U.S. in the Modern World Name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**The “Rules” of War**

Earlier in this unit, we talked about an element of Just War Theory called *jus ad bellum*, or “just cause” in declaring war. There is another element of Just War Theory called *jus in bello*, or “just conduct” in waging war. This theory is based on the idea that there should be certain rules that govern *how* a war is fought.

The closest thing we have to an official set of rules for warfare come from a set of treaties called the **Geneva Conventions**. They came out of a series of conferences in the city of Geneva, Switzerland. The 1949 Convention met in the aftermath of World War II , and created a set of provisions that deal mostly with treatment of non-combatants and prisoners of war.

The U.S. was one of the original parties to sign the Geneva treaties, which now cover 196 nations. Below is a section of the treaty that deals with treatment of civilians. On the back of this sheet is part of the U.S. military code of conduct that was given to all U.S. soldiers serving in Vietnam.

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| **The Geneva Conventions on the Laws of War, 1949**  Article 3: In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:  (1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, color, religion, or faith, sex, birth, or wealth, or any other similar criteria.  To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:  (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment, and torture;  (b) taking of hostages;  (c) outrages upon personal dignity, in particular humiliating and degrading treatment;  (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.  (2) The wounded and sick shall be collected and cared for.... |
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| **MACV Pocket Card, "The Enemy In Your Hands"**  As a member of the U.S. Military Forces, you will comply with the Geneva Prisoner of War Convention of 1949 to which your country adheres. Under these Conventions:  You can and will:  Disarm your prisoner.  Immediately search him thoroughly.  Require him to be silent.  Segregate him from other prisoners.  Guard him carefully.  Take him to the place designated by your commander.  You cannot and must not:  Mistreat your prisoner.  Humiliate or degrade him.  Take any of his personal effects that do not have significant military value.  Refuse him medical treatment if required and available.  ALWAYS TREAT YOUR PRISONER HUMANELY  THE ENEMY IN YOUR HANDS  1.) Handle him firmly, promptly, but humanely.  The captive must be disarmed, searched, secured and watched. But he must also be treated at all times as a human being. He must not be tortured, killed, mutilated, or degraded, even if he refuses to talk. If the captive is a woman, treat her with all respect due her sex.  2.) Take the captive quickly to security.  As soon as possible evacuate the captive to a place of safety and interrogation designated by your commander. Military documents taken from the captive are also sent to the interrogators, but the captive will keep his personal equipment except weapons.  3.) Mistreatment of any captive is a criminal offense. Every soldier is personally responsible for the enemy in his hands.  It is both dishonorable and foolish to mistreat a captive. It is also a punishable offense. Not even a beaten enemy will surrender if he knows his captors will torture or kill him. He will resist and make his capture more costly. Fair treatment of captives encourages the enemy to surrender.  4.) Treat the sick and wounded captive as best you can.  The captive saved may be an intelligence source. In any case he is a human being and must be treated like one. The soldier who ignores the sick and wounded degrades his uniform.  5.) All persons in your hands, whether suspects, civilians, or combat captives, must be protected against violence, insults, curiosity, and reprisals of any kind.  Leave punishment to the courts and judges. The soldier shows his strength by his fairness and humanity to the persons in his hands.  (September 1967)  Copyright Digital History 2016 |
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