

YOUR CONDUCT IN COMBAT

UNDER
THE
LAW
OF
WAR

NOVEMBER 1984

DISTRIBUTION RESTRICTION: This publication contains technical or operational information that is for official government use only. Distribution is limited to US government agencies. Requests from outside the US government for release of this publication under the Freedom of Information Act or the Foreign Military Sales Program must be made to HQ TRADOC, Ft Monroe, VA 23651-5000.



HEADQUARTERS
DEPARTMENT OF THE ARMY
WASHINGTON, DC, 23 November 1984

YOUR
CONDUCT
COMBAT **IN**
UNDER
THE
LAW
OF
WAR

PREFACE

This publication explains the law of war which applies to all soldiers in combat. The law of war is divided into the following four categories: *forbidden targets, tactics, and techniques; enemy captives and detainees; civilians and private property; and prevention and reporting of unlawful acts and orders.*

The proponent of this publication is HQ TRADOC. Submit changes for improving this publication on DA Form 2028 (Recommended Changes to Publications and Blank Forms) and forward it to **Commandant, The Judge Advocate General's School, US Army, Charlottesville, Virginia 22901-1781.**

*This publication supersedes TC 27-1, 19 March 1976.

TABLE OF CONTENTS

	Page
INTRODUCTION	2
FORBIDDEN TARGETS, TACTICS, AND TECHNIQUES ...	4
ENEMY CAPTIVES AND DETAINEES	12
CIVILIANS AND PRIVATE PROPERTY	20
UNLAWFUL ACTS AND ORDERS	24
CONCLUSION	28

INTRODUCTION

Throughout history, nations have called upon their soldiers to defend national interests by going to war. As newer weapons of warfare were developed, nations became aware of a need to prevent unnecessary destruction of lives and property on the battlefield. This need reflects both military interests and the moral values of civilized persons. These values and interests are held by most people of the world. They have evolved into binding customs and formal laws of war, embodied in the Geneva Conventions and Hague Regulations. These laws of war are legally binding upon virtually all governments and their forces, including the United States. The written laws reinforce the customary or unwritten laws which have been practiced for centuries in times of war.

The United States has been a leader in adopting the laws of war for its military forces. These laws recognize that enemies are human beings and that captured or detained people are entitled to retain their fundamental rights as humans, regardless of their prior conduct or beliefs. Because the United States has agreed to abide by these laws, violating them is the same as violating US laws.

Although all Americans—soldiers, citizens, and leaders—have a legal obligation to know and abide by these laws of war, soldiers must be especially aware of them. Soldiers must not only be proficient in military skills, but they must also have the moral courage to follow these laws which their nation has pledged to obey.

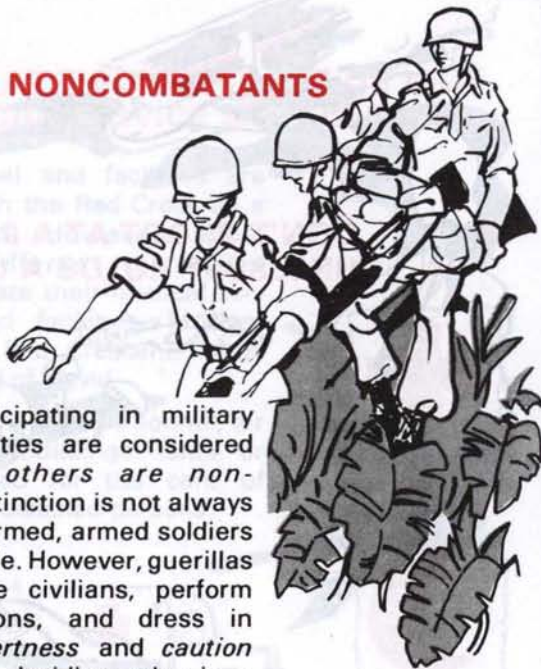
The law of war consists of four categories. The *first*—forbidden targets, tactics, and techniques—applies to fighting between you and the enemy. The *second*—enemy captives and detainees—deals with the laws that govern when a prisoner is taken or someone is detained. The *third*—civilians and private property—deals with your responsibilities with regard to the civilian population in the war zone. The *fourth*—prevention and reporting of unlawful acts and orders—applies to your responsibilities when criminal acts have been committed or ordered.

This publication is intended to help you, today's soldier, know and understand these laws of war.

FORBIDDEN TARGETS, TACTICS, AND TECHNIQUES

This section summarizes the laws of war relating to forbidden targets, tactics, and techniques. They are designed to safeguard defenseless people and property not directly involved with military activity. The use of unlawful techniques and tactics may be dangerous in themselves. They are likely to enrage enemy soldiers, causing them to fight harder or to use illegal methods.

DON'T ATTACK NONCOMBATANTS



All persons participating in military operations or activities are considered combatants. *All others are non-combatants.* This distinction is not always easy to make. Uniformed, armed soldiers are easily recognizable. However, guerillas often mix with the civilians, perform undercover operations, and dress in civilian clothes. *Alertness* and *caution* must guide you in deciding who is a combatant.

Noncombatants include civilians, medical personnel, chaplains, and other persons captured or detained. This category also includes soldiers who are captured, sick, or wounded or soldiers who surrender. Humane treatment of noncombatants may produce valuable information, gain active support for you, and deny support for the enemy. Mistreatment serves only the interests of the enemy.

Only Combatants Are Proper Targets

An illustration at the top left shows a small aircraft in flames, falling from the sky. Below it, a parachute is shown in the process of opening, with the canopy partially inflated. The background is a light, textured grey.

**DON'T SHOOT AT A PARACHUTE
UNLESS IT HOLDS A COMBATANT**



Individuals parachuting from a burning or disabled aircraft are considered helpless until they reach the ground. You should not fire on them while they are in the air. If they use their weapons or do not surrender upon landing, they must be considered combatants. Paratroopers, on the other hand, are jumping from an airplane to fight. They are targets and you may fire at them while they are still in the air.

Paratroopers Are Combatants

DON'T SHOOT AT THE RED CROSS OR HIDE BEHIND MEDICAL SERVICE SYMBOLS

Medical personnel and facilities are usually marked with the Red Cross on a white background. However, some countries use different distinctive emblems to designate their medical service personnel and facilities. Moslem countries use the Red Crescent. Israel uses the Red Shield of David.

Don't fire at any medical personnel, air or ground vehicles, buildings, tents, or other facilities used for the care of wounded, sick, and disabled persons.



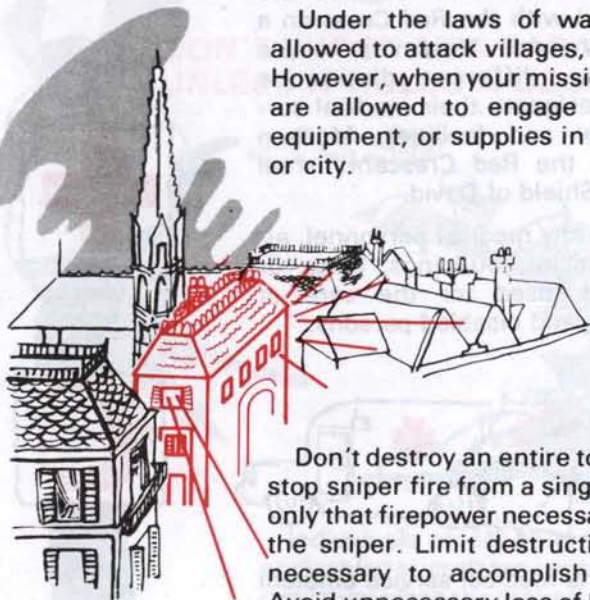
In combat, the medical service emblem protects those who have become casualties and those who are caring for them. It is a serious breach of the laws of war when soldiers use these signs to protect or hide military activities. Do not mark your position or yourself with a medical service emblem unless you have been designated to perform only medical duties.

Your Life May Depend on the Proper Use of the Red Cross Symbol



DON'T CAUSE DESTRUCTION BEYOND THE REQUIREMENT OF YOUR MISSION

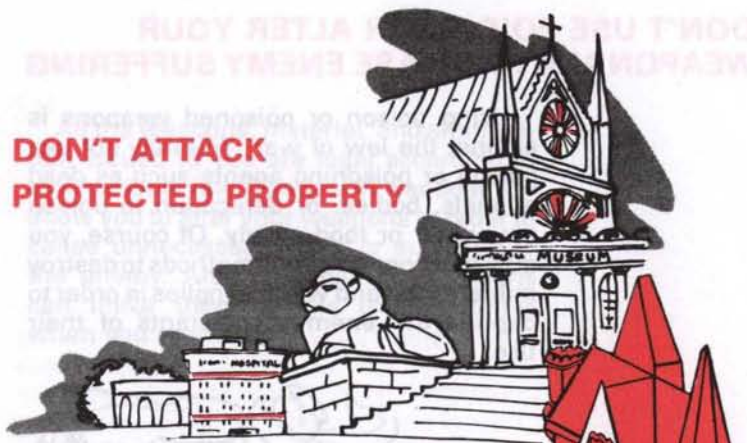
Under the laws of war, you are not allowed to attack villages, towns, or cities. However, when your mission requires, you are allowed to engage enemy troops, equipment, or supplies in a village, town, or city.



Don't destroy an entire town or village to stop sniper fire from a single building. Use only that firepower necessary to neutralize the sniper. Limit destruction only to that necessary to accomplish your mission. Avoid unnecessary loss of life and damage to property. This law not only conserves your own supplies, but preserves facilities for future civilian use.

**Disciplined Firepower Is
Effective Firepower**

DON'T ATTACK PROTECTED PROPERTY

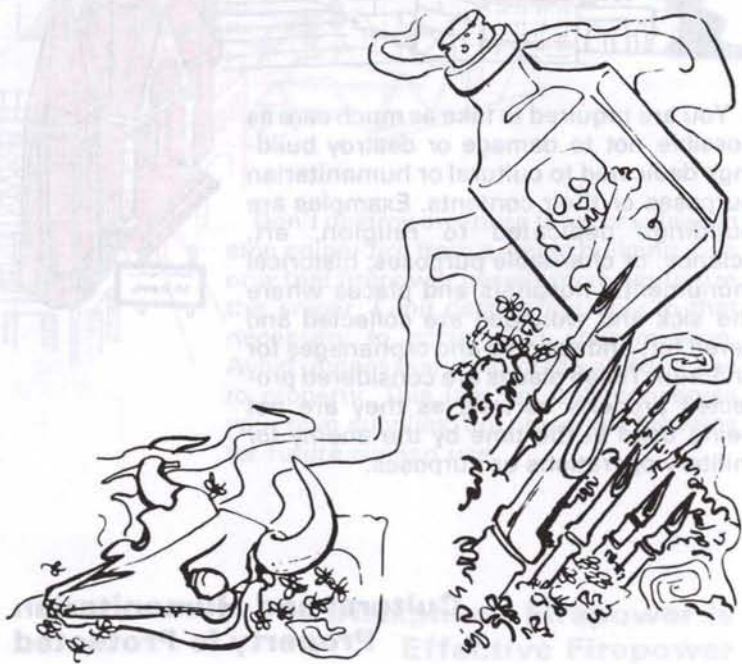


You are required to take as much care as possible not to damage or destroy buildings dedicated to cultural or humanitarian purposes or their contents. Examples are buildings dedicated to religion, art, science, or charitable purposes; historical monuments; hospitals and places where the sick and wounded are collected and cared for; and schools and orphanages for children. These places are considered protected property as long as they are not being used at the time by the enemy for military operations or purposes.

**Cultural and Humanitarian
Property Is Protected**

DON'T USE POISON OR ALTER YOUR WEAPONS TO INCREASE ENEMY SUFFERING

Using poison or poisoned weapons is against the law of war. You may not use poison or poisoning agents such as dead animals, bodies, or defecation to poison any water or food supply. Of course, you may use nonpoisonous methods to destroy military food and water supplies in order to deprive the enemy combatants of their use.



All the weapons, materiel, and ammunition issued to you are legal according to international law. The law of war does not allow you to alter your weapons in order to cause unnecessary injury or suffering to the enemy. Also, altering your weapons can make them unsafe or inoperative when you need them.



**Altering Your
Weapons Can
Make Them Unsafe**

DON'T USE POISON OR ALIEN YOUR WEAPONS TO INCREASE ENEMY SUFFERING

ENEMY CAPTIVES AND DETAINEES

This section summarizes the laws of war relating to enemy captives and detainees. The customary law of war and the Geneva Conventions of 1949 established the laws for treatment of noncombatants, prisoners of war (PWs), sick and wounded, and other persons captured or detained in combat. The most important guide to lawful treatment of such persons is to treat them as you would like to be treated if captured.

The terms "captives" and "detainees" are used here instead of "prisoners of war" because the laws apply to all persons who come under your control in combat. The status of any persons who come under your control in combat does not change the way they should be treated by you. Their status is determined by specifically designated personnel at higher headquarters. All of these people, enemy soldiers or not, must be treated humanely. You can fulfill your military mission to search, segregate, silence, safeguard, and speed to the rear any people who come under your control and still treat them in a humane manner.

LET ENEMY SOLDIERS SURRENDER

You do not have to kill the enemy to accomplish your mission. Enemy soldiers may reach the point where they would rather surrender than fight. They may signal to you by waving a white flag, by crawling from their positions with arms raised, or by yelling at you to stop firing so that they can give up. The way they signal their desire to surrender may vary, but you must allow them to give up once you receive the signal. It is illegal to fire on enemy soldiers who have thrown down their weapons and offered to surrender.

Once enemy soldiers surrender to you, they are under your control. Their safety is your responsibility until you are relieved of them. Enemy soldiers who surrender are a source of valuable information. Moreover, other enemy soldiers may surrender if they see how well you treat captives.



Their Surrender Is Valuable to Your Mission



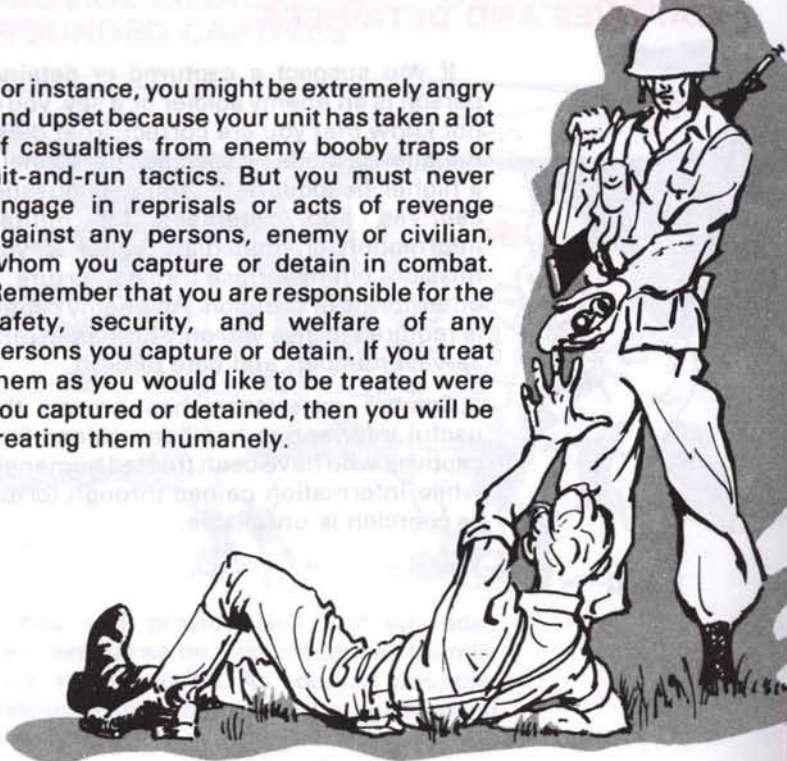
TREAT ALL CAPTIVES AND DETAINEES HUMANELY

When you capture enemy soldiers or detain any noncombatants or civilians during combat, you must treat them humanely according to the laws of war. This includes civilians, whether organized guerrillas or local inhabitants, who commit combat acts against you in support of the enemy. Often nonmilitary personnel such as journalists, Red Cross workers, or civilian laborers accompany enemy forces. They are also entitled to humane treatment.

Attacks upon personal dignity or other humiliating or degrading treatment are strictly forbidden by the law of war. It is particularly important to treat every captured or detained female with appropriate respect.

We all recognize that full compliance with the Geneva Conventions is not always easy for the combat soldier, especially in the heat and passion of battle.

For instance, you might be extremely angry and upset because your unit has taken a lot of casualties from enemy booby traps or hit-and-run tactics. But you must never engage in reprisals or acts of revenge against any persons, enemy or civilian, whom you capture or detain in combat. Remember that you are responsible for the safety, security, and welfare of any persons you capture or detain. If you treat them as you would like to be treated were you captured or detained, then you will be treating them humanely.



You Are Responsible for Their Safety



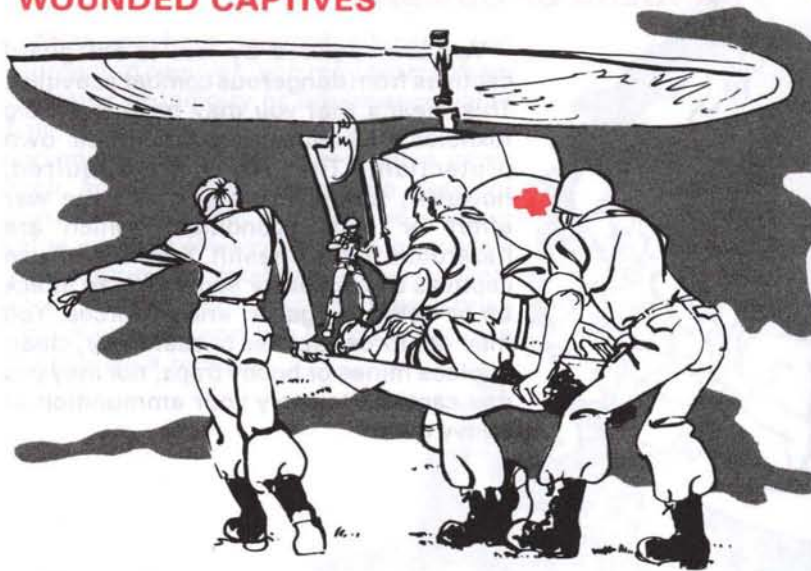
DON'T USE COERCION IN QUESTIONING CAPTIVES AND DETAINEES

If you suspect a captured or detained person is an enemy soldier or a spy, you do not know that you are correct. That determination is made by specified personnel at a higher headquarters. You may question captives and detainees for military information of immediate value to your mission, but never use threats, torture, or other forms of coercion. An enemy captive is required to give you only his name, rank, service number, and date of birth.

Combat experience has proven that useful information has been gained from captives who have been treated humanely, while information gained through torture or coercion is unreliable.

Humane Treatment Gets Results

PROVIDE MEDICAL CARE FOR SICK AND WOUNDED CAPTIVES



You will provide sick and wounded captives the same medical care as friendly sick and wounded. As soon as possible, evacuate them to the rear through medical channels.

They Are Entitled to Proper Care

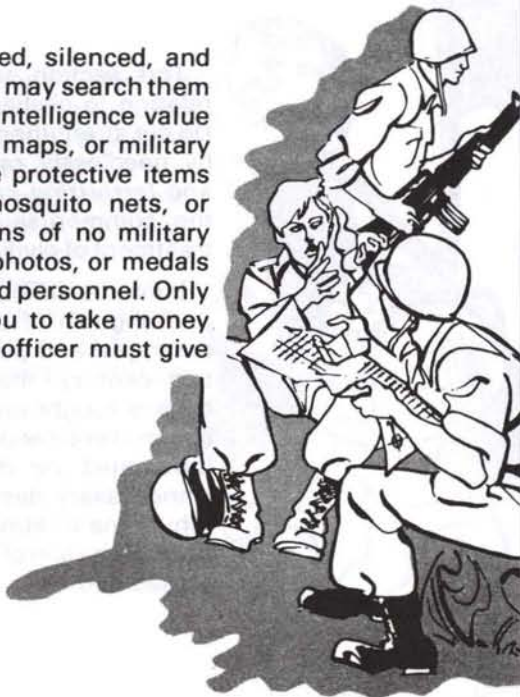
SAFEGUARD CAPTIVES FROM THE DANGERS OF COMBAT

You are required by law to safeguard captives from dangerous combat activities. This means that you may have them dig foxholes or build bunkers for their own protection. They are not required, however, to work in support of the war effort or under conditions which are hazardous to their health. You may not use captives as a shield or screen for an attack on or defense against enemy forces. You may not force captives to search for, clear, or place mines or booby traps, nor may you use captives to carry your ammunition or heavy gear.

**They May Perform Work
for Their Own Protection**


DON'T TAKE PERSONAL PROPERTY FROM CAPTIVES

After you have secured, silenced, and segregated captives, you may search them for items of military or intelligence value only, such as weapons, maps, or military documents. Do not take protective items such as gas masks, mosquito nets, or parkas; or personal items of no military value such as jewelry, photos, or medals from captured or detained personnel. Only an officer may order you to take money from a captive, and the officer must give the captive a receipt.



Only Items of Military Value Can Be Taken

CIVILIANS AND PRIVATE PROPERTY



This section summarizes laws of war relating to civilians and private property. Do not strengthen the enemy's will to fight by needlessly *ravaging private property* and *terrorizing civilians*. Know and obey the common-sense laws regarding the treatment of civilians and private property.

It may be difficult to understand the rage and anguish of seeing personal property destroyed and personal rights abused. In this century, the American soldier has always fought on foreign soil. Therefore, our land and people have not been torn and devastated by the destruction of war. Unnecessary destruction of property and inhumane treatment of civilians are violations of the law of war for which you can be prosecuted.

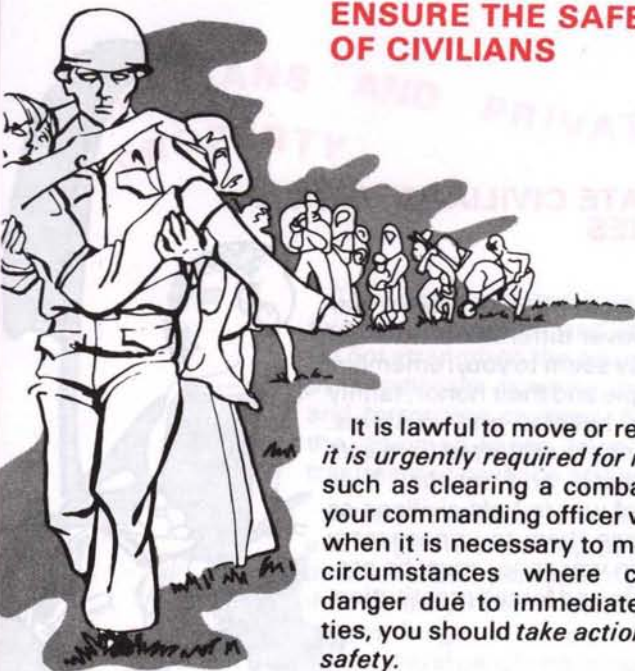
DON'T VIOLATE CIVILIANS' RIGHTS IN WAR ZONES

All civilians in a country involved in war have rights. However different or unusual a foreign land may seem to you, remember to respect its people and their honor, family rights, religious beliefs, and customs. *Make sure civilians are protected from acts of violence, threats, and insults.* It is against the law of war to hold civilians as hostages or expose them to unnecessary danger. Women in war zones must be protected against rape and forced prostitution.



Civilians Have Rights

ENSURE THE SAFETY OF CIVILIANS

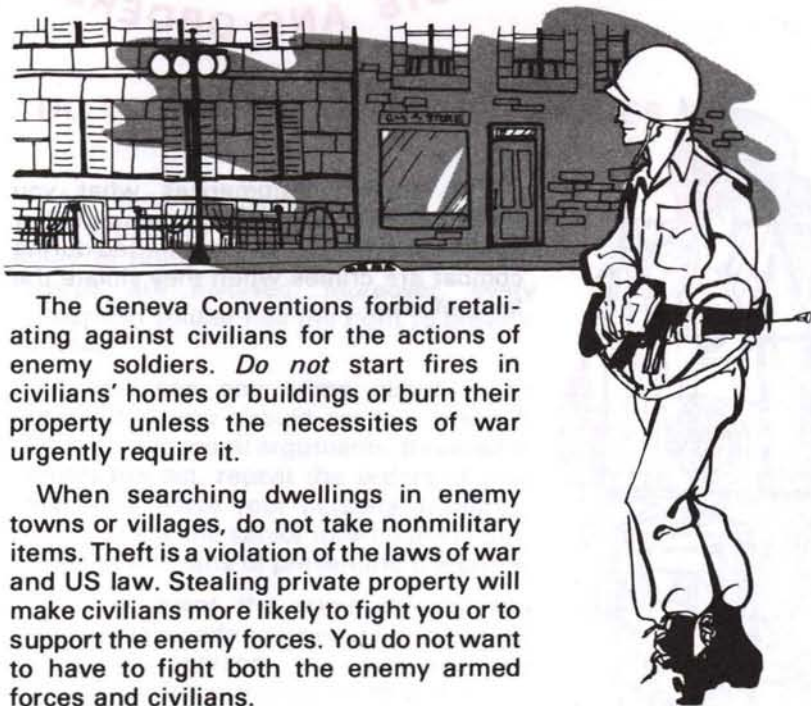


It is lawful to move or resettle civilians *if it is urgently required for military reasons*, such as clearing a combat zone. Usually, your commanding officer will tell you if and when it is necessary to move them. In any circumstances where civilians are in danger due to immediate military activities, you should *take action to ensure their safety*.

Whenever the military situation necessitates moving or evacuating civilians, remember to use common sense. Treat civilian refugees as you would want your family to be treated under similar circumstances. Unless emergency conditions exist, as in an unexpected attack, give them enough time to collect and move their goods and property.

Civilians May Be Moved if Required

DON'T BURN OR STEAL CIVILIAN PROPERTY



The Geneva Conventions forbid retaliating against civilians for the actions of enemy soldiers. *Do not* start fires in civilians' homes or buildings or burn their property unless the necessities of war urgently require it.

When searching dwellings in enemy towns or villages, do not take nonmilitary items. Theft is a violation of the laws of war and US law. Stealing private property will make civilians more likely to fight you or to support the enemy forces. You do not want to have to fight both the enemy armed forces and civilians.

Civilian Property Must Be Safeguarded



UNLAWFUL ACTS AND ORDERS

This section summarizes what you should do when crimes are committed or are being ordered. Acts committed during combat are crimes when they violate the laws of war.

REPORT ANY CRIME IMMEDIATELY TO YOUR SUPERIOR
YOUR CHAIN OF COMMAND

DO YOUR BEST TO PREVENT CRIMES

All military commanders and leaders, without regard to rank or position, have a duty to prevent criminal acts where US troops are involved. Moreover, every American soldier has the right to prevent crimes.

If you see any crime about to be committed, you should act to prevent it. You can use moral arguments, threaten to report the act, repeat the orders of your superiors, state your personal disagreement, or ask the senior individual to intervene as a means of preventing the crime.

In the event the crime directly and immediately endangers your life or the life of another person, you may use the amount of force necessary to prevent it. But remember, the use of deadly force is justified only to protect life and only under conditions of extreme necessity as a last resort, when lesser means have failed.



Crime Prevention Is Your Right

DON'T VIOLATE THE LAWS OF WAR

If you violate any of the laws of war, you commit a crime and are subject to punishment under US law, which includes the Uniform Code of Military Justice (UCMJ). Even if you had orders to commit the act, you are personally responsible. Orders are not a defense.

An order to commit a crime such as murder, rape, pillage, or torture is in violation of the laws of war. It is clearly criminal because it violates the common-sense rules of decency, social conduct, and morality. Although you are responsible for promptly obeying all legal orders issued by your leader, you are obligated to disobey an order to commit a crime.

Soldiers who kill captives or detainees cannot excuse themselves from the acts by claiming that an order to "take care of" a captive or detainee was understood to mean "execution." Common sense and the laws of war will help you recognize what is clearly criminal.

Orders Are Not a Defense

REPORT CRIMES IMMEDIATELY THROUGH YOUR CHAIN OF COMMAND

You must report crimes immediately through your chain of command. If the crime involves your immediate superiors, report to their superior. You may also report violations of the laws of war to the inspector general, provost marshal, chaplain, or judge advocate. In any case, the law requires that you report actual or suspected violations immediately so that evidence will not be misplaced or disappear. Remember, soldiers may be tried and convicted for crimes committed in combat even after they have left the service. Furthermore, criminal acts may make your mission harder and thereby endanger your life.

It Is Your Duty to Report Crimes

CONCLUSION

This information should help you understand your responsibilities and obligations under the law of war. You are legally obliged to limit death, destruction, and suffering in combat. The law of war helps protect you and your unit and makes the restoration of peace easier.

Specifically, you must know and obey the rules regarding—

- Forbidden targets, tactics, and techniques.
- Enemy captives and detainees.
- Civilians and private property.
- Prevention and reporting of criminal acts and orders.

Although combat is different from everyday life, common sense still applies. Law and order and humane treatment in combat—

- Increase unit discipline and security.
- Win support for the mission.
- Maintain dignity, honor, and conscience.
- Win the battle and the peace.

23 NOVEMBER 1984

By Order of the Secretary of the Army:

JOHN A. WICKHAM, JR.
General, United States Army
Chief of Staff

Official:

ROBERT M. JOYCE
Major General, United States Army
The Adjutant General

DISTRIBUTION:

Active Army, ARNG, and USAR: To be distributed in accordance with DA Form 12-11B, Requirements for the Law of Land Warfare (Qty rqr block no. 247).

Additional copies may be requisitioned from the US Army Adjutant General Publications Center, 2800 Eastern Boulevard, Baltimore, MD 21220.

THE LAWS OF WAR WALLET CARD

I, _____, understand that under the laws of war
(write your name)

I must—

- Avoid forbidden targets, tactics, and techniques.
- Treat captives and detainees humanely.
- Respect civilians and their property in the war zone.
- Prevent and report to my superior(s) any crime committed under the laws of war.

THE LAWS OF WAR WALLET CARD

I, _____, understand that under the laws of war
(write your name)

I must—

- Avoid forbidden targets, tactics, and techniques.
- Treat captives and detainees humanely.
- Respect civilians and their property in the war zone.
- Prevent and report to my superior(s) any crime committed under the laws of war.

THE LAWS OF WAR WALLET CARD

I, _____, understand that under the laws of war
(write your name)

I must—

- Avoid forbidden targets, tactics, and techniques.
- Treat captives and detainees humanely.
- Respect civilians and their property in the war zone.
- Prevent and report to my superior(s) any crime committed under the laws of war.

FOR
YOU

FOR
A
FRIEND

FOR
A
FRIEND

Fold out for

THE LAWS OF WAR WALLET CARD

