

**NATO STANDARD**

**ATrainP-2**

**TRAINING IN THE LAW OF ARMED  
CONFLICT**

**Edition B Version 1**

**JUNE 2019**



**NORTH ATLANTIC TREATY ORGANIZATION**

**ALLIED TRAINING PUBLICATION**

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**NORTH ATLANTIC TREATY ORGANIZATION (NATO)**

**NATO STANDARDIZATION OFFICE (NSO)**

**NATO LETTER OF PROMULGATION**

26 June 2019

1. The enclosed Allied Training Publication ATrainP-2, Edition B, Version 1, TRAINING IN THE LAW OF ARMED CONFLICT, which has been approved by the nations in Military Committee Joint Standardization Board, is promulgated herewith. The agreement of nations to use this publication is recorded in STANAG 2449.
2. ATrainP-2, Edition B, Version 1, is effective upon receipt and supersedes ATrainP-2, Edition A, Version 1, which shall be destroyed in accordance with the local procedure for the destruction of documents.
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4. This publication shall be handled in accordance with C-M(2002)60.



ZOLTAN GULYAS  
Brigadier General, HUNAF  
Director, NATO Standardization Office

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## RECORD OF RESERVATIONS

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## RECORD OF SPECIFIC RESERVATIONS

[nation]	[detail of reservation]
BEL	<p>BEL (DG Jur) has two remarks, one regarding the content, one regarding the opportunity.</p> <p>Regarding the content:</p> <ul style="list-style-type: none"> <li>- The slide F-12 defines the “armed conflict” as: “The term armed conflict is not defined in international law. LOAC only states that violence below a certain threshold does not qualify as armed conflict. LOAC applies in all armed conflicts and in all domains. In the absence of a formal declaration of war, the facts and circumstances determine whether an armed conflict exists. In this respect, both the extent and duration of armed violence are the key factors.”</li> <li>- The Belgian juridical division has the following comment: As for Slide F-12 regarding LOAC Applicability and, in particular, the definition of armed conflict, BEL is of the view that neither the extent nor the duration of armed violence are the key factors in order to determine the existence of an armed conflict. On the contrary and according to the most authoritative jurisprudence, established criteria are the presence of belligerent parties and the existence of armed violence between them. The extent and duration of such violence is not decisive in order to assess the existence of an international armed conflict. As for the existence of a non-international armed conflict, the intensity of the violence and the organization of the parties at stake are key factors.</li> </ul> <p>Regarding the opportunity:</p> <ul style="list-style-type: none"> <li>- The slide F-66 presents the “No Strike List (NSL)” and the “Restricted Target Lists (RTL)” as examples of measures taken to ensure compliance with the special protection of certain properties (hospitals, structures and installations containing dangerous forces, protected areas, etc.).</li> <li>- Belgium, as other nations, consider this as good measures but not as obligations.</li> </ul> <p>Even though mitigations have been introduced as “Instructors must know whether their Nation chose to use NLSs and RTLs as a means to ensure LOAC compliance” or that other options are possible.</p> <p>Moreover, although “This template is for training purposes only. It does not necessarily constitute a part of the State practice of any NATO Nation or the NATO position on the substance of LOAC. Nothing in this Annex is evidence of, nor shall be construed as a deviation from national standpoints regarding international law and, in particular, LOAC, by the nations that ratify the NATO standard contained in ATrainP-2 Edition B of STANAG 2449 “.</p>

	<p>- Belgium would like to word the following comment: “The reference to the development of NSL and RTL at Slide 66 LOAC in the Planning and Conduct of Operations reflects a mere example of a good practice illustrating how LOAC can be implemented. It does not by any mean reflects a legal obligation to develop NSL and/or RTL, nor could the absence of such NSL/RTL be seen as a disregard for LOAC compliance.”</p>
DEU	<p>Reservation regarding ANNEX F98, last para: The civilian population and individual civilians shall enjoy general protection against dangers arising from military operations (Article 51 (1) AP I). The civilian population as such, as well as individual civilians, shall not be the object of attack (Article 51 (2) AP I). Reprisals against the civilian population shall therefore be fundamentally prohibited. Civilian objects shall not be the object of attack or of reprisals (Article 52 (1) AP I). This prohibition shall also apply to states that have not signed AP I 1977.</p>
USA	<p><b>1. Context.</b></p> <p>The United States is not a party the Additional Protocol to the Geneva Convention of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts, 1977 (AP I 1977); Convention on Cluster Munitions, 2008 (CCM 2008); Convention on the Use, Stockpiling, Production, and transfer of Anti-Personnel Mines and on their Destruction, 1997 (AP Min Ban Conv 1997); the 1899 Declaration on Expanding Bullets; or the 1868 St. Petersburg Declaration on Exploding Bullets. The United States signed, but did not ratify the Rome Statute of the International Criminal Court.</p> <p><b>2. Specific legal objections from the comment matrix are brought forward to be perfectly clear.</b></p> <p>(1) <b>Reservation 1.</b> In some, but not all, “suggested text for the instructor note(s),” the notes are qualified with “For States party to AP I 1977.” The absence of this conditional language may inappropriately reflect that all NATO states are parties to Additional Protocol to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 1977 (AP I). The United States is not a party to AP I; however, it does recognize certain articles therein as expressions of customary international law. In each instance where the notes draw an inference that all NATO states subscribe to AP I’s provisions the United States will likely object or submit a national reservation. Appropriate “For States party to AP I 1977” qualifications should be applied to every suggested text where applicable.</p> <p>(2) <b>Reservation 2.</b> The United States does not recognize ‘international humanitarian law’ as a synonym for the law of war or</p>

	<p>law of armed conflict as presented in Slide 4. The law of war is the preferred term, also known as the law of armed conflict. Refer to DODD 2311.01E, <i>DOD Law of War Program</i>. Linking the “law of armed conflict” with “human rights law” or “international human rights law” conflates the separate portions of law in a way that inconsistent with United States policy. Additionally, “human rights law” or “international human rights law” are a subset of international law and not a body of law in and of itself.</p> <p>(3) <b>Reservation 3.</b> The Department of Defense does not accept the listing of specific text from AP I that can be misinterpreted that all nations adhere to and are binding to AP I as shown on Slides 16, 23, 31, 35, 36, 41, 43, 48, 50, 51, 62, 67, 76, 77, 80, 81 and detailed below:</p> <p>‘Constant care’ on slide 16 comes from AP I, which the United States is not a party. The United States policy is to take feasible precautions taking into account military objectives.</p> <p>The United States does not think the ‘Doubt Rule’ on slide 23 is customary international law. See DOD Law of War Manual, 5.4.3.2.</p> <p>The United believes that mercenaries noted on slides 31 and 35 can be combatants and entitled to POW status in some circumstances.</p> <p>The United States does not use the treaty definition of direct participation in hostilities (DPH) on slide 36. United States policy is that civilians who have taken a DPH must not be made the object of attack after they have permanently ceased their participation, however, persons do not benefit form a “revolving door” of protection. Refer to DOD Law of War Manual, 5.8.4.</p> <p>The United States is not a party to AP I. On slide 41, the display of the distinctive emblem is under the direction of the competent military authority, military commanders may authorize the removal. Refer DOD Law of War Manual, 7.15.2.1.</p> <p>The United States believes under customary international law, no legal presumption of civilian status exists for persons or objects as indicated on slides 43 and 48. States. Refer to DOD Law of War Manual, 5.4.3.2.</p> <p>The United States supports the principle on slide 48 that civilian civil defense organizations and their personnel be respected and protected as civilians and be permitted to perform their civil defense tasks except in cases of imperative military necessity.</p> <p>The United States has objected to the rule on slide 50 and language on pages F-74 through F-75 and does not view it as</p>
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	<p>reflecting customary international law insofar as the rule deviates from regular application of the principles of distinction and proportionality. See DOD Law of War Manual, 17.7.</p> <p>The United States believes the language under “Exceptions” for slide 51 should read “Measures to starve enemy forces are not prohibited, unless it is expected to result in incidental harm to the civilian population that is excessive in relation to the military advantage anticipated to be gained.” See DOD Law of War Manual, 17.9.2.1.</p> <p>The United States Department of Defense has not interpreted customary international law to prohibit United States forces from seeking to capture by resort to perfidy as indicated on slide 62. See DOD Law of War Manual, 5.22.2.1.</p> <p>The United States does not have to make the same distinction for “Indiscriminate Attacks” on slide 67, bullet 4 of the “Suggested text for instructor note(s).” Distinction is a case-by-case determination. ‘Constant care’ in bullet 1, under “Precautions in the attack” of the suggested instructor’s notes for slide 67 comes from AP I, which the United States is not a party. The United States policy is to take “feasible precautions” taking into account military objectives.</p> <p>United States does not require commanders to initiate disciplinary actions as indicated on slide 76, bullet 4 of the instructor’s notes (additionally this could be seen as unlawful command influence). See DOD Law of War Manual, 18.4.2. In carrying out their duties to implement and enforce the law of war, commanders may use disciplinary or penal measures. Under international law, commanders have discretion about how to implement and enforce their law of war obligations; there is no absolute or automatic requirement under international law to punish particular offenders within their armed forces in a specific way.</p> <p>The United States is not a party to AP 1 and will not implement bullet 2 under “Command Responsibility” in the instructor’s notes for slide 77.</p> <p>The United States uses term grave breaches, instead of war crimes on slide 80. The term “grave breaches” was deliberately chosen so as not to indicate that violations of those provisions of the 1949 Geneva Conventions were themselves crimes or that the 1949 Geneva Conventions created an international penal code. See DOD Law of War Manual, 18.9.3.1.</p> <p>The United States Congress has declined to authorize prosecutions for war crimes based on principle of Universal Jurisdiction on slide 80. Efforts by certain States to undertake prosecutions on the basis of this principle have been controversial. Such prosecutions</p>
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	<p>have generally not been successful unless the State concerned has consented. See DOD Law of War Manual, 18.21.</p> <p>The United States signed, but did not ratify the Rome Statute of the International Criminal Court (ICC). The United States will not implement provisions on slide 80 related to the ICC.</p> <p>(4) <b>Reservation 4.</b> The United States is not a party to the 1899 Declaration on Expanding Bullets and does not regard the 1899 Declaration on Expanding Bullets as customary international law and does not agree with the text on Slide 56.</p> <p>(5) <b>Reservation 5.</b> The United States is not a party to the 1868 St. Petersburg Declaration on Exploding Bullets, and its prohibition on the use of certain projectiles does not reflect customary international law and does not agree with the text on Slide 56.</p> <p>(6) <b>Reservation 6.</b> It is United States does not agree with the text on Slide 58. It is United States policy to use riot control agents in some circumstances.</p> <p>(7) <b>Reservation 7.</b> The United States is not a party to the Convention on Cluster Munitions 2008, and does not agree with the text on Slide 60.</p> <p>(8) <b>Reservation 8.</b> The United States has signed but not ratified the Rome Statute of the International Criminal Court, 1998, and does not agree with text on Slide 62 that mischaracterizes some actions automatically as war crimes.</p> <p>(9) <b>Reservation 9.</b> The United States disagree with the incorrect use of war crimes in Slide 79. The term “grave breaches” was deliberately chosen so as not to indicate that violations of those provisions of the 1949 Geneva Conventions were themselves crimes or that the 1949 Geneva Conventions created an international penal code.</p>
<p>Note: The reservations listed on this page include only those that were recorded at time of promulgation and may not be complete. Refer to the NATO Standardization Document Database for the complete list of existing reservations.</p>	

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## **TABLE OF CONTENTS**

CHAPTER: 1:.....	1-1
ANNEX A: LOAC REFERENCE MATERIAL.....	A-1
ANNEX B: LOAC TRAINING PROGRAMME FOR ALL PERSONNEL.....	B-1
ANNEX C: LOAC TRAINING PROGRAMME FOR NON-COMMISSIONED OFFICERS.....	C-1
ANNEX D: LOAC TRAINING PROGRAMME FOR OFFICERS.....	D-1
ANNEX E: SPECIALIZED LOAC TRAINING.....	E-1
ANNEX F: LOAC TRAINING MODULE TEMPLATE.....	F-1

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<b>CHAPTER 1</b>
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**1.1 TRAINING STANDARD GOAL**

The training standard goal is to standardize training in the Law of Armed Conflict (LOAC) by establishing a minimum standard of training to ensure that NATO operations are conducted in accordance with LOAC, where applicable.

**1.2 DEFINITION**

In the context of this publication, LOAC is the part of international law relating to the conduct of armed conflict and military occupations.

**1.3 DETAILS OF THE PUBLICATION****1.3.1 Objective Of This Publication**

This publication provides guidance on the minimum standard of training in the LOAC. Annex A lists LOAC reference material which Nations may draw from when conducting their LOAC training. Annexes B - D lists topics that should be covered in the training of personnel. Specialized LOAC training may be required for categories of personnel identified in Annex E. Annex F offers a template for Nations to use in the preparation of their national training documents. If Nations wish to use this publication to train persons other than members of the armed forces, they may do so.

**1.3.2 Document Audience**

This publication is envisioned to serve as a tool and guideline for (national) instructors in the preparation and conduct of their (national) training in the LOAC.

**1.3.3 Responsibilities For Training**

1.3.3.1. In order to meet the legal obligations placed upon them by LOAC, Nations are required to train their personnel in LOAC. LOAC training is a national responsibility.

1.3.3.2. Obligations under LOAC are binding on Nations and individuals. Those in command shall ensure that personnel under their command are aware of their obligations under LOAC and that they comply with LOAC.

1.3.3.3. Nations shall ensure that legal advisors are available, when necessary, to advise military commanders at the appropriate level on the application of LOAC and on the appropriate instruction to be given to the armed forces on this subject.

### **1.3.4. Objectives Of Training**

3.4.1. The overall objective of LOAC training is to ensure in all circumstances an appropriate knowledge of and adherence to LOAC by all personnel.

3.4.2. The training objectives are:

- a. To provide personnel with the knowledge they require to conduct their duties in compliance with LOAC.
- b. To provide personnel with the ability necessary to properly apply LOAC and to react accordingly.
- c. To enable commanders to solve the problems inherent in the application of LOAC and to take decisions accordingly.
- d. To enable commanders and staff officers to take into account LOAC limitations and precautions during the planning, the preparation and the conduct of operations within the framework of their assignment
- e. To reaffirm the awareness of possible criminal liability and other consequences of a breach of LOAC.

### **1.3.5. Instruction And Training Principles**

The following instruction and training principles are to be applied:

- a. All personnel are to be trained in LOAC. Forces deployed on NATO operations should conduct training prior to and during the operation.
- b. LOAC training should be incorporated in all levels of military education, individual and collective training, and exercises, as appropriate.
- c. LOAC training should be commensurate with the degree of responsibility of personnel and their operational role. Training for personnel should be more detailed and progressive according to rank and responsibilities.
- d. The basic level of instruction for all personnel is outlined in Annex B.
- e. NCOs and officers require a more detailed appreciation and understanding of LOAC. As such, enhanced instruction and training, as outlined in Annexes C and D, is recommended.
- f. Certain individuals and functions may require specialized training, as identified in the non-exhaustive list in Annex E.
- g. Nations should ensure that LOAC training is delivered by properly trained instructors.
- h. LOAC training should include scenarios, exercises and practical field training. When preparing units and staff for NATO operations, specific emphasis should be placed upon practical field training.
- i. Nations in their LOAC training are encouraged to cooperate with the International Committee of the Red Cross (ICRC), and national Red Cross and Red Crescent societies.

- j. The effectiveness of LOAC training should be evaluated at all levels of command. Lessons learned and after action reports should be incorporated into the development of training programmes.

#### **1.3.6. Evaluation of training**

Nations are encouraged to evaluate their national LOAC training programmes and to tailor the evaluation to the specific needs of their audience in accordance with national requirements and with their own training standards. Nations are encouraged to use a combination of methods to evaluate the knowledge of the training audience. Evaluation methods may include classroom assessment, test papers and field training scenarios.

#### **1.3.7 COORDINATION**

Nations should regularly inform each other of LOAC training programmes.

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**ANNEX A    SELECTED SOURCES**

LOAC obligations primarily arise from customary international law and treaties. This non-exhaustive list of international instruments is for training purposes only and does not impose any obligation on States that are not party to one or more of the listed treaties.

<b>TITLE</b>	<b>ABBREVIATION</b>
Additional Protocol to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 1977	AP I 1977
Additional Protocol to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 1977	AP II 1977
Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III), 2005	AP III 2005
Convention on the Prohibition of the Use, Stockpiling, Production, and Transfer of Anti-Personnel Mines and on their Destruction, 1997	AP Mine Ban Conv 1997
Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, 1972	BWC 1972
Convention on Cluster Munitions, 2008	CCM 2008
Convention on Prohibitions or Restrictions on the use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects (“Convention on Conventional Weapons”), 1980. (Amendment Article 1, 21 December 2001)	CCW 1980 / CCW Amdt 2001
Protocol on Non-Detectable Fragments (Protocol I to the Convention on Conventional Weapons), 1980	CCW Prot I 1980
Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (Protocol II to the Convention on Conventional Weapons), as amended in 1996	CCW Prot II 1996

<b>TITLE</b>	<b>ABBREVIATION</b>
Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III to the Convention on Conventional Weapons), 1980	CCW Prot III 1980
Protocol on Blinding Laser Weapons (Protocol IV to the Convention on Conventional Weapons), 1995	CCW Prot IV 1995
Protocol on Explosive Remnants of War (Protocol V to the Convention on Conventional Weapons), 2003	CCW Prot V 2003
Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, 1993	CWC 1993
Convention on the Prohibition of Military or any other Hostile Use of Environmental Modification Techniques, adopted by the General Assembly of the United Nations, 1976	ENMOD Conv 1976
Convention (I) for the Amelioration of the Condition of Wounded and Sick in Armed Forces in the Field, signed at Geneva, 1949	GC I 1949
Convention (II) for the Amelioration of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, signed at Geneva, 1949	GC II 1949
Convention (III) relative to the Treatment of Prisoners of War, signed at Geneva, 1949	GC III 1949
Convention (IV) relative to the Protection of Civilian Persons in Time of War, signed at Geneva, 1949	GC IV 1949
Protocol for the Prohibition of the Use of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva, 1925	Geneva Gas Prot 1925
Convention on the Prevention and Punishment of the Crime of Genocide adopted by Resolution 260 (III) A of the United Nations General Assembly, 1948	Genocide Convention 1948
Convention for the Protection of Cultural Property in the Event of Armed Conflict, signed at The Hague, 1954	Hague Conv 1954

<b>TITLE</b>	<b>ABBREVIATION</b>
Declaration (IV, 3) concerning Expanding Bullets, signed at The Hague, 1899	Hague Declaration 1899
Protocol to the Convention for the Protection of Cultural Property in the Event of Armed Conflict, signed at The Hague, 1954	Hague Prot 1954
Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict The Hague, 1999	Hague Prot 1999
Convention (IV) respecting the Laws and Customs of War on Land, signed at The Hague, 1907, and its annex: Regulations concerning the Laws and Customs of War on Land	Hague Regulations 1907
Rome Statute of the International Criminal Court, 1998	ICC Statute 1998
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, 2000	Opt Prot CRC 2000
Declaration Renouncing the Use, in Time of War, of Explosive Projectiles under 400 Grams Weight, signed at St Petersburg, 1868	St Petersburg Declaration 1868

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<b>ANNEX B    LOAC TRAINING PROGRAMME FOR ALL PERSONNEL</b>
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1. Upon completion of the training all personnel should know their rights and duties relating to LOAC.
2. All personnel are to receive training on the following topics:
  - a. Introduction
    - (1) Historical background
    - (2) Purpose and rationale of LOAC
    - (3) LOAC applicability
    - (4) Relationship between LOAC and national law
    - (5) Importance of LOAC in planning and conduct of operations
  - b. Basic principles
    - (1) Military necessity
    - (2) Distinction
    - (3) Proportionality
    - (4) Humanity
  - c. Combatants
  - d. Protected persons
  - e. Other battlefield actors
  - f. Protective and distinctive emblems
  - g. Protected objects
  - h. Means and methods of warfare, including prohibitions under LOAC and applicable national obligations
  - i. Enforcement of LOAC
    - (1) State obligations
    - (2) Command responsibility
    - (3) Individual responsibility
    - (4) War crimes

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<b>ANNEX C   LOAC TRAINING PROGRAMME FOR NON COMMISSIONED OFFICERS</b>
--

1. Upon completion of training NCOs should:
  - a. Know their rights and responsibilities relating to LOAC.
  - b. Be able to ensure compliance with the essential LOAC rules at their level.
  - c. Be able to fulfil their command responsibilities relating to LOAC and LOAC violations.
  - d. Be able to take proper action in the face of a breach of LOAC.
  - e. Apply LOAC limitations and precautions during the planning, the preparation and the conduct of operations.
2. Training for NCOs should emphasize the following areas:
  - a. Introduction
    - (1) Historical background
    - (2) Purpose and rationale of LOAC
    - (3) LOAC applicability
    - (4) Relationship between LOAC and national law
    - (5) Importance of LOAC in planning and conduct of operations
  - b. Basic principles
    - (1) Military necessity
    - (2) Distinction
    - (3) Proportionality
    - (4) Humanity
  - c. Combatants
  - d. Protected persons
  - e. Other battlefield actors
  - f. Role of ICRC
  - g. Protective and distinctive emblems
  - h. Protected objects
  - i. Means and methods of warfare, including prohibitions under LOAC and applicable national obligations
  - j. Enforcement of LOAC
    - (1) State obligations
    - (2) Command responsibility
    - (3) Individual responsibility
    - (4) War crimes

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<b>ANNEX D    LOAC TRAINING PROGRAMME FOR OFFICERS</b>
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1. Training for officers should be more detailed and progressive according to rank and responsibilities. Upon completion of the training, officers should:
  - a. Know their rights and responsibilities relating to LOAC.
  - b. Be able to ensure compliance with the essential LOAC rules at their level.
  - c. Be able to fulfil their command responsibilities relating to LOAC and LOAC violations.
  - d. Be able to take proper action in the face of a breach of LOAC.
  - e. Apply LOAC limitations and precautions during the planning, the preparation and the conduct of operations.
  - f. Know that in multinational operations obligations may vary among personnel of different nationalities according to national law or LOAC obligations, and reflect this in the planning and conduct of operations.
2. Training for officers should include the following areas in relation to LOAC:
  - a. Introduction
    - (1) Historical background
    - (2) Purpose and rationale of LOAC
    - (3) LOAC applicability
    - (4) Relationship between LOAC and national law
    - (5) Importance of LOAC in planning and conduct of operations
  - b. Basic principles
    - (1) Military necessity
    - (2) Distinction
    - (3) Proportionality
    - (4) Humanity
  - c. Combatants
  - d. Protected persons
  - e. Other battlefield actors
  - f. Role of ICRC and the protecting powers
  - g. Protective and distinctive emblems
  - h. Protected objects
  - i. Means and methods of warfare, including prohibitions under LOAC and applicable national obligations
  - j. LOAC in planning and conduct of operations
  - k. Truce and armistice

- I. Law of occupation
- m. Enforcement of LOAC
  - (1) State obligations
  - (2) Command responsibility
  - (3) Individual responsibility
  - (4) Prevention of LOAC violations
  - (5) Violations of LOAC
- n. Questions

<b>ANNEX E SPECIALIZED LOAC TRAINING</b>
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Depending on each Nation's requirements, the categories of personnel on the following non-exhaustive list may be provided with specialized LOAC training:

- a. Commanding officers
- b. Flag and general officers
- c. Legal advisors
- d. Medical personnel
- e. Military Police
- f. Personnel involved in targeting
- g. Personnel who handle captured persons
- h. Pilots and all other aircrew
- i. Religious personnel
- j. Special operations forces
- k. Civil Servants deploying on operations

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<b>ANNEX F      LAW OF ARMED CONFLICT TRAINING MODULE TEMPLATE</b>
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Training in the Law of Armed Conflict (LOAC)

- The Geneva Conventions and their Additional Protocols provide that States shall disseminate the text of the Conventions as widely as possible. In order to meet the legal obligations placed upon States by LOAC and to ensure that military operations conducted by NATO forces are carried out in accordance with LOAC, where applicable, it is imperative that all personnel be properly trained in LOAC. The responsibility for training in LOAC always rests with the national authorities.
- This template is for training purposes only. It does not necessarily constitute a part of the State practice of any NATO Nation or the NATO position on the substance of LOAC. Nothing in this Annex is evidence of, nor shall be construed as a deviation from national standpoints regarding international law and, in particular, LOAC, by the nations that ratify the NATO standard contained in ATrainP-2 Edition B of STANAG 2449.
- This Annex is intended to serve as an exemplar or template for NATO Troop Contributing Nations (TCN) to use in the conduct of LOAC training that addresses the topics contained in Annexes B - D in the publication. This training module template (in the format of a power-point presentation) may be adapted, completely or partially, for use in whatever format, substance, and structure by TCNs. The abbreviations concerning international treaties and conventions used in the instructor's notes correspond with the Annex A (Selected Sources) of this publication. This training module template does not prescribe the substance of LOAC that must be taught because it fully recognizes that each TCN is responsible for providing LOAC instruction based on national obligations and interpretations. The proposed slides and the suggested instructor notes are intended to provide inspiration for instructors when envisioning their lesson plan and training goals. Because of its generic nature the template requires instructors to infuse it with national policies and national perspectives. Nations may use their own training programmes and materials (some of which may be drawn from ATrainP-2) which reflect their national legal obligations and interpretation of LOAC.
- Instructors should consult their legal advisors for additional support and guidance as to the appropriate, nationally approved content for LOAC training.

<b>Slide</b>	<b>1.</b>
<b>Topic:</b>	<b>TITLE</b>
<b>Suggested image on the slide:</b>	

NOT NECESSARY, THIS IS A TITLE PAGE

**Suggested text for the slide:**

**LAW OF ARMED CONFLICT (LOAC)**

**Suggested text for the instructor note(s):**

<b>Slide</b>	<b>2.</b>
<b>Topic:</b>	<b>INTRODUCTION</b>
<b>Suggested image on the slide:</b>	

NOT NECESSARY, THIS IS A TITLE PAGE

**Suggested text for the slide:**

## **OUTLINE**

**Suggested text for the instructor note(s):**

### **Outline:**

- Introduction to LOAC
- Basic Principles
- Combatants
- Protected Persons
- Other Battlefield Actors
- Role of ICRC
- Protective and Distinctive Emblems
- Protected Objects
- Means and Methods of Warfare
- LOAC in the Planning and Conduct of Operations
- Truce and Armistice
- Law of Occupation
- Enforcement of LOAC
- Questions

The instructor should tailor this slide to identify the topics to be covered according to the rank and responsibilities of the target audience as outlined in Annexes B - D of STANAG 2449 Edition 3, ATrainP-2, Edition B.

<b>Slide</b>	<b>3.</b>
<b>Topic:</b>	<b>INTRODUCTION</b>
<b>Suggested image on the slide:</b>	

NOT NECESSARY, THIS IS A TITLE PAGE

**Suggested text for the slide:**

**INTRODUCTION  
TO THE  
LAW OF ARMED CONFLICT (LOAC)**

**Suggested text for the instructor note(s):**

<b>Slide</b>	<b>4.</b>
<b>Topic:</b>	<b>INTRODUCTION</b>
<b>Suggested image on the slide:</b>	

**Suggested text for the slide:**

### **WHAT IS LOAC?**

LOAC is a set of rules which:

- defines the rights and obligations of the parties to an armed conflict;
- limits the effects of armed conflict by restricting the means and methods of warfare; and
- protects persons and objects in armed conflict.

**Suggested text for the instructor note(s):**

Law of Armed Conflict (LOAC) is also known by other terms such as the Law of War (LOW) or international humanitarian law (IHL). Some nations use these terms interchangeably, while others do not. Instructors must check their national position.

International law governs relations between states. LOAC is the part of international law that governs the conduct of armed conflict.

LOAC is a set of rules which seeks, for humanitarian reasons, to limit the effects of armed conflict.

It defines the rights and obligations of the parties to a conflict in the conduct of hostilities. For instance, there are rules designed to save combatants from superfluous injury or unnecessary suffering.

It also aims to protect persons who are not or are no longer taking part in hostilities, such as the sick, wounded and shipwrecked, prisoners of war, religious and medical personnel, and civilians. Certain objects such as cultural property, places of worship and hospitals benefit from special protections which will be discussed later.

<b>Slide</b>	<b>5.</b>
<b>Topic:</b>	<b>INTRODUCTION</b>
<b>Suggested image on the slide:</b>	

**Suggested text for the slide:**

## **HISTORICAL BACKGROUND**

**Suggested text for the instructor note(s):**

The cornerstone of LOAC are the Geneva Conventions of 1949. The first was signed by 12 countries in 1864. For centuries before then, rules had applied to the conduct of war, but they were based on custom and tradition and were local or just temporary. The year 1864 changed all of that and began a process of building a body of law that is still evolving today.

The initiative for the first convention came from five citizens of Geneva. One of them, Henry Dunant, had, by chance, witnessed the battle of Solferino in 1859. He was appalled by the lack of help for the wounded and organized local residents to come to their aid. Out of this act came one of the key elements of the first Geneva Convention of 1864--the humane treatment of those no longer taking part of the battle, regardless of which side they were on.

New Geneva Conventions were concluded in 1906 and 1929, so as to improve the conditions of sick and wounded soldiers in the field and to define new rules on the protection of prisoners of war. In 1899 and 1907, the Hague Conventions concerning respecting the Laws and Customs of War on Land (Hague Regulations 1907), mainly aimed at regulating the conduct of warfare, were also adopted. In August 1949, the four Geneva Conventions as we know them today, were adopted. This time they also included the protection of civilians, reflecting the terrible experience of World War II. Protocols were added to the Geneva Conventions in 1977 (AP I, AP II) and 2005 (AP III), although some NATO nations are not party to the Additional Protocols.

The reach of LOAC has been expanded by a range of other international conventions and protocols covering specific areas such as:

- certain conventional weapons (e.g. blinding laser weapons, non-detectable fragments);
- chemical and biological weapons;
- anti-personnel mines;

- cluster munitions; and
- protection of children in armed conflicts.

The core, however, remains the Geneva Conventions of 1949 and for those nations who have ratified them, the Geneva Conventions' Additional Protocols of 1977 and 2005. They combine clear legal obligations and enshrine basic humanitarian principles.

<b>Slide</b>	<b>6.</b>
<b>Topic:</b>	<b>INTRODUCTION</b>
<b>Suggested image on the slide:</b>	

**Suggested text for the slide:**

### **PURPOSE OF LOAC**

- To protect combatants from unnecessary suffering;
- To protect those who are not, or are no longer, taking part in hostilities;
- To protect certain objects and the natural environment from the effects of armed conflict; and
- To facilitate the restoration of peace and resumption of friendly relations between belligerents following hostilities.

**Suggested text for the instructor note(s):**

LOAC has evolved to its present content over centuries and has at its core the following rationales:

LOAC represents the international community's attempt to balance two basic criteria – military necessity and concerns that affect the successful planning and execution of military operations, and the humanitarian concerns which allow all societies to meet basic moral and ethical norms. This balance has taken place, and continues to take place, in all cultures and times. Where the balance is struck in any particular conflict or operation may vary, just as the specific application of LOAC has varied across cultures and times; however, the basic principles remain.

By regulating the conduct of hostilities, the purpose of LOAC is:

- to protect combatants from unnecessary suffering;
- to protect those who are not, or are no longer, taking part in hostilities – such as the wounded, sick and shipwrecked, prisoners of war (POWs) or civilians;
- to protect certain objects and the natural environment from the effects of armed conflict; and
- to facilitate the restoration of peace and resumption of friendly relations between belligerents following hostilities.

Compliance with LOAC aims to prevent brutality and savagery in conflict, which will inevitably affect future friendly relations. Respect of LOAC contributes to the restoration of peace.

<b>Slide</b>	<b>7.</b>
<b>Topic:</b>	<b>INTRODUCTION</b>
<b>Suggested image on the slide:</b>	

**Suggested text for the slide:**

### **RATIONALE OF LOAC (Reasons to Comply)**

- Principled
  - Common human nature
  - Professionalism
  - Chivalry
  - Conscience
  - Legal Obligation
- Pragmatic
  - Operational Effectiveness
  - Reciprocity
  - Foreign and Domestic Support
  - Criminal Liability

**Suggested text for the instructor note(s):**

- Principled Reasons for Personnel to Obey LOAC:
  - Common human nature: Hostilities, if not avoidable, shall not aim at purposeless destruction, but achieve the military goals with least destruction, suffering and casualties.
  - Professionalism: The controlled application of force is the hallmark of an honourable, regulated and disciplined armed force.
  - Chivalry: Armed forces exhibit honour, courtesy and justice in all their undertakings.
  - Conscience: All personnel possess a conscience and should know the difference between right and wrong. Minimising human suffering is a noble and praiseworthy aim. In short, following LOAC is the right thing to do.
  - Legal obligation: Nations have accepted responsibilities for the conduct of their armed forces and these responsibilities create legal obligations for their personnel at individual and command levels.

- Pragmatic Reasons to Obey LOAC:
  - Operational Effectiveness: LOAC is consistent with the economic and efficient use of force which in turn preserves military resources.
  - Reciprocity: Belligerents must treat their opponents in the same manner that they themselves wish to be treated. By treating others as one wants to be treated, according to the rules of LOAC, we encourage our enemies to do likewise.
  - Foreign and Domestic Support: Compliance with LOAC, long established rules which aim to limit unnecessary suffering, will more likely result in domestic and foreign support.
  - Criminal Liability: To address breaches of LOAC there are criminal and disciplinary sanctions.

Slide	8.
Topic:	INTRODUCTION
Suggested image on the slide:	

Suggested text for the slide:

### LOAC APPLICABILITY

- International armed conflict
- Non-international armed conflict
- Occupation

Suggested text for the instructor note(s):

The term *armed conflict* is not defined in international law. **LOAC only states that violence below a certain threshold does not qualify as *armed conflict*.**

LOAC applies in all armed conflicts and in all domains. In the absence of a formal declaration of war, the facts and circumstances determine whether an armed conflict exists. In this respect, both the extent and duration of armed violence are the key factors. Situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature are not considered to qualify as *armed conflict*. It is not up to the individual service member to determine the applicability of LOAC. This is a national decision.

The specific provisions concerning the applicability of LOAC in situations of international and non-international armed conflicts are as follows:

- **International Armed Conflicts:**

- Common Article 2 to the Geneva Conventions 1949 reads as follows:

*“In addition to the provisions which shall be implemented in peacetime, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them”.*

- Article 1 (4) AP I 1977 applies the same provisions of LOAC as applicable in International Armed Conflicts to armed conflicts in which *“peoples are fighting against colonial domination and occupation and against racist regimes in the exercise of their right of self-determination.”\*\**

\*\*Note that Article 1 (4) is only binding upon the state parties to AP I 1977.

- **Non-international Armed Conflicts:**

- Common Article 3 to the Geneva Conventions 1949 reads as follows:  
*“In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:[...]”.*

- Article 1 AP II 1977 reads as follows:  
*“1. This Protocol, which develops and supplements Article 3 common to the Geneva Conventions of 12 August 1949 without modifying its existing conditions of application, shall apply to all armed conflicts which are not covered by Article 1 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) and which take place in the territory of a High Contracting Party between its armed forces and dissident armed forces or other organized armed groups which, under responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations and to implement this Protocol.*

*2. This Protocol shall not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature, as not being armed conflicts.”\*\**

\*\*Note that Article 1 is only binding upon the state parties to AP II 1977.

- **Occupation:**

- Article 42 Hague Regulations 1907 reads as follows:  
*“Territory is considered occupied when it is actually placed under the authority of the hostile army. The occupation extends only to the territory where such authority has been established and can be exercised.”*
- Common Article 2 to the Geneva Conventions 1949 reads as follows:  
*“The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.”*

Slide	9.
Topic:	INTRODUCTION
Suggested image on the slide:	

Suggested text for the slide:

## THE LAW OF USE OF FORCE AND THE LAW OF ARMED CONFLICT

- The law of use of force – *ius ad bellum*
- The law of armed conflict – *ius in bello*

Suggested text for the instructor note(s):

### • The law of use of force (*ius ad bellum*):

LOAC applies to armed conflicts. It does not regulate whether a State may actually use force; this is governed by an important, but distinct, part of international law. The law of use of force is the body of international law that regulates the circumstances when states may use force.

The Charter of the United Nations contains basic rules, including a general prohibition on the use of force, which nonetheless recognizes the inherent right of the States to individual and collective self-defence, and the authority of the UN Security Council to impose measures including the use of military force to maintain international peace and security.

- The UN Charter, Article 2 (4):  
*“All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.”*
- The UN Charter, Article 42:  
*“Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations,*

*blockade, and other operations by air, sea, or land forces of Members of the United Nations.”*

- The UN Charter, Article 51:

*“Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security.*

*Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.”*

• **The difference between the law of use of force (*ius ad bellum*) and the law of armed conflict (*ius in bello*):**

The purpose of LOAC is to limit the suffering caused by war by protecting and assisting its victims to the extent possible. LOAC addresses the reality of armed conflict without considering the reasons for or legality of the initial resort to force. It regulates only those aspects of the conflict which are of humanitarian concern. Its provisions apply to the warring parties irrespective of the reasons for the conflict and whether or not the cause upheld by either Party is just. LOAC is intended to protect war victims and their fundamental rights, no matter to which party they belong.

<b>Slide</b>	<b>10.</b>
<b>Topic:</b>	<b>INTRODUCTION</b>
<b>Suggested image on the slide:</b>	

**Suggested text for the slide:**

### **MAIN SOURCES OF LOAC**

- **Treaty Law**
  - Agreements which have been concluded by States in writing and which are legally binding on these States only.
- **Customary International Law**
  - Rules which have been developed as a result of State practice from their sense of legal obligation and which are generally legally binding on all States as a result.

**Suggested text for the instructor note(s):**

#### **Sources of LOAC:**

LOAC is part of international law, which is the body of rules governing relations between States and other subjects of international law, such as intergovernmental organizations, or the International Committee of the Red Cross.

International law is contained in international treaties, in customary international law and in general principles of law.

LOAC, like other parts of international law, arises principally from these two basic sources: treaty and customary law.

- Treaty law mainly arises from the conclusion of international agreements between two or more States (there are also treaties between States and intergovernmental organizations, or between intergovernmental organizations). Generally, treaties are binding only on parties to them. Terms for international agreements include: Treaty, Convention, Charter, Protocol, Covenant, etc.
- Customary international law consists of rules which have been developed from a sense of legal obligation and corresponding State practice over a period of time. Generally, customary international law is binding on all States, except for those States having persistently objected to the application of such a rule to them.

Much of LOAC in today's environment comes to us through a mixture of these sources.

<b>Slide</b>	<b>11.</b>
<b>Topic:</b>	<b>INTRODUCTION</b>
<b>Suggested image on the slide:</b>	

**Suggested text for the slide:**

**RELATIONSHIP BETWEEN LOAC AND NATIONAL LAW**

**Suggested text for the instructor note(s):**

Rules and provisions contained in international conventions on the LOAC are usually implemented in national laws and regulations through different legal acts, e.g. acts of parliament, governmental decrees, ministerial decrees, military manuals, etc.

Personnel shall be aware of obligations stemming from international conventions to which their State is a Party, as well as obligations arising from national laws. Not all states are parties to every treaty and many states interpret the agreements and customary law differently. Personnel should be aware that in multinational operations their obligations may differ from those of other Nations. (See for example, slide 63 below)

Provisions of the conventions with criminal liability implications are normally implemented in national criminal codes. Jurisdiction over personnel usually rests with national authorities although in circumstances when nations are unable or unwilling to hold persons criminally liable for violations of LOAC, some international criminal tribunals may have jurisdiction over them.

<b>Slide</b>	<b>12.</b>
<b>Topic:</b>	<b>INTRODUCTION</b>
<b>Suggested image on the slide:</b>	

**Suggested text for the slide:**

## LOAC AND SELF-DEFENCE

**Suggested text for the instructor note(s):**

### **LOAC and personal self-defence:**

Use of force in the context of hostilities during an armed conflict, either in offense or defence, is regulated by LOAC. However, military personnel retain their right to use force in personal self-defence in accordance with national law. Instructors must know their Nation's understanding of self-defence and how this may be used during military operations. See also STANAG 2597 on training in the rules of engagement for more information on self-defence.

<b>Slide</b>	<b>13.</b>
<b>Topic:</b>	<b>INTRODUCTION</b>
<b>Suggested image on the slide:</b>	

**Suggested text for the slide:**

**LOAC IN THE PLANNING AND CONDUCT OF OPERATIONS**

In the planning and the conduct of operations, LOAC must be considered at all levels and at all times.

**Suggested text for the instructor note(s):**

LOAC does not only have to be considered by decision-making authorities at the command level, but also by all persons involved in the execution of military operations.

Each phase of an operation must be verified for conformity with LOAC during planning stage and continually evaluated during execution to ensure compliance. The overall effects of the operation must be similarly scrutinized during both planning and execution.

LOAC therefore must be part of both the planning and execution of operations.

<b>Slide</b>	<b>14.</b>
<b>Topic:</b>	<b>BASIC PRINCIPLES</b>
<b>Suggested image on the slide:</b>	

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**Suggested text for the slide:**

**BASIC PRINCIPLES**

**Suggested text for the instructor note(s):**

Slide	15.
Topic:	BASIC PRINCIPLES
Suggested image on the slide:	

Suggested text for the slide:

### **MILITARY NECESSITY**

- States may only use force not otherwise prohibited by LOAC that is necessary for the partial or complete submission of the enemy.
- Military necessity is not an overriding principle allowing breaches of LOAC rules.
  - It does not justify violations of LOAC.

Suggested text for the instructor note(s):

#### **Principle of Military Necessity:**

This principle could be considered, in many ways, as the foundation of all of LOAC. Under this principle, States may only use the amount of force, not otherwise prohibited by LOAC, necessary for the partial or complete submission of the enemy.

The right of belligerents to adopt means or methods of injuring the enemy is not unlimited (See for example, Article 22 Hague Regulations 1907 and Article 35 (1) AP I 1977).

Slide	16.
Topic:	BASIC PRINCIPLES
Suggested image on the slide:	

Suggested text for the slide:

### DISTINCTION

- Requires to distinguish between:
  - Combatants and civilians;
  - Objects that are military objectives and civilian objects.
- Attacks may be directed only at military objectives.  
Attacks must not be directed at civilians or civilian objects.

Suggested text for the instructor note(s):

#### Principle of Distinction:

- The principle of distinction is set out in Article 48 AP I 1977. It reads that:  
*“...Parties to the conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly shall direct their operations only against military objectives.”*
- Note however, that civilians taking a direct part in hostilities may lose their protection [See slide 36 below].

#### Military Objectives:

- Military objectives are combatants, civilians taking a direct part in hostilities, and objects which by their nature, location, purpose or use, make an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage.  
[Articles 52 (1) and (2) and 51 (3) AP I 1977]
- Military force may be directed only against military objectives, and not against civilian objects. Under the principle of distinction, the civilian population as such, as well as individual civilians, may not be made the object of attack.

- Constant care shall be taken to spare civilian life and civilian objects, such as consideration of populated areas, possibilities of shelter, movements of civilians, pattern of life, different periods of day, etc.
- The application of the principle is dependent on the information available to the Commander at the time the Commander makes the decision. Accordingly, if the Commander makes reasonable efforts, in good faith, to discover the status of a target he or she will not automatically violate this principle if the target turns out to be a civilian or civilian object.

Slide	17.
Topic:	BASIC PRINCIPLES
Suggested image on the slide:	

Suggested text for the slide:

### PROPORTIONALITY

Civilian losses expected from military action (collateral damage) must not be excessive in relation to the concrete and direct military advantage anticipated.

Suggested text for the instructor note(s):

#### Principle of Proportionality:

- This principle requires that the anticipated military advantage must be balanced against the expected harmful consequences of the action. It involves weighing the concrete and direct military advantage anticipated against the incidental loss of civilian life, injury of civilians, damage to civilian objects, or combination of these expected to be caused by the attack. Disproportionate attacks are prohibited.  
[Article 51 (5)(b) and Article 57 (2)(a)(iii) and (b) AP I 1977]

Slide	18.
Topic:	BASIC PRINCIPLES
Suggested image on the slide:	

Suggested text for the slide:

### HUMANITY

- Where LOAC does not provide specific rules, the principle of humanity applies as a general standard of behaviour in armed conflict.
- Furthermore, this principle is the basis for LOAC provisions regarding the standard of treatment of protected persons and the specific prohibition against the infliction of superfluous injury or unnecessary suffering.

Suggested text for the instructor note(s):

#### Principle of Humanity:

- Protected persons shall in all circumstances be treated humanely. Inhumane treatment of protected persons is a (war) crime.
- Military personnel may not use methods or means of warfare that are calculated or expected to cause superfluous injury or unnecessary suffering.
- Where LOAC does not provide specific rules, the principle of humanity applies as a general standard of behaviour in armed conflict (cf. the so-called **Martens' clause** – further comprised e.g. in Article 1 (2) AP I 1977: *"In cases not covered by this Protocol or by other international agreements, civilians and combatants remain under the protection and authority of the principles of international law derived from established custom, from the principles of humanity and from dictates of public conscience."*)

<b>Slide</b>	<b>19.</b>
<b>Topic:</b>	<b>COMBATANTS</b>
<b>Suggested image on the slide:</b>	

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**Suggested text for the slide:**

**COMBATANTS**

**Suggested text for the instructor note(s):**

<b>Slide</b>	<b>20.</b>
<b>Topic:</b>	<b>COMBATANTS</b>
<b>Suggested image on the slide:</b>	

**Suggested text for the slide:**

### **COMBATANTS**

- Members of the armed forces, except medical and religious personnel, are combatants.
- Combatants have the right under international law to participate directly in hostilities.
- Combatants may attack enemy combatants or other military objectives thereby causing death, injury and destruction in accordance with LOAC.

**Suggested text for the instructor note(s):**

#### **Member of Armed Forces:**

- Members of the armed forces of a Party to the conflict, as well as members of militias or volunteer corps forming part of such armed forces.  
[Article 4 A (1) GC III 1949]
- According to AP I 1977, armed forces of a Party to the conflict consist of all organized armed forces, groups and units that are under a command responsible to that Party for the conduct of its subordinates.  
[Article 43 (1) AP I 1977]  
Note: Not all Nations are a Party to AP I 1977.

#### **Other Militias, Volunteer Corps, including Organized Resistance Movements:**

- Other militias, volunteer corps, including organized resistance movements must “belong” to a party to the conflict in the sense that they are acknowledged by that Party as fighting on its behalf or in its support. According to GC III, these groups must also: (1) be commanded by a person responsible for his subordinates; (2) have a fixed distinctive sign recognizable at a distance; (3) carry their arms

openly; and (4) conduct their operations in accordance with the laws and customs of war, in order to be considered combatants.

[Article 4 A (2) GC III 1949]

### **Paramilitary / Law Enforcement Agents:**

- If a Party to a conflict incorporates paramilitary or armed law enforcement agencies into its armed forces, it must inform other parties to the conflict of this fact.
- These forces are then considered combatants.  
[Article 43 (3) AP I 1977]

### **Levée en masse:**

- As a general rule, civilians cannot lawfully engage in hostilities. There is, however, an exception to this rule for inhabitants of a territory that has not been occupied by an enemy.
- Where they have not had time to form themselves into regular armed units, inhabitants of a non-occupied territory are regarded as combatants if:
  - a. on the approach of the enemy they spontaneously take up arms to resist the invading forces;
  - b. they carry arms openly and;
  - c. they respect the LOAC.
- This situation is referred to as a “levée en masse”.  
[Article 2 Hague Regulations 1907, Article 4 A (6) GC III 1949]

### **Reminder:**

- The right to directly participate in hostilities is not an individual right but is given because the individual is a member of the armed forces, or belongs to a “levée en masse” or militia of a Nation that is a Party to the conflict

### **Prisoners of War (POW) Status:**

- If captured, combatants are generally entitled to prisoner of war status. (See slide 31).

<b>Slide</b>	<b>21.</b>
<b>Topic:</b>	<b>COMBATANTS</b>
<b>Suggested image on the slide:</b>	

**Suggested text for the slide:**

### **COMBATANT IMMUNITY**

The LOAC provides combatant immunity for the lawful acts of combatants during armed conflict .

**Suggested text for the instructor note(s):**

- Together with the combatant's right to directly participate in hostilities, international law affords combatant immunity for lawful acts committed by a combatant during armed conflict.
- As such, combatants cannot be held criminally responsible for lawful acts within the bounds of LOAC and any national directions regarding the use of force.

<b>Slide</b>	<b>22.</b>
<b>Topic:</b>	<b>PROTECTED PERSONS</b>
<b>Suggested image on the slide:</b>	

NOT NECESSARY, THIS IS A TITLE PAGE

**Suggested text for the slide:**

**PROTECTED PERSONS**

**Suggested text for the instructor note(s):**

The term “Protected Persons” is a specialized term that has different definitions in different contexts within LOAC. Instructors are advised to consult the text of the treaties for the specific definition applicable within each document.

Slide	23.
Topic:	PROTECTED PERSONS
Suggested image on the slide:	

Suggested text for the slide:

### CIVILIANS

- One of the key elements of LOAC is the distinction between combatants and civilians.
- Generally any person who is not a member of the armed forces or taking part in a “levée en masse” is a civilian.
- Civilians may not be attacked unless they directly participate in hostilities.
- Civilians shall be protected from the effects of hostilities.

Suggested text for the instructor note(s):

The principle of distinction is central to the determination between those persons who are entitled to protection as civilians and those who are not. Instructors should consult their national authorities on when civilians may lose their protection. (See slides on “Distinction” [slide 16] and “*Direct Participation in Hostilities*” (DPH) [slide 36])

#### Civilians:

- A “*civilian person*” means any person who is not a member of the armed forces or other organized armed groups belonging to a Party to the conflict or taking part in a “levée en masse”.  
[Article 4 A (1), (2), (3), and (6) GC III 1949, Articles 43 and 50 AP I 1977]
- For nations that are Party to AP-I 1977 and AP II 1977, civilians must be protected against dangers arising from military operations and shall not be the object of direct attack, “*unless and for such time as they take a direct part in hostilities*”. (See slide 36 below for *Direct Participation in Hostilities* (DPH)).  
[Article 51 (3) AP I 1977, Article 13 (2) AP II 1977]
- Throughout history, however, the proximity of civilians to military operations and the propensity of some civilians to become members of armed groups and to

engage in hostilities has led to difficulties in implementing the principle of distinction.

**The ‘Doubt Rule’:**

- In case of doubt whether a person is a civilian or not, that person shall be considered as a civilian. The presence of individuals other than civilians within civilian population does not deprive the population of its civilian character.

[Article 50 AP I 1977]

**Protection of civilians\*\*:**

- Civilians shall be protected from the effects of hostilities. In particular, they shall not be attacked.

\*\*The terms “civilians” and “protected persons” are not always interchangeable. In certain circumstances, civilians can forfeit their right to protection (for instance, see slide 36 below).

**Treatment of civilians:**

- Civilians are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity.

<b>Slide</b>	<b>24.</b>
<b>Topic:</b>	<b>PROTECTED PERSONS</b>
<b>Suggested image on the slide:</b>	

**Suggested text for the slide:**

### **PERMANENT VS. TEMPORARY MEDICAL PERSONNEL**

- Permanent medical personnel shall not be attacked.
- Temporary medical personnel shall not be attacked while engaged in medical duties.

**Suggested text for the instructor note(s):**

### **Medical Personnel – protection and treatment:**

#### **Permanent Medical Personnel**

- Personnel of the armed forces permanently assigned to medical activities, and exclusively engaged in medical activities, the administration of medical units and to medical transport (“medical duties”) are Medical Personnel.
- Permanent medical personnel shall be protected and respected at all times. They shall not be attacked. [Article 24 GC I 1949].
- Permanent medical personnel are not combatants. They may carry light individual weapons for self-defence and defence of wounded under their charge. They do not lose their protection solely for the reason of being so armed.  
[Article 22 GC I 1949]
- If captured, permanent medical personnel will be returned to their own armed forces unless they are retained by the detaining power to assist POWs.  
[Articles 24, 28 (1) and 30 (1) GC I 1949; Article 37 (1) and (2) GC II 1949; Article 33 (1) GC III 1949; Articles 8 (c) and 43 (2) AP I 1977]

**Temporary Medical Personnel:**

- Personnel of the armed forces temporarily assigned to medical duties during a limited period of time, such as stretcher-bearers, are non-combatants when engaged in such duties.
- Temporary medical personnel must be protected and respected while engaged in medical duties. They may not be attacked while so engaged.
- If captured, temporary medical personnel become POWs.  
[Articles 25 and 29 GC I 1949]

**Distinctive Emblem:**

- All permanent medical personnel must display the distinctive emblem (red cross, red crescent or red crystal). Temporary medical personnel must wear the distinctive emblem when engaged in performing medical duties.  
[Articles 38 to 41 GC I 1949]
- All permanent medical personnel, in addition to wearing the identity distinction mentioned in Article 16 GC I 1949, shall also carry a special identity card bearing the distinctive emblem.  
[Article 40 GC I 1949]

Note: For practical operational reasons, some States may choose to have their medical personnel remove their distinctive emblem in particular situations (if enemy forces are targeting the distinctive emblem); however, such a decision will generally not affect the status of such medical personnel. Note also, perfidious or improper use of emblems is not permitted. (See slide 63 below.)

<b>Slide</b>	<b>25.</b>
<b>Topic:</b>	<b>PROTECTED PERSONS</b>
<b>Suggested image on the slide:</b>	

**Suggested text for the slide:**

### **RELIGIOUS PERSONNEL**

- Chaplains of the armed forces and other religious personnel are not combatants.
- Religious personnel must be respected and protected.
- Religious personnel shall not be attacked.

**Suggested text for the instructor note(s):**

#### **Religious personnel:**

- Chaplains (and other religious personnel) of the armed forces are not combatants. They may not be attacked. If captured, they will be returned to their armed forces unless they are retained by the Detaining Power to assist POWs.  
[Articles 24, 28 (1) and 30 (1) GC I 1949; Articles 36 and 37 (1) and (2) GC II 1949; Article 33 GC III 1949; Article 43 (2) AP I 1977]
- The obligation to respect and protect religious personnel goes back to the 1864 Geneva Convention and was repeated in the subsequent Geneva Conventions of 1906 and 1929. It is now set forth in Article 24 GC I 1949 and Article 36 GC II 1949. The scope of this protection was expanded in Article 15 AP I 1977 to cover civilian religious personnel in addition to military religious personnel in all circumstances.
- LOAC does not prohibit religious personnel from carrying light individual weapons for self-defence and defence of those in their care. They do not lose their protection solely for the reason of being so armed. Some States have, by policy, restricted religious personnel from carrying any weapons during armed conflict so as to avoid confusion as to their protected status.

<b>Slide</b>	<b>26.</b>
<b>Topic:</b>	<b>PROTECTED PERSONS</b>
<b>Suggested image on the slide:</b>	

**Suggested text for the slide:**

### **PERSONS ACCOMPANYING THE ARMED FORCES**

- Considered civilians and receive protection.
- Must not be deliberately attacked.
- Entitled to POW status.

**Suggested text for the instructor note(s):**

#### **Persons Accompanying the Armed Forces:**

- Persons who accompany the armed forces without actually being members thereof (such as civilian members of military aircraft crews, supply contractors, members of labour units or of services responsible for the welfare of the armed forces), provided that they have received authorisation from the armed forces which they accompany, are civilians and are protected as such.
- They risk, however, being injured or killed incidentally to a lawful attack on a legitimate target. They must not be deliberately attacked, unless they directly participate in hostilities.
- If captured, they are entitled to POW status.  
[Article 13 Hague Regulations 1907, Article 4 A (4) GC III 1949]
- A similar protection is offered to civilians aboard merchant marine vessels and civil aircraft of Parties to a conflict.  
[Article 4 A (5) GC III 1949]

<b>Slide</b>	<b>27.</b>
<b>Topic:</b>	<b>PROTECTED PERSONS</b>
<b>Suggested image on the slide:</b>	

**Suggested text for the slide:**

### **JOURNALISTS AND WAR CORRESPONDENTS**

- Considered civilians
- War correspondents receive POW status

**Suggested text for the instructor note(s):**

#### **Journalists:**

- Journalists engaged in dangerous professional missions in areas of armed conflict shall be considered civilians. As such, they may not be attacked. If a journalist is detained, his/her status will be that of a civilian.  
[Article 79 (1) AP I 1977]
- Like other civilians, journalists lose their protection against attack when they take a direct part in hostilities. This principle is also recognized in Article 79 (2) AP I 1977, which grants protection to journalists “*provided that they take no action adversely affecting their status as civilians*”.

#### **War Correspondents:**

- Journalists are not to be confused with “*war correspondents*”. The latter are journalists who accompany the armed forces of a State without being members thereof. As a result, they are civilians and may not be made the object of attack. Pursuant to Article 4 A (4) GC III 1949, however, war correspondents are entitled to prisoner-of-war status upon capture.
- War correspondents are civilians. They risk, however, being injured or killed incidentally to a lawful attack on a legitimate target. They must not be deliberately targeted.  
[Article 13 Hague Regulations 1907, Article 4 A (4) GC III 1949]

<b>Slide</b>	<b>28.</b>
<b>Topic:</b>	<b>PROTECTED PERSONS</b>
<b>Suggested image on the slide:</b>	

**Suggested text for the slide:**

**NEGOTIATORS/PARLEMENTAIRE**

**Suggested text for the instructor note(s):**

**Negotiator / Parlementaire:**

- A person is regarded as a parlementaire (spokesperson) who has been authorized by one of the belligerents to enter into communication with the other, and who advances bearing a white flag. S/he has a right to inviolability (and any person who may accompany her or him) unless it is proved in a clear and incontestable manner that s/he has taken advantage of her or his privileged position to provoke or commit an act of treason.
- The parlementaire loses his or her rights of inviolability if it is proved in a clear and incontestable manner that he or she has taken advantage of his privileged position to provoke or commit an act of treason.  
[Articles 32 to 34 Hague Regulations 1907]

<b>Slide</b>	<b>29.</b>
<b>Topic:</b>	<b>PROTECTED PERSONS</b>
<b>Suggested image on the slide:</b>	

**Suggested text for the slide:**

### **WOUNDED, SICK AND SHIPWRECKED**

- Wounded, sick and shipwrecked personnel must be respected, protected and treated humanely.
- Search and collection obligations

**Suggested text for the instructor note(s):**

#### **Treatment of Wounded, Sick and Shipwrecked:**

- Members of the armed forces who are wounded or sick or shipwrecked and who cease to fight are to be respected, protected and treated humanely. No adverse distinctions in treatment may be established because of gender, race, nationality, religion, political opinions, or any other similar criteria. Only urgent medical reasons will authorize priority in the order of medical treatment provided.  
[Article 12 GC I 1949, Article GC II 1949]
- Such protection ceases if they commit any act of hostility.  
[Article 8 AP I 1977]

#### **Search and Collection of Wounded, Sick and Shipwrecked:**

- All possible measures must be taken at all times to collect the wounded, sick and shipwrecked and to ensure their adequate medical assistance.  
[Article 15 GC I 1949, Article 11 AP I 1977]

#### **Abandoning the Wounded, Sick and Shipwrecked:**

- If compelled to abandon the wounded and sick to the enemy, commanders must leave medical personnel/material to assist in their care, as far as military considerations permit  
[Article 12 GC I 1949].

<b>Slide</b>	<b>30.</b>
<b>Topic:</b>	<b>PROTECTED PERSONS</b>
<b>Suggested image on the slide:</b>	

**Suggested text for the slide:**

### **MISSING PERSONS AND THE DEAD**

- Obligations regarding missing persons
- Obligations regarding remains

**Suggested text for the instructor note(s):**

#### **Obligations regarding missing persons and remains:**

- As soon as circumstances permit, and at the latest from the end of active hostilities, each Party to the conflict shall search for the persons who have been reported missing by an adverse Party. Such adverse Party shall transmit all relevant information concerning such persons in order to facilitate such searches.  
[Article 33 AP I 1977]
- At all times, and particularly after an engagement, Parties to the conflict shall, without delay, take all possible measures to [...] search for the dead and prevent their being despoiled.  
[Article 15 GC I 1949]
- Bodies shall not be cremated except for imperative reasons of hygiene or for motives based on the religion of the deceased. The Parties to the conflict shall further ensure that the dead are honourably interred, if possible according to the rites of the religion, to which they belonged, that their graves are respected, grouped if possible according to the nationality of the deceased, properly maintained, and marked so that they may always be found.  
[Article 17 GC I 1949]
- Parties to the conflict shall prepare and forward to each other through the same bureau, certificates of death or duly authenticated lists of the dead. They shall likewise collect and forward through the same bureau one half of the double

identity disc, last wills or other documents of importance to the next of kin, and any personal items belonging to the deceased.

- One half of the double identity disc, or the identity disc itself must remain with the body.  
[Articles 16 and 17 GC I 1949]
- For more information see STANAG 2070 (2016) “EMERGENCY BURIAL PROCEDURES.”

<b>Slide</b>	<b>31.</b>
<b>Topic:</b>	<b>PROTECTED PERSONS</b>
<b>Suggested image on the slide:</b>	

**Suggested text for the slide:**

### **PRISONERS OF WAR (POW) STATUS**

- Persons Entitled to POW Status
- Persons Not Entitled to POW Status
- Determining POW Status in Case of Doubt
- POW status provides certain rights and protections

**Suggested text for the instructor note(s):**

#### **Persons Entitled to POW Status:**

- If captured, the following persons are entitled to POW status:
    - combatants;
    - persons who accompany the armed forces without actually being members thereof (such as civilian members of military aircraft crews, supply contractors, war correspondents, members of labour units or of services responsible for the welfare of the armed forces) provided they have received authorization from the armed forces which they accompany;
    - members of crews of the merchant navy or civil aircraft of the parties to the conflict;
    - personnel of the armed forces temporarily assigned to medical duties during a limited period of time;
    - persons involved in a *levée en masse*.
- [Article 4 GC III 1949, Articles 25 and 29 GC I 1949]

#### **Persons Not Entitled to POW Status:**

- If captured and detained, the following persons are not entitled to POW status, but they must nevertheless be treated humanely:

- civilians, including civilians who take a direct part in hostilities other than a *levée en masse*;
- mercenaries; and
- spies.

[Articles 43, 46 (1) and 47 (1) AP I 1977, Articles 29 to 31 Hague Regulations 1907]

[Common Article 3 to the Geneva Conventions 1949, Article 75 AP I 1977]

### **Determining POW Status in Case of Doubt:**

- When there is doubt as to whether a particular captive is entitled to treatment as a POW, the captive shall be treated as such until the status of the person detained has been determined by a properly constituted tribunal.

[Article 5 (2) GC III 1949, Article 45 (1) and (2) AP I 1977]

### **Prisoner of War Status:**

- POW status provides certain rights and protections.
- The whole body of GC III 1949 is dedicated to the treatment of Prisoners of War.

<b>Slide</b>	<b>32.</b>
<b>Topic:</b>	<b>PROTECTED PERSONS</b>
<b>Suggested image on the slide:</b>	

**Suggested text for the slide:**

### **PRISONERS OF WAR (POWS)**

- Rights of POWs
- Treatment of POWs

**Suggested text for the instructor note(s):**

#### **Rights of POWs:**

- POWs must be released and repatriated without delay after the close of active hostilities.  
[Article 118 (1) GC III 1949]

#### **Right to humane treatment:**

- POWs are not in the hands of individuals; rather they are detained by the state to whose armed forces the capturing unit belongs (“detaining power”).
- The detaining power is responsible to ensure that POWs are treated humanely at all times.  
[Articles 12 and 13 (1) GC III 1949]
- Persons in enemy hands who are entitled to POW status or treatment continue in that position from the moment of capture until their release and repatriation. Moreover, they cannot, even of their own free will, surrender any of the rights of protection they enjoy under GC III 1949.  
[Articles 5 (1) and 7 GC III 1949]

**Treatment of POWs:**

- Prisoners of war shall be evacuated, as soon as possible after their capture, to camps situated in an area far enough from the combat zone for them to be out of danger.  
[Article 19 GC III 1949]
- The evacuation of prisoners of war shall always be effected humanely.
- The Detaining Power shall supply prisoners of war who are being evacuated with sufficient food and potable water, and with the necessary clothing and medical attention.  
[Article 20 GC III 1949]
- Prisoners of war may be interned only in premises located on land and affording every guarantee of hygiene and healthfulness. Except in particular cases which are justified by the interest of the prisoners themselves, they shall not be interned in penitentiaries.
- The Detaining Power shall assemble prisoners of war in camps or camp compounds according to their nationality, language and customs.  
[Article 22 GC III 1949]
- POWs must at all times be treated humanely and must be protected, particularly against any acts of violence or intimidation, as well as against insults and public curiosity.  
[Article 13 (2) GC III 1949]
- Unlawfully causing death or seriously endangering the health of a prisoner of war is prohibited.  
[Article 13 (1) GC III 1949]
- Reprisals against POWs are prohibited.  
[Article 13 (3) GC III 1949]
- POWs are to receive medical and spiritual attention, if possible from doctors or chaplains attached to their own forces or of their own nationality.  
[Articles 30 to 37 GC III 1949]
- Female POWs must be treated with due regard to their gender and must in no case be treated less favourably than male POWs. Their gender must also be

taken into account in the allocation of labour and in the provision of sleeping and sanitary facilities. They must also be specially protected against rape and other sexual assaults.

[Articles 14, 25 (4), 29 (2), 49 (1) and 97 (4) GC III 1949; Articles 75 (5) and 76 (1) AP I 1977]

- Every prisoner of war, when questioned on the subject, is bound to give only his surname, first names and rank, date of birth, and army, regimental, personal or serial number, or failing this, equivalent information. No physical or mental torture, nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatever. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to unpleasant or disadvantageous treatment of any kind.

[Article 17 GC III 1949]

#### **Hygiene and Medical Attention:**

- The Detaining Power shall be bound to take all sanitary measures necessary to ensure the cleanliness and healthfulness of camps and to prevent epidemics.

[Article 29 GC III 1949]

#### **Rank and age:**

- Officers and prisoners of equivalent status shall be treated with the regard due to their rank and age. Prisoners of war other than officers and prisoners of equivalent status shall be treated with the regard due to their rank and age.

[Articles 44 and 45 GC III 1949]

#### **Jurisdiction:**

- A prisoner of war shall be subject to the laws, regulations and orders in force in the armed forces of the Detaining Power; the Detaining Power shall be justified in taking judicial or disciplinary measures in respect of any offence committed by a prisoner of war against such laws, regulations or orders.

[Article 82 GC III 1949]

**Escape:**

- The escape of a prisoner of war shall be deemed to have succeeded when:
  - the POW has joined the armed forces of the Power on which he or she depends, or those of an allied Power;
  - the POW has left the territory under the control of the Detaining Power, or of an ally of the said Power; or
  - the POW has joined a ship flying the flag of the Power on which he or she depends, or of an allied Power, in the territorial waters of the Detaining Power, the said ship not being under the control of the last named Power.

[Article 91 GC III 1949]

**Transfer of POWs:**

- Prisoners of war may only be transferred by the Detaining Power to a Power which is a Party to the Convention and after the Detaining Power has satisfied itself of the willingness and ability of such Transferee Power to apply the Convention. When prisoners of war are transferred under such circumstances, responsibility for the application of the Convention rests on the Power accepting them while they are in its custody.

[Article 12 GC III 1949]

**See also:**

- AJP-2.5 Ed. (A) CAPTURED PERSONS, MATERIEL AND DOCUMENTS
- AJP-3.21 ALLIED JOINT DOCTRINE FOR MILITARY POLICE
- ATP-3.7.2 NATO MILITARY POLICE GUIDANCE AND PROCEDURES (26 JUN 2014) CHAPTER 4: DETENTION OPERATIONS

<b>Slide</b>	<b>33.</b>
<b>Topic:</b>	<b>PROTECTED PERSONS</b>
<b>Suggested image on the slide:</b>	

**Suggested text for the slide:**

### **DETAINEES AND INTERNEES OTHER THAN POWs**

- Grounds for detention or internment
- Procedural safeguards
- Treatment

**Suggested text for the instructor note(s):**

In armed conflict, states have the right to detain individuals, subject to the obligations contained in the Geneva Conventions and their Additional Protocols, as well as national policies and obligations, as applicable. Instructors are encouraged to consult with their national authorities about their national policies and obligations for grounds of internment, procedural safeguards and treatment of persons detained.

- Protected persons may be interned or placed in assigned residence if the security of the detaining power makes it absolutely necessary.  
[Articles 42 and 78 GC IV 1949, common Article 3 to the Geneva Conventions 1949]
- The Detaining Power is responsible for the treatment of internees in its custody. Humane treatment is required.  
[Articles 79 to 116 GC IV 1949, Article 75 AP I 1977, Articles 5 and 6 AP II 1977]

<b>Slide</b>	<b>34.</b>
<b>Topic:</b>	<b>OTHER BATTLEFIELD ACTORS</b>
<b>Suggested image on the slide:</b>	

**Suggested text for the slide:**

### **SPIES**

- Spies are not entitled to POW status and may be punished for espionage.

**Suggested text for the instructor note(s):**

#### **Spies:**

- “A spy is someone who acts clandestinely or on false pretences to obtain information in the zone of operations of a belligerent, with the intention of communicating it to the hostile party.”  
[Article 29 Hague Regulations 1907]
- Anyone, including members of the armed forces of a Party to the conflict, who falls into the power of an adverse Party while engaging in espionage, shall not have the right to the status of prisoner of war; however, they are still entitled to be treated humanely. [Article 46 AP I 1977, common Article 3 to the Geneva Conventions 1949, Article 75 AP I 1977]
- A member of the armed forces of a Party to the conflict who, on behalf of that Party and in territory controlled by an adverse Party, gathers or attempts to gather information shall not be considered as engaging in espionage if, while so acting, he is in the uniform of his armed forces.  
[Article 46 AP I 1977]

Note: This is not an exclusive list of other battlefield actors.

Slide	35.
Topic:	OTHER BATTLEFIELD ACTORS
Suggested image on the slide:	

Suggested text for the slide:

### MERCENARIES

- Mercenaries are not combatants and are not entitled to POW status.

Suggested text for the instructor note(s):

#### Mercenaries:

- A mercenary is not a combatant and upon capture will not be entitled to prisoner of war status.
- For State Parties to AP I 1977, a mercenary is any person who: is specially recruited locally or abroad in order to fight in an armed conflict; does, in fact, take a direct part in the hostilities; is motivated to take part in the hostilities essentially by the desire for private gain and, in fact, is promised, by or on behalf of a Party to the conflict, material compensation substantially in excess of that promised or paid to combatants of similar ranks and functions in the armed forces of that Party; is neither a national of a Party to the conflict nor a resident of territory controlled by a Party to the conflict; is not a member of the armed forces of a Party to the conflict; and has not been sent by a State which is not a Party to the conflict on official duty as a member of its armed forces.  
[Article 47 AP I 1977]

Note: This is not an exclusive list of other battlefield actors.

<b>Slide</b>	<b>36.</b>
<b>Topic:</b>	<b>OTHER BATTLEFIELD ACTORS</b>
<b>Suggested image on the slide:</b>	

**Suggested text for the slide:**

### **DIRECT PARTICIPATION IN HOSTILITIES (DPH)**

- Civilians who take a direct part in hostilities lose their protection as civilians.

#### **Suggested text for the instructor note(s):**

- Civilians shall enjoy protection, “unless and for such time as they take a direct part in hostilities.” [Article 51 (3) AP I 1977 and Article 13 (3) AP II 1977]. Nations differ on how they interpret and apply the “for such time” element.
- What constitutes direct participation in hostilities must be assessed in light of the circumstances, and requires a certain level of understanding of what is common civilian behaviour in the relevant area.
- Subject to the circumstances ruling at the time, the following activities are examples of what may constitute taking a direct part in hostilities:
  - taking up or bearing arms against the opposing Party,
  - preparing for combat and returning from combat,
  - planning, authorizing, or implementing a combat operation against the opposing Party,
  - providing or relaying information of immediate use in combat operations, and
  - supplying weapons or ammunitions in close geographic or temporal proximity to their use.
- Nations may have different approaches to whether war sustaining activities may amount to direct participation in hostilities (DPH).
- Nations may differ in how they categorise members of organised armed groups in a non-international armed conflict (NIAC).

Note: Instructors should consult their national authorities on when civilians may be considered to be taking a direct part in hostilities and lose their protection.

<b>Slide</b>	<b>37.</b>
<b>Topic:</b>	<b>ROLE OF ICRC</b>
<b>Suggested image on the slide:</b>	

NOT NECESSARY, THIS IS A TITLE PAGE

<b>Suggested text for the slide:</b>
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<b>ROLE OF ICRC</b>
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<b>Suggested text for the instructor note(s):</b>
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<b>Slide</b>	<b>38.</b>
<b>Topic:</b>	<b>ROLE OF ICRC</b>
<b>Suggested image on the slide:</b>	

- ICRC logo

**Suggested text for the slide:**

<p style="text-align: center;"><b>ROLE OF THE ICRC</b></p> <ul style="list-style-type: none"> <li>• Central Tracing Agency</li> <li>• Maintaining records of POWs, inspecting their camps and providing relief</li> <li>• Providing humanitarian assistance to the civilian population of countries in conflict</li> <li>• Assisting states to comply with LOAC</li> <li>• Acts as Protecting Power when none appointed</li> <li>• The ICRC logo</li> <li>• The ICRC emblem</li> </ul>
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**Suggested text for the instructor note(s):**

**Role of the ICRC:**

- The role of the ICRC as an impartial humanitarian organization is formally recognized in the Geneva Conventions. The ICRC endeavours to ensure the protection of military and civilian victims of armed conflict, and to serve as a neutral intermediary between belligerents. According to the Geneva Conventions, the ICRC has the discretion to exercise its initiative on humanitarian issues.  
[Articles 9 to 11 and 125 GC III 1949]
- The ICRC maintains a confidential dialogue with all parties to an armed conflict and may submit recommendations to the parties aimed at ensuring better compliance with LOAC. Its policy is not to cooperate with any investigation nor testify before a court on issues related to potential LOAC violations.

**Central Tracing Agency:**

- Each Party in a conflict is responsible for forwarding information regarding the fate of protected civilians, POWs and the wounded, sick and shipwrecked who are in its powers.  
[Article 136 GC IV 1949, Article 122 GC III 1949, Article 16 GC I 1949]
- ICRC collects, registers, processes and transmits such data as provided by the parties in conflict.  
[Article 123 GC III 1949, Article 140 GC IV 1949]

**Maintaining records of POWs, inspecting their camps and providing relief:**

- ICRC responsible maintaining records of POWs, inspecting their camps and providing relief.  
[Articles 125 and 126 GC III 1949, Articles 142 and 143 GC IV 1949]

**Providing humanitarian assistance to the civilian population of countries in conflict:**

- In cooperation with parties to a conflict, the ICRC may provide humanitarian assistance to affected civilian populations.  
[Articles 125 and 126 GC III 1949, Articles 142 and 143 GC IV 1949]

**Acts as Protecting Power when none appointed:**

- When acting as a protecting power, ICRC may assist states to comply with LOAC. [Article 11 GC I, II and III 1949, Article 12 GC IV 1949]
- If the parties fail to appoint a Protecting Power ICRC may undertake this function.  
[Article 5 AP I 1977]

**The ICRC logo:**

- The ICRC logo is composed of the ICRC “roundel” with the appropriate initials (CICR, ICRC, MKKK, etc.)

**The ICRC emblem:**

- The red cross is the official emblem used by the ICRC.
- The red cross emblem was recognized under the 1864 Geneva Convention and has been confirmed by subsequent Conventions. GC I 1949 explicitly establishes its right to use the red cross as a protective symbol.
- During hostilities, a large-sized emblem is used (on flags, in the form of large badges, and on dossiers/bibs/tabards/aprons, etc.) as the visible sign of protection, especially for marking personnel, vehicles, boats or ships, aircraft and buildings.

**The ICRC uses the ICRC emblem to:**

- make its buildings identifiable from the air;
- make its aircraft identifiable from the ground and the air by painting red crosses (as large as possible) on their tops, sides and undersides;
- make its ships and boats identifiable by painting red crosses (as large as possible) on the hulls and, if possible, on other surfaces as well;
- make vehicles that belong to it identifiable from the air (done primarily for helicopters) by painting a red cross (as large as possible) on the roof.

This being said, the ICRC has developed a long-standing and accepted practice of using its "roundel" (i.e., a red cross enclosed in two concentric circles between which the words "COMITE INTERNATIONAL GENEVE" are written) for protective purposes.

**References:**

Articles 38 to 44 and 53 GC I 1949  
Articles 41 to 45 GC II 1949  
Articles 18 and 20 GC IV 1949  
Articles 18, 37, 38, 85 and Annex II AP I 1977  
Article 12 AP II 1977  
AP III 2005

<b>Slide</b>	<b>39.</b>
<b>Topic:</b>	<b>PROTECTIVE AND DISTINCTIVE EMBLEMS</b>
<b>Suggested image on the slide:</b>	

NOT NECESSARY, THIS IS A TITLE PAGE

**Suggested text for the slide:**

**PROTECTIVE AND DISTINCTIVE EMBLEMS**

**Suggested text for the instructor note(s):**

<b>Slide</b>	<b>40.</b>
<b>Topic:</b>	<b>PROTECTIVE AND DISTINCTIVE EMBLEMS</b>
<b>Suggested image on the slide:</b>	

- RED CROSS / RED CRESCENT / RED CRYSTAL

**Suggested text for the slide:**

<p style="text-align: center;"><b>PROTECTIVE AND DISTINCTIVE EMBLEMS</b></p> <ul style="list-style-type: none"> <li>• Red Cross</li> <li>• Red Crescent</li> <li>• Red Crystal</li> <li>• Other emblems, signs or signals</li> </ul>
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**Suggested text for the instructor note(s):**

"Distinctive emblem" means the distinctive emblem of the red cross, red crescent or red crystal on a white background when used for the protection of medical units and transports, or medical and religious personnel, equipment or supplies.

[Article 8 AP I 1977 as modified by AP III 2005]

It is prohibited to make improper use of the distinctive emblem (red cross, red crescent or red crystal or of other emblems, signs or signals provided for by the Geneva Conventions 1949 or AP I 1977).

Note, that the "red lion and sun" emblem which was used in the past is no longer in use by any state.

It is also prohibited to misuse deliberately in an armed conflict other internationally recognized protective emblems, signs or signals, including the flag of truce, and the protective emblem of cultural property.

[Article 38 AP I 1977 as modified by AP III 2005]

See the table with all emblems located on the last page of this template.

<b>Slide</b>	<b>41.</b>
<b>Topic:</b>	<b>PROTECTIVE AND DISTINCTIVE EMBLEMS</b>
<b>Suggested image on the slide:</b>	

- RED CROSS / RED CRESCENT / RED CRYSTAL

**Suggested text for the slide:**

### **USE OF DISTINCTIVE AND PROTECTIVE EMBLEMS**

- Medical and Religious Personnel
- Medical Units and Transports
- Hospital Ships
- Medical Aircraft

**Suggested text for the instructor note(s):**

#### **Medical and Religious Personnel:**

- Medical and religious personnel, whether belonging to the belligerents, relief societies or neutral powers, are required to wear on their left arm a water-resistant armband bearing the distinctive emblem (Red Cross, Red Crescent or Red Crystal on a white background), issued and stamped by the military authority to which they are attached.
- They are also required to carry an official identity card.  
[Articles 24 and 40 GC I 1949, Article 42 GC II 1949, Article 8 API 1977]  
See slides 24 and 25.

#### **Medical Units and Transports:**

- Under the direction of the competent military authority, all medical units and transports shall also be clearly marked with the distinctive emblem. Fixed or mobile units like hospitals or ambulances shall, for example, fly a flag portraying

the distinctive emblem and if the unit belongs to a neutral state the national flag should be flown together with the flag of the belligerent to which they are attached.

[Articles 38, 39, 42 and 43 GC I 1949, Article 18(1) and (2) AP I 1977]

### **Hospital Ships:**

- Military hospital ships, and hospital ships used by national Red Cross or Red Crescent Societies and other recognized relief societies or private persons, whether belonging to nationals of a Party to the conflict or a neutral, must be painted white with large dark red crosses, red crescent or red crystal on the sides and on horizontal surfaces so they may be visible from the sea and the air.

[Article 43 GC II 1949, Articles 18 (4) and 23 (1) AP I 1977]

### **Medical Aircraft:**

- Medical aircraft must be marked clearly with the distinctive emblem together with the national emblem on their lower, upper and lateral surfaces, as well as with any other emblems, which may be agreed upon by the parties to the conflict.

[Article 36 GC I and Article 39 GC II 1949, Article 18 (4) AP I 1977]

### **Protected Status:**

- Marking merely facilitates the identification and recognition of protected persons and objects. Even if not clearly marked, protected persons or objects are to be respected and protected, if they can through other means, such as intelligence information, be recognized as such.

<b>Slide</b>	<b>42.</b>
<b>Topic:</b>	<b>PROTECTED OBJECTS</b>
<b>Suggested image on the slide:</b>	

**Suggested text for the slide:**

NOT NECESSARY, THIS IS A TITLE PAGE

**PROTECTED OBJECTS**

**Suggested text for the instructor note(s):**

<b>Slide</b>	<b>43.</b>
<b>Topic:</b>	<b>PROTECTED OBJECTS</b>
<b>Suggested image on the slide:</b>	

- Photograph of an inhabited area (houses, school, playground, shops)

**Suggested text for the slide:**

### **CIVILIAN OBJECTS**

- A civilian object is any object which is not a military objective
- Civilian objects shall not be the object of attack

**Suggested text for the instructor note(s):**

#### **Civilian Objects:**

- A civilian object is any object which is not a military objective. This is a similar definition to that of the civilian person; therefore it serves the purposes of LOAC to limit the scope of conduct of hostilities, and direct military activities towards persons and objects who directly serve military objectives.
- Civilian objects shall not be the object of attack.  
[Article 52 (1) AP I 1977]
- Military objectives are limited to those objects which by their nature, location, purpose or use make an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage.  
[Article 52 (2) AP I 1977]
- In case of doubt, an object shall be presumed to be a civilian object.  
[Article 52 (3) AP I 1977]

- In order to ensure respect for and protection of the civilian population and civilian objects, the Parties to the conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly shall direct their operations only against military objectives.

[Article 48 AP I 1977]

<b>Slide</b>	<b>44.</b>
<b>Topic:</b>	<b>PROTECTED OBJECTS</b>
<b>Suggested image on the slide:</b>	

- PHOTOGRAPHS OR EXAMPLES OF
  - MEDICAL PERSONNEL
  - MEDICAL VEHICLES
  - FLAG WITH RED CROSS / CRESCENT / CRYSTAL

**Suggested text for the slide:**

### **MEDICAL UNITS AND MEDICAL TRANSPORTS**

- Fixed or mobile medical units, Medical transports of all types (land, sea and air) are protected and shall not be made the object of attack.

**Suggested text for the instructor note(s):**

#### **Medical Units and Medical Transports:**

- Medical units and establishments shall be respected, protected and shall not be made the object of attack.  
[Article 19 (1) GC I 1949, Articles 22 (1), 23 and 24 GC II 1949, Article 18 (1) GC IV 1949, Article 12 (1) and (2) AP I 1977, Article 11 (1) AP II 1977]
- Medical transports of all types (land, sea and air) are protected and shall not be made the object of attack. Each Party to the armed conflict shall endeavour to ensure that medical transports are identifiable.  
[Articles 35, 36 and 42 GC I 1949, Article 18 API 1977]

<b>Slide</b>	<b>45.</b>
<b>Topic:</b>	<b>PROTECTED OBJECTS</b>
<b>Suggested image on the slide:</b>	

**Suggested text for the slide:**

**Loss of Protection for Medical Units and Medical Transports**

**Suggested text for the instructor note(s):**

**Loss of Protection:**

- Protections can generally be lost through misuse of protective emblems, signs or status.
- The loss of protection for medical units is particularly detrimental.
- Medical establishments lose their protection if they commit, outside of their humanitarian duties, acts harmful to the enemy. Protection may cease only after a warning has been given setting, whenever appropriate, a reasonable time-limit, and after such warning has remained unheeded.  
[Article 21 GC I 1949, Article 13 AP I 1977]
- The following acts shall not result in loss of protection:
  - The use of arms by medical staff for their own protection or the protection of the wounded and sick;
  - The use of sentries or escorts in respect of medical personnel / transports;
  - Medical personnel acting as sentries for the protection of their medical establishments;
  - The retention of war material from the wounded and sick.  
[Article 22 GC I 1949]

<b>Slide</b>	<b>46.</b>
<b>Topic:</b>	<b>PROTECTED OBJECTS</b>
<b>Suggested image on the slide:</b>	

- FLAG OF TRUCE (WHITE FLAG)

**Suggested text for the slide:**

**FLAG OF TRUCE**  
(White Flag)

- The use of a white flag serves two purposes:
  - Sign of surrender
  - Sign of negotiation

**Suggested text for the instructor note(s):**

**Uses for flag of truce / white flag:**

(Truce = cease-fire)

**Surrender:**

- Any intention to surrender must be clearly expressed: raising arms, throwing away weapons, holding up a white flag, etc.

**Improper use:**

- Improper use of a flag of truce is prohibited.  
[Article 23 (f) Hague Regulations 1907]

<b>Slide</b>	<b>47.</b>
<b>Topic:</b>	<b>PROTECTED OBJECTS</b>
<b>Suggested image on the slide:</b>	

- PRISONER OF WAR CAMPS (PG, PW), IC

**Suggested text for the slide:**

### **PRISONER OF WAR CAMPS / INTERNMENT CAMPS**

- POW Camps:
  - POW camps shall not be attacked.
  - They are marked with the letters "PW" or "PG."
- Internment Camps:
  - Internment Camps shall not be attacked.
  - They shall be marked with "IC."

**Suggested text for the instructor note(s):**

#### **Prisoner of War Camps:**

- POW Camps shall be situated in an area far enough from the combat zone for the POWs to be out of danger.  
[Article 19 (1) GC III 1949]
- POW camps shall not be attacked.
- Whenever military considerations permit, prisoner of war camps shall be indicated in the day-time by the letters PW or PG, placed so as to be clearly visible from the air. The Powers concerned may, however, agree upon any other system of marking. Only prisoner of war camps shall be marked as such.  
[Article 23 GC III 1949]

**Internment Camps:**

- Internment camps shall not set up in areas particularly exposed to the dangers of war. [Article 83 GC IV 1949].
- Internment or placing in assigned residence of protected persons may be ordered only if the security of the Detaining Power makes it absolutely necessary.  
[Article 42 GC IV 1949]
- Internees shall be accommodated and administered separately from prisoners of war and from persons deprived of liberty for any other reason.  
[Article 84 GC IV 1949]
- The internment camps shall not be attacked.
- Whenever military considerations permit, the internment camps shall be indicated in the day-time by the letters IC, placed so as to be clearly visible from the air. The Powers concerned may, however, agree upon any other system of marking. Only internment camps shall be marked as such.  
[Article 83 GC IV 1949]

<b>Slide</b>	<b>48.</b>
<b>Topic:</b>	<b>PROTECTED OBJECTS</b>
<b>Suggested image on the slide:</b>	

- CIVIL DEFENCE SIGN

**Suggested text for the slide:**

### **CIVIL DEFENCE**

- **Protection from Attack**
  - Civil defence buildings and materiel, as well as shelters provided for the civilian population, are considered “civilian objects” and shall not be attacked.

**Suggested text for the instructor note(s):**

#### **Identification:**

- The international distinctive sign of civil defence set out in AP I 1977 consists of an equilateral blue triangle on an orange background.
- Those involved in civil defence should wear clothing with the above emblem. Additionally, their buildings and material should also display this emblem.  
[Article 66 and Annex I Article 4 AP I 1977]

#### **Improper Use of Emblems:**

- It is prohibited to make improper use of this emblem.  
[Article 38 AP I 1977]

#### **Civil defence performs humanitarian tasks for the following purposes:**

- To protect the civilian population against the dangers arising from hostilities or other disasters;

- To help it to recover from the immediate effects of such events;
- To provide the conditions necessary for its survival.

Civilians engaged in civil defence work must be respected and protected. They are entitled to carry out the civil defence tasks except in case of imperative military necessity.

[Articles 61 and 62 AP I 1977]

**Protection from Attack:**

- Civil defence buildings and materiel, as well as shelters provided for the civilian population, are considered “civilian objects” and shall not be attacked.

[Article 62 (3) AP I 1977]

<b>Slide</b>	<b>49.</b>
<b>Topic:</b>	<b>PROTECTED OBJECTS</b>
<b>Suggested image on the slide:</b>	

- CULTURAL PROPERTY – DISTINCTIVE EMBLEM

**Suggested text for the slide:**

<p style="text-align: center;"><b>CULTURAL PROPERTY</b></p> <ul style="list-style-type: none"> <li>• Cultural property</li> <li>• Protection</li> <li>• Distinctive Emblem</li> </ul>
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**Suggested text for the instructor note(s):**

Cultural property is property of great importance to the cultural heritage of every people, such as monuments, archaeological sites, works of art, important collections or archives.

[Article 1 Hague Conv 1954]

**Protection:**

- Cultural property is already protected as civilian property, but is also granted specific protection.
- Parties to an armed conflict are not allowed to direct hostilities against cultural property. They must avoid incidental damage to such property and avoid locating military personnel and material in or near cultural property. Using cultural property for military purposes and reprisals directed against cultural property are prohibited.

[Articles 53 and 85(4) AP I 1977]

Exceptions to this general prohibition exist if either:

- the use of cultural property for military purposes; or
- an attack on the cultural property,

is required for reasons of “**imperative military necessity**”.

**Imperative military necessity means that:**

- a. cultural property may only be used for purposes which may expose it to damage or destruction when no choice is possible between such use and another feasible method for obtaining a similar military advantage; or
- b. an act of hostility may only be directed against cultural property when it has been made into a military objective and there is no feasible alternative available to obtain a similar military advantage to that offered by directing an act of hostility against that objective.

Where possible the opposing force should be warned to stop using a cultural object or place of worship for military purposes before an attack is launched.

[Article 4 Hague Conv 1954, Article 6 Hague Prot 1999]

**Special protection and enhanced protection:**

- Under certain conditions, cultural property of very great importance may be placed under special protection or under enhanced protection. In both cases, higher standards of protection apply.

[Articles 8 to 11 Hague Conv 1954, Articles 10 to 14 Hague Prot 1999]

**Distinctive Emblem:**

- Cultural property may be marked with the distinctive emblem. The distinctive emblem repeated three times may be used as a means of identification of immovable cultural property under special protection, and, under certain conditions, of the transport of cultural property or of improvised refuges. However, the absence of such marking does not deprive such objects of protection.

[Articles 6, 16 and 17 Hague Conv 1954]

- It is prohibited to make improper use of the emblem.

[Article 27 (2) Hague Regulations 1907, Articles 16 and 17 Hague Conv 1954, Article 20 Regulations for the Execution of Hague Conv 1954]

<b>Slide</b>	<b>50.</b>
<b>Topic:</b>	<b>PROTECTED OBJECTS</b>
<b>Suggested image on the slide:</b>	

- PROTECTIVE SIGN OF WORKS AND INSTALLATIONS CONTAINING DANGEROUS FORCES

**Suggested text for the slide:**

### **WORKS AND INSTALLATIONS CONTAINING DANGEROUS FORCES**

- Dams, dykes and nuclear power stations
- Protection
- Distinctive Emblem

**Suggested text for the instructor note(s):**

#### **Works and Installations Containing Dangerous Forces:**

- are dams, dykes and nuclear power stations.

#### **Protection of Works and Installations Containing Dangerous Forces:**

- Dams, dykes and nuclear power stations shall not be attacked, even where they are legitimate targets, if such an attack might cause the release of dangerous forces and consequent severe losses among the civilian population.  
[Article 56 (1) AP I 1977, Article 15 AP II 1977]
- Other legitimate targets located at or near dams, dykes and nuclear power stations shall not be attacked if such an attack may cause the release of dangerous forces from those works or installations and consequent severe losses among the civilian population.  
[Article 56 (1) AP I 1977, Article 15 AP II 1977]

- The parties to a conflict should avoid locating legitimate targets near dams, dykes and nuclear power stations. Weapons co-located for the sole purpose of defending such installations are permissible.  
[Article 56 (5) AP I 1977]

#### **Ending of Protection:**

- The protection that the LOAC provides to dams, dykes, nuclear power stations, and other legitimate targets near those installations is not absolute. The protection ends in the following circumstances:
  - a) for a dam or dyke, only if it is used for other than its normal function and in regular, significant and direct support of military operations and if such attack is the only feasible way to terminate such support;
  - b) for a nuclear power station, only if it provides electric power in regular, significant and direct support of military operations and only if such attack is the only feasible way to terminate such support;
  - c) for other legitimate targets located at or in the vicinity of these works or installations, only if they are used in regular, significant and direct support of military operations and if such attack is the only feasible way to terminate such support.

[Article 56 (2) AP I 1977]

#### **Protective Emblem:**

- Dams, dykes and nuclear power stations should be marked with a special sign consisting of three bright orange circles on the same axis. See last page of this template for a display of this emblem.  
[Article 56 and Annex I Article 17 AP I 1977]
- Even if they are not marked with the special sign, they are still entitled to all the protections described above.
- It is prohibited to make improper use of this emblem.  
[Article 38 AP I 1977]

<b>Slide</b>	<b>51.</b>
<b>Topic:</b>	<b>PROTECTED OBJECTS</b>
<b>Suggested image on the slide:</b>	

- PHOTOGRAPH OF A CORN FIELD / LIVESTOCK

**Suggested text for the slide:**

**OBJECTS INDISPENSABLE TO THE SURVIVAL OF THE CIVILIAN  
POPULATION**

- Starvation of civilians as a method of warfare is prohibited.
- For example, food-stuffs, agricultural areas, crops, livestock, drinking water installations and supplies and irrigation works should not be attacked, destroyed, removed or rendered useless.

**Suggested text for the instructor note(s):**

**Objects Indispensable to the Survival of the Civilian Population:**

- It is prohibited to attack, destroy, remove or render useless objects indispensable to the survival of the civilian population for the specific purpose of denying them for the sustenance value to the civilian population whatever the motive.  
[Article 54 (2) and (3) AP I 1977]
- The following is a non-exhaustive list of “objects indispensable to the survival of the civilian population”:
  - a. foodstuffs;
  - b. agricultural areas for the production of foodstuffs;
  - c. crops;
  - d. livestock;
  - e. drinking water installations and supplies; and
  - f. irrigation works.

[Article 54(2) AP I 1977]

**Exceptions:**

- Objects indispensable to the survival of the civilian population may be attacked if they are used by an adverse Party:
  - As sustenance solely for the member of its armed forces; or
  - in direct support of military action, provided that actions against these objects do not leave the civilian population with such inadequate food or water so as to cause its starvation or force its movement.

[Article 54(3) AP I 1977]

<b>Slide</b>	<b>52.</b>
<b>Topic:</b>	<b>PROTECTED OBJECTS</b>
<b>Suggested image on the slide:</b>	

- PHOTOGRAPH OF A RIVERSIDE OR SIMILAR NATURAL LANDSCAPE

**Suggested text for the slide:**

### **NATURAL ENVIRONMENT**

- Environmental modification techniques having widespread, long lasting or severe effects are prohibited
- For States party to AP I 1977, care shall be taken in warfare to protect the natural environment against widespread, long-term and severe damage.

**Suggested text for the instructor note(s):**

#### **Environmental Modification:**

- Environmental modification techniques having widespread, long lasting or severe effects as the means of destruction, damage or injury are prohibited.  
[Article 1 ENMOD Conv 1976]

#### **Protection of the Natural Environment:**

For States party to AP I 1977:

- Care shall be taken in warfare to protect the natural environment against widespread, long-term and severe damage.  
[Articles 35 (3) and 55 (1) AP I 1977]
- In particular, attacks, which are intended or may be expected to cause widespread, long term, and severe damage to the natural environment, which prejudices the health or survival of the population, are prohibited.  
[Article 55 (1) API 1977]

<b>Slide</b>	<b>53.</b>
<b>Topic:</b>	<b>PROTECTED OBJECTS</b>
<b>Suggested image on the slide:</b>	

- Image of Sign for Hospital and Safety Zones

**Suggested text for the slide:**

#### **PLACES AND ZONES UNDER SPECIAL PROTECTION**

- Hospital Zones
- Safety Zones
- Neutralized Zones
- De-militarized Zones
- Non-defended Localities

**Suggested text for the instructor note(s):**

#### **Places and Zones under Special Protection:**

- Parties to an armed conflict may agree to establish hospital and safety zones and localities to protect from the effects of the conflict the wounded and sick as well as personnel entrusted with the organization and administration of these zones and localities and with the care of the persons assembled therein.  
[Article 23 and Annex I GC I 1949, Article 14 and Annex I GC IV 1949]
- Parties to an armed conflict may propose to establish, in the regions where fighting is taking place, neutralized zones.  
[Article 15 GC IV 1949]
- Hospital and safety zones and localities and neutralized zones shall not be the object of attack. They must be protected and respected at all times.  
[Article 11 and Annex I GC I and GC IV 1949]
- Hospital and safety zones and localities and neutralized zones shall be clearly marked.  
[Article 6 and Annex I GC I and GC IV 1949]

- Any Party to the conflict may, either direct or through a neutral State or some humanitarian organization, propose to the adverse Party to establish, in the regions where fighting is taking place, neutralized zones intended to shelter from the effects of war the following persons, without distinction:
  - a. wounded and sick combatants or non-combatants;
  - b. civilian persons who take no part in hostilities, and who, while they reside in the zones, perform no work of a military character.[Article 15 GC IV 1949]
- It is prohibited for the Parties to the conflict to extend their military operations to zones on which they have conferred by agreement the status of demilitarized zone, if such extension is contrary to the terms of this agreement.  
[Article 60 AP I 1977]
- The attack or bombardment of non-defended localities is prohibited. The appropriate authorities of a Party to the conflict may declare as a non-defended locality any inhabited place near or in a zone where armed forces are in contact which is open for occupation by an adverse Party.  
[Article 59 AP I 1977, Article 25 Hague Regulations 1907]

<b>Slide</b>	<b>54.</b>
<b>Topic:</b>	<b>MEANS AND METHODS OF WARFARE</b>
<b>Suggested image on the slide:</b>	

NOT NECESSARY, THIS IS A TITLE PAGE

**Suggested text for the slide:**

**MEANS AND METHODS OF WARFARE**

**Suggested text for the instructor note(s):**

<b>Slide</b>	<b>55.</b>
<b>Topic:</b>	<b>MEANS AND METHODS OF WARFARE</b>
<b>Suggested image on the slide:</b>	

- PHOTOGRAPH OF A LAUNCHED MISSILE OR OTHER WEAPON WITH WELL KNOWN EFFECTS

**Suggested text for the slide:**

### **BASIC PRINCIPLES**

- The right to choose the means and methods of warfare is not unlimited.
- It is prohibited to employ weapons, projectiles and materials and methods of warfare of a nature to cause superfluous injury or unnecessary suffering.

**Suggested text for the instructor note(s):**

### **Means and Methods of Warfare – Weapons:**

- LOAC limits the types of weapons that may be used and the manner in which those weapons are used (the right of the parties to an armed conflict to choose methods or means of warfare is not unlimited).
- Weapons, projectiles, materials and means of warfare that cause superfluous injury or unnecessary suffering are prohibited.
- Likewise, weapons which cannot be directed at specific legitimate targets or the effects of which cannot be limited are prohibited.  
[Article 23 (e) Hague Regulations 1907, Articles 35 (1), (2) and 51 (4) AP I 1977]
- Parties to an armed conflict are limited in their choice of weapons, and in the means and methods of warfare they use. When developing or acquiring new weapons, States should determine whether they comply with these rules. Current advances in new technologies mean that it continues to be vitally important for States to assess the legality of new weapons with LOAC.  
[Article 36 AP I 1977]

Slide	56.
Topic:	MEANS AND METHODS OF WARFARE
Suggested image on the slide:	

- PHOTOGRAPH OF AMMUNITION

**Suggested text for the slide:**

### **PROHIBITED AMMUNITION**

- Bullets that have been poisoned
- Bullets that expand or flatten easily in the human body\*
- Bullets that explode within the human body\*

**Suggested text for the instructor note(s):**

**The following types of ammunition are prohibited as a means of warfare:**

- Bullets that have been poisoned.  
[Article 23 (a) Hague Regulations 1907]
- Bullets that expand or flatten easily in the human body, such as bullets with a hard envelope that does not entirely cover the core or is pierced with incisions (that is, hollow point or “dum-dum” bullets).\*  
[Hague Declaration 1899]
- Bullets that explode within the human body.\*  
[St. Petersburg Declaration 1868]

\* This does not apply to those Nations who persistently objected and continue to object to this rule of customary international law. Instructors should consult their national authorities for their Nation’s position/view on this subject.

Slide	57.
Topic:	MEANS AND METHODS OF WARFARE
Suggested image on the slide:	

Suggested text for the slide:

### **BACTERIOLOGICAL (BIOLOGICAL) WEAPONS**

- Bacteriological (biological) weapons are prohibited as a means and method of warfare.

Suggested text for the instructor note(s):

Use of bacteriological (biological) weapons is prohibited by the BWC 1972.

Biological warfare involves the use of biological agents as weapons to cause disease outbreaks.

Biological weapons can include organisms such as bacteria, virus, toxin, fungi.

Each State Party to this Convention is prohibited to develop, produce, stockpile or otherwise acquire or retain bacteriological (biological) weapons.

[Article 1 BWC 1972]

<b>Slide</b>	<b>58.</b>
<b>Topic:</b>	<b>MEANS AND METHODS OF WARFARE</b>
<b>Suggested image on the slide:</b>	

- Soldiers in chemical protective equipment

**Suggested text for the slide:**

### **CHEMICAL WEAPONS**

- Chemical weapons (those chemicals which can cause death, permanent harm or temporary incapacity to humans or animals) and munitions or devices designed to carry such chemicals, are prohibited as a means of warfare.

**Suggested text for the instructor note(s):**

Chemical weapons are prohibited by the CWC 1993.

Chemical weapons (those chemicals which can cause death, permanent harm or temporary incapacity to humans or animals) and munitions or devices designed to carry such chemicals, are banned.

[Articles 1 (1) and 2 (1) to (3) CWC 1993]

The use of chemical weapons in war had been widely condemned since the end of the First World War. The Hague Regulations 1907 banned the use of poison or poisoned weapons as a means of conducting warfare. In 1925 the Geneva Protocol expressly prohibited the use of poisonous or other gases. All these prohibitions are based on the basic LOAC principles of distinction and humanity. Chemical and biological weapons cannot distinguish between combatants and civilians or other protected people. Remember that the right of parties to an armed conflict to choose methods and means of warfare is not unlimited.

Chemical weapons can include agents such as nerve agent, blistering agent, choking agent, incapacitating agent.

- **Prohibitions:**

The Chemical Weapons Convention prohibits each State Party to:

- develop, produce, otherwise acquire, stockpile, retain or transfer chemical weapons;
- use chemical weapons;
- engage in any military preparations to use chemical weapons;
- assist, encourage or induce, in any way, anyone to engage in any activity prohibited under the Chemical Weapons Convention.

[Article 1(1) CWC 1993]

- **Riot Control Agents:**

- The use of riot control agents, including tear gas and other gases that have debilitating but non-permanent effects, as a means of warfare is prohibited.\*\*

\*\*Note: Some nations believe the use of riot control agents is both appropriate and lawful in certain limited circumstances during armed conflict. Instructors should consult their national authorities for their State's view.

- In humans, riot control agents can rapidly produce sensory irritation or disabling physical effects which disappear within a short time following termination of exposure.

[Articles 1 (5) and 2 (7) CWC 1993]

- **Gas:**

- The use of asphyxiating, poisonous or other gases is prohibited under all circumstances.

[Geneva Gas Prot 1925; Article 1 (1) CWC 1993]

<b>Slide</b>	<b>59.</b>
<b>Topic:</b>	<b>MEANS AND METHODS OF WARFARE</b>
<b>Suggested image on the slide:</b>	

**Suggested text for the slide:**

### **ANTI-PERSONNEL MINES**

- An “anti-personnel mine” is a mine designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons.
- The use of anti-personnel mines is prohibited for State parties to the Anti-Personnel Mines Convention signed in 1997.
- Other States are bound by restrictions on the use of anti-personnel mines contained in other sources of international law.

**Suggested text for the instructor note(s):**

- An “anti-personnel mine” is a mine designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons.  
[Article 2 (3) CCW Prot II 1996, Articles 1 and 2 AP Mine Ban Conv 1997]\*\*
- The States party to the AP Mine Ban Conv 1997 are also prohibited from developing, producing, or otherwise acquiring, stockpiling, retaining or transferring anti-personnel mines to anyone, directly or indirectly.
- State parties to CCW Prot II 1980 and/or CCW Prot II 1996, who are not State parties to the AP Mine Ban Convention 1997, are required to use anti-personnel mines in accordance with the provisions of those treaties. This requires mines that are not remotely delivered to be in minefields that are recorded, marked, and monitored.
- The requirements depicted in those treaties include restrictions to the use of anti-personnel mines that vary depending on the treaty ratified by the State and the

characteristics of the anti-personnel mine considered (detectable or not detectable, remotely delivered or not....). In the general view, anti-personnel mines should be equipped with a dispositive allowing a self-destruction or self-deactivation or the laying of the anti-personnel mines should be recorded, marked and monitored.”

**\*\*Note:** Instructors should check with their national authorities regarding treaties that have been ratified.

<b>Slide</b>	<b>60.</b>
<b>Topic:</b>	<b>MEANS AND METHODS OF WARFARE</b>
<b>Suggested image on the slide:</b>	

**Suggested text for the slide:**

<p style="text-align: center;"><b>CLUSTER MUNITIONS</b></p> <ul style="list-style-type: none"> <li>Cluster munitions are prohibited for State Parties to the Cluster Munitions Convention signed in 2008.</li> </ul>
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**Suggested text for the instructor note(s):**

State Parties to the CCM 2008 are prohibited from, among other activities, stockpiling, production and transfer of cluster munitions as defined by the Convention. The CCM 2008 also requires State Parties to destroy the cluster munitions in their stockpiles and commits them to clearing areas contaminated with unexploded sub-munitions or abandoned cluster munitions.

Some NATO nations have not signed the CCM 2008 and may still lawfully use cluster munitions. As a matter of interoperability in NATO-led operations, military personnel should be aware of these differing national obligations.

Should the use of cluster munitions result in unexploded sub-munitions, those remnants would also be regulated by CCW Prot V 2003.

This Protocol requires State Parties to mark and clear, remove or destroy explosive remnants of war in affected territories under their control after the cessation of active hostilities and as soon as feasible, regardless of whether they were the user of the explosive ordnance that became the explosive remnant of war.

<b>Slide</b>	<b>61.</b>
<b>Topic:</b>	<b>MEANS AND METHODS OF WARFARE</b>
<b>Suggested image on the slide:</b>	

**Suggested text for the slide:**

### **OTHER CONVENTIONAL WEAPONS**

- Weapons causing injury by non-detectable fragments
- Mines, booby-traps and other devices
- Incendiary Weapons
- Blinding Laser Weapons

**Suggested text for the instructor note(s):**

Note, that the CCW Amdt 2001 expanded the scope of application of the CCW 1980 and its annexed Protocols to non-international armed conflicts.

- **Non-Detectable Fragments:**

- Weapons that primarily cause injury by the use of fragments undetectable by X-ray in the human body are prohibited.  
[CCW Prot I 1980]

- **Mines:**

- "Mine" means a munition placed under, on or near the ground or other surface area and designed to be exploded by the presence, proximity or contact of a person or vehicle.  
[Article 2 (1) CCW Prot II 1996]
- CCW Prot II 1996 contains detailed provisions restricting the use of mines.  
[See Articles 3 to 6 CCW Prot II 1996]

- **Booby Traps and other devices:**

- A “booby trap” is any device or material which is designed, constructed or adapted to kill or injure, and which functions unexpectedly when a person disturbs or approaches an apparently harmless object or performs an apparently safe act.

[Article 2 (4) CCW Prot II 1996]

- "Other devices" means manually-emplaced munitions and devices including improvised explosive devices designed to kill, injure or damage and which are actuated manually, by remote control or automatically after a lapse of time.

[Article 2 (5) CCW Prot II 1996]

- Booby traps and other devices, attached to or associated with certain objects are prohibited when:

- a. Used against the civilian population;
- b. Used indiscriminately, in other words, without all feasible precautions taken to protect civilians from their effects; or
- c. When attached to or associated with persons, objects, emblems and facilities protected by LOAC.

[Article 7 (1) CCW Prot II 1996]

- Where booby traps are lawfully used, they must not be designed to cause unnecessary injury or suffering.
- It is prohibited to use booby-traps and other devices in any city, town, village or other area containing a similar concentration of civilians in which combat between ground forces is not taking place or does not appear to be imminent, unless either:

- a. they are placed on or in the close vicinity of a military objective; or
- b. measures are taken to protect civilians from their effects, for example, the posting of warning sentries, the issuing of warnings or the provision of fences.

[Article 7 (3) CCW Prot II 1996]

- **Incendiary Weapons:**

- Incendiary weapons include any weapon or munitions designed to set fire to objects or to cause burn injury to humans through the action of flame, heat or a combination of the two caused by a chemical reaction of a substance delivered on a target.
- The use of incendiary weapons against combatants is not prohibited unless such use results in superfluous injury or unnecessary suffering. However, it is prohibited in all circumstances to make the civilian population, individual civilians or civilian objects the object of attack by incendiary weapons.  
[Article 23 (a) Hague Regulations 1907, Article 35 (2) AP I 1977, Article 2 (1) CCW Prot III 1980]

- **Blinding Weapons:**

- Laser weapons specifically designed, as their sole combat function or as one of their combat functions, to cause permanent blindness to unenhanced vision (that is, to the naked eye or to the eye with corrective eyesight devices) are prohibited.  
[Article 1 CCW Prot IV 1995]

Slide	62.
Topic:	MEANS AND METHODS OF WARFARE
Suggested image on the slide:	

Suggested text for the slide:

### PROHIBITED METHODS OF WARFARE

- Perfidy
- Denial of quarter
- Starvation of civilian population
- Terrorizing the civilian population
- Hostages
- Human Shields

Suggested text for the instructor note(s):

- **Perfidy:**
- Perfidy is an act inviting the confidence of an adversary to lead him to believe that he is entitled to, or is obliged to accord, protection under the rules of international law applicable to armed conflict, with the intent to betray that confidence.

*“It is prohibited to kill, injure or capture an adversary by resort to perfidy. Acts inviting the confidence of an adversary to lead him to believe that he is entitled to, or is obliged to accord, protection under the rules of international law applicable in armed conflict, with intent to betray that confidence, shall constitute perfidy. The following acts are examples of perfidy:*

- (a) the feigning of an intent to negotiate under a flag of truce or of a surrender;*
- (b) the feigning of an incapacitation by wounds or sickness;*
- (c) the feigning of civilian, non-combatant status; and*
- (d) the feigning of protected status by the use of signs, emblems or uniforms of the United Nations or of neutral or other States not Parties to the conflict.”*

[Article 37 (1) AP I 1977]

- **Ruses of war:**

- Ruses of war or stratagem are intended to mislead the enemy or to induce the enemy to act recklessly.

*“Ruses of war are not prohibited. Such ruses are acts which are intended to mislead an adversary or to induce him to act recklessly but which infringe no rule of international law applicable in armed conflict and which are not perfidious because they do not invite the confidence of an adversary with respect to protection under that law. The following are examples of such ruses: the use of camouflage, decoys, mock operations and misinformation.”*

[Article 37 (2) AP I 1977]

- **Denial of quarter:**

- It is prohibited to order that there shall be no survivors, to threaten an adversary therewith or to conduct hostilities on this basis.

[Article 40 AP I 1977]

- **Starvation of the civilian population:**

- Starvation of civilians as a method of warfare is prohibited.
- It is prohibited to attack, destroy, remove or render useless objects indispensable to the survival of the civilian population, such as food-stuffs, agricultural areas for the production of food-stuffs, crops, livestock, drinking water installations and supplies and irrigation works, for the specific purpose of denying them for their sustenance value to the civilian population or to the adverse Party, whatever the motive, whether in order to starve out civilians, to cause them to move away, or for any other motive.

[Article 54 AP I 1977]

- **Terrorizing of civilian population:**

- The civilian population as such, as well as individual civilians, shall not be the object of attack. Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited.

[Article 51 (2) AP I 1977]

- **Hostages:**

- The taking of hostages is prohibited.  
[Common Article 3 to the Geneva Conventions 1949, Article 34 GC IV 1949]

- **Human Shields:**

- Using human shields constitutes a war crime.  
[Article 8(2)(b)(xxiii) ICC Statute 1998]
- The presence of a prisoner of war may not be used to render certain points or areas immune from military operations.  
[Article 23 GC III 1949]
- The presence of a protected person may not be used to render certain points or areas immune from military operations.  
[Article 28 GC IV 1949]
- The presence or movements of the civilian population or individual civilians shall not be used to render certain points or areas immune from military operations, in particular in attempts to shield military objectives from attack or to shield, favour or impede military operations. The Parties to the conflict shall not direct the movement of the civilian population or individual civilians in order to attempt to shield military objectives from attacks or to shield military operations.  
[Article 51 AP I 1977]

Slide	63.
Topic:	MEANS AND METHODS OF WARFARE
Suggested image on the slide:	

Suggested text for the slide:

### REPRISALS

- Reprisals are extreme coercive measures taken against a party, which normally would be contrary to international law, to persuade that party to cease violating the law.
- Reprisals shall only be authorized by the highest national level.
- No individual soldier or officer is authorized to order reprisals on his own accord.

Suggested text for the instructor note(s):

#### Reprisals:

- Reprisals are extreme coercive measures which normally would be contrary to international law. Reprisals can be taken only if certain conditions are met:
  - Purpose of reprisals. Reprisals may only be taken in reaction to a prior serious violation of LOAC and only for the purpose of inducing the adversary to comply with the law.
  - Measure of last resort. Reprisals may only be carried out as a measure of last resort, when no other lawful measures are available to induce the adversary to respect the law.
  - Proportionality. Reprisal action must be proportionate to the violation it aims to stop.
  - Termination. Reprisal action must cease as soon as the adversary complies with the law.
  - Decision at the highest level of government. Because of their political and military significance, reprisals shall only be authorized by the highest level of government. No individual soldier or officer is authorized to order reprisals on their own accord.

- Reprisals are specifically prohibited against:
  - wounded, sick and shipwrecked;
  - medical and religious personnel;
  - medical facilities and supplies;
  - prisoners of war;
  - protected persons in the hands of a party to the conflict or occupying power of which they are not nationals, as defined in GC IV, and their property;
  - cultural objects and places of worship.

[Article 46 GC I 1949; Article 47 GC II 1949; Article 13 GC III 1949; Articles 4 and 33 GC IV 1949; Article 4 (4) Hague Conv 1954]\*\*

**\*\*Note:** Instructors should consult their national authorities for their national views on reprisals and the definition of protected persons in GC IV 1949 (Articles 4 and 33).

- There are differences of obligations for States party to AP I 1977, for States who are not party to AP I 1977, or those nations who have made reservations to AP I 1977, with regard to the use of reprisals especially against civilians and civilian objects.
- For States party to AP I 1977, which did not make reservations about reprisals, reprisals may only be directed against combatants and military objectives. For instance, reprisals against the following are prohibited:
  - civilians and civilian objects;
  - works and installations containing dangerous forces;
  - objects indispensable to the survival of the population;
  - the natural environment.
- For States not party to AP I 1977, or who have made reservations on this subject, civilians and civilian objects may be targeted in reprisal in the limited circumstances listed above when enemy forces have violated LOAC.

<b>Slide</b>	<b>64.</b>
<b>Topic:</b>	<b>LOAC IN PLANNING AND CONDUCT OF OPERATIONS</b>
<b>Suggested image on the slide:</b>	

NOT NECESSARY, THIS IS A TITLE PAGE

**Suggested text for the slide:**

**LOAC IN PLANNING AND CONDUCT OF OPERATIONS**

**Suggested text for the instructor note(s):**

<b>Slide</b>	<b>65.</b>
<b>Topic:</b>	<b>LOAC IN PLANNING AND CONDUCT OF OPERATIONS</b>
<b>Suggested image on the slide:</b>	

**Suggested text for the slide:**

### **LOAC IN THE PLANNING AND CONDUCT OF OPERATIONS**

- To ensure compliance, LOAC must be considered at all times, in particular:
  - during planning at political, strategic, operational and tactical levels;
  - during conduct of operations, especially in targeting;
  - during post-operations activities (after action reports, battle damage assessments, investigations, etc.);
  - by all echelons (command / unit / individual).

**Suggested text for the instructor note(s):**

It is necessary to consider at all times how to comply with LOAC, in particular its basic principles of military necessity, distinction, proportionality and humanity.

The overall effects of operations, and not only the individual phases, should also be evaluated in terms of LOAC to ensure conformity.

<b>Slide</b>	<b>66.</b>
<b>Topic:</b>	<b>LOAC IN PLANNING AND CONDUCT OF OPERATIONS</b>
<b>Suggested image on the slide:</b>	

**Suggested text for the slide:**

### **LOAC IN THE PLANNING OF OPERATIONS**

- Compliance with LOAC requires identification of LOAC issues during the planning phase

**Suggested text for the instructor note(s):**

Examples of LOAC issues to be considered during the planning of an operation include:

- Identifying lawful military objectives, including groups that may be lawful targets.
- Identifying potential interoperability issues regarding the respective LOAC obligations for States.
- Ensuring respect and protection of objects with special protection by identifying and listing the locations of such objects (hospitals, works and installations containing dangerous forces, protected zones, religious buildings, etc.), for instance, by creating and using No Strike Lists (NSLs) and Restricted Target Lists (RTLs) or using other means to protect these objects. Instructors must know whether their Nation chose to use NLSs and RTLs as a means to ensure LOAC compliance.
- Identifying legal grounds for detention or internment.
- Ensuring adequate facilities and procedures for handling detained or interned persons.
- Determining which activities must be carried out by military forces and which may be carried out by contractors, for instance, logistical activities such as resupply.

<b>Slide</b>	<b>67.</b>
<b>Topic:</b>	<b>LOAC IN PLANNING AND CONDUCT OF OPERATIONS</b>
<b>Suggested image on the slide:</b>	

**Suggested text for the slide:**

### **LOAC IN THE PLANNING OF ATTACKS**

- Indiscriminate attacks are prohibited.
- Precautions must be taken in attacks.

**Suggested text for the instructor note(s):**

#### **Indiscriminate Attacks:**

- “Attacks” means acts of violence against the adversary, whether in offence or in defence.  
[Article 49 AP I 1977]
- Attacks shall be limited strictly to military objectives (see slide 16 above).
- Indiscriminate attacks are prohibited. Indiscriminate attacks are:
  - attacks which are not directed at a specific military objective;
  - attacks which employ a method or means of combat which cannot be directed at a specific military objective; or
  - attacks which employ a method or means of combat the effects of which cannot be limited as required by AP I 1977;
 and consequently, in each such case, are of a nature to strike military objectives and civilians or civilian objects without distinction.
- Among others, the following types of attacks are to be considered as indiscriminate:
  - An attack by bombardment by any methods or means which treats as a single military objective a number of clearly separated and distinct military objectives

located in a city, town, village or other area containing a similar concentration of civilians or civilian objects; and

- An attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.

[Article 51 (4) and (5) AP I 1977]

**Precautions in the attack:**

- In the conduct of military operations, constant care shall be taken to spare the civilian population, civilians and civilian objects.
- In planning or deciding upon an attack, all personnel shall:
  - Do everything feasible to verify that the objectives to be attacked are neither civilians nor civilian objects and are not subject to special protection but are military objectives;
  - Take all feasible precautions in the choice of means and methods of attack with a view to avoiding, and in any event to minimizing, incidental loss or civilian life, injury to civilians and damage to civilian objects;
  - Refrain from deciding to launch any attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated;
  - Cancel or suspend an attack if it becomes apparent that the objective is not a military one or is subject to special protection or that the attack may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated;
  - Give an effective advance warning of attacks which may affect the civilian population, unless circumstances do not permit.
- For States party to AP I 1977 when a choice is possible between several military objectives for obtaining a similar military advantage, the objective to be selected shall be that the attack on which may be expected to cause the least danger to civilian lives and to civilian objects.

[Article 57 AP I 1977]

<b>Slide</b>	<b>69.</b>
<b>Topic:</b>	<b>FLAGS OF TRUCE, CEASEFIRES AND ARMISTICE</b>
<b>Suggested image on the slide:</b>	

**Suggested text for the slide:**

**FLAGS OF TRUCE, CEASEFIRES AND ARMISTICES**

**Suggested text for the instructor note(s):**

**Flags of Truce, Ceasefires and Armistices:**

- Flags of truce, ceasefires and armistices can all be used for either a time-limited suspension of hostilities for operational or tactical purposes; for instance, to care for the wounded on the battlefield, or strategic or political level decisions for a more permanent suspension of hostilities.
- In LOAC treaties the term “truce” is not used as such, but only the term “flag of truce”, the term “armistice” is used in both meanings. The Hague Regulations of 1907 use it as denominating a (general or local) suspension of military operations which may be temporarily limited or not (cf. Articles 36 to 41).
- GC I 1949 uses the term more in the first meaning, as referring to a temporarily limited suspension of hostilities to allow for the care for the wounded on the battlefield (cf. Art. 15 GC I: “...an armistice or a suspension of fire shall be arranged, or local arrangements made, to permit the removal, exchange and transport of the wounded left on the battlefield”).
- In a similar context, GC II 1949 only speaks of “local arrangements” (cf. Article 18 GC II 1949) and GC IV 1949 of “local agreements” (cf. Article 17 GC IV 1949).

<b>Slide</b>	<b>71.</b>
<b>Topic:</b>	<b>LAW OF OCCUPATION</b>
<b>Suggested image on the slide:</b>	

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**Suggested text for the slide:**

**LAW OF OCCUPATION**

**Suggested text for the instructor note(s):**

Slide	72.
Topic:	LAW OF OCCUPATION
Suggested image on the slide:	

Suggested text for the slide:

## OCCUPATION

- Occupation
- Commencement of Occupation
- End of Occupation

Suggested text for the instructor note(s):

### Occupation:

- Territory is considered occupied when it is actually placed under the authority of the hostile armed forces.
- The Occupying power must be able to exercise its authority over the territory. An occupying power can only claim to occupy a foreign territory once it is capable of enforcing its directions issued to the civilian population residing in that territory.  
[Article 42 Hague Regulations 1907]
- The occupying power shall assume responsibility for the occupied territory and its inhabitants.  
[Articles 29 and 47 to 135 GC IV 1949, Article 43 Hague Regulations 1907]

### Commencement of Occupation:

- The occupying power should proclaim to the population of invaded territory as soon as possible the fact that the territory is occupied and the effects, which result from the occupation.

- The occupying power shall take all the measures in its power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.
- The occupation extends only to the territory where such authority has been established and can be exercised. If the occupying power is able to maintain effective power over the territory through the use of only a small body of troops, then this fact does not of itself terminate the occupation.
- Occupation is not invalid because some of the inhabitants are in a state of rebellion or a local resistance movement is in existence.

**End of Occupation:**

- This is a question of fact concerning the exercise of governmental functions and dependent upon political agreements.  
[Article 6 GC IV 1949]

<b>Slide</b>	<b>73.</b>
<b>Topic:</b>	<b>LAW OF OCCUPATION</b>
<b>Suggested image on the slide:</b>	

**Suggested text for the slide:**

### **GENERAL EFFECTS OF OCCUPATION**

- Limits on Legislative Power of Occupant
- Maintenance of Public Order

**Suggested text for the instructor note(s):**

#### **Limits on Legislative Power of Occupant:**

- The powers of the occupant are of a temporary nature and it should only take measures, which are essential for the purposes of the armed conflict, the maintenance of order and safety and the proper administration of the occupied territory. The administration of the occupied territory shall be given the opportunity to carry on its activities. As a general rule the jurisdiction of the occupied territory shall remain in force.  
[Article 64 GC IV 1949]
- As a general rule the laws of the occupied territory shall remain in force. Penal legislation which constitutes a threat to security or an obstacle to the application of GC IV 1949 may be repealed or suspended by the occupying power.  
[Article 43 Hague Regulations 1907, Article 64 GC IV 1949]
- The occupying power may enact legal provisions of its own if military necessity or the obligation to maintain public order so demand.  
[Article 64 GC IV 1949, Article 43 Hague Regulations 1907]
- The occupying power may set up administrative bodies of its own if military necessity or the obligation to maintain public order so demand.

**Maintenance of Public Order:**

- The occupying power must take all measures in its power to restore and maintain public order within the occupied state. The occupying power is also obliged, under GC IV 1949, to carry out certain duties with regard to the inhabitants of the territory.

[Article 43 Hague Regulations 1907]

Slide	74.
Topic:	LAW OF OCCUPATION
Suggested image on the slide:	

Suggested text for the slide:

#### **RULES APPLICABLE IN OCCUPIED TERRITORY**

- Rights of Inhabitants of Occupied Territory
- Control of Persons in Occupied Territory
- Forced Enlistment
- Compulsory Labor
- Public Officials in Occupied Territory
- Rights of Non-nationals to Leave Occupied Territory

Suggested text for the instructor note(s):

#### **Rights of Inhabitants of Occupied Territory:**

- “Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats of violence and against insults and public curiosity...”. Generally, criminal attacks on their person are punished as if committed in time of peace.
- “...Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any other form of indecent assault....”
- “...all protected persons shall be treated with the same consideration...without any adverse distinction based, in particular, on race, religion or political opinion....”  
[Article 27 (1) to (3) GC IV 1949]

### **Control of Persons in Occupied Territory:**

- Military authorities in occupied territories have the right to perform police functions and to protect their own security.
- The following measures of population control are forbidden at all times:
  - a. physical or moral coercion, particularly to obtain information;
  - b. brutality;
  - c. punishment for acts of others, that is, reprisals or collective penalties; and
  - d. deportations.[Articles 31, 32, 33 (1) and (3), and 49 (1) GC IV 1949]
- If the Occupying Power considers it necessary, for imperative reasons of security, to take safety measures concerning protected persons, it may, at most, subject them to assigned residence or internment.  
[Article 78 GC IV 1949]

### **Forced Enlistment:**

- The occupying power is prohibited from compelling protected persons to enlist in its armed forces and may not use any pressure or propaganda aimed at securing their voluntary enlistment. To compel the population of occupied territory so to enlist is a grave breach of GC IV 1949.  
[Article 51 (1) GC IV 1949]

### **Compulsory Labor:**

- The occupying power may only compel persons over the age of eighteen to work, and only on work for the needs of the army of occupation, the public utility services, or for the feeding, clothing, sheltering, transportation or health of the population of the occupied territory.
- The population cannot be compelled to participate in any work which would involve participation in military operations.  
[Article 51 (2) GC IV 1949]

**Public Officials in Occupied Territory:**

- The occupying power is the administrator of the occupied territory. As such, it has an unlimited power to remove public officials, including judges, from their posts. However, the occupying power may not apply sanctions, other than removal, against public officials who refuse to carry out their functions for reasons of conscience.

[Article 54 GC IV 1949]

**Rights of Non-nationals to Leave Occupied Territory:**

- Non-nationals of the former sovereign under the occupation of the adverse Party must be allowed to leave the territory in accordance with the procedures laid down by the occupying power.

[Article 48 GC IV 1949]

<b>Slide</b>	<b>75.</b>
<b>Topic:</b>	<b>ENFORCEMENT OF LOAC</b>
<b>Suggested image on the slide:</b>	

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**Suggested text for the slide:**

**ENFORCEMENT OF LOAC**

**Suggested text for the instructor note(s):**

<b>Slide</b>	<b>76.</b>
<b>Topic:</b>	<b>ENFORCEMENT OF LOAC</b>
<b>Suggested image on the slide:</b>	

**Suggested text for the slide:**

### STATE OBLIGATIONS

- Dissemination of LOAC
- Prevention/Suppression of LOAC violations
- Provide Legal Advisors
- Disciplinary/penal sanctions

**Suggested text for the instructor note(s):**

#### **States are under an obligation to:**

- Make the rules contained in the Geneva Conventions 1949, and for the State parties to AP I and AP II 1977, as widely known as possible in peace and war.  
[Article 47 GC I 1949, Article 83 (1) AP I 1977]
- Require that commanders ensure that members of the armed forces are aware of their LOAC obligations.  
[Article 87 AP I 1977]
- Issue orders and instructions requiring compliance with LOAC and to take steps to ensure that these are observed.  
[Article 1 Hague Regulations 1907, Article 80 AP I 1977]
- Require military commanders, with respect to members of the armed forces under their command and other persons under their control, to prevent and, where necessary, to suppress and to report to competent authorities breaches of LOAC.\*\*  
[Article 87 (1) AP I 1977]

**\*\*Note:** Instructors should consult their national authorities of what constitutes *other persons under their control* by AP I 1977.

- Require any commander who is aware that subordinates or other persons under his control are going to commit or have committed a breach of LOAC, to initiate such steps as are necessary to prevent such violations of LOAC, and, where appropriate, to initiate disciplinary or penal action against violators thereof.

[Article 87 (3) AP I 1977]

- For the States party to AP I 1977 provide legal advisers, when necessary, to advise military commanders at the appropriate level on the application of LOAC and on LOAC training to be provided to members of the armed forces.

[Article 82 AP I 1977]

- Put in place an effective legal system to prevent, investigate and/or prosecute breaches of LOAC and, in particular, to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, war crimes.

[Article 49 GC I 1949, Article 50 GC II 1949, Article 129 GC III 1949, Article 146 GC IV 1949]

<b>Slide</b>	<b>77.</b>
<b>Topic:</b>	<b>ENFORCEMENT OF LOAC</b>
<b>Suggested image on the slide:</b>	

**Suggested text for the slide:**

### **COMMAND RESPONSIBILITY**

- Commanders are responsible for preventing violations of the law and for taking necessary action.

**Suggested text for the instructor note(s):**

#### **Command Responsibility:**

- Commanders are responsible for preventing violations of the law and for taking necessary action.  
[Article 49 GC I 1949, Article 50 GC II 1949, Article 129 GC III 1949, Article 146 GC IV 1949]
- Failure to act - the fact that a breach of LOAC was committed by a subordinate does not absolve his superiors from penal or disciplinary responsibility, as the case may be, if they knew, or had information which should have enabled them to conclude in the circumstances at the time, that he was committing or was going to commit such a breach and if they did not take all feasible measures within their power to prevent or repress the breach.  
[Article 86 AP I 1977]

#### **Duty of commanders:**

- To prevent and, where necessary, to suppress and to report to competent authorities breaches of LOAC;
- Commensurate with their level of responsibility, ensure that members of the armed forces under their command are aware of their obligations under LOAC;
- If aware that subordinates or other persons under their control are going to commit or have committed a breach of LOAC, to initiate such steps as are necessary to prevent such violations of LOAC, and, where appropriate, to initiate disciplinary or penal action against violators thereof.

[Article 87 AP I 1977]

**Article 28 ICC Statute 1998:**

- For States party to the ICC Statute 1998, Article 28 of the Statute states that a military commander or a person “effectively” acting as a military commander is criminally responsible for crimes within the jurisdiction of the ICC committed by forces or persons under his effective command and control, or effective authority and control, where:
  - a. he or she either knew, or owing to the circumstances, should have known that the forces or persons were committing or about to commit such crimes; and
  - b. he or she failed to take all necessary and reasonable measures within his or her power to prevent or repress their commission or to submit the matter to the competent authorities for investigation and prosecution.

**Responsibility of civilian superiors:**

- Similarly, a hierarchical superior in a non-military relationship with subordinates is criminally responsible for crimes within the jurisdiction of the ICC committed by subordinates under his or her effective authority and control, where:
  - a. he or she knew, or consciously disregarded information which clearly indicated, that the subordinates were committing or about to commit such crimes;
  - b. the crimes concerned activities that were within his or her effective responsibility and control; and
  - c. he or she failed to take all necessary and reasonable measures within his or her power to prevent or repress their commission or to submit the matter to the competent authorities for investigation and prosecution.

<b>Slide</b>	<b>78.</b>
<b>Topic:</b>	<b>ENFORCEMENT OF LOAC</b>
<b>Suggested image on the slide:</b>	

**Suggested text for the slide:**

### **INDIVIDUAL RESPONSIBILITY**

- Individuals are responsible for crimes they commit or assist others to commit.

**Suggested text for the instructor note(s):**

#### **Individual Responsibility:**

- LOAC is binding not only on States, but on individuals as well. In that regard, every State is obliged to search for persons alleged to have committed war crimes and shall bring such persons before its own courts. In all circumstances the accused persons shall benefit by safeguards of proper trial and defence.  
[Article 49 GC I 1949, Article 50 GC II 1949, Article 129 GC III 1949, Article 146 GC IV 1949]
- One area in which allegations sometimes arise is whether an attack was proportionate or not (see slide 17). On this point, the Nuremburg tribunals held that: “[collateral damage] resulting from an attack is not excessive when a reasonable Soldier, Officer, or Commander, could conclude in the prevailing circumstances that such incidental harm would not be excessive.” An assessment of whether a specific attack was proportionate, or not, will depend on the facts and circumstances of each attack. (See Military Tribunal V 1948, in 11 Trials of War Criminals Before the Nurnberg Military Tribunals Under Control Council Law No. 10, Nurnberg, Oct 1946–Nov. 1949, at 1297).
- For nations that have ratified the ICC Statute 1998, according to Article 25, individuals are responsible for any criminal acts (including war crimes) that they:
  - Commit, whether as an individual, jointly with another or through another person, regardless of whether that other person is criminally responsible;

- Order, solicit or induce the commission of such a crime which in fact occurs or is attempted;
- For the purpose of facilitating the commission of such a crime, aids, abets or otherwise assists in its commission or its attempted commission, including providing the means for its commission;
- In any other way contribute to the commission or attempted commission of such a crime by a group of persons acting with a common purpose.

Note: Obeying superior orders does not in itself absolve the subordinate from criminal responsibility.

- For those nations that have ratified the ICC Statute 1998, according to Article 33:
  - The fact that a crime within the jurisdiction of the Court has been committed by a person pursuant to an order of a Government or of a superior, whether military or civilian, shall not relieve that person of criminal responsibility unless:
    - a. The person was under a legal obligation to obey orders of the Government or the superior in question;
    - b. The person did not know that the order was unlawful; and
    - c. The order was not manifestly unlawful.

<b>Slide</b>	<b>79.</b>
<b>Topic:</b>	<b>ENFORCEMENT OF LOAC</b>
<b>Suggested image on the slide:</b>	

**Suggested text for the slide:**

<p style="text-align: center;"><b>VIOLATIONS OF LOAC</b></p> <ul style="list-style-type: none"> <li>• War Crimes (Grave Breaches and other serious violations)</li> <li>• Other Violations of LOAC</li> </ul>
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**Suggested text for the instructor note(s):**

Violations of LOAC may result in committing War Crimes or may constitute other punishable violations.

#### **War Crimes:**

- The following acts are examples of war crimes when committed against protected persons or objects:
  - willful killing;
  - torture or inhumane treatment;
  - biological experiments;
  - willfully causing great suffering;
  - causing serious injury to body or health;
  - extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;
  - compelling a prisoner of war or a protected civilian to serve in the armed forces of the hostile Power;
  - willfully depriving a prisoner of war or a protected person of the rights of fair and regular trial;
  - unlawful deportation or transfer;
  - unlawful confinement of a protected person;
  - taking of hostages.

This list is not exhaustive. Other examples may be added to it.\*\*

**Other Violations:**

- Other violations that do not constitute war crimes may be subject to prosecution or disciplinary action in accordance with national laws.

**\*\*Note:** Instructors should check their national law to determine what these violations may be to present them to the training audience.

<b>Slide</b>	<b>80.</b>
<b>Topic:</b>	<b>ENFORCEMENT OF LOAC</b>
<b>Suggested image on the slide:</b>	

**Suggested text for the slide:**

### **PROSECUTION OF WAR CRIMES**

- National Prosecution
- Universal jurisdiction over war crimes
- International prosecution

**Suggested text for the instructor note(s):**

#### **National Jurisdiction:**

- Members of the armed forces are primarily subject to their nation's criminal or other penal justice system for the commission of war crimes.

#### **Universal jurisdiction over war crimes:**

- The repression of war crimes is essential to ensuring respect for LOAC. Universal jurisdiction refers to the assertion of jurisdiction over offences regardless of the place where they were committed or the nationality of the perpetrator. It is held to apply to a range of offences whose repression by all States is justified, or required, as a matter of international public policy. Any State may try those accused of war crimes, whatever the accused's nationality or wherever alleged offence took place.
- The Geneva Conventions 1949 provide for mandatory universal jurisdiction, since they oblige States to try those who have allegedly committed grave breaches or institute the necessary procedures to extradite such persons. AP I 1977 extends the principle of universal jurisdiction to grave breaches of the rules relating to the conduct of hostilities. It also qualifies all grave breaches as war crimes.  
[Article 85 AP I 1977]

## International Prosecution:

- International Criminal Court
  - The right, or in some cases the obligation, to prosecute war crimes under universal jurisdiction existed before the adoption of the 1998 ICC Statute. In its preamble, the Statute affirms that national courts have primary responsibility for trying such crimes. The ICC's jurisdiction over war crimes is thus considered to be complementary: the ICC will exercise its jurisdiction only when a State is unwilling or unable genuinely to carry out the investigation or prosecution.\*\*  
[Articles 1 and 17 (1) (a) ICC Statute 1998]

\*\*Note: The United States, not being a party to the ICC Statute of 1998, is not bound by the ICC Statute and has persistently objected to the notion that any of its citizens would be subject to prosecution by the ICC.

<b>Slide</b>	<b>81.</b>
<b>Topic:</b>	<b>QUESTIONS</b>
<b>Suggested image on the slide:</b>	

**Suggested text for the slide:**

**QUESTIONS?**

**Suggested text for the instructor note(s):**

	RED CROSS		WORKS AND INSTALLATIONS CONTAINING DANGEROUS FORCES
	RED CRESCENT		INTERMENT CAMP
	RED CRYSTAL		PRISONER OF WAR CAMP
	CULTURAL PROPERTY – GENERAL PROTECTION		CIVIL DEFENCE
	CULTURAL PROPERTY - SPECIAL PROTECTION		FLAG OF TRUCE / FLAG OF SURRENDER
	HOSPITAL AND SAFETY ZONE		

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