

**6 JANUARY 2000**



**Personnel**

**ANCILLARY TRAINING - THE LAW OF  
ARMED CONFLICT**

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This pamphlet implements Air Force Policy Directive (AFPD) 36-22, *Military Training*. This pamphlet provides a set of broad-based rules limiting how we may fight a war. The Law of Armed Conflict (LOAC) differs from Rules of Engagement (ROE) in that ROE are specific instructions telling us how to operate in a specific scenario. LOAC is a set of generalized rules that apply to any armed conflict. Many of the rules have developed over time and come from customs-how countries have conducted war throughout history. LOAC rules come from inter-national law such as the Geneva and Hague Conventions, and the recent Chemical Weapons Convention. Finally, we have rules that come from U.S. law such as the UCMJ, and the Code of Conduct. This pamphlet fulfills the annual requirement to conduct LOAC training. It applies to all individuals assigned to the 446<sup>th</sup> Airlift Wing (446 AW).

**1. Purpose.** The goal behind the LOAC can be categorized into three principles: military necessity, avoiding unnecessary suffering, and proportionality. We want to encourage the enemy to abide by the LOAC as well. Adhering to the principles should also facilitate the restoration of peace following the conflict.

**2. Prescribing Directive:**

2.1. Air Force Instruction (AFI) 51-401, *Training and Reporting to Ensure Compliance with the Law of Armed Conflict*.

**3. Reason for Learning:**

3.1. Military Necessity. We only do what is necessary to accomplish legitimate military objectives. We want to focus our military resources on the objectives we need to achieve in order to prevail. We would not normally use military force against a purely civilian target such as a school, homes, or a church because there is no military advantage in targeting those facilities.

3.2. Avoid Inflicting Unnecessary Suffering. We do not hurt people or destroy property for the sole purpose of causing damage. We want to avoid senseless brutality. Additionally, this type of savagery can undermine public and/or international support for military actions.

3.3. Proportionally. We use only the degree of force necessary to accomplish the military objective. We do not want to waste our resources by using excessive force against a target. As mentioned above we also want to avoid unnecessary damage or injury to noncombatants.

#### 4. TARGETS:

4.1. We target combatants, places and things of military value. Some people are combatants. Combatants are all members of the military except for medical personnel, chaplains, POWs, sick and wounded, shipwrecked, and parachutists escaping from a disabled aircraft.

4.2. We do not target noncombatants. Noncombatants are medical personnel, chaplains, POWs, sick and wounded, shipwrecked, parachutists escaping disabled aircraft, and civilians. Because noncombatants pose no military threat there is no necessity in targeting them. However, they can give up their protected status by becoming unlawful combatants by entering the fight or threatening military personnel.

4.3. **Remember that you always have the right to self-defense.** This includes the right to defend yourself, other military members and U.S. property.

4.4. Any base, troop concentration, command post, military dorm or other military building is a legal target. However, hospitals and churches, whether military or civilian are protected if marked with a Red Cross or Red Crescent symbol and not used for any purpose other than religious services or providing medical treatment. Additionally, POW camps and cultural landmarks are also protected from attack. Using a protected facility for a military purpose can result in the loss of that protected status.

4.5. Care must be taken to avoid locating a protected target near a legal target to prevent the risk by collateral damage. For example, we should not have a field hospital next to the Civil Engineering Headquarters.

4.6. Military vehicles, tanks, ships and aircraft are also legal targets. An exception to this rule is military vehicles or aircraft used for medical purposes and are appropriately marked. Any military weapon is a legal target. Infrastructure that can further an enemy's military operation is a legal target. A power plant or factories can be targets if used to support the military.

5. **WEAPONS.** All weapons used by the Air Force have been reviewed to ensure that they are legal. You may use issued weapons without concern about whether they're legal. However, altering it could make it an illegal weapon.

#### 6. PRISONERS OF WAR:

6.1. POWs are entitled to special protections under LOAC. Only combatants, civilians who accompany the armed forces and crewmembers of the merchant marine and aircraft are eligible for POW status. Treat all people as POWs until their status can be determined. POWs are not returned until the end of the conflict.

6.2. Medical personnel and chaplains are considered **retained personnel**. They can only be kept long enough to treat or minister to our troops and then returned as soon as possible. Because they are non-combatants, they pose no military threat and thus should be released.

6.3. We have an obligation to protect POWs by keeping them away from the battlefield if possible. We need to supply them with protective gear, if needed. An example would be providing a complete

chemical ensemble if there were a risk of chemical attack. We cannot use POWs as a shield for our military operations. POWs are not to be used for propaganda purposes and should be handcuffed, blindfolded, or otherwise restrained only if absolutely necessary.

6.4. POWs are entitled to food, clothing, shelter and even tobacco. They are also entitled to medical care on an equal basis with friendly troops. Medical treatment is to be based upon medical necessity (triage etc.) rather than which side the sick and wounded are on. POWs are entitled to keep personal property such as family photos and wedding rings.

6.5. POWs are only required to give their name, rank, DOB and serial number to their captors. We cannot torture or beat POWs to get additional information. We can confiscate any information relating to the war or military from POWs. Finally, any weapon or anything that can be used as a weapon may be confiscated as well.

**7. REPORTING REQUIREMENTS.** Every military member has an affirmative duty to report any **suspected** LOAC violation. This includes violations by anyone; our troops, enemy, allies or noncombatants. You should report the suspected violation up your chain-of-command, or if that isn't possible, to the IG, OSI, the chaplain, or the legal office.

## **8. LOAC VIOLATIONS:**

- 8.1. Any attack on medical facilities, vehicles, aircraft or personnel;
- 8.2. Use of the Red Cross or similar protective emblem to conceal a military purpose;
- 8.3. Wearing the Red Cross emblem when not doing medical duties;
- 8.4. Weapons stored with medical supplies;
- 8.5. Medical personnel engaged in combat other than in self-defense;
- 8.6. POWs deprived of prompt medical care or chemical protection when needed;
- 8.7. Attacks designed to kill civilians, or destroy protected property;
- 8.8. Use of protected property for military purposes;
- 8.9. Any willful or excessive destruction or plunder of private or public property;
- 8.10. Misuse of a White Flag of Truce or firing on a White Flag;
- 8.11. Use of illegal weapons;
- 8.12. Maltreatment or mutilation of dead bodies;
- 8.13. Torture or maltreatment of POWs or civilians;
- 8.14. POWs and/or civilians compelled to do prohibited labor, they cannot be forced to support our war effort;
- 8.15. Executing or wounding spies or others in custody without a trial;
- 8.16. Wearing enemy uniforms or civilian clothing to hide military identity in battle;
- 8.17. Shooting parachutists escaping a disabled aircraft;
- 8.18. Any other incident that appears to be unusual or suspicious.

**9. YOUR RESPONSIBILITY AND LOAC:**

9.1. We all have a duty to know LOAC and follow the rules. Failure to report suspected violations could subject you to possible prosecution by an international court or the military.

9.2. You must also follow all lawful orders. You can presume an order to perform a military duty is legal, however, an order to commit a criminal act is illegal and you must not follow it. Likewise, following an order that an ordinary person would know is illegal, is not excusable. Simply stating that you were following orders will not be a defense to prosecution.

9.3. So, what should you do if you believe the order you have been given is not legal? You should ask for clarification and if it still appears to be illegal then you should try to have the order withdrawn. If the order is not withdrawn, you must not obey the order and report the suspected violation without delay.

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