

# TRAINING NOTES



## Law of War Training A Practical Program

CAPTAIN FREDERIC L. BORCH III

Training the individual soldier in the law of war is more important today than ever. Casualties on the modern battlefield could eliminate a unit's existing leadership quickly and turn a young infantry private into a platoon sergeant or First Sergeant in a matter of days. As a leader, this soldier would then become responsible for the conduct of his subordinates.

In addition, the politically sensitive nature of future conflict means that each individual soldier, not just unit leaders, must know his rights and obligations under the Hague and Geneva Conventions if he is to protect himself, his unit, and our nation.

Unfortunately, our law of war training all too often is dull and uninteresting and usually takes the form of classroom lecture. Yet, just as infantry training cannot be taught completely in a classroom, so law of war instruction is inadequate without field training. Leaders at all levels, therefore, in conducting their law of war training programs, must integrate garrison with field training and must find practical ways to organize it.

A good way to conduct law of war training for soldiers in garrison is to begin with a 90-minute period of instruction featuring 50 minutes of excerpts from the 1980 Australian film *Breaker Morant*, followed by a 30-minute lecture

and a 10-minute question-and-answer period.

This film is based on a true incident that occurred in 1901 during the Boer War in South Africa, the first modern war in which a regular army (the British) was confronted with a guerrilla force that wore no uniforms and was therefore indistinguishable from the rest of the population. Faced with this nearly invisible enemy, the British developed several combat units that used, as far as possible, the same tactics. The film deals with one of these units, the Bushveldt Carbineers, and the court-martial of three of its officers for sanctioning the execution of prisoners of war.

### RESPONSIBILITY

The movie is an outstanding teaching tool because it directly addresses the moral responsibility of a soldier in modern warfare: Should he simply obey orders — in *Breaker Morant*, an oral order from higher headquarters not to take prisoners of war—or does he bear a degree of personal responsibility for the execution of these orders?

For teaching purposes, the issue can be addressed squarely by presenting video tape segments from the film that mix

scenes showing the killing of prisoners with the subsequent court-martial of the responsible officers. The result is a thought-provoking story on film that heightens a soldier's interest in the role of the law in war; it certainly captures his attention.

(I recommend the following excerpts, in the order stated: the execution by firing squad of Lieutenants Morant and Handcock; the death of Captain Hunt; the execution of Boer PW Visser for wearing a British khaki uniform; the court of inquiry including testimony of Sergeant Major Drummond, Captain Taylor, and Captain Robinson; the Boer attack on the fort; the trial of Lieutenants Morant, Handcock, and Wilton; the murder of Reverend Hesse; the closing argument at the trial of Major Thomas. The credit for using *Breaker Morant* as a teaching tool belongs to Major Robert Higginbotham, who first used these film excerpts while serving as an instructor at the U.S. Army Infantry School, Fort Benning, Georgia.)

Army Regulation 350-216, which implements the Department of Defense Law of War Program, requires in part that law of war instruction stress a soldier's rights and obligations regarding enemy soldiers, civilians, and property; his own rights and duties as a prisoner of war (PW); and the consequence of mistreating

civilians and PWs.

These required subjects can be presented in the 30-minute lecture that follows the film excerpts, and the excerpts themselves can be used to illustrate important legal points. For example, Lieutenant Morant's order to his men to execute Boer PWs can be used to demonstrate the illegality of a superior's command, the duty of a combat soldier to disobey it, the requirement for that soldier to report the shooting of PWs as a war crime, and the punishment he may suffer if he violates this law of war.

## POIs

Law of war training that does not require a specially trained instructor can be implemented during regular unit garrison training periods by using programs of instruction (POIs) prepared for this purpose. Thus, one POI could consist of a written lecture 10 to 12 minutes long (with references to army regulations, field manuals, and training circulars) and a scenario in which several soldiers are used as actors.

For example, a POI on the status of enemy wounded and medical personnel first should have a short lecture on the applicable Geneva Convention. The scenario can then have two armed enemy soldiers wearing armbands with a red crescent on a white background carrying a litter on which an unarmed enemy soldier is lying. The soldiers being trained must recognize the emblem displayed as indicating a medically trained person. Furthermore, the soldiers must know that enemy medical personnel are not to be harmed as long as they are recovering the wounded and not trying to gain a tactical advantage.

The best POI is keyed to its audience. An in-garrison POI program to be presented to medical personnel, for example, should focus on items of particular relevance to them. An in-garrison POI for paratroopers, on the other hand, should focus more on the treatment of enemy civilians and property. A POI should be designed to permit training anywhere and anytime, particularly so that it can be used in inclement weather.

Law of war instruction to be given in

a field situation must also be tailored to the combat unit being instructed and must be as realistic as possible. A medical aidman in an infantry company, for example, needs to know that he can carry a weapon, use it in self-defense, and use it in the defense of the wounded or sick in his charge. Useful field training might be designed around this recognition that a medical aidman does not lose his special status under the law of war merely because he defends himself against an enemy who attacks him or the sick and wounded in his care.

A practical example in law of war training is the instruction that was given to the 4th Battalion (Airborne), 325th Infantry Regiment (4/325 ABCT), during its March 1984 field exercises in the town of Bonnland, Federal Republic of Germany. Bonnland is an actual town in Bavaria, but now depopulated and used by the German Army (*Bundeswehr*) for training in urban warfare. This urban area is ideal for law of war instruction, because in close combat a soldier is more likely to be confronted with capturing enemy personnel and processing them to the rear or to be taken as a PW himself. In either situation, the teaching is focused on the Geneva Convention relating to prisoners of war.

## EXAMPLE

The instruction in Bonnland was given to each of the six company-sized units in the 4/325 ABCT. Using the battalion legal clerk and four other soldiers as actors, the instructor began a practical exercise with a short lecture that underscored the point that each man who seeks a career as an infantryman will probably be faced with a situation in which he will take enemy soldiers prisoner. The five soldiers were used as demonstrators to show how captured enemy personnel should be treated in accordance with the Geneva Convention. For instance, the legal clerk and a second soldier played the roles of U.S. personnel who had just captured three enemy combatants. While one soldier covered them, the other disarmed the enemy soldiers. Because basic training for an infantryman emphasizes

the five S's when dealing with PWs — Search, Silence, Segregate, Safeguard, Speed to the Rear — these were also incorporated in the training. Additionally, the instructor emphasized that protective equipment (helmet, protective mask, first aid pouch) may not be seized, nor may items of a personal or sentimental nature (rings, watches, family letters and photographs) be taken, except that an item of value, such as currency, may be taken if so ordered by an officer and if a receipt is given to the PW.

## WEAPONS

Weapons can be seized, of course, such as rifles, pistols, and knives, but even ball point pens and keys can be dangerous, so they too should be confiscated. Items of interest to military intelligence (maps, plans, operation orders) definitely should be taken.

In demonstrating search techniques, the soldiers were taught to first have the enemy soldiers assume one of two positions — on their hands and knees, or "spread-eagled" against a wall. Actually, any method is acceptable as long as the proper security is maintained. The training emphasized the fact that the soldiers searching the enemy must never be in the line of fire between an enemy PW and the covering friendly soldier.

The demonstration concluded with the reminder that a soldier has a duty to shield PWs from ongoing hostilities while moving them to the rear and that there are limitations on interrogating PWs (they need give only their name, rank, service number, and date of birth).

Two soldiers from the audience were then chosen at random to search and disarm the remaining two demonstrators. To heighten realism, a switchblade was hidden in either the helmet liner or boot of the "enemy" soldier. This weapon usually was not found during the initial search, and its disclosure later illustrated the need for the soldiers to be thorough in their searches.

After this hands-on training, a short lecture (15 or 20 minutes) was presented on the rights and duties of a U.S. soldier who is captured by the enemy. Included in this lecture was a discussion of the

Code of Conduct, its applicability to U.S. personnel in captivity, and its importance to morale and discipline. Additionally, the audience was reminded that criminal sanctions under the Uniform Code of Military Justice apply to a PW who aids the enemy or acts to the detriment of his fellow PWs.

Leaders at all levels need to demand law of war training for their units that combines classroom instruction and field

training. An integrated program of such training will make the Hague and Geneva Conventions more meaningful for the individual soldier. A film such as *Breaker Morant* can address the moral responsibility of the combatant in modern warfare. Hands-on law of war instruction, like the training at Bonnlund, will capture attention and heighten interest. The result will be a soldier who recognizes that law does have a place in war.



**Captain Frederic L. Borch III** developed this training program while serving as Judge Advocate to the 4th Battalion (Airborne), 325th Regiment (Battalion Combat Team) in Italy. He holds a law degree from the University of North Carolina (Chapel Hill) and a Master of Laws degree from the University of Brussels, Belgium.

# The M203 in Urban Fighting

CAPTAIN CHRISTOPHER E. ALLEN

During training for military operations in urban terrain, infantry commanders soon realize how isolated small units can become when they are engaged in an urban fight. As a platoon disappears down a side street or a squad enters a building, the leaders of those small units face the challenge of accomplishing their missions without being in the familiar line of sight or range of voice control of a senior commander.

Urban terrain magnifies the importance of strong squads built around aggressive fire teams manned by proficient, confident soldiers. The company commander who neither trains nor trusts his squads to seize the initiative when they are isolated from their parent units will fail to control the momentum of an urban fight.

Accordingly, sections, squads, and platoons must become self-reliant in urban combat, and a company commander must take the responsibility for training his combat teams to fight independently and win even in the absence of external support. A part of this training should be specifically designed to make sure his combat team members are fully profi-

cient with the weapons they have. A commander cannot afford to accept anything less than a professionally trained soldier on each key weapon system in his unit.

One of the most versatile weapons a platoon has, but one that is often wasted, is the M203 grenade launcher. If a unit's grenadiers are properly trained, a fire team can lob a grenade into a room or basement aperture from 150 meters, or cause casualties and create shock in an enemy unit moving down a city street at a range of more than 350 meters. Since a rifle platoon can mass six grenade launchers in support of an assaulting squad, a well-trained small unit can forge its own success in the absence of indirect fire or armor support. Unfortunately, platoons lose many opportunities to use the M203 in city fighting because the average street width is less than the arming distance of the round, or because tall fences or walls that permit observation of a potential target obstruct its engagement with the 40mm grenade. In these situations, the grenadiers do not realize that there is a method—though an unorthodox one—that they can use to employ their weapons effectively. This method

is a simple revival of the high angle fire technique used with the M79, as outlined in FM 23-31. With it, what was once deadspace can be made into a kill zone.

Given some exposure to this technique, grenadiers and small unit leaders soon realize that the M203 is essentially a 40mm mortar that is capable of engaging targets high above ground—roof-top snipers, for example, while a clearing team bounds into a building. It can also be fired from a defilade position behind a wall at a known target using range card data.

While this method is far from perfect, in the hands of a trained gunner it does increase the fighting efficiency of the small unit, not only in urban combat but in many conventional situations as well.

Teaching the high angle firing technique does not cost much in the way of time and resources. In fact, it can be part of a unit's concurrent training program when it undergoes its standard M203 range qualification. This training should be taught in two phases, the first of which should be used to introduce the concept and its potential uses and to explain a simple elevation technique for controlling range.