

THE LAW OF LAND WARFARE

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* This manual supersedes FM 27-10, 1 October 1940, including C 1, 15 November 1944.

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FOREWORD

A list of the treaties relating to the conduct of land warfare which have been ratified by the United States, with the abbreviated titles used in this Manual, is set forth on page iii. The official English texts or a translation of the principal treaty provisions are quoted *verbatim* in bold type in the relevant paragraphs throughout the Manual. It should be noted, however, that the official text of the Hague Conventions of 18 October 1907 is the French text which must be accepted as controlling in the event of a dispute as to the meaning of any provision of these particular conventions. (See TM 27-251.)

The 1949 Geneva Conventions for the Protection of War Victims have been ratified by the United States and came into force for this country on 2 February 1956. The effect of these four conventions upon previous treaties to which the United States is a party is discussed in detail in paragraph 5 of the text. Each of the Hague Conventions of 1899 and 1907 and each of the Geneva Conventions of 1864, 1906, and 1929 will, of course, continue in force as between the United States and such of the other parties to the respective conventions as have not yet ratified or adhered to the later, superseding convention(s) governing the same subject matter. Moreover, even though States may not be parties to, or strictly bound by, the 1907 Hague Conventions and the 1929 Geneva Convention relative to the Treatment of Prisoners of War, the general principles of these conventions have been held declaratory of the customary law of war to which all States are subject. For this reason, the United States has adopted the policy of observing and enforcing the terms of these conventions in so far as they have not been superseded by the 1949 Geneva Conventions which necessarily govern the relations between the parties to the latter (see pars. 6 and 7 of the text).

The essential provisions of each of the earlier conventions mentioned above have been substantially incorporated into the more recent and more comprehensive conventions on the same subject matter, so that observance of the latter will usually include observance of the former. For this reason, only the more recent 1949 Geneva Conventions and the relevant provisions of the 1907 Hague Conventions are quoted in this Manual.

Pertinent information concerning the current status of ratifications, adherences, reservations, and denunciations (withdrawals) will be transmitted by higher authority to commanders in the field, as occasions, arise, thus rendering unnecessary the inclusion of such data in this Manual, and avoiding the frequent changes that such inclusion would entail.

Whenever possible, this Manual should be used in conjunction with TM 27-251, *Treaties Governing Land Warfare*.

FM 27-5, *Civil Affairs/Military Government*, which deals with military government policy and administration, should be consulted in connection with chapter 6 of the present Manual.

CHAPTER 1

BASIC RULES AND PRINCIPLES

Section I. GENERAL

1. Purpose and Scope

The purpose of this Manual is to provide authoritative guidance to military personnel on the customary and treaty law applicable to the conduct of warfare on land and to relationships between belligerents and neutral States. Although certain of the legal principles set forth herein have application to warfare at sea and in the air as well as to hostilities on land, this Manual otherwise concerns itself with the rules peculiar to naval and aerial warfare only to the extent that such rules have some direct bearing on the activities of land forces.

This Manual is an official publication of the United States Army. However, those provisions of the Manual which are neither statutes nor the text of treaties to which the United States is a party should not be considered binding upon courts and tribunals applying the law of war. However, such provisions are of evidentiary value insofar as they bear upon questions of custom and practice.

2. Purposes of the Law of War

The conduct of armed hostilities on land is regulated by the law of land warfare which is both written and unwritten. It is inspired by the desire to diminish the evils of war by:

- a. Protecting both combatants and noncombatants from unnecessary suffering;
- b. Safeguarding certain fundamental human rights of persons who fall into the hands of the enemy, particularly prisoners of war, the wounded and sick, and civilians; and
- c. Facilitating the restoration of peace.

3. Basic Principles

a. *Prohibitory Effect.* The law of war places limits on the exercise of a belligerent's power in the interests mentioned in paragraph 2 and requires that belligerents refrain from employing any kind or degree of violence which is not actually necessary for military purposes and that they conduct hostilities with regard for the principles of humanity and chivalry.