

Exploration 3B: From the perspective of combatants

In Exploration 3A, learners identified a wide variety of violations and discussed why people sometimes violate international humanitarian law (IHL). Now they will tackle dilemmas based on actual experiences soldiers faced in typical situations of modern warfare. Soldiers coping day to day in a war must often make decisions that involve conflicts between the rules of war and their own safety or the safety of the soldiers for whom they are responsible.

Many dilemmas arise when the distinction between combatants and civilians is unclear. Sometimes the distinction has been blurred intentionally by combatants seeking safety or advantage; sometimes it is made unclear by the nature of modern warfare. While this exploration presents a range of dilemmas, it also intends to show how dilemmas are often caused by the distinction between combatants and civilians being blurred and how important maintaining that distinction is to the effectiveness of IHL.

Objectives:

- ▲ to be able to recognize dilemmas that sometimes arise in respecting IHL in combat situations
- ▲ to be able to recognize problems in upholding IHL when the difference between combatant and civilian is unclear

Resources:

- ▲ Dilemma scenarios:
 - Now what do I do?
 - Should I stop it?
 - 700 prisoners and little to live on
 - What if she's telling the truth?*
 - What should we do with the jeep?*
 - Do I open fire on the village?*
- ▲ Dilemma worksheet
- ▲ What are the basic rules of international humanitarian law?



For teachers:

- ▲ Epilogues to some dilemmas

Preparation:

Select two or more dilemmas (depending on how you plan to use class time) Be sure to include one or more of the dilemmas marked*, which deal with ambiguities of distinguishing civilians from combatants.

Methodology guide – Review material on teaching about consequences in Notes to teachers 4 “On using dilemmas”.

Time:

two 45- to 60-minute sessions



1. Consider dilemmas that combatants face (small groups) (20-25 minutes)

Give each group a dilemma. As they work out what action to take, they should consider:

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- ▲ a variety of possible actions
- ▲ the possible consequences of each action
- ▲ humanitarian goals and what IHL requires
- ▲ the variety of people involved and their points of view
- ▲ how emotions and attitudes could affect consequences
- ▲ conditions that affect their choices (such as time pressures, danger of the surroundings and relative levels of authority or influence of the other people involved)



After 10-15 minutes, ask the groups to choose which action to take. Ask them to write down what they chose and why they chose it.

2. Report dilemma decisions (20-30 minutes)

In their reports, groups should:

- ▲ outline the dilemma **situation** they faced in trying to uphold IHL
- ▲ refer to any IHL **rule** that applies to the situation
- ▲ indicate the **action** they decided to take
- ▲ give their **reasons** for that choice

NOTE: “Epilogues to some dilemmas” provided at the end of this exploration tell what did happen in two of the situations and may be read to learners following reports on those dilemmas.

3. The distinction between civilian and combatant (10 minutes)

Present Article 48 of Protocol I additional to the Geneva Conventions (sidebar).

Help learners to understand this legal statement by asking them to give examples of:

- ▲ who would be considered a civilian in armed conflict
- ▲ what would be a civilian object and what would be a military objective

Use examples like the following to illustrate how borderline cases contribute to dilemmas that soldiers face in upholding IHL.

- ▲ a woman who provides food and shelter to soldiers
- ▲ a steel factory
- ▲ a university where some students are trained for military service

Close (10 minutes)

- What are the consequences of not knowing who is a civilian? What further consequences could these lead to?

Article 48

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.

– Protocol I additional to the Geneva Conventions, 1977

Article 50

In case of doubt whether a person is a civilian, that person shall be considered to be a civilian.

– Protocol I additional to the Geneva Conventions, 1977

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We learned to trust no one, not even children. All beer or soft drink cans had to be crushed – if the cans were left whole, the guerrillas would buy them from the local kids and use them as casings for hand-grenades. We survived by being suspicious.

— a soldier remembers

One day people are running up to you and hugging you, and the next day a little kid is throwing a grenade at you. What are you supposed to decide from that? What are you supposed to feel? I don't know.

— a soldier remembers

➤ What are some other factors that make humanitarian behaviour in armed conflict difficult?

➤ What are some reasons for civilians being treated as enemy combatants?

[For example, helping the enemy, soldiers cannot tell who is a combatant and who is not, being in a place where there are enemy troops]

➤ How can combatants affect how their own civilians are treated in armed warfare?

Call attention to the responsibilities of both sides in a conflict:

⤴ Civilians should not be targeted.

⤴ Civilians should not be put at risk by combatants posing as civilians.

⤴ Prisoners and the wounded must be cared for.

KEY IDEAS

- ◆ Following the rules of IHL in situations of armed conflict sometimes involves dilemmas.
- ◆ Many dilemmas result from the difficulty of distinguishing between combatants and civilians.
- ◆ Sometimes people blur the distinction intentionally, and sometimes it is blurred when fighting takes place in residential areas.
- ◆ In case of doubt whether a person is a civilian, that person shall be considered a civilian.

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700 prisoners and little to live on

A successful battle fought in the desert, far from a town or home base, was at last over.

A victorious soldier remembers it.

Hunger called us out of our trance. We had now seven hundred prisoners in addition to our own five hundred men. We had not any money (or, indeed, a market); and the last meal had been two days ago. In our riding camels we possessed meat enough for six weeks, but it was poor diet, and costly diet, indulgence in which would bring future immobility upon us.

What should they do?

Other points of view to consider:

- ▲ other victorious soldiers
- ▲ the prisoners
- ▲ a victorious officer



Source: T.E. Lawrence, *Revolt in the Desert*, George H. Doran Company, New York, 1927.

Photo: ICRC

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Do I open fire on the village?

In the early morning, our column of tanks and personnel carriers made their way down the road of the heavily populated outskirts of the city. We were hemmed in by the wire fence of an air base on our left and a long narrow hamlet of buildings on our right. We stopped to assess the situation. My buddy ducked inside the turret of the tank saying, "I don't like the way this looks". Our radio operator turned to me and said that he'd just heard reports of lots of guerrilla soldiers hiding out in the area.

From where I rode, as tank gunner, I had a pretty clear view. Sure enough, through the dust and overcast morning weather, I could see silhouettes darting into positions among the cluster of village houses opposite our platoon of men in the personnel carriers up the road. I could also see that the figures were clearly armed.

Someone shouted to open fire.

**As the tank gunner,
decide what to do.**

Other points of view
to consider:

- ▲ enemy soldiers in the village
- ▲ villagers
- ▲ the gunner's fellow soldiers
- ▲ his superior officers

Source: Adapted from Dwight W. Birdwell, *A Hundred Miles of Bad Road, 1967-68*, Presidio, San Francisco, 1985.