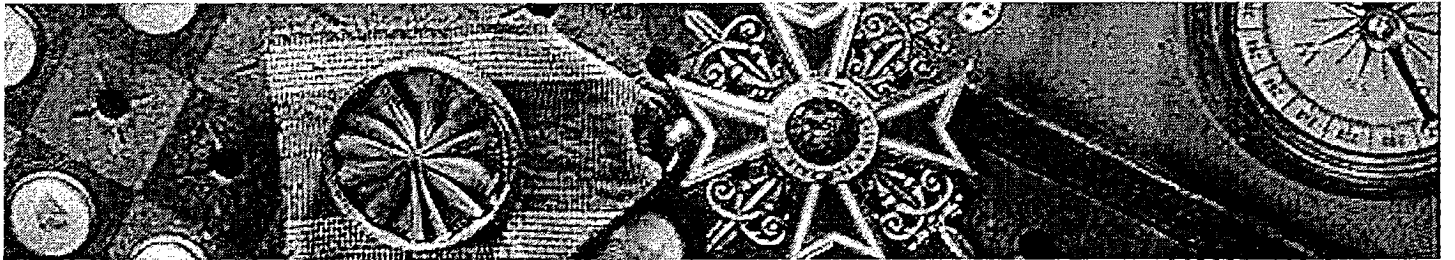
◆ Soldiers that are Hors de Combat are enemy personnel who are “out of combat” .

Examples are:

1. Wounded and Sick
2. Prisoners of War
3. Parachutists- Parachutists of disabled aircraft.
4. Medical Personnel

Prisoners of War

- ◆ Captors must respect (not attack) and protect (care for) those who surrender.
- ◆ Surrender may be made by any means that communicates the intent to give up.



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Parachutists Of Disabled Aircraft

- ◆ Parachutists who are crewmen of a disabled aircraft are presumed to be out of combat and may not be targeted unless it is apparent they are engaged on a hostile mission.
- ◆ Exception- paratroopers are presumed to be on a military mission and therefore may be targeted.



Medical Personnel

1. Medical personnel of the Armed Forces.
 - (a.) Doctors, nurses, surgeons, chemist, stretcher bearers, Medics, Corpsman, and orderlies who are exclusively engaged in the direct care of the wounded and sick.
 - (b.) Administrative staffs of medical units (drivers, generator operators and cooks).
 - (c.) Chaplains.
2. Auxiliary Medical Personnel of the Armed Forces.
 - Those persons who have received “special training” and are carrying out their medical duties when they come in contact with the enemy.
3. Relief Society.
 - personnel of the National Red Cross Society and other recognized relief Societies.
 - Personnel of relief societies of neutral countries.



Chaplains



Journalists

- ◆ Protected as a noncombatants provided they take no action adversely affecting their status as civilians.



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Lawful Use of Force: Principles

- ◆ Military Necessity: actions not forbidden by law and indispensable for the submission of the enemy.
- ◆ Humanity : minimization of incidental injury, collateral damage, and suffering.
- ◆ Proportionality : suffering must not be disproportionate to the direct and concrete military advantage gained.
- ◆ Discrimination: attacks must be directed against a specific, military target.





Protected Property

- ◆ Civilian Property
- ◆ Cultural Property
 - Churches
 - Universities, Colleges, Schools
 - Historical Monuments
 - Museums
 - Buildings dedicated to Charities (such as Orphanages)
- ◆ Cultural Property Emblems

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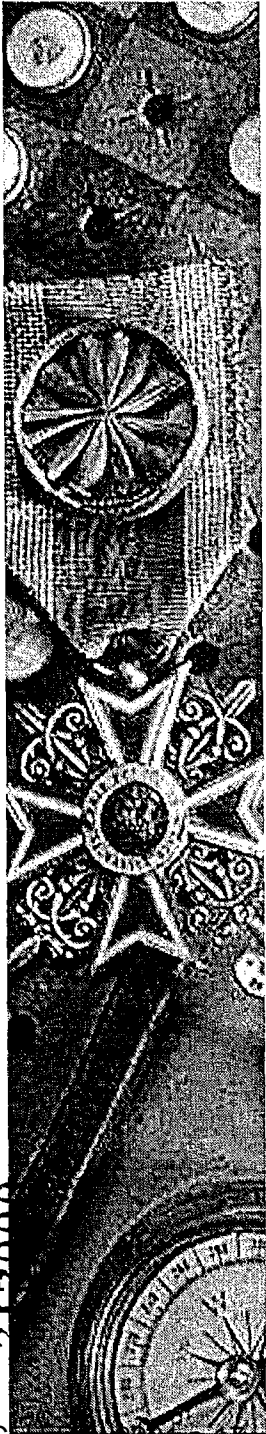
Protected Medical Transports and Facilities

- ◆ Ambulances
- ◆ Hospital Ships
- ◆ Medical Aircraft
- ◆ MEDIVAC Helicopters
- ◆ Hospitals
 - Buildings
 - Mobile (Tents)



Treachery and Perfidy

- ◆ Misuse of the Red Cross
- ◆ Misuse of a Flag of Truce
- ◆ Misuse of enemy uniforms, flags, nation emblems or insignia
- ◆ Misuse of cultural property
- ◆ Pretending to be a civilian
- ◆ Pretending to surrender
- ◆ Pretending to be wounded
- ◆ Pretending to be a United Nations Peacekeeper.

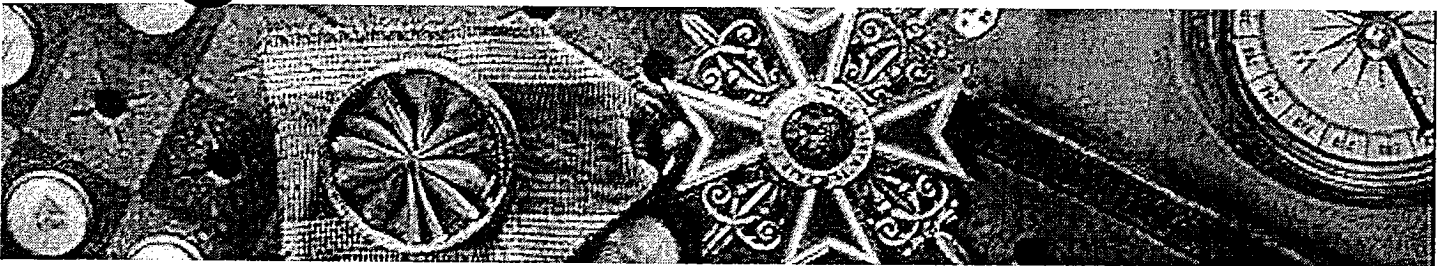


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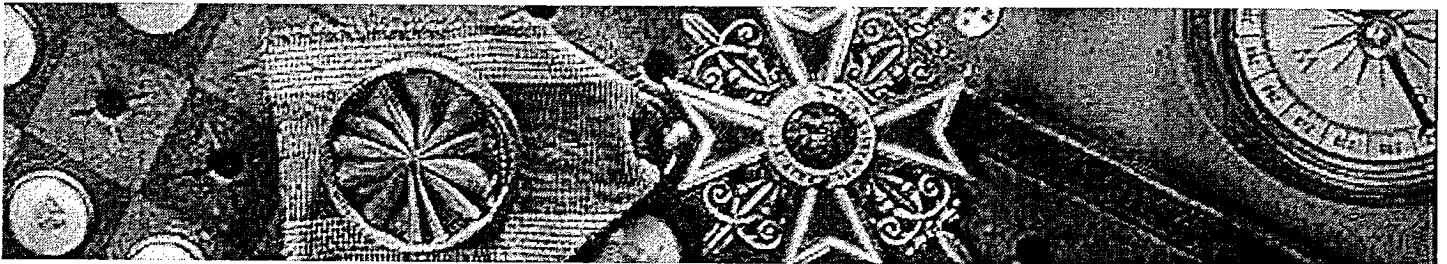
Misuse of Red Cross, Red Crescent and Cultural Property Symbols

- ◆ Use of these symbols is restricted to facilities or transport exclusively engaged in medical duties or recognized cultural property.
- ◆ Law of War provides that wounded and sick, hospitals, medical vehicles, and in some cases, medical aircraft be respected and protected.



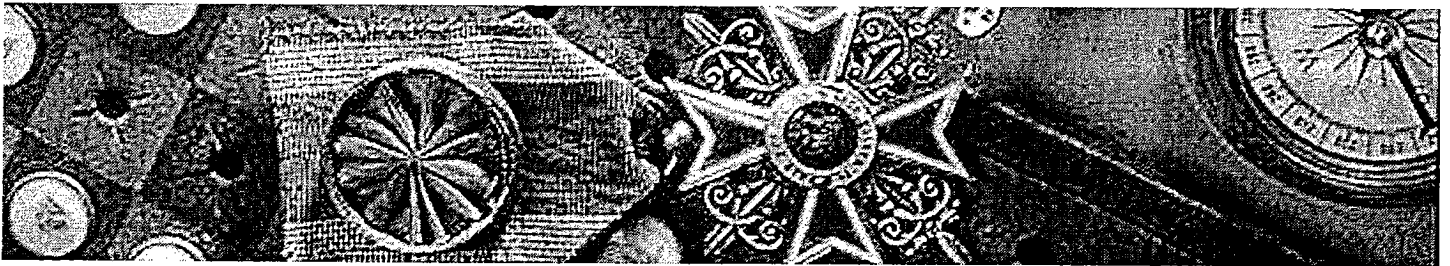
Feigning Surrender

- ◆ Feigning surrender or intent to negotiate under a flag of truce.
- ◆ A white flag is an indication of a desire to negotiate only and its holder has the burden to come forward.
- ◆ Remember the Falklands War scenario.



Use of Enemy Property

- ◆ Combatants may wear enemy uniforms (for example, to infiltrate) but cannot fight in them.
- ◆ Military personnel not wearing their uniform lose their PW status if captured and risk being treated as spies.



Cultural Property

- ◆ Misuse of cultural property will subject the property to attack.



Feigning Civilian Noncombatant Status.



Feigning incapacitation by wounds/ sickness.



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Feigning protected status by
using UN, neutral, or nations not
party to the conflict's signs,
emblems, or uniforms.

Acts that cause Unnecessary Suffering

- ◆ It is especially forbidden to employ arms, projectiles or material calculated to cause unnecessary suffering.
- ◆ Use of Expanding Bullets
 - Hollow Points
- ◆ Use of Non-detectable Fragments
 - Glass or Plastic Munitions
- ◆ Use of Poison (Chemical)
 - Nerve Agents, Blister Agents, Blood Agents
- ◆ Altering Weapons
 - Ammunition



Weapons may be illegal

- ◆ Per se
- ◆ By improper use
- ◆ By agreement or prohibited by specific treaties
- ◆ Hollow point ammunition
- ◆ Fragmentation
- ◆ Chemical Weapons
- ◆ Altering Lawful Weapons



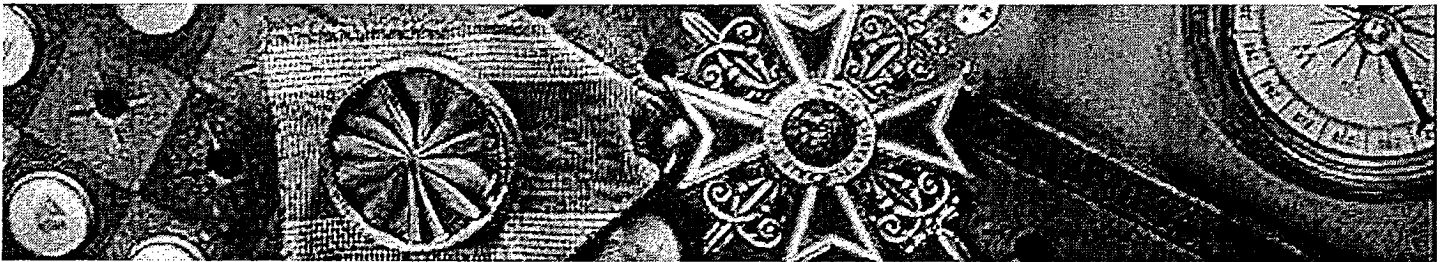
Requirements to protect prisoners of War and detainees.

- ◆ Search the POW
- ◆ Silence the POW
- ◆ Segregate the POW
- ◆ Safeguard the POW
- ◆ Speed to the rear.



Examples of Measures Designed to Protect Civilian Property from the Consequences of Combat.

- ◆ It is always unlawful to intentionally target civilians or civilian property.
- ◆ Combatants should take all reasonable steps to shield civilians and their property from the unintended consequences of combat (Collateral Damage)
- ◆ Civilian Property may only be taken for a legitimate military need.
- ◆ Make minimization of collateral damage a key factor in the targeting process.
- ◆ Do not treat several military targets located in a general civilian area as one large target.



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Examples of Measures Designed to Protect Civilian Property from the Consequences of Combat.

- ◆ Use real or artificial observation assets for indirect fire missions.
- ◆ Civilian Property may only be taken for a legitimate military need.
- ◆ Treat all non-uniformed personnel not attempting to cause direct injury to your force as civilians.
- ◆ Civilians and civilian property must never be intentionally targeted.
- ◆ Take all reasonable steps to shield civilians from unintentional harm.
- ◆ Never take civilian property without both a military need and appropriation procedures.




POWs have the right to:

- ◆ Receive food, shelter and clothing adequate to stay in good health
- ◆ Receive medical care
- ◆ Send and receive mail
- ◆ Keep personal property except weapons, military equipment and certain documents
- ◆ Retain their military identification card



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POWs have the right to :

- ◆ To be provided copy of the Geneva Conventions in their native language.
- ◆ To complain to the camp commander about camp conditions.
- ◆ Practice their religion.
- ◆ Due process in trials for any offenses committed while in captivity.

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Duties towards Prisoners of War

- ◆ Afford POW protections until directed otherwise by the appropriate commander.
- ◆ Treat with Respect and Honor.
 - respect their sex (separate men from women).
 - Respect their religion.
- ◆ Evacuate POWs in a humane manner
- ◆ Provide adequate food, clothing , and shelter.
- ◆ Provide medical care as necessary.



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Requirements to Report Law of War Violations

- ◆ DOD DIRECTIVE 5100.77
 - DOD Law of War Program
- ◆ CJCSI 5810-01
 - Implementation of DOD LOW Program
- ◆ FM 27-10, para. 507
 - Department Of the Army Law of Land Warfare

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Enabling Learning Objective B

Identify action to
prevent violation of
the Law of War.

Protect Noncombatants and Civilians from the Consequences of Combat

- ◆ Do not directly attack.
- Warn prior to bombardment.
- ◆ Evacuate from Combat Zone.
- ◆ Separate from Military Objectives.



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PROTECT PROPERTY

- ◆ Use protective emblems for cultural or medical properties.
- ◆ DO NOT loot or pillage.
- ◆ Separate protected property or non-military property from military objectives.
- ◆ Employ observed fire.



Examples of protecting POWs

- ◆ Removing them from the battlefield as soon as practicable.
- ◆ Segregate men and women POWs
- ◆ Shield them from public curiosity and abuse.
- ◆ Provide medical treatment based upon medical needs only; no adverse distinction because they are POWs

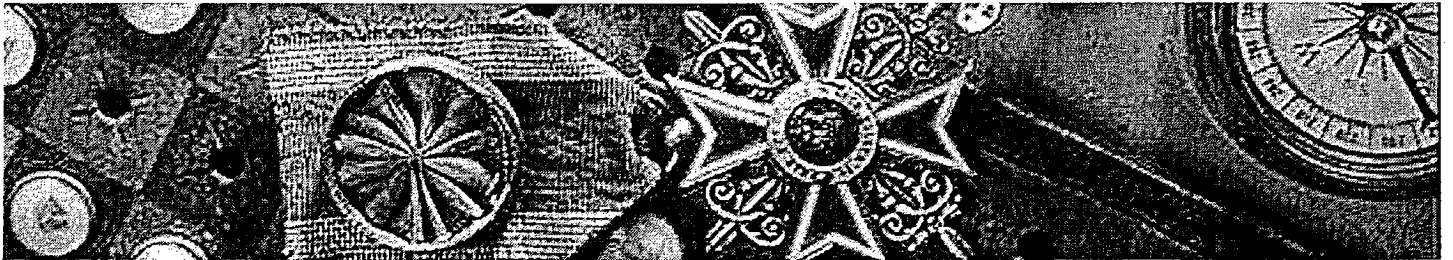


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Protect Medical Facilities and Transports

- ◆ Respect the Red Cross/ Red Crescent Emblems
- ◆ Allow medical personnel to guard and protect wounded with individual weapons
- ◆ Separate from military objectives
- ◆ Refrain from using for “Acts Harmful to the Enemy”



Prevent Engagement of Unlawful Targets

- ◆ Know and respect symbols for protected persons and property.
- ◆ Do not attack noncombatants or protected property.
- ◆ Do not fire indiscriminately.
 - Use observed fires.
- ◆ Follow the Rules of Engagement.

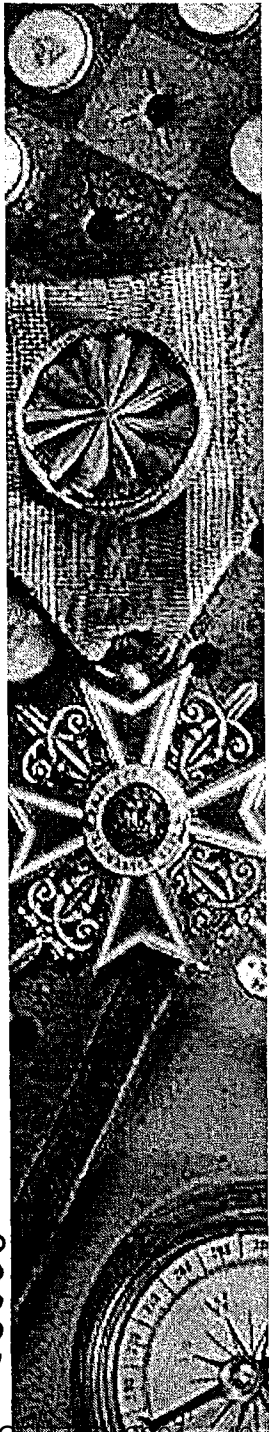


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Actions to Prevent Excessive Use of Force

- ◆ Target specific, military objectives.
- ◆ Take reasonable steps to minimize collateral damage.

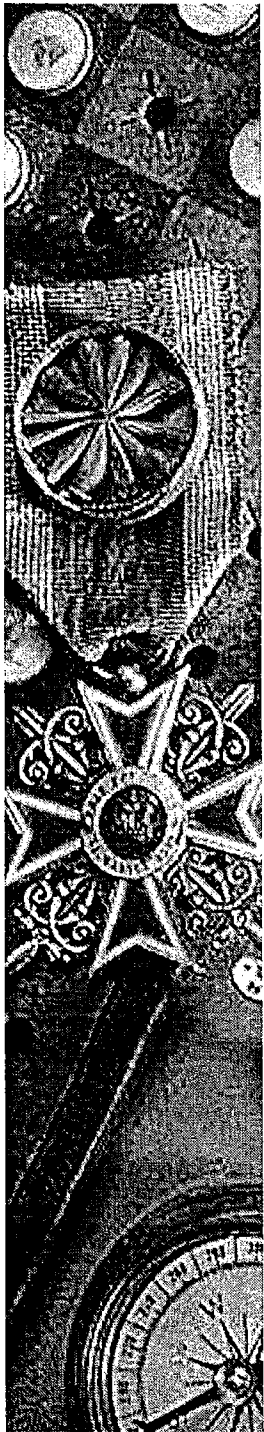


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Prevent Unauthorized use of Medical Services Symbols, Flag of Truce.

- ◆ Use symbols of protected status for their intended purposes only.
- ◆ Respect the proper use of a flag of truce.
- ◆ DO NOT *fight* in enemy uniforms.

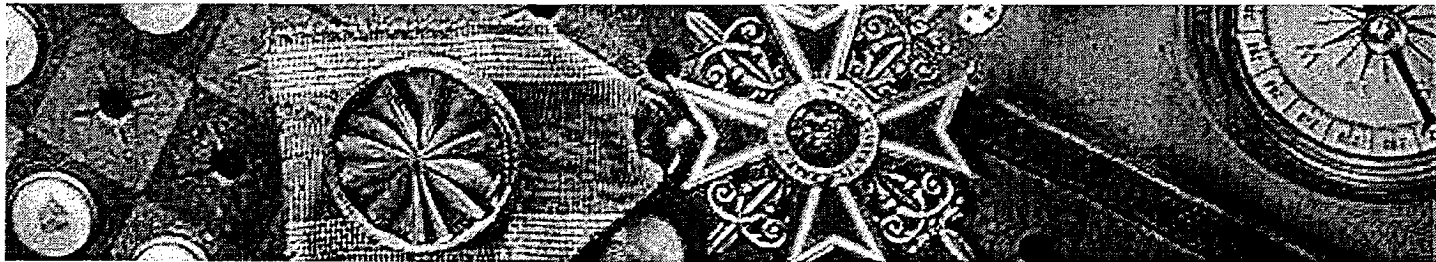


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Prevent Unnecessary Destruction and Seizure of Property

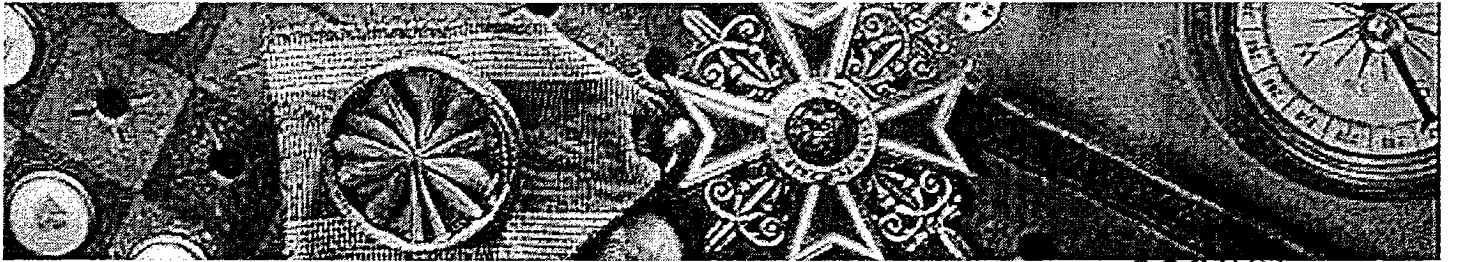
- ◆ Ensure soldiers understand that civilian property may not be seized or destroyed without imperative military necessity.
- ◆ Ensure receipts are provided by an officer for any seized property.
- ◆ Ensure any requisitions of property are authorized by the local commander.



Prevent Unnecessary Suffering and Harm

- ◆ Minimize incidental injury to civilians.
- ◆ *DO NOT* use weapons indiscriminately.
- ◆ Employ observed fire.
- ◆ *DO NOT* use unlawful weapons.





POWs must:

- ◆ Inform their captors of their name, rank, service number, and date of birth.
- ◆ Obey all lawful rules established by their captor.
- ◆ Perform labor consistent with one's rank, that does not support the war effort and is not humiliating, dangerous, or unhealthy.

How do I report a War Crime ?

- As soon as possible, report, in writing or orally, the event you believe to be a war crime violation to your Commander, the Chaplain, IG, JA or next immediate Commander depending on who may be involved.
- Look to specific regulations put out by your Command Headquarters.



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Questions

