

**BY ORDER OF THE
SECRETARY OF THE AIR FORCE**

AIR FORCE INSTRUCTION 51-401

19 JULY 1994



**AIR MOBILITY COMMAND
Supplement 1**

21 FEBRUARY 2002

Law

**TRAINING AND REPORTING TO ENSURE
COMPLIANCE WITH THE LAW OF ARMED
CONFLICT**

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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Pages: 7
Distribution: F

This instruction implements AFD 51-4, *Compliance With the Law of Armed Conflict* (LOAC); Department of Defense (DoD) Instruction 5500.15; and DoD Directive 5100.77, by providing guidance for training on LOAC. It prescribes and assigns responsibilities for LOAC training programs. It also establishes reporting and investigating procedures for alleged LOAC violations.

(AMC) AFI 51-401, 19 July 1994, is supplemented as follows: (This supplement does not apply to the Air National Guard and United States Air Force Reserve units.)

SUMMARY OF REVISIONS

This issuance aligns the instruction with AFD 51-4. It requires major command staff judge advocates to make annual reports of LOAC training to Headquarters U.S. Air Force, International and Operations Law Division (HQ USAF/JAI). It replaces former Air Force Regulation 110-32.

1. Compliance with Policy Directive.

1.1. Air Force personnel will comply with LOAC in the conduct of military operations and related activities in armed conflict, regardless of how such conflicts are characterized. In support of such policy, the Air Force will conduct training programs designed to prevent violations of the law of armed conflict.

1.2. In appropriate publications, instructions and training programs, the Air Force will ensure that all Air Force personnel know the principles and rules of LOAC; the extent of their knowledge will be

commensurate with their duties and responsibilities. This program will include training required by the 1949 Geneva Conventions for the Protection of War Victims and Hague Convention IV of 1907.

1.3. Promptly report and investigate violations of LOAC alleged to have been committed by or against Air Force members, including persons accompanying or serving with the Air Force, and take appropriate action.

1.4. Report violations alleged to have been committed by or against members of other military departments, including all persons accompanying or serving with those forces, to the appropriate authorities of that department.

1.5. AFPD 51-4 defines terms used in this instruction.

2. Functional Responsibilities. This instruction establishes the following responsibilities and authorities.

2.1. The Judge Advocate General (HQ USAF/JA) will:

2.1.1. Serve as the HQ USAF office of primary responsibility (OPR) to ensure effective implementation of DoD LOAC programs within the Air Force.

2.1.2. Prepare publications, including pamphlets, training guides, videotapes and films, to adequately inform Air Force personnel of their rights and obligations under LOAC.

2.1.3. Furnish these materials to major commands, to enable them to fulfill their LOAC responsibilities.

2.1.4. Advise commands on plans for training of personnel which will provide a level of LOAC knowledge commensurate with their duties and responsibilities.

2.1.5. Provide comprehensive advice on requirements and content of LOAC.

2.1.6. Ensure that all judge advocates are advised periodically of the content and requirements of LOAC.

2.1.7. Ensure all alleged violations of LOAC are fully investigated and processed, when appropriate, through the military justice system and pursuant to the requirements of the Uniform Code of Military Justice.

2.1.8. Serve as the central collection point within the Air Force for all reports of incidents involving alleged LOAC violations.

2.1.9. Receive reports and make recommendations regarding alleged LOAC violations against USAF personnel.

2.1.10. Coordinate plans and policies with the Department of the Army (DoD Executive Agent) for the investigation, collection, recording and reporting of information relating to LOAC violations allegedly committed by US allies or by the enemy.

2.1.11. Periodically review and evaluate Air Force activities to ensure that effective programs are maintained to prevent LOAC violations, including the review of such programs in connection with any reported violation.

2.2. The Deputy Chief of Staff, Personnel (HQ USAF/DP) will:

- 2.2.1. Ensure that adequate education, instructions and training in the law of armed conflict are included in all individual training and education programs of a general military nature.
- 2.2.2. Review personnel plans, policies and procedures to ensure appropriate emphasis is given to LOAC.
- 2.3. The Deputy Chief of Staff, Plans and Operations (HQ USAF/XO) will:
 - 2.3.1. Ensure that plans, policies, procedures and operations under its responsibility are consistent with, and adequately adhere to, the legal obligations of the US to follow LOAC.
 - 2.3.2. Ensure that implementation of this training program satisfies operational requirements.
 - 2.3.3. Ensure that operational unit training standards are issued which specifically explain the requirements of LOAC.
- 2.4. The Air Force Inspector General (SAF/IG) will:
 - 2.4.1. Inspect all activities to ensure that USAF personnel are adequately trained in requirements of LOAC, that Air Force plans include requirements of the law, and that Air Force operations are carried out consistent therewith.
 - 2.4.2. Promulgate policies and procedures to ensure appropriate investigation of incidents involving alleged violations of LOAC, committed by or against members of the Air Force or persons accompanying or serving with the Air Force.
 - 2.4.2.1. The Air Force Office of Special Investigations (AFOSI) will spot report all incidents involving violations of LOAC, using the most expeditious means available, to the installation commander and servicing staff judge advocate.
 - 2.4.3. Develop policies and procedures for categorizing, processing, and analyzing incidents which involve alleged LOAC violations.
 - 2.4.3.1. AFOSI will investigate all confirmed violations of LOAC under case category 55, *Combat Inquiries*.
- 2.5. The Surgeon General (HQ USAF/SG) will:
 - 2.5.1. Develop plans, policies, and procedures to ensure that requirements of LOAC, as they relate to medical service personnel, are observed.
 - 2.5.2. Supervise the individual training of medical service personnel to ensure adequate specialized training and instruction of such personnel in requirements of this area of LOAC.
- 2.6. The Chief of Security Police (HQ USAF/SP) will:
 - 2.6.1. Develop plans, policies and procedures to ensure that all Air Force Security Police wartime activities are consistent with requirements of LOAC.
 - 2.6.2. Review individual training of Air Force Security Police personnel to ensure adequate specialized training and instruction of such personnel on the requirements of this area of LOAC.
 - 2.6.3. Assist in promulgating plans, policies and procedures to ensure incidents involving alleged violations of LOAC, committed by or against members of the Air Force or persons accompanying or serving with the Air Force, are investigated.

2.7. All other HQ USAF offices will ensure that all plans, policies, procedures and operations within their area of responsibility are consistent with the international legal obligations of the US under LOAC.

2.8. Air Education and Training Command (AETC) will:

2.8.1. Develop training plans, policies, and procedures to instruct and train new Air Force members in the content and requirements of LOAC. The amount and content of specialized training and instruction shall be commensurate with each individual's projected duties and responsibilities. For example, relevant specialized training should be specifically designed for personnel directly connected with combat operations, such as air crew members, security police, and those connected with target selection and evaluation.

2.8.2. Supervise instruction and training in LOAC for personnel assigned for airman basic training, officer military training and initial training for direct appointment officers, as well as for officers and airmen receiving technical instruction and training.

2.8.3. Develop and supervise plans, policies, and procedures to teach LOAC to Air Force Reserve forces and Air National Guard elements in AETC training programs.

2.9. The USAF Academy will develop plans, policies, and procedures to provide instruction to all cadets on the content and requirements of LOAC as part of their basic educational and training requirements.

2.9.1. All course instruction will be consistent with LOAC, as well as other legal obligations of the United States.

2.9.2. To implement DoD Law of War Program objectives, discuss LOAC in academic courses and in military training, whenever it is relevant and appropriate.

2.10. Air University (AU) will:

2.10.1. Develop plans, policies, and procedures to include adequate general education and instruction in the content and requirements of LOAC in military education and training programs Air University administers. Their content will be commensurate with each individual's projected duties and responsibilities. The Air Force Judge Advocate General School has primary responsibility for instruction of LOAC and related topics (e.g., the legal aspects of rules of engagement) and develops, in coordination with the other academic institutions of Air University, instructional lesson plans and teaching materials to carry out this responsibility.

2.10.2. Devote greater amounts of time and furnish more advanced education in the subject in more senior programs, such as Air War College and Air Command and Staff College.

2.10.3. Include instruction on LOAC in Air War College, Air Command and Staff College, Squadron Officer School, Reserve Officer Training Corps, and Senior Noncommissioned Officer Academy curricula to ensure adequate knowledge of the subject commensurate with the nature of each enrollee's duties and responsibilities.

2.10.4. Supervise that LOAC instruction for which it is responsible to ensure that it is current and fulfills DoD Law of War Program objectives.

2.10.5. Develop plans, policies, and procedures for LOAC training of Air Force Reserve and Air National Guard members in AU training.

2.11. All other MAJCOMs and FOAs will:

2.11.1. Ensure that plans, policies, procedures and operations within their areas of responsibility are consistent with international legal obligations under LOAC.

2.11.2. Supervise individual training of assigned Air Force members to ensure general and specialized instruction and training on LOAC is commensurate with each individual's projected duties and responsibilities.

2.11.3. Supervise individual training of attached Air Force Reserve and Air National Guard elements to ensure adequate training and instruction in LOAC.

3. LOAC Training Programs.

3.1. Annually, all commanders will ensure that assigned personnel are trained in the principles and rules of LOAC. At a minimum, training will include subjects required by the 1949 Geneva Conventions for the Protection of War Victims and the Hague Convention IV respecting the Laws and Customs of War on Land of 1907. A judge advocate should review all command plans, policies, procedures, and operations in the coordination process to determine that they meet current US legal obligations under LOAC.

3.1. (AMC) Installation staff judge advocates will implement a program to ensure all personnel assigned to units located at or attached to their bases receive appropriate annual training in LOAC.

3.2. Each MAJCOM's legal office will track the number and the percentage of people assigned who were trained in LOAC during the calendar year and send this data to HQ USAF/JAI by the first of February each year. RCS: HAF-JAI(A)9231. Discontinue reporting during emergency and MINIMIZE conditions.

3.2. (AMC) Installation staff judge advocates will track the number and percentage of personnel assigned to units located at or attached to their bases who receive training in LOAC during each calendar year. Report the following information through NAF/JA to HQ AMC/JAO, 102 E. Martin St., Rm N-119, Scott AFB IL 62225-5012, by 20 January each year:

Maximum number of personnel assigned during calendar year

Number of personnel who received training during calendar year

Percentage of personnel who received training during calendar year

Description of training provided (include areas covered, manner of training, and differences in training provided to personnel)

Recurring issues or concerns raised during training

4. Reports on Alleged Violations of the Law of Armed Conflict. Air Force members who have direct knowledge of or receive a report of an apparent violation of LOAC must make the incident known to their immediate commander. If the facts and circumstances indicate that the immediate commander is involved in the violation, report to the next higher command authority. This includes violations alleged to have been committed by or against members of, or persons accompanying or serving with, the US Armed Forces, and violations alleged to have been committed by or against allies of the United States.

5. Investigations of Alleged LOAC Violations.

5.1. Individual Responsibilities. Personnel who, in the course of their duties, uncover information that a possible LOAC violation has occurred will immediately report that information to their commander.

5.1.1. Personnel with information or evidence concerning a LOAC violation will take all prudent steps to safeguard that information and/or evidence. Limit the dissemination of information only to those with a need to know; e.g., the responsible commander, the staff judge advocate, and/or the local AFOSI detachment. Additionally, personnel will, when applicable, (a) preserve physical evidence through limiting access to evidentiary materials and crime scenes, (b) draw detailed sketches or take photographs documenting the circumstances of the incident, (c) collect any applicable descriptive notes, and (d) identify all possible witnesses and victims for later interview by investigators and legal personnel.

5.1.2. They must safeguard evidence and surrender it to the agency that investigates the alleged violation.

5.2. Commanders and Staff Agencies. Each commander and staff agency that receives a report of noncompliance with or breach of LOAC will report the facts promptly to the appropriate staff judge advocate and will make relevant information or evidence available to the appropriate investigating agency.

5.3. The Staff judge advocate will:

5.3.1. Notify the appropriate investigating agency of the receipt of a report of an alleged violation.

5.3.2. Assist and advise investigators.

5.3.3. Review completed investigation summaries and reports.

5.3.4. Develop and provide recommendations to the commander on the use of the evidence, and on the disposition of the report of investigation.

5.3.5. Forward the initial report of investigation directly to The Judge Advocate General. Subsequent reports to The Judge Advocate General of an alleged violation will include, but not be limited to:

- The incident report;
- Report of investigation;
- Summary of investigation and report on disposition of the case, including any disciplinary actions taken against LOAC violators. The report must include any recommendations for corrective action that should be undertaken at HQ USAF level or above.

5.3.5. (AMC) Send an information copy of all reports through NAF/JA to HQ AMC/JAO, 102 E. Martin St., Rm N-119, Scott AFB IL 62225-5012.

5.4. Investigating Agency. Upon notification of the alleged LOAC violation, the investigating agency will also coordinate its investigative efforts with affected command and legal officials.

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The Judge Advocate General