Task: Comply With the Law of War and the Geneva and Hague Conventions
Number: 181-105-1001

Effective Date: 2000-May-11

Enlisted MOS: COM Skill Level 1
STP: STP 21-1-SMCT

Conditions: You are a soldier in the U.S. Army. As a soldier, you are responsible for identifying, understanding, and complying with the provisions of the Law of War, including the Geneva and Hague Conventions. You are also responsible for identifying and notifying the appropriate authorities of any suspected or known violations of the Law of War.

Standards: Identify, understand, and comply with the Law of War. Identify problems or situations that violate the policies and take appropriate action, including notifying appropriate authorities, so that expedient action may be taken to correct the problem or situation.

Performance Steps

1. Define the Customary Law of War.
   a. Describe the purpose and result of the Customary Law of War.

2. Describe what the Hague and Geneva Conventions basically represent.

3. Describe the United States' responsibilities to comply with the Hague and Geneva Conventions.

   a. Describe International Law's prohibition on targeting or attacking civilians.
   b. Describe the Hague Regulations' prohibition on the destruction or seizure of enemy property unless imperatively demanded by military necessity.
   c. Describe the Hague Regulations' provisions regarding attacking a military target or a place occupied by a combatant force.
   d. Describe the Hague Regulations' prohibition against attacking an undefended town, village, dwellings, buildings or other such place.
      (1) Define an undefended place within the meaning of the Hague Convention.
      (2) Describe the conditions that must exist for a place to be considered undefended.
      (3) Describe the effect of medical units, wounded and sick, and police forces within the undefended place on the character or status of the undefended place.
   e. Describe the permissibility of attacking or bombarding defended places.
      (1) Define what constitutes a defended place.
      (2) Describe the status (defended or undefended) of a city or town surrounded by detached defense positions.
   f. Describe what constitutes a permissible military objective for attack, including bombardment.
g. Describe the relationship between military necessity versus unnecessary suffering or destruction.

h. Describe the protections afforded buildings dedicated to religion, art, science, or charitable purposes, or historic monuments during an attack or bombardment.

i. Describe the effect on protected status afforded buildings dedicated to religion, art, science, or charitable purposes, or historic monuments if these buildings are being used for military purposes.

j. Describe the protections afforded hospitals and other places where the sick and wounded are collected during an attack or bombardment.
   (1) Describe the effect on this protected status if enemy soldiers are the sick and wounded inside these hospitals or medical areas.
   (2) Describe the effect on this protected status if these hospitals or medical areas are being used for military purposes.

k. Describe what may constitute an illegal trick or method or treacherous act under the Law of War in regards to permissible targets.

l. Describe why illegal tricks or methods or treacherous acts are prohibited.

m. Describe the legality of incidental damage to surrounding buildings during an attack on a legitimate target.

5. Describe the Customary Law of War and Hague Regulations' prohibitions on the use of certain types of weapons.
   a. Describe the Hague Regulations' prohibitions against the employment of arms, material, or projectiles designed to cause unnecessary suffering.
   b. Describe the possibility of a soldier violating the Law of War by using an issued weapon in an illegal manner.
   c. Describe the Hague Regulations' prohibition on the use in war of poison or poisoned weapons against human beings.
   d. Describe the 1925 Geneva Protocol's prohibition regarding the use in war of asphyxiating, poisonous, or other gases, and the bacteriological methods of warfare.
   e. Describe the 1925 Geneva Protocol's ban on the use in war of chemical weapons.
      (1) Describe the United States' prohibition on the first use in war of chemical weapons.
      (2) Describe the United States' reservation to use chemical weapons against a State if that State fails to respect the Geneva Protocol's ban on the use of chemical weapons.
      (3) Define a lethal agent and describe how this Geneva Protocol applies to a lethal agent.
         (a) Define what constitutes an incapacitating agent.
      (4) Define what constitutes an incapacitating agent and describe how this Geneva Protocol applies to an incapacitating agent.
      (5) Describe the United States' position that the Geneva Protocol does not prohibit the use in war of either chemical herbicides or riot control agents.
         (a) Describe the United States' unilateral renouncement of first use of herbicides in war and exception to this policy.
         (b) Describe the United States' policy regarding first use of riot control agents in war.
         (c) Describe the requirement for Presidential approval prior to use of herbicides or riot control agents in armed conflict.
   (6) Describe the United States' position regarding the initial or retaliatory use of bacteriological methods of warfare.
   (7) Describe the 1925 Geneva Protocol's position regarding the use of smoke and incendiary materials in war.
   (8) Describe International Law's position regarding the use of nuclear weapons by air, sea, or land forces.

   a. Define who constitutes a noncombatant.
c. Describe what acts are strictly prohibited against noncombatants.
d. Describe what constitutes humane treatment of prisoners of war.
   (1) Describe how all captured persons are entitled to be treated as prisoners of war until their actual status is determined.
   (2) Describe the requirement to evacuate all captured or detained persons to a detainee collection point.
   (3) Describe what persons determine a captured or detained person's status.
   (4) Describe the Geneva Convention Relative to the Treatment of Prisoners of War prohibition on the use of physical force, mental torture, or coercion to obtain information.
   (5) Describe what information the 1949 Geneva Prisoner of War Convention requires a prisoner of war to provide his/her captor.
   (6) Describe what actions a captor or detaining power may take against a prisoner of war who refuses to answer questions, and give the practical reasons for this policy.
      (a) Describe the practical reasons for this policy.
   (7) Describe the required treatment of prisoners of war in regards to:
      (a) Daily food and living quarters.
      (b) Medical care.
      (c) Personal hygiene.
      (d) Exercise or observance of religious faith.
      (e) Retention of personal property.
      (f) Receive and send mail.
      (g) Having a Prisoners' Representative.
      (h) Maintaining a chain of command.
      (i) Requirement to work.
   (8) Describe a prisoner of war's responsibility to obey lawful camp rules and disciplinary actions that may be taken against the prisoner of war for violation of these rules.
e. Describe what constitutes the humane treatment of the wounded and sick.
   (1) Describe the applicability of Article 14 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in the Armed Forces in the Field, and what it provides regarding the Prisoner of War status of wounded and sick of a belligerent who fall into enemy hands.
      (a) Describe the applicability of the Geneva Convention Relative to the Treatment of Prisoners of War to these wounded and sick of a belligerent.
   (2) Describe what Article 12 of the Geneva Wounded and Sick Convention provides regarding protection and treatment of members of the armed forces who are wounded or sick.
   (3) Describe the requirement to leave medical personnel and material behind to care for their wounded and sick.
   (4) Describe the protections afforded medical personnel.
      (a) Describe how these protections apply to military medics.
      (b) Describe how these protections apply to medical staff exclusively engaged in the administration of medical units and establishments.
      (c) Describe how these protections apply to Chaplains attached to the armed forces.
      (d) Describe how these protections apply to staff of national red cross societies and other voluntary aid organizations.
   (5) Describe the status of captured full-time medical personnel as Prisoners of War or Retained Personnel.
      (a) Describe the right of retained medical personnel to perform medical duties.
      (b) Describe the right and time limitation of the detaining power to retain full-time medical personnel under the Wounded and Sick Geneva Convention.
      (c) Describe the requirement and procedures the detaining power must follow to return retained medical personnel to their own side.
(d) Describe the relationship of the Geneva Convention Relative to Prisoners of War to retained personnel.

(e) Describe the requirement of retained personnel to follow the captor's internal disciplinary system at the camp where they are detained.

6. Describe the status and protections afforded members of the armed forces specially trained for employment as hospital orderlies, nurses, or auxiliary stretcher bearers.
   (a) Describe these individual's status as Prisoners of War versus Retained Personnel.
   (b) Describe these individual's rights regarding return to their own side.
   (c) Describe these individual's rights regarding work or duties while in the Prisoner of War camp.

7. Describe the status and protections afforded members of recognized aid societies of neutral countries which lend assistance of their medical personnel and units to a party to the conflict.
   (a) Describe what consent, authorization and control mechanism are required in order for these individuals to assist a party to the conflict.
   (b) Describe what notification requirements are necessary in order for these individuals to assist a party to the conflict.
   (c) Describe the captor's right to detain these individuals and the requirement to return them to their own side.
   (d) Describe what work these individuals may perform while detained.

8. Describe the protected status of medical property, material and equipment under the Geneva Wounded and Sick Convention.
   (a) Describe the circumstances under which fixed medical establishments and mobile units of the medical service may be attacked.
   (b) Describe the duty to ensure medical establishments and units are not situated near military objectives.
   (c) Describe the relationship between protections afforded medical establishments and incidental damage, injury, or death to patients or personnel.
   (d) Describe the possible loss of its protected status if fixed medical establishments and mobile medical units are used to commit acts harmful to the enemy.
   (e) Describe the requirement for the enemy to warn the medical establishment prior to the loss of its protected status.
   (f) Describe that only after the enemy provides such warning, and the warning remains unheeded, will the medical establishments' protection lapse.
   (g) Describe circumstances that do not deprive a medical unit or establishment of its protection.
   (h) Describe whether medical personnel being armed and using these arms to defend themselves and the sick and wounded deprives the medical unit or establishment of its protection.
   (i) Describe whether the medical unit or establishment being protected by a picket, sentries, or an escort in the absence of armed orderlies deprives the medical unit or establishment of its protection.
   (j) Describe whether if small arms or ammunition taken from the wounded and sick and not yet turned over to the proper service are found on the medical unit or establishment deprives the medical unit or establishment of its protection.
   (k) Describe whether personnel from the medical unit or establishment providing humanitarian care to the civilian wounded or sick deprives the medical unit or establishment of its protection.
   (l) Describe the provisions of the Geneva Wounded and Sick Convention regarding the establishment of hospital zones and localities in order to shield the wounded and sick from the impact of war.
   (m) Describe the enemy's obligation to restore medical buildings to the other
side and the ownership of captured medical material, stores and equipment.

(n) Describe a commander's authority to use medical buildings for other than medical purposes, in cases of urgent military necessity.

(o) Describe the private property status and the right of requisition of real and personal property of aid societies.

(p) Describe the protected status of medical aircraft.

(q) Define what constitutes a medical aircraft.

(r) Describe the requirement for medical aircraft to fly at heights, times and on routes specifically agreed upon between the conflicting parties.

(s) Describe the required protective markings that must be displayed on medical aircraft.

(t) Describe the prohibition against medical aircraft flying over enemy territory or enemy-occupied territory.

(u) Describe the requirement for medical aircraft to land upon request from the enemy.

(v) Describe the right of medical aircraft to continue their flight after examination from the enemy.

(w) Describe the prisoner of war status of the wounded and sick and the aircraft crew captured by the enemy after an involuntary landing of the medical aircraft because of mechanical failure or inclement weather.

(x) Describe the emblem or distinctive sign of the medical service of an armed force.

(y) Describe what other medical service emblems are recognized by the Geneva Convention.

(z) Describe whether the Star of David, used by the State of Israel, is specifically recognized by the Geneva Conventions.

(aa) Describe under what direction and where these medical service emblems must be displayed.

(ab) Describe what medical service emblems medical personnel are required to wear and where these emblems should be displayed.

(ac) Describe the requirement for medical personnel to carry a special identity card bearing the medical emblem.

(ad) Describe the circumstances under which medical personnel may be deprived of their insignia, identity cards, or the right to wear the armlet.

(ae) Describe the right of medical personnel to receive duplicate identity cards or replace insignia if lost.

(af) Describe the medical service emblems that auxiliary stretcher bearers must wear and when they must wear these emblems.

(ag) Describe what information must be specified on the military identity documents of auxiliary stretcher bearers.

(ah) Describe what flag may be flown over medical units and establishments.

(ai) Describe what flags may be flown over captured medical units.

(aj) Describe the requirement for distinctive emblems indicating medical units and establishments to be clearly visible to the enemy land, air, or naval forces.

(ak) Describe what flags may be flown over medical units belonging to aid societies of neutral countries assisting a party to the conflict.

f. Describe what constitutes the humane treatment of civilians.

(1) Describe what rights and protections are afforded the civilian population of the country in conflict under Article 27 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War.

(2) Describe the rights of civilians to be protected against all acts or threats of violence and against insults and public curiosity.

(3) Describe the rights of civilian women to be protected against attack, enforced prostitution, rape, and other forms of sexual assault.

(4) Describe the right of an occupying force to enforce control and security measures.
and how commanders must ensure that all persons are treated humanely while enforcing control and security measures.

(5) Describe the right of civilians not to be subjected to medical or scientific experiments, nor made the object of collective penalties or reprisals, or held hostage.

(6) Describe the right of civilians to have their property protected from pillage or looting.

(7) Describe the right of the occupying power to establish laws and try and punish civilians for violations of these occupation laws.

7. Describe the responsibilities of U.S. soldiers to obey the Law of War.
   a. Describe how U.S. soldiers are bound to obey all the rules of the Customary Law of War and the Hague and Geneva Conventions.
   b. Describe how U.S. soldiers may be court-martialled for violating these rules.
   c. Describe how U.S. soldiers may also be prosecuted for committing a war crime.
      (1) Describe what criminal offenses may constitute a Grave Breach.
      (2) Describe what disciplinary actions may be taken against U.S. soldiers, who commit a Grave Breach.
      (3) Describe the statute of limitations on the prosecution of a war crime.
      (4) Describe the responsibilities of the United States, as a signatory of the Geneva Conventions, regarding a person who commits a Grave Breach.
   e. Describe the responsibilities of the Commander in regards to violations of the Law of War.
      (1) Describe how the legal responsibility for the commission of a war crime can be placed on the Commander as well as the subordinate who actually commits the war crime.
      (2) Describe the circumstances under which a Commander may be prosecuted for the commission of a war crime.
   f. Describe a criminal order and a soldier's responsibility toward a criminal order.
      (1) Describe the applicability of a soldier asserting the defense of "obeying a superior order" for the commission of a war crime.
      (2) Describe whether a subordinate soldier, who actually commits a war crime, is excused from prosecution if the Commander is charged with the commission of the war crime.
      (3) Describe the responsibility of a soldier to disobey any order which requires the soldier to commit criminal acts in violation of the Law of War.
      (4) Describe the responsibility of a soldier to obey the Rules of Engagement and the potential consequences for violating the Rules of Engagement.
      (5) Describe the responsibility of the soldier to ask a superior for clarification of an order presumed to be criminal or illegal.
   g. Describe a soldier's obligation to report violations of the Law of War.
      (1) Describe the requirement of a soldier to inform the chain of command of known or suspected violations of the Law of War.
      (2) Describe what other avenues or agencies are available for the soldier to report known or suspected violations of the Law of War.
      (3) Describe when soldiers should notify their chain of command or alternative agencies of known or suspected violations of the Law of War.

Evaluation Preparation: Setup: Evaluate this task at the end of Law of War training.

Brief Soldier: Tell the soldier that he or she will be evaluated on his or her ability to identify, understand, and comply with the Law of War, including the Geneva and Hague Conventions. Tell the soldier that he or she will also be evaluated on his or her ability to identify problems or situations that violate the Law of War and take appropriate action, including notifying appropriate authorities of suspected or actual violations of the Law of War, so that expedient action may be taken to correct the problem or situation.
Performance Measures

1. Defined the Customary Law of War.
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2. Described what the Hague and Geneva Conventions basically represent.

3. Described the United States’ responsibilities to comply with the Hague and Geneva Conventions.

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   k. Described what may constitute an illegal trick or method or treacherous act under the Law of War in regards to permissible targets.
   l. Described why illegal tricks or methods or treacherous acts are prohibited.
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during an attack on a legitimate target.

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   a. Described the Hague Regulations' prohibitions against the employment of arms, material, or projectiles designated to cause unnecessary suffering.
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      (2) Described the United States' reservation to use chemical weapons against a State if that State fails to respect the Geneva Protocol's ban on the use of chemical weapons.
      (3) Defined a lethal chemical agent and described how this Geneva Protocol applies to a lethal chemical agent.
      (4) Defined what constitutes an incapacitating chemical agent and described how this Geneva Protocol applies to an incapacitating chemical agent.
      (5) Described the United States' position that the Geneva Protocol does not prohibit the use in war of either chemical herbicides or riot control agents.
         (a) Described the United States' unilateral renouncement of first use of herbicides in war and exception to this policy.
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   a. Defined who constitutes a noncombatant.
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      (1) Described how all captured persons are entitled to be treated as Prisoners of War until their actual status is determined.
      (2) Described the requirement to evacuate all captured or detained persons to a detainee collection point.
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Prisoners of War prohibition on the use of physical force, mental torture, or coercion to obtain information.

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(6) Described what actions a captor or detaining power may take against a Prisoner of War who refuses to answer questions, and described the practical reasons for this policy.
   (a) Described the practical reasons for this policy.

(7) Described the required treatment of Prisoners of War in regards to:
   (a) Daily food and living quarters.
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   (g) Having a Prisoners' Representative.
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(8) Described a Prisoner of War's responsibility to obey lawful camp rules and disciplinary actions that may be taken against the Prisoner of War for violation of these rules.

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(x) Described the emblem or distinctive sign of the medical service of an Armed Force.

(y) Described what other medical service emblems are recognized by the Geneva Convention.

(z) Described whether the Star of David, used by the State of Israel, is specifically recognized by the Geneva Conventions.

(aa) Described under what direction and where these medical service emblems must be displayed.

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(ad) Described the circumstances under which medical personnel may be deprived of their insignia, identity cards, or the right to wear the armlet.

(ae) Described the right of medical personnel to receive duplicate identity cards or replace insignia if lost.

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(ag) Described what information must be specified on the military identify documents of auxiliary stretcher bearers.

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(ai) Described what flags may be flown over captured medical units.

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(3) Described the rights of civilian women to be protected against attack, enforced prostitution, rape and other forms of sexual assault.

(4) Described the right of an occupying force to enforce control and security measures and how Commanders must ensure that all persons are treated humanely while enforcing control and security measures.

(5) Described the right of civilians not to be subjected to medical or scientific experiments, nor made the object of collective penalties or reprisals, or held hostage.

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(7) Described the right of the occupying power to establish laws and try and punish civilians for violation of these occupation laws.

7. Described the responsibilities of U.S. soldiers to obey the Law of War.


b. Described how U.S. soldiers may be court-martialed for violating these rules.

c. Described how U.S. soldiers may also be prosecuted for committing a war crime.


(1) Described what criminal offenses may constitute a Grave Breach.

(2) Described what disciplinary actions may be taken against U.S. soldiers, who commit a Grave Breach.

(3) Described the statute of limitations on the prosecution of a war crime.
(4) Described the responsibilities of the United States, as a signatory of the Geneva Conventions, regarding a person who commits a Grave Breach.

e. Described the responsibilities of the Commander in regards to violations of the Law of War.
   (1) Described how the legal responsibility for the commission of a war crime can be placed on the Commander as well as the subordinate who actually commits the war crime.
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   (2) Described whether a subordinate soldier, who actually commits a war crime, is excused from prosecution if the Commander is charged with the commission of the war crime.
   (3) Described the responsibility of a soldier to disobey any order which requires the soldier to commit criminal acts in violation of the Law of War.
   (4) Described the responsibility of a soldier to obey the Rules of Engagement and the potential consequences for violating the Rules of Engagement.
   (5) Described the responsibility of the soldier to ask a superior for clarification of an order presumed to be criminal or illegal.

g. Described a soldier's obligation to report violations of the Law of War.
   (1) Described the requirement of a soldier to inform the chain of command of known or suspected violations of the Law of War.
   (2) Described what other avenues or agencies are available for the soldier to report known or suspected violations of the Law of War.
   (3) Described when soldiers should notify their chain of command or alternative agencies of known or suspected violations of the Law of War.

**Evaluation Guidance:** Score the soldier GO if all performance measures are passed. Score the soldier NO GO if any performance measure is failed. If the soldier scores NO GO, show the soldier what was done wrong and how to do it correctly.

**References:**

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**Certifications Required:** None.

**Supporting Individual Tasks:** None.

**Supported Drills:** None.