

# **Army in Europe Pamphlet 350-27**

**Training**

## **The Law of War: Soldiers Rules**

**Headquarters  
United States Army Europe  
and Seventh Army  
United States Army Installation  
Management Command  
Europe Region  
Heidelberg, Germany**

**25 June 2009**

Headquarters  
United States Army Europe and Seventh Army  
United States Army Installation Management Command  
Europe Region  
Heidelberg, Germany

Army in Europe  
Pamphlet 350-27\*

25 June 2009

## Training

### The Law of War: Soldiers Rules

---

**\*This pamphlet supersedes  
AE Pamphlet 350-27, 16 February 2006.**

---

For the Commander:

BYRON S. BAGBY  
*Major General, US Army*  
*Chief of Staff*

Official:



DWAYNE J. VIERGUTZ  
*Chief, Army in Europe*  
*Document Management*

---

*This pamphlet is available at <https://aepubs.army.mil/library/>.*

**Summary.** This pamphlet provides rules to help Soldiers ensure they do not violate the Law of War.

**Summary of Change.** This revision adds a new medical symbol that identifies medical personnel and facilities.

**Applicability.** This pamphlet applies to Soldiers.

**Forms.** AE and higher level forms are available through the Army in Europe Publishing System (AEPUBS).

**Records Management.** Records created as a result of processes prescribed by this pamphlet must be identified, maintained, and disposed of according to AR 25-400-2. Record titles and descriptions are available on the Army Records Information Management System website at *<https://www.arims.army.mil>*.

**Suggested Improvements.** The proponent of this pamphlet is the USAREUR JA (AEAJA-ILOD, DSN 370-8996). Users may suggest improvements to this pamphlet by sending DA Form 2028 to the USAREUR JA (AEAJA-ILOD), Unit 29351, APO AE 09014-9351.

**Distribution.** A (AEPUBS).

# CONTENTS

Introduction .....	4
Soldiers Rules .....	5
1. Soldiers Fight Only Enemy Combatants.....	6
2. Soldiers Do Not Harm Enemies Who Surrender.....	7
3. Soldiers Do Not Kill or Torture Detained Personnel. ....	9
4. Soldiers Collect and Care for the Sick and Wounded. ....	9
5. Soldiers Do Not Attack Protected Persons or Protected Places. ....	10
6. Soldiers Do Not Destroy More Than the Mission Requires.....	12
7. Soldiers Treat Civilians Humanely. ....	14
8. Soldiers Do Not Steal.....	14
9. Soldiers Do Their Best To Prevent Violations of the Law of War.....	15
10. Soldiers Report All Violations of the Law of War.....	16
Conclusion.....	17

## INTRODUCTION

Remember when you joined the United States Army? You took an oath to support and defend the Constitution of the United States. The Constitution states that treaties between the United States and other nations are binding on all Americans. The Hague and Geneva Conventions are treaties that help form the Law of War. When you took the oath to support and defend the Constitution, you were promising to obey the Law of War.

As a U.S. Soldier, your conduct can have an enormous effect on your unit's, the Army's, and even the country's ability to win in combat. Your behavior and conduct can easily show up on the television news or in a report online. You are expected to hold yourself to a higher standard than other citizens and not do anything that would embarrass or discredit the Army. A violation of the Law of War is usually also a violation of the Uniform Code of Military Justice (UCMJ). For example, if you commit a violation of the Law of War, such as rape, you can be held responsible and charged with rape under Article 120 of the UCMJ. Likewise, if you take money, rings, or a watch from the body of a dead enemy, you can be held responsible and charged with stealing under Article 121 of the UCMJ.

Our enemies may not follow the Law of War, but we as U.S. Soldiers fight and win by the rules. An enemy violation of the Law of War does not relieve us of our duty to obey it.

## **SOLDIERS RULES**

The “Soldiers rules” tell you the basics of what you should know about the Law of War.

1. Soldiers fight only enemy combatants.
2. Soldiers do not harm enemies who surrender. Soldiers treat humanely all who surrender or are captured.
3. Soldiers do not kill or torture detained personnel.
4. Soldiers collect and care for the sick and wounded, whether friend or foe.
5. Soldiers do not attack protected persons or protected places.
6. Soldiers do not destroy more than the mission requires.
7. Soldiers treat civilians humanely.
8. Soldiers do not steal. They respect private property.
9. Soldiers do their best to prevent violations of the Law of War.
10. Soldiers report all violations of the Law of War.

## **1. SOLDIERS FIGHT ONLY ENEMY COMBATANTS.**

An enemy combatant is anyone engaged in hostilities against the United States. An enemy combatant is either a member of a declared hostile force or a person who has committed a hostile act or has demonstrated hostile intent against U.S. Forces. You may engage any combatant belonging to a declared hostile force at any time. You do not have to wait for the person to commit a hostile act or demonstrate hostile intent toward you. The inherent right of self-defense provides you the ability to respond with measured force when you are attacked or when you are threatened.

Leave civilians alone unless they are doing something to hurt you. The military may detain, search, and question noncombatant civilians when necessary for control and security. The military can also limit and direct the movement of civilians for control and security, and can move them from dangerous areas. The rest of the time, leave them alone!

Medical personnel (doctors, nurses, medics) are on the battlefield to help the injured. Medical personnel in European countries wear an armband with a red cross. Even when medical personnel are not wearing a medical symbol, you must not attack them if you can tell that they are medical personnel. Medical personnel may carry light weapons but may use them only for defense. Medical personnel are not supposed to fight unless someone violates the Law of War by attacking them.

Chaplains are on the battlefield to aid the wounded and dying. They may also wear a medical symbol, such as a red cross. They must not be attacked.

You are not allowed to attack enemies who are “out of combat” (for example, people who are escaping from a wrecked ship or aircraft, or who are badly wounded or sick). Those who are badly wounded or sick probably will not hurt you. Instead of shooting enemy combatants who are out of combat, take them prisoner. If they resist capture or attack you, they are no longer out of combat, and you may respond with appropriate force. Enemy combatants attacking from landing craft or jumping in an airborne assault are not out of combat and may be shot at, even if their landing craft or aircraft is disabled. If, however, these combatants show that they are trying to surrender, you must take them prisoner instead of shooting at them.

## **2. SOLDIERS DO NOT HARM ENEMIES WHO SURRENDER. SOLDIERS TREAT HUMANELY ALL WHO SURRENDER OR ARE CAPTURED.**

There are at least two good reasons for allowing enemy combatants to surrender. First, we can get more information from a live enemy than from a dead one. Second, if enemies believe they will be killed if they try to surrender, they will continue to fight. If enemies know we will accept their surrender, they might stop fighting when the going gets tough. Your job is to let the

enemy surrender. Once you have allowed the enemy to surrender, follow the “Five S’s and T” rule:

- SEARCH.
- SEGREGATE (by military grade, civilians from military, and military from militia).
- SILENCE.
- SAFEGUARD from harm.
- SPEED to the rear.
- TAG (properly complete all the required paperwork so that the individual can be processed correctly).

You must provide humane treatment to all detained personnel. This means you must give them medical treatment if needed. Feed them and give them water. If needed, provide them with clothing, shelter, and basic hygiene care.

You must protect detained personnel from retaliation and violence as well as from public humiliation or curiosity. Do not take pictures of detained personnel except for official purposes. Do not parade them in front of reporters. Even while you are detaining them you can show respect for their honor and cultural beliefs. Little things like this show other civilians that U.S. Soldiers will help and respect their culture and make them more likely to assist U.S. Forces.

### **3. SOLDIERS DO NOT KILL OR TORTURE DETAINED PERSONNEL.**

Killing or torturing detained personnel is a crime under both international and U.S. law. You may be prosecuted under the UCMJ for murder or assault if you are involved in detainee abuse. No matter how upset or angry you might be at a particular detainee, you must not violate your obligations under the Law of War and as a U.S. Soldier.

Humane treatment is the minimum standard for all detained personnel regardless of their status or what they did before they were captured. Let trained interrogators conduct interrogations.

Torture is not only unlawful, it results in unreliable information because a tortured detainee is likely to say anything and admit to whatever the torturer wants to stop the abuse. Do not let yourself get involved in any sort of detainee abuse.

### **4. SOLDIERS COLLECT AND CARE FOR THE SICK AND WOUNDED, WHETHER FRIEND OR FOE.**

Once enemy sick and wounded have stopped fighting and are under your control, you must give them the same medical care you would give your own Soldiers. Medical needs determine who gets treated first. This means that an enemy Soldier who is

hurt worse than a U.S. Soldier will be treated first. Evacuate captured enemy sick and wounded through medical channels.

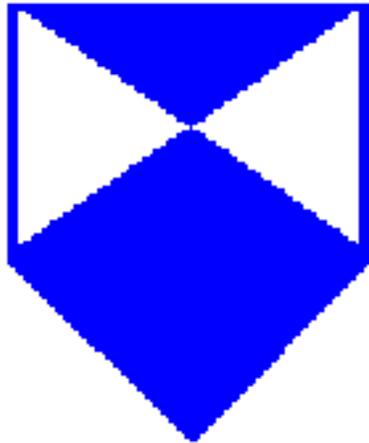
There is no such thing as “mercy killing” in the Law of War. You have a duty to attempt to render or provide for medical treatment to the sick and wounded.

The obligation to collect and protect the sick and wounded also extends to the dead. Mutilation or desecration of dead bodies is a clear violation of the Law of War.

## **5. SOLDIERS DO NOT ATTACK PROTECTED PERSONS OR PROTECTED PLACES.**

Some examples of protected places are churches, mosques, libraries, museums, and orphanages. Do not shoot at or destroy protected places unless the enemy is misusing these buildings. For example, if the enemy sets up an observation point in a mosque, the Law of War permits you to shoot at the observation point. However, you should try not to damage the mosque more than is necessary to capture or destroy the targeted forces in the tower.

Many buildings in Europe are marked with a blue and white shield (below). This shield means that these buildings are of great cultural value. These buildings should never be fired on unless there is no alternative.



If you abuse protected places, it becomes more likely that the enemy will target places we do not want destroyed.

Medical symbols identify medical facilities (such as hospitals and aid stations) and medical vehicles (such as ambulances and aircraft). The following medical symbols are used to help people know that the person, facility, or vehicle is not a threat and should not be fired on:



The red cross used by the United States and many other countries is probably the most familiar medical symbol. You should also recognize the other three medical symbols that are used by some countries outside of Europe.

**NOTE:** The red six-sided star may also be displayed in the center of the red diamond.

You may not shoot at medical personnel, facilities, or vehicles. Even if the medical person, facility, or vehicle is not marked, you may not fire on it if you can tell that the person, facility, or vehicle is being used for medical purposes. However, medical facilities or vehicles that are being used to advance the combat mission instead of being used for medical purposes may be fired on.

Displaying a medical symbol to protect yourself when you are not entitled to do so is a war crime, and you may be punished by U.S. Forces, enemy forces, or an international tribunal. If you misuse a medical symbol, it becomes more likely that the enemy will target our real medical facilities.

## **6. SOLDIERS DO NOT DESTROY MORE THAN THE MISSION REQUIRES.**

Your use of violence in wartime must not go too far. You may use force to defeat the enemy—which means disabling enemy

personnel and destroying property—but you may not use more force than is necessary to accomplish your military mission. For example, if you are on a combat patrol and a sniper fires from a building in a nearby village, you should not call in artillery fire or napalm to destroy the entire village and its inhabitants. This does not mean that you cannot use overwhelming force to achieve a necessary military objective. You are not limited to shooting back at the sniper with small arms.

Do not use weapons that cause unnecessary suffering. The Law of War forbids the use of barbed weapons, dum dum bullets, scored or defaced rounds, and poison. Nuclear weapons, flamethrowers, tracers, and napalm are not forbidden by the Law of War. All the weapons and ammunition you are issued have been approved and comply with the Law of War. Use only the weapons or ammunition issued to you by your arms room. Do not modify weapons and ammunition in any way. Altered or nonissued weapons and ammunition may not comply with the Law of War.

Do not use lawful weapons in a way that will cause unnecessary suffering. For example, tracer ammunition is intended mainly for observing fire. It is unlawful to load your individual weapon with only tracer ammunition to inflict grievous wounds on enemy personnel in close combat.

You are a Soldier, not a vandal. You may destroy buildings, vehicles, or other property only when necessary to accomplish

your mission of defeating enemy forces. You may not destroy property or cause unnecessary suffering to punish the enemy or because you are bored.

## **7. SOLDIERS TREAT CIVILIANS HUMANELY.**

All civilians must be respected. You should never intentionally target civilians as long as they are not committing a hostile act or demonstrating hostile intent. Civilians have an obligation not to participate in combat, and if they start fighting, they are no longer protected persons.

If you encounter injured civilians you do not have to stop your mission to care for them, but you may stop to help if the situation permits and it does not interfere with your mission. You are encouraged to provide immediate first-aid to civilians if they are in danger of losing life, limb, or eyesight—especially if U.S. Forces caused the injury.

The Law of War requires that U.S. Soldiers provide certain minimum protection for civilians. Obviously you must not physically injure or hurt civilians. You must not treat civilians in a degrading or humiliating manner. You may not take any civilian hostage. You must not treat civilians differently based on race, religion, sex, or other similar factors.

## **8. SOLDIERS DO NOT STEAL. THEY RESPECT PRIVATE PROPERTY.**

Looting is forbidden by the Law of War and is punishable under the UCMJ. You should not take private property from either enemy combatants or civilians. If it appears that an item is required for a military emergency or if you are in doubt, check with your chain of command. If enemy military property is taken on the battlefield, turn it in through your chain of command.

Contraband items can be taken from civilians who possess them illegally. Check with your superiors so that you understand what is and is not contraband. All contraband must be turned over to your chain of command.

## **9. SOLDIERS DO THEIR BEST TO PREVENT VIOLATIONS OF THE LAW OF WAR.**

Law of War violations have a devastating effect on our country's ability to win in combat. News in the United States about these violations also has an immediate effect on U.S. public support for our military. In addition, these violations lower the morale of the unit involved.

You know what is and is not permitted. You know what the right thing to do is. If you see another Soldier committing or about to commit a violation of the Law of War you should do everything in your power to prevent it. It takes personal courage to stand up

and tell someone to stop, but that is what is required of you by the Law of War, these Soldiers Rules, and the oath you swore when you enlisted.

You must know the Law of War. An order that clearly violates the Law of War must not be obeyed. Your officers and noncommissioned officers are professionals who are well trained in the Law of War. They know that the orders they give you must be legal.

Only if an order clearly violates the Law of War (for example, if you are ordered to shoot a surrendering enemy Soldier) may you refuse to obey it. If you think you are being ordered to do something that violates the Law of War, you should ask whomever gave you the order to explain the order. If you obey an order that clearly violates the Law of War, you become a war criminal and subject to punishment. The fact that a superior issued the order is not a legal defense; you will be held responsible for your actions.

## **10. SOLDIERS REPORT ALL VIOLATIONS OF THE LAW OF WAR.**

The rules in this pamphlet are based on the Law of War that everyone—military and civilian U.S., Allied, and enemy personnel—must follow. You are required to report violations by anyone, friend or enemy.

If you see or become aware of a violation of the Law of War, you should report the following to your immediate commander:

- WHO was involved.
- WHAT happened.
- WHEN it happened.
- WHERE it happened.
- Any other information you know.

If you are unable to report the violation to your immediate commander, you should report it to an inspector general, provost marshal, chaplain, or judge advocate.

## **CONCLUSION**

The purpose of the Law of War is to lessen the evils of war and to make it easier to restore peace. Remember that human dignity must be preserved in spite of war. If you do not know whether an act violates the Law of War, decide whether or not the act will help you accomplish your mission. The amount of force you use should be proportional to the threat posed by the enemy units that stand between you and your mission. Ask yourself if the amount of force you are using to accomplish your mission is more than is needed to do the job. A “yes” answer is a clear indication that the act violates the Law of War. Do not violate the Law of War. Be sure both you and the United States Army stand by the principles of the Law of War.