



# THE LAW OF ARMED CONFLICT

Conduct of operations – Part B



ICRC



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ACTION ALLOWED IN OPERATIONS:  
THE LAW APPLICABLE IN THE ATTACK, DEFENCE, SIEGE  
AND MANOEUVRE PHASES OF BATTLE



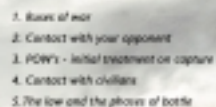
## AIM

## [Slide 2]

The aim of this lesson is to explain what action is allowed in operations and how the law applies to different phases of battle, in particular attack, defence, siege and manoeuvre operations.

The following main topics will be covered:

1. Ruses of war.
2. Contact with your opponent.
3. POWs – initial treatment on capture.
4. Contact with civilians.
5. The law and the phases of battle.

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1. Rules of war
  2. Contact with your opponent
  3. POWs - initial treatment on capture
  4. Contact with civilians
  5. The law and the phases of battle

## INTRODUCTION

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We have covered the legal rules that apply to all military operations. It is now time to look at specific aspects. What action is allowed in operations? What does the law tell us about possible contact with the enemy or the civilian authorities? We will then turn to the phases of battle to see in detail what the law has to say about them.

**Remember, the principles of the law of armed conflict apply throughout. In particular, commanders and staff must at all times apply the key principles of:**

### **DISTINCTION and PROPORTIONALITY.**

**Remember also that under the law, the term “attack” refers to all acts of violence against the adversary, i.e. in defensive as well as offensive operations.**

## 1. ACTION ALLOWED IN OPERATIONS

### RUSES OF WAR

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[Slide 3]

This is a customary term that essentially refers to deception. Any good commander will use deception and surprise to defeat or confuse the enemy. Deceiving the enemy about the military situation, in particular the strength of your own forces, their location and your intentions and plans, has been a customary tool of warfare throughout the ages. **Ruses of war are permitted.** They comprise acts that are intended to mislead the enemy or make him act recklessly but do not infringe the law of armed conflict and do not come under the heading of perfidy, which we described earlier. Examples include:

- camouflage and concealment, either natural or in the form of camouflage nets, camouflage paints or smoke to cover movement;
- feints or deceptive attacks, flanking attacks to catch the opponent off guard;
- the use of dummy weapons, e.g. rubber or wooden mock-ups of tanks or aircraft to confuse or mislead your opponent as to your actual strength and deployment;
- transmission of misleading messages, using the enemy's radio frequencies, breaking their passwords and codes;
- misinformation, disinformation or psychological operations to confuse or to weaken morale, provided the intent is not to spread terror among the civilian population.



All such measures of operational deception are perfectly legitimate under the law. The examples below illustrate the exact difference between ruses and perfidy.

[Slide 4]

You are allowed to use nets, foliage, etc., to camouflage a gun position in the field: that is a **ruse of war**.

You are not allowed to use canvas tenting bearing the red cross or red crescent to camouflage a gun position, implying that it is a medical facility: that is **perfidious**.



HR IV, Art. 24

## 2. CONTACT WITH THE ENEMY

In the conduct of operations, there are times – apart, of course, from combat – where you might come into contact with your opponent. Here we refer to non-hostile contact or relations which opposing forces might find necessary or of mutual benefit.

### TEMPORARY CEASE-FIRES

It is within the competence of any officer to arrange a temporary cease-fire for a specific and limited purpose. Obviously any such decision has to be cleared through the chain of command. Temporary cease-fires can be most useful to evacuate or collect casualties from the battlefield, or to allow civilians to be evacuated to a safer location. Cease-fires are limited in time and scope. Absolute good faith is required on both sides.

GC I, Art. 15  
GC II, Art. 18  
GC IV, Art. 17

### THE USE OF INTERMEDIARIES

[Slide 5]

You can contact the enemy by using intermediaries. The law provides for two main options. **The first is the use of a Protecting Power.** This is a neutral State designated by a party to the conflict and accepted by its opponent. The Protecting Power acts as the honest broker between the two sides. It might, for example, visit POW or internment camps to ensure the law is being applied. States have in fact rarely used this facility, although, for example, the United Kingdom asked Switzerland to act as its Protecting Power during the Falklands/Malvinas conflict and Argentina asked the same of Brazil. **The second option is to use an**



GC I, Arts. 8, 10 & 11  
GC II, Arts. 8, 10 & 11  
GC III, Arts. 8, 10, 11,  
69-81, 99-108 & 126  
GC IV, Arts. 9, 11, 12, 43,  
55, 71, 74 & 143  
GP I, Arts. 1, 2 & 5  
HCCP, Art. 21

**impartial humanitarian organization as a substitute for the Protecting Power.** This is more frequent. For example, **the International Committee of the Red Cross** is often requested to act as an intermediary by the parties to a conflict.

### THE WHITE FLAG OF TRUCE

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#### [Slide 6]

We have already discussed this customary device. Now let us look at how it can be used in operations.

Remember the key to the white flag. **It means “I wish to enter into communication or to negotiate with you”.** It does not necessarily mean “I want to surrender”.

So how is it used? The party showing the white flag must stop firing. Once it does, your side should follow suit. The enemy forces might then obviously surrender by throwing down their weapons and raising their hands in the air. Although you will no doubt accept a surrender and treat the enemy accordingly, you are in fact in no way obliged to receive a flag party. You may send it back. If you decide to talk to the members of the party, make sure they come to you. **Do not go forward yourself** – remember the possibility of perfidy. In your own positions you may impose safety measures, e.g. blindfold the members of the party to prevent them from gaining information. You must, however, protect them throughout any negotiation process. They must not be fired at. After you have spoken, they must be allowed to return safely to their own lines.

**To summarize:** the law of armed conflict allows for the use of the white flag. Let the opponents using it come to you. Do not go to them. Listen, decide on your course of action. Send the flag party back safely. Beware of perfidy, i.e. foul play.



HR IV, Arts. 32-34

### 3. PRISONERS OF WAR – INITIAL TREATMENT ON CAPTURE IN THE COMBAT ZONE

#### [Slide 7]

We will now consider how prisoners must be dealt with immediately after capture, i.e. in the operational area. Details of their subsequent treatment in rear areas and POW camps will be covered in a later lesson.

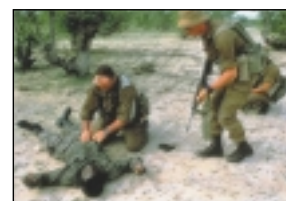
All captured combatants are POWs, whether they have surrendered or not. They become protected persons under the law of armed conflict the instant they fall into the power of the adverse party. They become prisoners of your State. They are not your personal prisoners. It is forbidden to kill or mistreat a combatant who has been taken prisoner or who is *hors de combat*. In this respect, you would do well to “do unto others as you would have others do unto you”. How would you like to be treated if you had been captured? As professional soldiers who now have the upper hand, the time has come for you to show humanity and respect for your opponents. They are no doubt tired, disorientated and very frightened. During and immediately after combat, soldiers are still hyped up, the adrenaline is running very high. One minute they may be required to kill the enemy and the next they have to treat him humanely – even though he might well have killed or wounded some of their own comrades.

This is obviously a difficult situation, but professional soldiers must cope. The best way is to put yourself in the prisoners’ position. No good soldier or commander should take advantage of their plight or vulnerability. So how should you proceed?

#### SEARCH AND PRISONERS’ PERSONAL POSSESSIONS

#### [Slide 8]

All prisoners must be disarmed and subjected to a thorough search. This must be done in a way that does not violate the prohibition of inhumane or degrading treatment and that respects the special protection afforded to women and child soldiers. The following may be removed: ammunition, military documents such as maps, orders, notebooks containing military information, signals diagrams, codes, and any other military equipment not designed specifically to protect the person, e.g. webbing to carry ammunition pouches, etc.





Military clothing and protective equipment must be left with the prisoners, e.g., boots, helmets, flak jackets, gas masks, etc. They are not yet out of danger, they might need this clothing and protective equipment.

GC III, Arts,  
13,14 & 18

In addition, the prisoners must be allowed to keep their badges of rank, insignia, eating utensils, ration packs and water bottles. They must also be allowed to keep their identity cards and discs. They can also keep with them personal possessions, including such items as spectacles, watches and articles of sentimental value like family photographs. Sums of money carried by POWs may not be taken away from them except by order of an officer, and after all details have been recorded in a special register and an itemized receipt has been given. Sums in the currency of the Detaining Power, or which are changed into that currency at the POW's request, must be placed to the credit of the prisoners account.

The Detaining Power may withdraw articles of value from POWs only for security reasons. When such articles are withdrawn the same procedure for recording them as for currency above must be applied. Such objects and any sums of money taken must be returned to the POWs at the end of their captivity.

In practical terms, all this detail and accounting might seem a little unrealistic in the heat of the fighting. If time is not on your side, then at least stick to the basic requirements, i.e. leave obvious means of identification and personal protection items, food and water, with the prisoners. Everything else can be put in a suitable container such as the POW's ammunition pouch, clearly labelled with the POW's details and sent back with the evacuation party. Intelligence staff or administrators in the rear can then examine the items and return personal effects to the POWs later.

### IDENTIFICATION OF POWs

#### [ Slide 9 ]

POWs must be identified and so are required to give you their number, rank, name (surname and first names) and date of birth. They are not required to provide any other information. This does not mean you cannot ask them other questions. Prisoners may be a valuable source of intelligence, **BUT no coercion whatsoever or torture, physical or mental, may be used to force a prisoner to give information.** You should also consider the merits of this so-called "tactical questioning". First, in practical terms, you are most unlikely to have time to waste on questioning.



Secondly, who will do the questioning? Are they qualified interrogators? Do they know what they are doing? Is the information you gain reliable? Has it been provided to mislead you? Or just to waste time or ease the prisoner's plight? For all these reasons, the professional approach should be used to gain intelligence: the POW should be rapidly evacuated to the rear, where trained interrogators operating within the law can do the job properly. In any case, the law requires you to evacuate POWs out of danger as quickly as possible.

What happens if prisoners refuse to give even the basic information required by the law? If they wilfully refuse, it might be useful to explain that it is in their interests to provide the information in order to ensure that the Detaining Power can be called to account for their detention and that their families can be told they are alive and safe. Again, in practical terms you do not always have much time to deal with such persons. Evacuate them as quickly as possible and allow rear area personnel to sort the problem out.

Be careful, however. The POWs might be sick, dazed or shell-shocked. In that case, they should be evacuated through the medical chain and not the POW one. If injured, their wounds should be cared for by your medics at the front. Any wounds should be treated on the basis of their severity. The only factor in determining priority of treatment is medical need. There must be no discrimination in favour of your own forces.

GC I, Art. 12  
GC III, Arts.  
17, 19 & 20

## EVACUATION

Remember, the main aim of evacuation is to get the POWs out of immediate danger in the combat zone. They must therefore be moved as soon as possible to the rear and must not be unnecessarily exposed to danger in the meantime. They must not be compelled to engage in activities of a military character, for example clearing the way through a mine field. They must be protected against acts of violence, intimidation, insults or public curiosity. For example, any television crews around may take pictures of the group as a whole, but only on condition that no POW is individually identifiable.

If you are in any doubt about a captive's status, treat him as a POW. Inform your superiors of your uncertainty so that more detailed inquiries can be made in the rear.

**Women POWs** – their treatment must be at least as favourable as that granted to men. Special care must be taken to ensure they are protected against physical violence, including sexual violence or indecent assault.

Later, in POW camps, they must be held in separate accommodation. This is not a requirement in frontline situations, where women can be held together with other combatants and then evacuated with them as soon as possible.

To sum up: treat POWs fairly and humanely, treat any wounds they have and get them evacuated to the rear as soon as possible.

GC III, Arts. 13-15, 17, 19 & 20

### TREATMENT OF POWs IN UNUSUAL COMBAT CONDITIONS

It is quite possible that the evacuation of prisoners captured in the combat zone is a real problem. Take, for example, a reconnaissance or special forces patrol that makes contact with the enemy and captures a number of soldiers. To evacuate them might compromise the mission. So what must be done? The law tells us that these POWs should be released and all feasible precautions taken to ensure their safety. In practical terms, you can search and disarm them. You can tie them up loosely to ensure you can make a clean break. You can probably leave them some food and water without compromising your mission. You must not, however, harm them in any way.

As you can see, even in such extraordinary circumstances you are expected to take all measures that are practicable in the light of the tactical situation.

GP I, Art. 41 (3)

## 4. CONTACT WITH CIVILIANS

### [Slide 10]

You should keep in mind that in the course of operations, it might be necessary to establish contact with civilians for a number of military as well as humanitarian reasons, for example:

- to evacuate an area;
- to deny access to routes that you require for military purposes and to advertise which routes civilians should use;
- to warn of an attack, balanced against the need for surprise;
- to liaise with the civilian authorities so as to ensure the population is aware of military danger areas such as minefields;
- to liaise with the local police on joint security matters;
- to liaise with hospitals for joint use of medical facilities;
- to cooperate in emergencies with civilian medical and humanitarian organizations in search-and-rescue operations, the tracing of missing persons and first-aid activities (civil defence organizations and National Red Cross or Red Crescent Societies might also be approached);



- to liaise with humanitarian organizations such as the International Committee of the Red Cross or with United Nations agencies acting, for example, as intermediaries in the relief operations;
- to contact individual civilians about shelter for the wounded and sick.

These are all important matters on which you might have to contact civilians. The links work both ways and can be of great value to the military.

Civilians, including members of humanitarian organizations, must be protected and treated with respect. Use your common sense and treat them with civility. They are then more likely to cooperate with you.

## 5. THE LAW AND THE PHASES OF BATTLE:

### 5a. OPERATIONAL RESPONSIBILITY IN ATTACK

Those who plan or lead an attack, i.e. any act of violence against the enemy, will obviously want to achieve their goal and minimize the risks to their own forces. At the same time, the attacker must, as we have seen, take constant care to spare civilians and their property. In fact, the law contains clear instructions on how attacks should be planned and carried out.

#### OBLIGATIONS IN PLANNING AN ATTACK

**If you are planning an attack you must:**

- **do all that is feasible at the time to verify that the target is in fact a military objective. If in doubt, do not attack. Remember the principle of distinction.**
- **carefully consider the tactics, weapons systems and ammunition you are going to use. Take all feasible precautions to avoid or at least minimize death or injury to civilians or civilian property.**

The use of infantry and tanks might in some circumstances offer greater precision than an artillery bombardment or an air strike.

**The tactical direction** of an attack could limit civilian casualties, i.e. a flanking attack that avoids civilian concentrations en route to the objective.

**The tactical timing** of the attack should also be considered. For example, if a war factory producing war materials is closed at night, or a civilian broadcasting station also used by the military or a bridge also used for military purposes is not frequented by civilians at night, then that is the best time to attack it. Reconsider your aim: is it necessary to destroy or enough to neutralize?

**Refrain from deciding to launch an attack which is expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination of the three, which would be excessive in relation to the concrete and direct military advantage you anticipate. Remember the principle of proportionality.**

**If there is a choice** between several military objectives and each is likely to give you the same advantage or result, **choose the one that will probably cause the least danger or damage to civilians and civilian objects.**

[Slide 11]

**Before actually launching an attack that might affect the civilian population, give advance warning**, thus giving the population time to evacuate or at least take shelter. The warning must of course be genuine and effective. It must reach the civilians it was intended for. It must give them enough time to react. Warnings can be given over the radio or television, by dropping leaflets, or via the Internet. **The attacker may dispense with the warning** if circumstances do not permit, namely when the specific circumstances of the planned military operation do not make it possible to inform the defender because the aim of the operation could not then be achieved, **for example if the element of surprise is crucial to the success of the whole operation.**



### OBLIGATIONS IN CARRYING OUT AN ATTACK

**The attacker must be prepared to cancel, suspend or adapt a planned attack** if it becomes obvious that the objective is not a military one or is subject to special protection, or that the incidental civilian damage is likely to be out of proportion to the concrete and direct military advantage expected in the first place (the principle of proportionality).

All these precautions in attack are to be found in GP I, Art. 57.

## RESPECT FOR PROPERTY UNDER SPECIAL PROTECTION

### [Slide 12]

Commanders and staff must do everything feasible to verify that the objectives to be attacked are **not subject to the conditions applicable to special protection**, e.g. are not cultural property, works containing dangerous forces, hospitals, protected zones or localities, or POW camps, the details of which we covered in earlier lessons.



## 5b. OPERATIONAL RESPONSIBILITY IN DEFENCE

### [Slide 13]

In addition to the above-mentioned prohibitions and limitations on the use of weapons and tactics applicable to all operations, those involved in planning or conducting defensive operations need to take into account the following requirements under the law of armed conflict.

**To the maximum extent feasible, civilians must be moved away from military objectives.** The military should warn the civilian population in advance and assist with its evacuation. If possible, civilians should be taken to locations they know and which present no danger to them. Joint civil/military cooperation might be required to provide food, transport or even shelter for these civilians. Whenever possible, children should be evacuated with their families.

Whenever possible, locate or set up your defensive positions **well away from populated areas.**

**Where there is a choice** between a number of defensive positions and they offer a similar military advantage, then **choose the one that is likely to cause the least danger to the civilian population and its property.**

**Specifically protected objects should be marked by the civil authorities with the relevant signs.** The military might be required to advise and assist. **Refrain from using cultural property as part of your defensive plan.** Remember, as soon as you occupy such property it loses its protection as far as the enemy is concerned. If you must use such property for reasons of imperative military necessity, then limit the time spent there to the absolute minimum. Any protective signs should be scrubbed out, otherwise you may be guilty of perfidy.



**Never use human shields to gain protection for your defensive deployments.**

This is also of course an obligation in offensive operations but is more pertinent here.

GC III, Art. 23 (1)  
GC IV, Art. 28  
GP I, Arts. 51 (7), 57-58  
HCCP, Arts 4 & 11

You are not allowed to destroy or damage property simply to prevent its being used by civilians or to drive them away. Destruction of property must always be justified by military necessity; the property must be a military objective. For the defender, destruction is justified only in order to construct military defensive works or systems, if no other reasonable option is available.

### CIVIL DEFENCE

The civil defence organization will now come to the fore and work in close cooperation with the military. It can take direct responsibility for certain humanitarian tasks such as the provision of shelters, warnings of attack, fire-fighting, blackout measures, medical evacuation, maintaining order, etc. Remember, civil defence workers are protected by the law while carrying out their duties and normally they and their equipment will be identified by the distinctive protective sign of the blue triangle on a square orange background. These workers may carry side arms for personal protection and to maintain public order, but they must not take a direct part in hostilities.

Civil defence workers and their equipment and buildings are protected for as long as they do not commit acts outside their normal duties that are harmful to the enemy. Even then, the protection would not cease until a warning had been given together with a reasonable time limit for the civil defence organization to comply.

Remember that military personnel assigned solely to civil defence tasks must be respected and protected. Whilst assigned to these duties they should wear the international distinctive sign for civil defence.

GP I, Arts. 61-67

## 5c. OPERATIONAL RESPONSIBILITY OF THE ATTACKER AND DEFENDER IN SIEGE WARFARE

### [Slide 14]

The concept of siege warfare might seem outdated today. In the Middle Ages, it was a common form of warfare everywhere in the world. A city would be surrounded, cut off from all supplies and gradually forced into submission. In modern times, this customary form of warfare is still used on occasion, e.g. the siege of Sarajevo in the former Yugoslavia in 1993-94 or the battle for Grozny in 2000. The law that applies to siege warfare is really only a combination of what we have already discussed. Any act of violence is covered by the term "attack". Consequently, in particular the rules relating to attacks, which we covered in lesson 3, apply.

**In addition**, if you are **attacking** the besieged town or city, then it is the rules governing offensive operations that apply. If you are **defending**, then the rules governing defensive operations apply.

The key aspects are described below.

### EVACUATION OF THE SICK AND WOUNDED

The law requires the parties to the conflict to endeavour to conclude local agreements for the removal from besieged or encircled areas of wounded, sick, infirm and aged persons, children and maternity cases.

GC IV, Art. 17

### THE REMAINING CIVILIAN POPULATION

The civilian population can stay in a besieged town. In that case, the defenders have considerable responsibility for protecting it. They must ensure it is separated from military objectives and not used as human shields.

GP I, Arts.  
51 (7) & 58

If the civilians do not leave, it does not mean the attacking commander is absolved from his duties to take all the normal precautions outlined above. For all these reasons, a cease-fire to allow for evacuation would appear a logical solution. Of course, lawbreakers might consider it to be in their interests to retain the civilian population or parts of it to act as human shields, or as a means of stirring international sympathy for the humanitarian plight of the population and discrediting the opponent. The attacker can easily call this bluff by keeping to the law, issuing warnings, offering time for evacuation in the form of a cease-fire, and making sure civilians are guaranteed safe passage to a protected zone or location.

GP I, Art. 51 (8)





### TOTAL OR PARTIAL EVACUATION OF THE CIVILIAN POPULATION

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With regard to evacuations, further limitations apply in occupied territory. The occupying power may decide to totally or partially evacuate a given area if the security of the population or imperative military necessity so requires. This applies not only to siege situations, but to any situation in occupied territory. Such evacuations should not involve displacement outside the bounds of the occupied territory except when for material reasons it proves impossible not to. People evacuated in this way must be transferred back to their homes as soon as hostilities in the area in question have ceased.

The occupying power undertaking these transfers or evacuations must ensure, to the greatest practicable extent, that the protected persons are provided with proper accommodation, that the removals are effected in satisfactory conditions of hygiene, health, safety and nutrition, and that members of the same family are not separated.

GC IV, Arts. 35 & 49  
GP I, Art. 78

**Civilians, civilian objects and other objects under special protection such as cultural property must not be the object of attack.**

#### Indiscriminate attacks

It is prohibited to subject besieged areas to indiscriminate attacks as described earlier.

GP I, Art. 51

#### Starvation and admission of relief supplies

The general prohibition of starvation of the civilian population implies that deliveries of the foodstuffs, medicines, drinking water and other goods indispensable for its survival must not be hindered by an opponent, provided they are delivered solely to the civilian population of the town under siege and not to the armed forces defending the town. This completely outlaws traditional siege strategies, which included the starvation of the population in enemy towns.

GC IV, Art. 23  
GP I, Arts. 54 & 70  
GP II, Art. 14



## APPENDIX

### Questions from the instructor to the class to confirm the lesson

#### 1. Treatment of persons captured in unusual circumstances

A patrol from your unit has captured an enemy soldier. Taking him along would endanger the patrol's mission and safety. Were he to be abandoned, he could disclose the patrol's presence. The patrol leader kills the prisoner.

##### Did he act legally?

It is absolutely prohibited under the law to kill a POW. Such a killing can never be justified on the basis of military necessity. The patrol leader committed a war crime. Moreover, if you fail to report the incident or to initiate proper legal steps, you, too, are criminally responsible for violating the law. The correct course of action would be to release the prisoner.

#### 2. Special forces combatant status/spying/camouflage and concealment

A very ragged soldier, wearing the camouflage uniform of his country's armed forces and carrying a radio, is captured in wooded terrain near a major railway bridge. When interrogated, he states that he was separated from his four-man patrol after parachuting from an aircraft. He has been hiding in the woods for 10 days. The patrol's mission was to report back on troop movements over the bridge. He is glad to have been captured since he is hungry and exhausted. The interrogating officer states he will not be treated as a POW, but as a spy. The soldier replies, "I was only doing my duty and carrying out my orders".

##### What treatment is the captured soldier entitled to in the circumstances?

A spy is one who gathers or attempts to gather intelligence within the zone of operations of a belligerent, secretly, under false pretences, with the intention of reporting the intelligence to his superiors. Members of the armed forces in uniform who obtain intelligence in the enemy zone of operation are not spies; their reconnaissance is a lawful combat activity. They may use ruses to carry out their mission, and camouflage is a permitted ruse provided civilian clothing or the enemy uniform is not used during the intelligence gathering operation. The captured soldier must therefore be treated not as a spy, but as a POW.

### 3. Ruses of war/psychological operations/treatment of downed pilots

An enemy aircraft flies over your positions and drops leaflets urging your soldiers to surrender. "Lay down your weapons", they read. "Surrender today and you will be well looked after by the forces of Badland, which guarantee you protection under the Third Geneva Convention." "Give up like so many of your comrades have done – you know it makes sense." A little later, the enemy aircraft dropping these leaflets is shot down, and the pilot ejects and lands close to your positions. He is captured by Lt. Green's platoon, which decides the pilot should be severely dealt with and punished for dropping the leaflets.

**Is such action permissible? Explain. What measures should be taken in this case?**

The dissemination of leaflets, i.e. psychological warfare, is a lawful means of warfare and must be considered a permissible ruse, even if the statements being disseminated are untrue. Urging enemy troops to rise up against their government is likewise a permissible military measure. Thus, the pilot in our case may not be punished for urging surrender. As a member of the enemy armed forces, the captured pilot must be treated as a POW. He must be evacuated safely to the rear. He may not be punished for his actions.

### EXAMPLES AND CASES

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#### The distinction between military objectives and civilians and civilian objects

**World War II.** The Allies found that bombing targets in Germany involved heavy losses of aircraft. Precision bombing raids in particular caused severe losses, for example the British dam raids and the United States raid against the ball-bearing industry in Schweinfurt in 1943. As a result, the Royal Air Force switched to night attacks. This made it more difficult to identify targets, which were also attacked from higher altitude to reduce the risks to the attacking forces, to the detriment of accuracy. The result was a heavy toll in civilian casualties. It is estimated that about 42,000 civilians were killed in Hamburg in August 1943 in fire storms which were impossible to bring under control.

*Source: A.P.V. Rogers, Law on the Battlefield, Manchester University Press, Manchester, 1996, p. 12.*

#### Possible discussion point: hi-tech v. low-tech weaponry

Precision bombing or targeting and hence the ability to distinguish between civilians and the military is possible in sophisticated armed forces that possess the technology to produce the required weapons. In less sophisticated armed forces, this technology simply does not exist. These armed forces must therefore be extra careful to acquire good targeting intelligence and to use the weapons they do have accurately. These requirements have been frequently disregarded in many modern conflicts, and the principle of distinction flouted. Rockets and artillery fire have been **used indiscriminately** and almost deliberately as area weapons to create terror. Similarly, fighter aircraft lack precision bombing capability – they drop their bombs indiscriminately, again mostly to terrorize civilians rather than to hit military objectives.

The use of the highly inaccurate Scud missile by Iraq against Israel and Saudi Arabia is another example of an indiscriminate form of attack. Though some of the 37 missiles fired at Saudi Arabia were apparently aimed at military targets, others appear to have been aimed at cities like Riyadh, the Saudi capital. Most of the 39 Scud missiles fired into Israel and the occupied West Bank seem to have been aimed at cities like Tel Aviv. The Scud and similar weapons are often used as area weapons aimed at spreading terror rather than destroying specific military objectives.

*Source: TV and press coverage at the time.*

## Ruses of war

**The Trojan Wars.** The story of the siege of Troy in ancient Greece and the use of the wooden horse to gain entry and win the day is perhaps one of the most vivid examples of a successful ruse of war.

**Russo-Turkish War, 1877-78.** It is said that during this war a Russian bugler sounded the Turkish bugle call for retreat during a Turkish cavalry charge. The Turks stopped their successful attack at once and retreated. The Russians were saved.

### Gulf War, 1991

A. Iraqi forces were past masters at the art of camouflage, concealment and using dummy military objectives or weapons to deceive Coalition intelligence gathering efforts. After bombing attacks the Iraqis would paint the roofs of military targets which had suffered little damage in such a way that heavy damage was simulated. Subsequent satellite photos gave a mistaken impression of total destruction. Rubber, wooden or canvas mock-ups were extensively used to deceive satellites and air reconnaissance missions into believing that they were actually seeing real tanks, aircraft, helicopters or even troop defensive positions. The use of such ruses of war made actual battlefield intelligence assessments extremely difficult, and in many cases inaccurate assessments and decisions were the result.

B. Another example of a lawful ruse was when the Coalition forces gathered at sea off Kuwait to trick Iraq into thinking an amphibious assault was imminent. The main attack eventually came by way of a flanking operation across the desert to cut off Iraqi forces from the rear.

### The white flag

**The Falklands/Malvinas white flag incident.** The example shows the use of this customary tool in modern conflict situations. It also highlights the point made in the lesson that those showing the white flag should be told quite clearly to come to you and that you should avoid going to them. On 28 May 1982, in course of the battle of Goose Green in the Falklands/Malvinas Islands, it appeared that a white flag was raised from an Argentine detachment in the schoolhouse. A platoon commander and two NCOs went forward to arrange a surrender but discovered this was not the defenders' intention. As they returned, another British position, some distance away, directed machine-gun fire at the defenders. In response the three British soldiers were fired on in the open and killed. The rest of the platoon overran the building and killed all the occupants.

*Source: G. Best, "War and Law", p. 292, in L. Freedman & V. Gamba-Stonehouse, Signals of War, London, 1990, p. 374.*

### Siege

**The former Yugoslavia.** In May 1992, the Bosnian Serb army, having failed to overrun Sarajevo, closed all roads leading in and out of the city, blocked trade and began to pound the city neighbourhoods with artillery fire. Human rights groups, relief agencies and some governments said the Bosnian Serb tactics were tantamount to subjecting the city to an immoral and illegal siege.

*Source: T. Gjelten, in Crimes of War: What the Public Should Know, R. Gutman & D. Rieff (eds.), W.W. Norton & Co., London/New York, 1999, pp. 336-337.*





# LAND

