

TRAINING NOTES



Training the Law of War A Mission Essential Task for Infantrymen

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For most Americans, the killing of more than 175 Vietnamese civilians in the hamlet of My Lai was a part of a war they would like to forget. But military leaders should never forget it. As painful as it may be to acknowledge, this isolated incident showed that—in the absence of leadership, discipline, and proper training—horrific violations of the law of war can occur.

The law of war is often overlooked as a training topic. Although most units conduct periodic law of war training, it often consists of a lecture, a briefing, or a video shown in the unit day room. I would like to suggest some techniques for taking this training from the day room to the field.

One of the initial challenges of teaching infantrymen the law of war is dispelling their preconceived notions about it. First and foremost, they must be taught that—contrary to popular belief—adhering to the law of war will not hinder their ability to fight the enemy or accomplish their mission.

The first step is to define the subject matter in commonsense terms. To the Judge Advocate General Corps (the Army's law of war experts), the term *law of war* refers to a number of domestic, international, and customary laws applicable to the regulation of armed conflict.

For the infantryman at small-unit level, the term is best defined as *the rules that govern a soldier's conduct in combat*.

Most infantry soldiers readily accept that certain rules should govern their conduct, but they sometimes have a hard time understanding why they should learn and follow these rules when the enemy often ignores them. In addition, other soldiers

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may see the law of war as a set of rules that "tie their hands" on the battlefield. The following advice may help leaders address these concerns:

First, leaders should explain that training in and adherence to the law of war is required by regulations and that violations, no matter how small, are punishable as criminal offenses under the Uniform Code of Military Justice. Whether or not an enemy complies with the law of war does not alter a U.S. soldier's obligation to do so.

Department of Defense Directive 5100.77 requires that each branch of the Armed Forces observe and enforce the law of war; implement programs to prevent law of war violations; and ensure prompt reporting and thorough investigation of violations and, where appropriate, take corrective action. This directive is implemented through a series of Army Regulations (ARs), including AR 350-1, *Common Military Training*; AR 350-216, *Geneva Conventions of 1949 and Hague Convention No. IV of 1907 Training*; and AR 350-41, *Training in Units*. Other source materials include Field Manual (FM) 27-2, *Our Conduct in Combat Under the Law of War*; FM 27-10, *The Law of Land Warfare*; and Department of the Army Pamphlet 27-1, *Treaties Governing Land Warfare*.

Leaders must emphasize, too, that adherence to the law of war actually increases the Army's combat effectiveness and helps bring a swift end to the conflict. Indiscriminate killing and wanton destruction only serve to increase the enemy's will to resist and alienate indigenous populations. Compliance encourages positive news media coverage and bolsters popular support for the war effort.

Contrast, for example, the effects of the My Lai incident with the professionalism

of U.S. soldiers during Operation DESERT STORM. While the former damaged the public image of the military—and provided fuel for anti-war activists—for years, the latter engendered overwhelmingly positive media coverage and ensured popular support for the war effort.

The infantryman's mission is unlike any other. He is expected to close with and destroy the enemy—often at extremely close range. Because he will have contact with the enemy and the indigenous civilian populace, the infantryman must be prepared to make critical on-the-spot decisions regarding a variety of law of war issues.

Additionally, under many scenarios, infantrymen frequently find themselves operating in very small groups, far forward, and isolated (sometimes for days at a time) from their company, or even their platoon. Junior leaders must therefore be advised that they—and not some JAG officer from higher headquarters—will be responsible for ensuring that their soldiers adhere to the law of war.

Recognizing that most soldiers do not need an in-depth knowledge of the finer points of the law of war, the Army has developed an excellent synopsis of essential law of war principles—"The Soldiers' Rules"—which is in AR 350-41, paragraph 14-3b (see accompanying box).

Performance Oriented Training

Field Manual 25-100, *Training the Force*, notes that soldiers learn best by doing—using a hands-on approach—and law of war training for infantrymen should be no exception. While initial training should be done in the classroom, leaders can incorporate any number of the Soldiers' Rules into training similar to situational training exercises (STXs).

Leaders should work with their supporting Judge Advocates to develop a program consisting of a lecture and discussion, followed by a field training phase. Leaders should secure the use of a local training area and set up STX lanes, each designed to present a different scenario that requires soldiers to make decisions involving the law of war.

After the formal classroom instruction, the unit should proceed to the training

THE SOLDIERS' RULES *

1. **Soldiers fight only enemy combatants.**
2. **Soldiers do not harm enemies who surrender. Disarm them and turn them over to your superior.**
3. **Soldiers do not kill or torture enemy prisoners of war.**
4. **Soldiers collect and care for the wounded, whether friend or foe.**
5. **Soldiers do not attack medical personnel, facilities, or equipment.**
6. **Soldiers destroy no more than the mission requires.**
7. **Soldiers treat all civilians humanely.**
8. **Soldiers do not steal. Soldiers respect private property and possessions.**
9. **Soldiers should do their best to prevent violations of the law of war. Soldiers report all violations of the law of war to their superiors.**

*Source: Chapter 14, AR 350-41, *Training in Units.*

area where the soldiers receive an intelligence briefing detailing the scenario in which the training is to take place. After a fragmentary order (FRAGO), the soldiers negotiate each lane by squad or fire team. Once all lanes have been negotiated, an after-action session should be conducted.

Soldiers should carry their rucksacks with seasonal load, load carrying equipment, and individual weapon with blank ammunition. One member of each team should carry a radio. Leaders can set up a small operations center and, along with their supporting Judge Advocate, monitor radio transmissions. Leaders should refrain from solving problems for their soldiers by radio, and each lane should be assigned a different frequency to keep the teams from getting information about the upcoming lanes.

The following are some suggested scenarios:

Training Lane 1: Soldiers receive a FRAGO directing them to move by squad or fire team from a start point along a designated route. During the movement, they are to perform a zone reconnaissance. Contact with the enemy is briefed as unlikely, but the soldiers are advised that there are reports of enemy stragglers in the area.

During the movement, the soldiers encounter a small group of people; some are in uniform and some are not. Some

are carrying weapons, others merely wearing load carrying equipment; some even appear to be civilians. The soldiers apparently want to surrender to the patrol, but they do not have a white flag. The patrol should react and apply the Soldiers' Rules. (Soldiers' Rules Tested: 1, 2, 3, 7.)

Training Lane 2: Soldiers receive a FRAGO directing them to proceed to a set of grid coordinates and conduct an area reconnaissance. The objective to be reconnoitered is briefed as a suspected enemy command post. The patrol is instructed that upon locating and observing the objective they are to call for artillery fire on the area.

At the objective, the patrol finds what appears to be a command post next to a medical tent, possibly with medical vehicles parked nearby. When the soldiers report this situation by radio, they are ordered to call for fire nonetheless. The patrol should react to this situation and apply the Soldiers' Rules. (Soldiers' Rules Tested: 5, 9.)

Training Lane 3: Soldiers receive a FRAGO directing them to proceed to a set of grid coordinates and conduct a bomb damage assessment. Enroute to the objective, the soldiers encounter an enemy soldier who is wounded and begs the patrol to either kill him or simply let him die where he is. The patrol should react to this situation and apply the Soldiers' Rules. (Soldiers' Rules Tested: 3, 4.)

The task of the American infantryman is an ever-changing one. With each new conflict and each new mission, he is thrust into a different situation, with each requiring different decisions. Today's infantrymen must exercise discipline and restraint as never before. As part of this process, they must be prepared to adhere to and enforce the law of war. In these sensitive times, no infantry task is more mission essential.

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