

# **AIDE MEMOIRE ON THE LAW OF ARMED CONFLICT**

## **INTRODUCTION**

1. This aide memoire is issued on mobilisation to all persons deployed during an armed conflict. More detailed information is contained in 'The Joint Service Manual of the Law of Armed Conflict' (JSP 383) and 'A Soldier's Guide to the Law of Armed Conflict' (Army Code No. 771130). Service legal advisers may also be consulted.

## **THE LAW OF ARMED CONFLICT**

2. In every international armed conflict members of the armed forces, including accompanying civilians, are subject to the law of armed conflict. The law of armed conflict comprises relevant international law and UK domestic law, which includes Service law.

3. The law of armed conflict provides for the protection and humane treatment of combatants and non-combatants. The law both imposes duties upon and grants rights to individuals.

4. All personnel must be aware of the basic rules of the law of armed conflict, including the practical application of the principles of military necessity, proportionality, distinction and humanity. These are dealt with below.

## **RESPONSIBILITY**

5. Breaches of the law of armed conflict must be reported immediately. They should be thoroughly investigated and appropriately dealt with. Illegal orders must not be given or carried out. Those who break the law may expect to be dealt with and, if found guilty, severely punished.

## **RULES FOR ALL PERSONNEL**

### 6. You **MUST**:

- Comply with the law of armed conflict and with Service law.
- Comply with the Rules of Engagement (ROE) applicable to your mission. You will be briefed on the ROE which will apply to you.
- Respect all protective emblems such as the Red Cross (the Red Crescent and the Red Crystal), the UN emblem and the white flag of truce.
- Treat all persons who fall into your hands humanely and protect them from the dangers of war.
- Care for the wounded, including enemy wounded, on the basis of medical priority.
- Obey all combat rules (see below).

## **COMBAT RULES**

- Use no more force than is necessary to achieve your operational task.
- Killing or wounding the enemy by treachery is forbidden.
- It is forbidden to use poison or to alter weapons or ammunition for the purposes of increasing injury or damage.
- A white flag of truce may be used to signal a wish to talk to the enemy. The side using the white flag must stop fighting and indicate a wish to communicate. Both sides must then stop fighting. Abuse of the white flag is treachery. A flag of

truce indicates no more than an intention to enter into negotiations with the enemy. **It does not necessarily mean a wish to surrender.** A flag party must not be attacked. On completion of its mission it must be allowed to return to its own lines if it wishes to do so. A flag party may be on foot or mobile in a vehicle or aircraft flying the white flag.

- Care should be taken to avoid injury to civilians and damage to civilian objects.
- Enemy property is not to be taken, damaged or destroyed without an operational need. Looting is prohibited.
- It is forbidden to compel enemy nationals to take part in military operations against their own country.

## **ATTACKS**

7. Attacks must only be directed at military objectives. They must not be indiscriminate in nature.

8. You **MUST NOT** attack:

- Civilians (unless they are taking a direct part in hostilities).
- Civilian buildings or property, including cultural property, (unless they lose their protected status and you are ordered to attack).
- Medical personnel and chaplains, hospitals, medical centres or medical transport. These personnel and objects should be identified by a distinctive sign, namely a red cross (a red crescent or red crystal) on a white background.
- Civil defence facilities, dykes, dams and nuclear power stations (unless they lose their protected status and you are ordered to attack).

- Undefined towns, villages and buildings or safety, neutralised or demilitarised zones.
- Enemy combatants who have surrendered or are no longer fighting as a result of their injuries/illness.
- All personnel or objects bearing protective emblems.
- Those protected by a flag of truce.

## **MEDICAL PERSONNEL AND CHAPLAINS**

9. Medical personnel and chaplains have a special protected status. They must be respected and are not to be attacked. They are permitted to carry out their medical and spiritual duties but take no part in combat.

10. Medical personnel may carry and use small arms for self-defence or the protection of their patients.

11. If captured, medical personnel and chaplains are **not** prisoners of war (PW). They may be retained by their captors if required to continue their medical and spiritual duties for the benefit of PW of their own forces. They then have special status as 'retained personnel.'

## **WOUNDED, SICK AND DEAD**

12. All wounded and sick must be treated humanely. Priority of treatment is determined by medical reasons alone. The dead must not be plundered or mutilated.

## **CIVILIANS**

13. Civilians must be respected and treated humanely. They must be protected as far as possible from the incidental dangers of war. In particular they may not be used to shield

military operations. Coercion, torture, collective punishments and the taking of hostages are forbidden.

## **IF YOU CAPTURE ENEMY PERSONNEL**

14. In case of doubt, all captured personnel should be treated as PW until their status has been determined by higher authority.

15. On initial capture of PW the following rules must be followed:

- All PWs are to be treated humanely.
- All PWs should be disarmed and searched. Military papers and equipment should be removed. Money and valuables are only to be removed on the order of an officer and a receipt must be given. PWs should be allowed to keep identity documents, personal items, protective and other clothing, cutlery, badges of rank and decorations.
- PWs should be evacuated swiftly from the combat area.
- Medical care is to be provided for the sick and wounded.
- The identity of the PW must be established.
- PWs must not be tortured nor should threats be used to obtain information.

16. The Detaining Power **MUST**:


- Provide adequate shelter, food, clothing and medical treatment for PWs.
- Allow PWs to make complaints to representatives of the Protecting Power or the International Committee of the Red Cross.


- In permanent PW camps, display copies of the 1949 Geneva Conventions in the language of the PW.
- Ensure that PWs are not made to do work of a humiliating, dangerous or military nature. NCO PWs must not be made to do any work other than that of a supervisory nature. Officer PWs may only be employed at their own request.
- Take disciplinary measures against PW only after a proper investigation, a trial and subsequent conviction. Torture and coercion must not be used.


## IF YOU ARE CAPTURED

17. You must give your number, rank, full names and date of birth. You do not have to give any further information.
18. You do not have to do any work of a humiliating, dangerous or military nature for your captors.

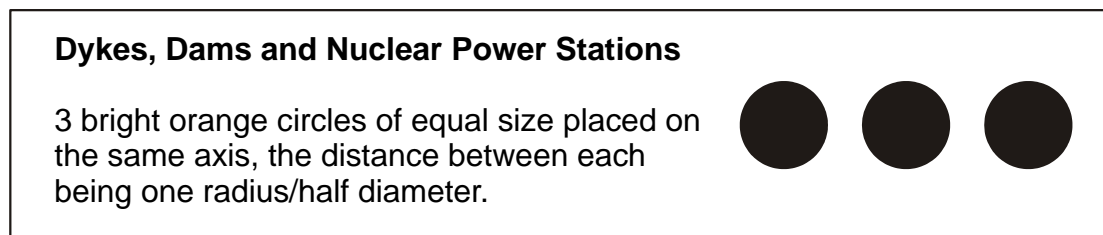
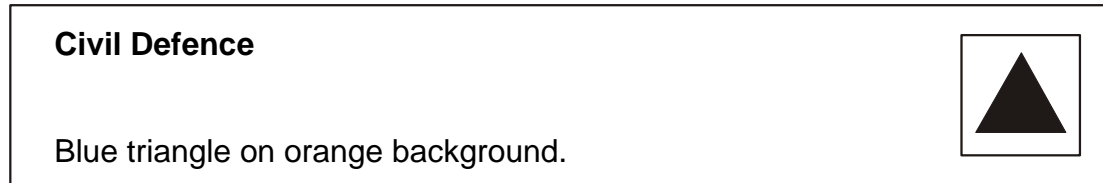
## PROTECTIVE EMBLEMS AND DISTINCTIVE SIGNS

<p><b>Medical Services and Chaplains</b></p> <p>Red cross, crescent or crystal on a white background.</p>	
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<p><b>Flag of Truce</b></p> <p>Plain white flag (any material).</p>	
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<p><b>Cultural Property</b></p> <p>Royal blue on white background.</p>	
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19. This symbol is used by many NATO states under the Hague Cultural Property Convention 1954 to denote buildings used for religion, art, science, charity, historical monuments or other important cultural objects.



20. In addition to the emblems illustrated, the following letters should be painted on walls or roofs to identify buildings situated within Prisoner of War Camps or civilian Internment Camps, as these are protected from attack:

- **'PW'** or **'PG'** – for Prisoner of War camps ('Prisonnier de Guerre' is French for 'Prisoner of War').
- **'IC'** – for civilian Internment Camps.

(Revised Feb 10)

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