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## Manual on International Humanitarian Law for the Armed Forces of the Russian Federation

2002

*Translated by Aleksei Romanovski, J.D.*

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Russian Federation

The Russian Federation Ministry of Defense



Manual on International Humanitarian  
Law for the Armed Forces of  
the Russian Federation

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2002

[Translated by Aleksei Romanovski, J.D.]

This Manual on International Humanitarian Law for the Armed Forces of the Russian Federation was developed in accordance with the Constitution of the Russian Federation, the Federal Law “On Military Duty and Military Service,” and the Service Regulations of the Armed Forces of the Russian Federation, as well as the international treaties relating to international humanitarian law, which the Russian Federation is a party to, in order to study and comply with international humanitarian law during the preparation for and in the course of combat operations by the commanders, staffs at tactical level, as well as all personnel of the Armed Forces of the Russian Federation.

The provisions of this Manual should be used, considering the situation, firmly ensuring the unconditional accomplishment of combat tasks in compliance with international humanitarian law.

The rules of international humanitarian law are set forth in this Manual in short form. If it is necessary to familiarize with the norms in full, one needs to refer to the text of the above-mentioned treaties.

## I. DEFINITIONS\*

1. This Manual uses the following terms with the corresponding definitions:

- **international armed conflict** is an open confrontation between the armed forces of two or more States, regardless of their scale, intensity and geographical coverage,
- **internal armed conflict (armed conflict of non-international character)** is a confrontation among the armed forces or other organized armed groups within one state.

Internal armed conflicts do not involve violations of public order and situations of internal tension, such as riots, isolated acts of violence or similar action.

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\* In the text of this Manual, concepts (terms) regarding international law acts are provided to the extent necessary to work with this Manual.

Aspects of the application of international humanitarian law during internal armed conflict are set out in Paragraphs 80–86 of this Manual;

- **attack** is the use of armed force against the enemy, regardless of whether it occurs in defense or attack, on land, in air or at sea;
- **armed forces** of a party to a conflict are organized armed units which are under a command responsible to that party for the conduct of its subordinates, even if that party is represented by a government or an authority not recognized by the adverse party. The armed forces are subject to an internal disciplinary system which allows them to comply with the rules of international humanitarian law. The armed forces consist of combatants and non-combatants—medical and religious personnel;
- **combatants** are members of the armed forces of a party to an armed conflict (excluding military medical and military religious personnel).

Combatants have the right to take a direct part in combat operations and, if captured by the enemy, the right to be granted prisoner-of-war status. Combatants are obliged to comply with the rules of international humanitarian law in their activities and to distinguish themselves from the civilian population at least by carrying their arms openly during each military engagement or while being visible to the enemy before the engagement;

- **medical personnel** are persons who are members of medical units and assigned (permanently or for a certain period—temporarily) by a party to an armed conflict, exclusively for medical purposes (search, evacuation, helping the wounded, sick and shipwrecked, and for the prevention of disease) or for administrative and economic support of medical units, or work on ambulance vehicles and their administrative and technical support.

Military medical personnel may have individual small arms for their own defense and protection of the wounded and sick in their charge;

- **religious personnel** are persons who perform purely religious (spiritual) functions. The provisions related to the protection of medical personnel are applied to religious personnel by analogy;
- **parlementaires** are persons authorized by their command to enter into communication with the enemy command under a white flag. The parlementaire as well as persons who may accompany him (the trumpeter, bugler or drummer, the flag-bearer and the interpreter) have a right to inviolability;
- **civil defense personnel** are persons involved in solving the humanitarian problems of the protection of civilians from the dangers of combat operations, assisting in eliminating the consequences of such actions and ensuring the survival of the civilian population. Civil defense personnel may carry personal weapons for self-defense;
- **personnel responsible for the protection and safeguarding of cultural property** are persons specially appointed to carry out these functions. They can be equipped with personal small arms;
- **journalists** are persons who are not members of the armed forces and who are on professional missions in areas of armed conflicts. Journalists are considered civilians and enjoy protection stipulated by international humanitarian law on condition that they do not commit any acts incompatible with their civilian status;
- **spies** are persons who, acting clandestinely, or on false pretenses, obtain, or seek to obtain information within the territory controlled by a party to the conflict to be further transmitted to the adverse party.

Members of the armed forces engaged in gathering information in the territory controlled by the adverse party shall not be considered as spies and shall have the right to the prisoner of war status provided they were wearing the uniform of their armed forces when captured by the enemy;

- **mercenaries** are persons specially recruited and taking a direct part in hostilities with the purpose of obtaining private gain. While doing so,

they are neither nationals of a party to the conflict, nor residents of the territory controlled by a party to the conflict. Mercenaries are not members of the armed forces of the belligerent parties and they have not been sent by a state which is not a party to the conflict on official duty as members of its armed forces. Military instructors or advisers who have been officially sent by one state to another state in order to render assistance in the development of its armed forces shall not be considered mercenaries unless they take a direct part in hostilities.

When fallen into the power of the adversary, neither spies nor mercenaries shall have the right to prisoner-of-war status and shall be subject to punishment for their activities. However, sentences with respect to the above persons shall only be passed with previous judgment pronounced by a regularly constituted court and the accused shall be provided with the generally recognized guarantees of court defense;

- **victims of armed conflict** are the wounded and sick, shipwrecked, missing in action, dead and prisoners of war, and civilians who are in a war zone;
- **wounded and sick** are soldiers and civilians who, because of injury, illness, other physical or mental disorder, or disability, need medical assistance or care, and refrain from any hostile action. The concept of the wounded and sick shall also apply to women in childbirth, newborns and others who may need medical assistance or care at the time and refrain from any hostile action;
- **shipwrecked** are military or civilians who are at risk at sea or other waters following a wreck, which happened to the transporting ship or aircraft and who refrain from any hostile action;
- **prisoners of war** are combatants, who were captured, no matter what condition they are in: healthy, sick or injured.

In addition, the following persons captured by the enemy are also prisoners of war:

- members of militias and of volunteer corps, including those of organized resistance movements, belonging to a party to the conflict;

- persons who lawfully follow the armed forces, but are not enlisted (civilian members of military aircraft crews, war correspondents, members of working teams and services, servicemen of the armed forces) and have standard ID cards;
- inhabitants of a non-occupied territory, who on the approach of the enemy spontaneously take up arms to resist the invading forces, without having had time to form themselves into regular armed units, provided they carry arms openly and respect the rules of international humanitarian law.

In case of doubt whether a person taking part in hostilities and falling into the hands of the enemy is a prisoner of war, this person is considered a prisoner of war until his status is clarified by a court of justice.

Prisoners of war are under the power of the state and not individuals or military units, who captured them. Captivity is not a punishment but a temporary limitation of opportunity to participate in hostilities;

- **civilian** is any person present in the area of combat operations, who is not a member of armed forces and refrains from any act of hostility. In case of doubt whether a person is a civilian, that person shall be considered a civilian;
- **civilian population** is a population which consists of civilians. The presence among the civilian population of individuals who do not fall under the definition of civilians does not deprive the population of the civilian status and the protection afforded by international humanitarian law;
- **persons protected by international humanitarian law** include victims of armed conflict, medical and religious personnel, parlementaires and their accompanying persons, civil defense personnel, personnel responsible for the protection and preservation of cultural values, people participating in humanitarian actions. Attacks against such persons are prohibited;

- **military objectives** include units of armed forces (personnel, weapons and military equipment), except for medical units and medical transports; objects (structures, buildings) used (ready to be used) for military purposes; other objects which by their nature, purpose, location or use make an effective contribution to military operations and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage.

Military objectives are legitimate targets for attack, except for cases when such objectives belong to the category of especially dangerous objects.

A military objective remains such even if it accommodates civilian persons;

- **medical units** are medical units, departments and agencies, intended for medical purposes.
- **medical vehicles** are any land, air or sea transport used exclusively for medical (health) transportation and under the control of the government of the party participating in armed conflict.

Medical units and transports may be protected by guard or escort;

- **civilian objects** are objects that are not military objectives.
- In case of doubt whether an object which is normally dedicated to civilian purposes is being used for military purposes, the object shall be considered a civilian object;
- **cultural property** is objects constituting cultural and spiritual heritage and having high importance for the peoples.

It includes:

- movable and immovable property: architectural or historic monuments, works of art;

- archaeological sites, groups of buildings which, as a whole, are of historic or artistic interest;
- buildings dedicated to the conservation of movable cultural property (museums, libraries, and archives);
- centers where there is a significant number of objects of cultural value.

Cultural property should not be used for military purposes;

- **cultural property enjoying special protection** includes cultural property entered into the International Register of Cultural Property under Special Protection. From the time of entry in the Register, the parties to a conflict shall refrain from any act of hostility directed against this property, as well as from any use of such property or its surroundings for military purposes;
- **especially dangerous objects** are nuclear power stations, dykes, dams whose destruction may release dangerous destructive factors and consequent severe losses among the civilian population. These objects shall not become the object of attack even when they are military objectives if attacking them may result in the above-mentioned consequences.

An especially dangerous object shall lose its immunity (status) if it provides regular, significant and direct support for the enemy military operations (for dams and dykes, it is only possible if they are used for other than their normal functions), moreover, if such an attack is the only feasible way to terminate such support;

- **objects of civil defense** are organizations (formations) of civil defense, their materiel, buildings (shelters), and other facilities used exclusively for the tasks of civil defense;
- **hospital and safety zones (localities)** are exclusively established to protect the wounded and sick, as well as the personnel charged with the organization of such areas (locations), supervision thereof and taking care of the persons located there;

- **non-defended locality** is any inhabited place, proclaimed as such by a party to the conflict and situated in the combat zone operations or nearby which is open for occupation by an adverse party. All combatants, as well as mobile military objectives must have been evacuated from the non-defended locality, no hostile use shall be made of fixed military objectives, no acts of hostility shall be committed by the authorities and the population, all military activities shall be terminated;
- **demilitarized zone** is a zone from which, on agreement between the parties to the conflict, all combatants and mobile military objectives have been evacuated and the fixed military objectives located therein are not used for hostile purposes, the authorities and the population refrain from acts of hostility and any military activities are terminated;
- **objects protected by international humanitarian law** include medical units, medical transports, civilian objects, cultural property, particularly dangerous objects, objects of civil defense, hospital and safety zones (localities), non-defended localities and demilitarized zones. Attacks against such objects are prohibited by international humanitarian law with the exception of cases stipulated by this law;
- **identification** of objects and personnel of medical and spiritual services, civil defense, cultural property, particularly dangerous objects—identification carried out by using the international distinctive emblems (symbols), and medical units and transports—and distinctive signals\*. Personnel of health and spiritual services, civil defense and personnel designed for the protection of cultural property must have identification proving their status;
- **spoils of war**—weapons, military equipment, and other military equipment, captured from the enemy, except for property left in the possession of prisoners of war referred to in Paragraph 159 of this Manual, which can be used by the capturing party. Their use is possible after the emblems and symbols of the enemy are removed and own symbols (emblems) are installed.

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\* The rules of application of international humanitarian law regarding identification, are provided in Appendix 1 to this Manual. [Editor's note: The appendices are omitted.]

Spoils of war belong to the state and not to individual soldiers.

## II. BASIC PRINCIPLES OF INTERNATIONAL HUMANITARIAN LAW

### General provisions

2. Members of the Armed Forces of the Russian Federation shall know and unconditionally comply with the rules of international humanitarian law.

While organizing and conducting combat operations the commander and staff must take into account the rules of international humanitarian law.

3. **International humanitarian law**\* is a system of legal principles and norms, applicable in armed conflicts, which is contained in international treaties (agreements, conventions, protocols) or that results from an established custom of warfare. The list of major international treaties, relating to international humanitarian law that the Russian Federation is a party to, is provided in Appendix 2 to this Manual\*\*.

The rules of international humanitarian law come into effect at the beginning of armed conflict.

Application of international humanitarian law ceases with the general cessation of hostilities, and in the occupied territories—at the end of the occupation. Persons and property, whose fate is determined later, are protected under international humanitarian law.

4. The objective of international humanitarian law is to ameliorate, as much as possible, the disasters and hardships caused by hostilities. Under any circumstances international humanitarian law ensures humane treatment during an armed conflict of persons not directly involved in combat operations, including those who have been rendered *hors de combat* by sickness, injury,

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\* In some normative legal acts, it is referred to as the “law of armed conflict” or “law of war.”

\*\* A list of articles of international legal acts determining the contents of this Manual is provided in Appendix 3 to this Manual.

detention or any other cause without adverse distinction for reasons of race, color, faith, birth, wealth or any other similar criteria. In particular, the following shall be prohibited with regard to such persons:

- violence to life and person, including murder of any kind, mutilation, cruel treatment, torture and torment;
- taking of hostages;
- outrages upon personal dignity, in particular humiliating and degrading treatment;
- collective punishments;
- leaving them without assistance in case of injury or illness;
- threats to commit any of the above acts;
- the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court.

In addition, international humanitarian law provides safeguards to protect objects that have no military value.

5. International humanitarian law sets a series of restrictions and prohibitions on the use of the techniques (methods) and means of warfare by the combatants, defines the legal status of persons and objects located in a combat zone, regulates the rights and obligations of persons protected under international humanitarian law, and establishes the responsibility of states and individuals for violations of international humanitarian law.

In cases not covered by international agreements, civilians and combatants remain under the protection of the principles of international law derived from established custom, principles of humanity and the dictates of public conscience.

## **Prohibited methods and means of warfare**

6. In order to avoid unnecessary suffering and unjustified civilian casualties and widespread, long-term and severe damage to the environment, caused by combat operations, the warring parties establish prohibitions and restrictions on the choice of methods and means of warfare.

7. The prohibited methods of warfare include:

- killing or wounding civilians;
- killing or wounding persons who, having laid down their arms, or having no longer means of defense, have surrendered at discretion;
- killing of parlementaire, and his party;
- attacking persons parachuting from an aircraft in distress and refraining from any acts of hostility in the course of their descent and upon reaching the ground in territory controlled by an adverse party before being given an opportunity to surrender (except for the parachuting personnel of airborne troops and in other cases when landing with the help of a parachute is used to carry out a mission);
- compelling the representatives of the opposing party to take part in combat operations against their government, even if they served it before the war began;
- ordering that there shall be no survivors, threatening therewith or conducting hostilities on this basis;
- taking of hostages;
- resorting to perfidy;
- making improper use of the international distinctive emblem of the Red Cross (Red Crescent), the international distinctive signs of civil defense and cultural property, the special international sign designating

particularly dangerous objects, white flag of truce, and other internationally recognized protective signs and signals, the use of uniforms of the enemy and the distinctive emblem of the United Nations, except as authorized by that Organization;

- launching indiscriminate attacks including attacks against objects (targets) which may cause losses among the civilian population and damage to civilian objects which would be excessive in relation to the anticipated military advantage;
- terrorizing the civilian population;
- using starvation of civilians to achieve military objectives, the destruction, removal or reduction to uselessness of objects indispensable to their survival;
- attacking medical units [and] medical transports marked with proper distinctive emblems (signs) and using appropriate signals;
- fire destruction of settlements, ports, homes, churches, hospitals, provided that they are not used for military purposes;
- destroying cultural property, historic monuments, places of worship and other objects of cultural or spiritual heritage of peoples, as well as using them for the purpose of achieving success in combat operations;
- destroying or capturing the enemy property, unless required by military necessity;
- ordering to pillage a town or place.

8. When planning and conducting combat operations it is necessary to draw a clear distinction between perfidy and ruses of war.

Perfidy means committing a hostile act under the cover of a right to protection by feigning: an intent to negotiate under a flag of truce, surrender, incapacitation by wounds or sickness; civilian or non-combatant status; a protected status by the use of emblems, signs and signals, or uniforms of military

observers of the United Nations, neutral or other parties not parties to the armed conflict.

It is prohibited by resorting to perfidy to use the movement of medical units and transports, civilians and prisoners of war or use their presence to shield the movement (maneuver) of military units or protect any areas (military objectives) when conducting combat operations.

Ruses of war are not prohibited. Such ruses are acts which are intended to mislead an adversary as to the military unit's condition, position and nature of operations. The following are examples of such ruses: demonstrations, misinformation, simulation and other actions stipulated by combat manuals in order to deceive the enemy and not violating the rules of international humanitarian law.

9. The following shall be prohibited to use in the course of combat operations:

- projectiles of a weight below 400 grams, which are either explosive or charged with fulminating or inflammable substances;
- bullets which expand or flatten easily in the human body, both specially manufactured or modified to cause such an effect later on;
- poison or poisoned weapons;
- asphyxiating, toxic or other similar gases, or bacteriological weapons;
- environmental modification techniques having widespread, long-lasting or severe effects as the means of destruction, damage or injury;
- any weapons the primary effect of which is to injure by fragments which in the human body escape detection by x-rays;
- mines, booby-traps or other devices specially designed to detonate the munition by the presence of mine detectors as a result of their magnetic or other non-contact influence during normal use in detection operations;

- any self-deactivating mines equipped with an anti-handling device that can function after making the mine itself inoperable;
- anti-personnel mines that are not detected by commonly available mine detectors;
- booby-traps which are placed outside a military objective and in any way attached to, or associated with: the internationally recognized protective emblems (signs or signals); sick, wounded persons or dead bodies; burial or cremation sites, graves; medical facilities, equipment, supplies or transport; children's toys or objects specially designed for children; food or drink; kitchen utensils or appliances (except those in military units); objects of a clearly religious nature; historic monuments, works of art or places of worship; animals or their carcasses;
- self-made booby-traps in the form of apparently harmless objects;
- remotely installed mines that do not meet the technical requirements set forth in the particular international treaty;
- incendiary weapons in all circumstances against the civilian population and civilian objects, as well as when used to destroy forests or other kinds of plant cover, except when such natural elements are used by the enemy for military purposes.
- laser weapons specifically designed to cause permanent blindness to unenhanced vision;
- bacteriological (biological) and toxin weapons;
- chemical weapons, including chemicals as well as projectiles for their use.

**General responsibilities of the commanding officers  
regarding compliance with rules of international  
humanitarian law**

10. In their service activities commanding officers shall be guided by generally accepted principles and rules of international humanitarian law that oblige them:

**a) *In peace time:***

- to organize and be personally involved in the dissemination of international humanitarian law amongst the subordinated personnel; to ensure that it is studied within the process of training and education of servicemen drawing their attention to the fact that the legislation of the Russian Federation provides for criminal responsibility for some breaches of international humanitarian law;
- to constantly maintain law and order and stern military discipline thus ensuring that the subordinates strictly observe the rules of international humanitarian law in the event of armed conflict;
- to invite the commander's assistant on legal matters acting as the legal advisor in the event of armed conflict to take part in organizing combat training;
- monitor the possession of the established military ID cards or military ID card with a note on the passage of the mandatory state fingerprint registration, identity medallion, an identification of affiliation to medical staff;
- to organize within their duties the supply of the subordinate military units with the internationally recognized means of identification (the distinctive emblems, signs and means of making identification signals) as well as the specific texts (excerpts) of international legal instruments

and legislation of the Russian Federation, the Military Code of Conduct of the Armed Forces of the Russian Federation—the participant in the hostilities\*—and relevant reminders;

- to supervise the training of medical personnel and legal service officers related to studying and carrying out the rules of international humanitarian law;

**b) *in times of armed conflict:***

- to set an example in the respect of international humanitarian law rules;
- to ensure knowledge and strict respect of international humanitarian law by the subordinated personnel;
- to repress violations of international humanitarian law by the subordinated personnel, if any, call to account the offenders and report to the superior commander;
- to respect and protect the national Red Cross (Red Crescent) and other voluntary aid organizations, recognized and authorized by their government, subject to compliance by the personnel of these organizations with military laws and orders of the command;
- assist the International Committee of the Red Cross in its carrying out humanitarian tasks in order to protect and assist victims of armed conflicts.

11. In the event of armed conflict, in decisions related to the application of international humanitarian law, commanders, whenever necessary, shall rely on their legal advisers whose functions at the division (regiment) level are vested in the commander's assistant on legal matters.

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\* It is provided in Appendix 4 to this Manual.

**Responsibilities of the division (regiment) commander's assistant on legal matters to ensure compliance with rules of international humanitarian law**

12. In the event of armed conflict the division (regiment) commander's assistant on legal matters shall carry out the duties of a legal adviser on issues related to the application of international humanitarian law

He shall:

- prepare on the commander's instruction legal statements on the draft combat documents and other papers in compliance with international humanitarian law. In case of discrepancy, he shall report to the commander and, if necessary, provide a written clarification;
- advise the command and other officials on, and clarify issues related to the application of, international humanitarian law rules;
- conduct on the commander's instruction training (methodological) sessions with commissioned officers, take part in international humanitarian law knowledge and application skill tests, including in a combat environment;
- supervise on the commander's instruction military units' respect for international humanitarian law; in case of violations, he shall immediately report to the commander and on his instruction organize administrative investigation thereof;
- record and analyze international humanitarian law violations committed by the enemy;
- provide legal support to the division (regiment) command as to the treatment of prisoners of war and detained civilians;
- provide legal support to the investigation of claims and complaints by the civilian population dealing with the behavior of the military personnel while carrying out their mission;

- provide legal support to the division (regiment) command's co-operation, in areas of combat operations or in the occupied territories, with the local administration, representatives of the International Committee of the Red Cross, national Red Cross (Red Crescent) societies, and other organizations carrying out humanitarian action in favor of the victims of armed conflicts.

**Duties of the military medical personnel to comply with the rules of international humanitarian law**

13. Military medical personnel, performing their duty, shall follow the principles of humanity and impartiality and the rules of international humanitarian law, which require:

- to take into account the rules of international humanitarian law in the organization of medical care of formation (military unit) in situations of armed conflicts to provide medical care to all the wounded and sick in a combat zone and the occupied territories;
- to provide medical assistance in situations of armed conflicts in accordance with medical necessity and without regard to any grounds other than medical ones;
- to participate in the preparation by the military command of special agreements regarding the protection and assistance to victims of armed conflict (management of military and civilian medical units, recognition of hospital and safety zones and localities, organization of medical transportation, use of technical means of compliance with international rules, standards and procedures of identification and protection of medical personnel, units and medical transports, organization of humanitarian and medical aid to the civilian population);
- to interact at the direction of the command with local authorities, health authorities and humanitarian organizations while providing humanitarian assistance to civilians.

## Responsibility for violation of the rules of international humanitarian law

14. In accordance with international humanitarian law and the penal legislation of the Russian Federation, perpetrators of international humanitarian law violations can be held criminally responsible\*.

Such violations include actions against persons and objects protected under international humanitarian law:

- willful killing, torture or inhuman treatment, including medical, biological experiments, willfully causing great suffering or serious injury, or harm to health;
- deliberate attack on a person *hors de combat* if it causes death or serious bodily injury, or harm to health;
- taking of hostages;
- intentionally making the civilian population or individual civilians, not taking direct part in hostilities, an object of attack if it causes death or serious bodily injury, or harm to health;
- illegal arrest;
- intentional perfidious use of international and national distinctive emblems, signs, flags, and signals if it causes death or serious bodily injury, or harm to health;
- unlawful deportation or transfer of civilian population of the occupied territory beyond its borders;

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\* The liability for crimes involving violations of international humanitarian law set forth under the Criminal Code of the Russian Federation is described in Appendix 5 to this Manual.

- forcing prisoners of war and others members of the opposing party to serve in their armed forces and/or to participate in hostilities against their own country;
- illegal intentional and large-scale destruction and appropriation of property not justified by military necessity;
- intentionally launching an indiscriminate attack affecting the civilian population or civilian objects with the knowledge that such attack will cause excessive, in relation to the anticipated concrete and direct military advantage, loss of life, injury to civilians or damage to civilian objects;
- intentionally launching an attack on the most dangerous objects with the knowledge that such attack will cause excessive loss of life, injury to civilians or damage to civilian objects in relation to the anticipated direct military advantage;
- intentionally making the clearly-recognized historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples and which, by special agreement made under competent authority, are under special protection, an object of attack, resulting in much destruction when there is no evidence of the use of such facilities by the opposing party to support the war effort, and when such historic monuments, works of art, and places of worship are not located in the vicinity of military objectives;
- intentionally making undefended localities and demilitarized zones an object of destruction if it causes death or serious bodily injury, or harm to health;
- intentional deprivation of the rights of persons under the protection of international humanitarian law to fair and regular trial.

The use of prohibited means of warfare, listed in Paragraph 9 of this Manual, also constitutes crimes. People responsible for such use are subject to criminal prosecution in accordance with international humanitarian law and criminal legislation of the Russian Federation.

15. For violations of international humanitarian law not entailing criminal liability members of the Armed Forces shall be called to account under the Disciplinary Regulations of the Armed Forces of the Russian Federation and normative legal acts envisaging financial liability.

### **III. APPLICATION OF INTERNATIONAL HUMANITARIAN LAW WHILE ORGANIZING AND CONDUCTING COMBAT OPERATIONS**

#### **General Provisions**

16. The commander and staff while organizing and conducting combat operations, firmly securing combat mission accomplishment, shall ensure respect of international humanitarian law, taking every possible precaution to avoid or if it is not possible, to minimize losses among the civilian population and damage to civilian property.

The commander must avoid locating military objectives (other military facilities) within or near densely populated areas and to take all possible measures to evacuate civilians and civilian objects near military objectives, while respecting the rules for the treatment of civilians in occupied territories, as set out in Paragraphs 73–79 of this Manual.

17. While getting military units ready for combat operations and controlling them during hostilities, commanders shall be guided by the principles of international humanitarian law: the principles of legality, distinction, proportionality, humanity, and military necessity.

The principle of legality means strict and precise respect of international humanitarian law by all military command bodies, military and civilian personnel.

The principle of distinction means making a distinction, under any circumstances, between the civilian population and servicemen, as well as between civilian objects and military objectives, which helps ensure protection of civilian persons and objects during combat operations and concentrate the force's effort against the enemy military objectives.

The principle of proportionality means that belligerents must not cause damage to civilian objects and cause losses among the civilian population, disproportionate to the benefit over the opponent that is anticipated to be achieved as a result of hostilities.

The principle of humanity means respecting and protecting persons who do not directly participate in hostilities, including members of the armed forces of the enemy who laid down their arms or ceased to take part in hostilities for any other reason.

The principle of military necessity means the choice of any, but not prohibited under international humanitarian law, methods of accomplishing the assigned task. Applying the principle of military necessity, the commander should seek to minimize incidental loss and destruction.

### **Particulars of organization of combat operations**

18. International humanitarian law does not alter the order of organization of combat operations established by the combat manuals; however, when making decisions and planning combat operations, commanders and staff must take into account the need to comply with international humanitarian law.

Assistant commander on legal matters participates in the work of staff when organizing combat operations.

19. **When clarifying the assigned task**, the commander must understand the essence and sequence of events for the implementation of international humanitarian law as provided by a higher commander.

20. **When assessing the situation**, the commander should consider:

- when evaluating his troops—knowledge by the personnel of international humanitarian law; supply of the necessary documents and property
- when assessing the enemy—the possibility of its violation of international humanitarian law:

- when assessing the areas of the forthcoming action—the locations of persons and objects protected under international humanitarian law and their impact on the actions of their troops, the likely environmental consequences of the actions of their troops and enemy forces, the likelihood and extent of use by the enemy of the objects protected under international humanitarian law in a combat zone and on the routes of movement.

When reaching conclusions from the assessment of the situation, the commander, based on the principles and rules of international humanitarian law, determines whether and how to use civilian facilities for the accomplishment of combat missions and their possible consequences.

21. The commander must make such a **decision**, which implements the set assigned combat mission and presents the least danger to persons and objects under international humanitarian law.

**When reaching the decision**, the commander must:

- in the combat plan, setting out the direction of the concentration of main effort (main attack), consider the location in the combat zone of persons and objects protected under international humanitarian law, and the degree of their protection;
- identifying ways to defeat the opponent, take into account the principles of distinction, humanity, and military necessity. Whenever there is a choice between several means and methods of engaging the enemy by fire, or between types of fire, to achieve equal results preference is given to those means and methods that pose the least danger to the civilian population and objects. It is prohibited to attack as a single military objective (target) a number of clearly separated and distinct military objectives (targets) located in a built-up area or place containing a concentration of persons and objects protected under international humanitarian law, and launch any indiscriminate attacks (Paragraph 54 of this Manual);
- when determining the combat tasks to the subordinate military units, follow the principle of conformity of combat missions with the com-

bat capabilities of military units that they can accomplish without violating the rules of international humanitarian law. The designation of routes of movement (maneuver), lines of deployment, defensive (fire, starting) positions, areas and boundaries shall not jeopardize, in case of attack, persons and objects protected under international humanitarian law.

Furthermore, based on the principle of military necessity, one may consider: removal of immunity of cultural property in case of their use or use of adjacent enemy areas for military purposes; a temporary ban (restriction) on carrying out tasks by civil defense organizations and activities of personnel engaged in operations to assist the civilian population; the temporary use of the captured stationary medical institutions after ensuring the well-being of the wounded and sick being treated there.

The decision to attack cultural property under special protection may be made by a commander no lower than a unit commander in cases of military necessity.

22. When making a decision, in exceptional cases, the commander, proceeding from the principle of military necessity, may define:

- direction of concentration of main effort (direction of main attack), including facilities under international legal protection;
- the sequence of causing fire damage and tasks to subordinate military units (divisions) to defeat the enemy, located at sites protected under international humanitarian law,
- the missions to attack, destroy or put out of commission objects indispensable for the survival of the civilian population which are used by the enemy exclusively for the benefit of its own forces or in direct support of his combat effort, provided this will not cause famine among the civilian population and will not compel it to leave. The same can be done by a party to the conflict on its own territory as a defense against the enemy invasion, when there is military necessity to do so.

23. **When conducting reconnaissance**, the commander studies the terrain specific locations of objects (zones), protected under international humanitarian law, and with this in mind, clarifies his decision, outlines hiding places or escape routes from the area of hostilities of persons under the protection of international humanitarian law.

24. **When setting out combat tasks** to subordinate military units, the commander informs them about the locations of persons and objects protected under international humanitarian law and the extent of their protection.

25. **When organizing interaction**, the commander must reconcile:

- the issues of fire damage of the enemy and actions of military units, combat arms and services in the residence areas of the civilian population and the location of objects (areas) protected under international humanitarian law;
- actions of staff, assigned forces and services for protection (evacuation) of persons and objects protected under international humanitarian law, the treatment of victims of armed conflict; alerts of the civilian population, designation of objects (areas) protected by international humanitarian law.

In addition, the commander shall organize collaboration with local administrations and civil defense regarding alerting and evacuation of the civilian population, designation of objects (zones, areas) that are protected under international humanitarian law, evacuation (moving) of cultural property.

26. **When planning military operations**, commander and staff should follow the principle of proportionality, particularly when detailing the sequence and methods of fire destruction of the enemy.

When selecting objects (targets) of attack and their distribution among the missile troops, artillery and aircraft, one should consider the location of objects (areas) that are protected under international humanitarian law.

When selecting fire methods of destruction, one should consider the characteristics of objects (goals) of impact and the required power of the used

methods, their destructive power, not exceeding it to achieve the projected loss.

The working maps of the officials show: the locations of objects (zones, areas) that are protected under international humanitarian law; nuclear power plants, chemical and other potentially hazardous industrial facilities, dams and weirs; densely populated areas (clusters) of the civilian population.

The chiefs of combat arms and services reflect in their documents in more detail the questions of compliance with international humanitarian law relating to the use of subordinate military units. The accounting of compliance with international humanitarian law in the organization of **combat support** is set out in Chapter IV of this Manual.

**27. When testing the readiness of military units for combat operations,** one analyzes the compliance of the made decisions with the rules of international humanitarian law; verifies the knowledge by the personnel of international humanitarian law, in particular, the Military Code of Conduct of the Armed Forces of the Russian Federation—a party of hostilities; monitors the timeliness and quality of taken measures to avoid or minimize damage to persons and objects which are protected under international humanitarian law.

28. Where necessary, during the command-staff and tactical exercises, drills and sessions with subordinate commanders, staffs and military units, the application of international humanitarian law may be practiced.

### **Particulars of combat operations**

29. While managing military units in the course of carrying out the assigned combat mission, the commander must constantly clarify which objects are protected under international humanitarian law and which are military objectives and with this in mind, take all possible precautions (Paragraph 54 of this Manual) when selecting ways and means of attack to avoid accidental civilian casualties and damage to civilian objects, and if it is not possible, to minimize their effects.

30. No attack shall be launched if it may be expected to cause incidental losses or damage which would be excessive in relation to the anticipated military advantage. It shall be cancelled or stopped as soon as it becomes obvious that collateral losses and damage will be excessive.

Whenever the situation permits, during combat operations an advance warning shall be given to the civilian population concerning attacks that may affect it.

***In the conduct of defense***

31. The commander and staff refine the location of objects (areas) and persons protected under international humanitarian law, on routes of movement and lines of deployment of the enemy in front of the defense, as well as the nature (status) of objects (targets), planned to be defeated; if necessary, tasks to subordinates are specified.

32. The commander of a military unit of the second tier (combined arms reserve) should know the location, in the area of the upcoming combat operations, of objects (zones) and persons protected under international humanitarian law, should have information about the changing nature (status) of objects (targets), planned to be defeated and, on entering into battle, to clarify the tasks to subordinates in accordance with new data.

33. The areas of the location (concentration) of the elements of combat arms, formation (military unit) in defense, as well as for changing the troops, the starting areas for replacing military units and assembly areas for the units, being replaced, are assigned, if possible, away from the areas (places) of residence of the civilian population and the location of the objects protected under international humanitarian law.

***In the conduct of offensive operations***

34. The commander and staff refine the character (status) of objects (targets) scheduled for destruction, the location of objects (areas) that are protected under international humanitarian law; if necessary, tasks to subordinates are specified.

During the offensive, when causing fire damage to the enemy and refining solutions to new and changing environment, one must be constantly conducting reconnaissance of objects (targets) of attack and clarifying their nature (status) to avoid causing damage, not affecting the results of the assigned combat missions, to follow safeguards in relation to civilians, civilian objects and other objects (zones), protected under international humanitarian law.

35. The movement of military units of the rear echelons (combined reserve arms) after the combat formations of the first echelon, usually occurs by bypassing residential areas and other sites (zones), protected under international humanitarian law.

***In the conduct of hostilities in special circumstances***

36. In the conduct of hostilities in a city (village), the commander and staff consider: the location in the city (village) of the civilian population; the location of objects necessary for the survival of the civilian population as well as other objects (zones) protected under international humanitarian law.

One should pay particular attention to prevent the civilian population and individual civilians from being the objects of attack and attacks of indiscriminate nature (Paragraph 54 of this Manual).

37. In the conduct of hostilities in water barriers (coastline, islands), it is not permitted to destroy dams as well as the facilities necessary for the survival of the civilian population (irrigation structures and facilities for drinking water), except in cases where these objects lose their immunity.

38. In the conduct of hostilities in the mountains, one must consider a possibility of rock falls, avalanches, debris flows, posing a threat to persons and objects protected under international humanitarian law.

39. In the conduct of hostilities in the forest, one must consider a possibility of forest fires posing a threat to persons and objects protected under international humanitarian law.

40. In the conduct of hostilities in the desert, one must consider a possibility of destruction of water sources and hydraulic constructions necessary for the survival of the civilian population.

***When moving military units***

41. When conducting a march, the movement of convoys through residential areas must take place with the maximum possible speed under the circumstances. Moreover, if the situation permits, the civilian population is notified of the passage of convoys in advance.

Locations of halts and stops of unit convoys should, where possible, be selected away from populated areas (zones) and objects protected under international humanitarian law.

42. Forces and means of traffic control service should not allow the accumulation of the civilian population near crossings, bridges, railway crossings, gorges during the passage through them of convoys and the simultaneous movement on the roads and paths of civilian convoys and convoys of units.

43. When transporting troops in the event of an interruption or cessation [of hostilities], areas of concentration of military units and temporary transshipment areas are assigned outside residential areas (zones) that are protected under international humanitarian law.

***When locating military units on site***

44. In the event of a prolonged stay of a military unit on site, the commander and staff, in addition to deciding common issues, should organize collaboration with local authorities regarding conduct and movement of the civilian population in the vicinity of the troops, organize their designation and conduct other activities that reduce the level of danger for the civilian population.

One should avoid locating the troops near large population centers and locations (zones), protected under international humanitarian law.

***When participating in activities to maintain and restore international peace and security***

45. Personnel of a formation (military unit), taking part in operations to maintain or restore international peace and security, must follow the rules of

international humanitarian law in accordance with the requirements of the documents governing the terms and conditions of these operations.

**Treatment of victims of armed conflict, medical,  
and religious personnel of the enemy**

46. Victims of armed conflict are respected and protected under international humanitarian law on the territory controlled by the troops, if they refrain from any hostile action against the armed forces.

*Wounded, sick, and shipwrecked*

47. Both in the course of combat operations and after accomplishing the assigned mission, the commander shall take measures to search for and collect the wounded and sick, of whatever affiliation, protect them against pillage and ensure their adequate care and protection.

All the wounded, sick, and shipwrecked of whatever side they belong to shall receive to the fullest extent practicable and with the least possible delay, the medical care and attention required by their condition. There shall be no distinction among them founded on any grounds other than medical ones.

48. Commanders (chiefs) may appeal to the humanity of local residents to voluntarily under the control of the military authorities pick up the wounded and sick and care for them. Commanders (chiefs) should also allow the civilian population and humanitarian organizations, even in areas of invasion or the occupied territories, on their own initiative to pick up the wounded and sick, regardless of their nationality, and care for them.

*Prisoners of war*

49. The POW status and right to appropriate treatment are effective from the date of capture and act before their final release and repatriation.

50. Prisoners of war shall be treated humanely, protected against any acts of violence, intimidation, insults, and public curiosity. Prisoners of war shall retain the full civil capacity which they enjoyed at the time of their capture.

The officers and equivalent prisoners of war should be treated with respect due to their rank and age.

Prisoners of war are subject to the laws, regulations and orders in force in the armed forces of the state, holding them in captivity.

51. Prisoners of war shall be questioned in the language they understand, no torture or any other pressure may be used. Every prisoner of war during his interrogation must report only his last name, first name, middle name, rank, date of birth and identity number or, for lack of it, other equivalent information.

52. Immediately upon capture, or not more than one week after arrival at a camp, even if it is a transit camp, likewise in case of sickness or transfer to hospital or another camp, every prisoner of war shall be enabled to write to the Central Prisoners of War Agency a card informing them of his capture. Besides, he has the right to write to his family and inform them of his capture and state of health.

53. Rank-and-file prisoners of war who are physically fit can be used to do work of non-military character not causing risk to their life or health, considering their age, gender, and physical abilities.

Involvement in hazardous work (including mine clearance) may be exercised only with the written consent of the prisoners of war themselves.

Prisoners of war from among the command staff can be recruited to work only as persons supervising or controlling the work of prisoners of war from among the rank and file.

The terms of confinement (reception, registration and supply) of prisoners of war prior to their evacuation to assembly points of POWs of a formation are set out in Chapter V of this Manual.

### *Civilians*

54. The civilian population as such and individual civilians enjoy protection which, in addition to other international humanitarian law rules, prohibits

making them an object of attack, using the civilian population and individual civilians to protect certain cities, areas or military facilities from attack.

To the greatest possible extent:

- the civilian population, individual civilians and civilian objects in the territory controlled by the military command shall be evacuated from the areas adjacent to military objectives;
- avoid deploying military objectives in densely populated areas or in their vicinity;
- other necessary precautions shall be taken to protect the civilian population, individual civilians and civilian objects against the effects of combat operations.

In addition, it is prohibited to launch indiscriminate attacks while conducting combat operations.

Indiscriminate attacks are:

- attacks which are not directed at a specific military objective;
- attacks which employ a method or means of combat which cannot be directed at a specific military objective, as well as those which cannot ensure the required limitation of their effect and the respect of the principle of distinction;
- attack by fire destruction, where a single military objective comprises a number of clearly separated and distinct military objectives located in a city or other locality, where civilians are concentrated;
- attacks which would result in violation of the principle of proportionality.

55. Civilians shall enjoy the protection afforded by Paragraph 54 of this Manual, unless and for such time as they take part in hostilities.

56. Women and children shall be the object of special respect and shall be protected against rape, forced prostitution and any other form of indecent assault.

57. It is prohibited to destroy, remove or render useless objects indispensable for the survival of the civilian population (foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works), unless they are used exclusively for the maintenance of the enemy personnel or in direct support of their combat operations. Destruction, removal or rendering useless such objects shall not cause starvation among the civilian population or force its movement. It is allowed to attack, destroy, remove or reduce to uselessness objects necessary for the survival of the civilian population in the interests of defense of one's national territory against invasion of the enemy on such controlled territory, where required by military necessity.

### ***Medical and religious personnel***

58. Enemy medical and religious personnel shall be respected and protected and shall not be made the object of attack, unless such personnel, when checked, have committed acts which go beyond their professional (medical or religious) duties and if they refrain from taking part in hostilities; if the said persons observe the established identification rules (Appendix 1 to this Manual). Protection may cease only after a warning has been given setting, whenever appropriate, a reasonable time-limit and after such warning has remained unheeded.

59. Medical and religious personnel, detained by the capturing party to the conflict to help the prisoners of war, will not be considered prisoners of war, but at least will enjoy the benefits and protection granted to prisoners of war. They will continue their medical and spiritual duties on behalf of the prisoners of war, mostly belonging to the armed forces, they are enlisted in.

60. To ensure protection against possible physical attacks in the performance of medical (religious) duties, members of medical and religious personnel are escorted, if necessary, they are provided with an opportunity to visit the prisoners of war and ensure correspondence regarding medical (religious) activities.

61. Captured temporary medical personnel of the enemy (members of the armed forces specially trained for employment as hospital orderlies, nurse assistants or porters for searching, collection, transportation or treatment of the wounded and sick) receive the POW status and, if necessary, can be used to carry out their medical functions in accordance with the level of their specialized training.

62. Captured religious personnel of the enemy must be able to freely carry out their duties until the capturing party is not able to provide spiritual assistance. The provisions, relating to the captured medical personnel of the enemy, apply by analogy to captured religious personnel.

63. It is prohibited to involve the captured medical and religious personnel in work not related to their medical or spiritual duties.

#### *Armistice and cessation of hostilities*

64. An armistice is a temporary cessation of hostilities, carried out on the basis of mutual agreement between the parties to armed conflict.

Local cease-fire is agreed upon to stop the fighting between separate units in a limited area in order to search for, collect and evacuate the wounded, sick, shipwrecked, and dead and to exchange them, as well as to warn the enemy of its violation of international humanitarian law, to remove from the surrounded and blocked areas the wounded, sick and shipwrecked, and to move through these areas the military medical and religious personnel and their equipment.

65. Entering into contact with the commander of an opposing military formation of the enemy occurs under the leadership of a commander of a military unit and only with the permission (or order) of a superior commander (chief).

66. To establish contact with the enemy, one may use technical means (sound stations, radio communication), send parlementaire or use other methods and means, as applied to specific circumstances. For this purpose, the commander can also request assistance from intermediaries from among the representatives of humanitarian organizations.

67. The parlementaire is usually appointed from among the best trained officers. The parlementaire and those accompanying him (trumpeter, bugler or drummer, translator, a person carrying a white flag) enjoy the right to inviolability. The white flag signifies the intention of those who have flown it to enter into negotiations with the opposite party and does not necessarily mean surrender.

68. When receiving the parlementaire and persons who accompany him, the commander shall take all the necessary steps to keep secret the activities related to the preparation and conduct of combat operations.

The parlementaire and persons who accompany him may be temporarily detained if they misuse their status (collecting intelligence, humiliating the honor and dignity of the receiving party, and similar cases).

69. Refusal to enter into negotiations with the enemy does not violate international humanitarian law, however in any case the commander shall ensure the inviolability of the parlementaire and the persons who accompany him.

70. The armistice agreement entered into with the enemy sets forth its duration, the boundaries of the area of search (collection, exchange, evacuation) of the wounded, sick and shipwrecked, dead, as well as other issues necessary for compliance with the agreement.

The armistice is issued in a written order.

The use of the armistice agreement to inflict destruction (to rout) the enemy is considered as perfidy.

The reached agreements are reported to the superior (chief), as well as the commanders of the interacting formations (military units) and the neighbors.

71. After hostilities cease in a certain area, as soon as the situation permits, the commander shall organize collaboration with local authorities regarding the return of temporarily displaced citizens to their former place of residence; return of civilian property to its owners, which was temporarily used for military purposes; removal of engineer obstacles, mine clearance of areas and civilian facilities; road repair and restoration of objects having high importance to the civilian population.

Together with the local administration, one determines the needs and priority activities regarding medical support of civil population and maintenance of public order.

72. After the termination of combat operations, the division commander in addition to routine measures shall take steps to search for the dead and missing, regardless of what forces they belong to.

### **General rules for troop operations in the occupied territory**

73. Occupation means occupation by the armed forces (the occupation forces) of the enemy territory and taking over its management.

The actions of the occupying forces must comply with the rules of international humanitarian law.

74. The commander of the formation (military unit) deployed in the occupied territory is obliged, respecting the laws of the occupied territory, to take all possible measures to ensure public order and security, prevent pillage and illegal confiscation of property. However, one may take additional measures against the civilian population to control security required in connection with the military situation.

75. It is prohibited to compel the population in the occupied territory to serve in the armed or auxiliary forces of the occupying power, to take hostages, and to give information about the army of another combatant or about its means of warfare. Life, family, property, customs of the civilian population shall be respected. In addition, the population of occupied territory may be compelled to perform forced labor within the occupied territory to provide life support to the occupying forces or civilian population itself, to maintain public order, excluding involvement in work on military objects and fortifications.

Deportation of the civilian population from the occupied territory to the territory of another state shall be prohibited. In order to ensure the safety of the civilian population or because of military necessity, it is allowed to be temporarily evacuated into the interior of the occupied territory, except when this is impossible.

76. Any destruction of property belonging to the state or to the public authorities, or private property is prohibited, except where such destruction is rendered necessary by military operations.

77. The commander shall contribute to the supply of the civilian population with food and medical supplies, and organize cooperation with humanitarian organizations on issues related to relief delivery.

78. In the occupied territories, for security purposes, it is allowed to disarm personnel of the local civil defense; meanwhile, it is prohibited to restrict the personnel's activities which hinders performance of functional tasks and can adversely affect the interests of the civilian population.

79. Temporarily and only in case of emergency, it is allowed to take for use civilian hospitals for care of the wounded and sick military men on the condition that the patients in these hospitals are provided with treatment and proper care, and the civilian population is provided with health care.

### **Particulars of application of international humanitarian law in internal armed conflicts**

80. The provisions of Paragraphs 80–86 of this Manual shall be applied to all persons affected by an internal armed conflict without any adverse distinction founded on race, color, sex, language, religion, political or other beliefs, ethnic or social origin, wealth or any other status, or on any other similar criteria.

81. All persons who do not take a direct part or who have ceased to take part in hostilities, whether or not their liberty has been restricted, are entitled to respect for their person, honor and convictions and religious practices shall in all circumstances be treated humanely. It is prohibited to order that there shall be no survivors.

With regard to the above-mentioned persons, the following is prohibited:

- violence to the life, health and physical or mental well-being of persons, in particular murder as well as cruel treatment such as torture, mutilation or any form of corporal punishment;

- collective punishments;
- taking of hostages;
- acts of terrorism;
- outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault [and] threats to commit any of the foregoing acts;
- slavery and the slave trade in all their forms;
- robbery;
- threats to commit any of the foregoing acts.

Children who have not attained the age of fifteen years shall neither be recruited in the armed forces or groups nor allowed to take part in hostilities. Children shall be provided with necessary care and assistance. Protection shall remain applicable to them even if they take a direct part in hostilities and are captured.

82. All the wounded, sick and shipwrecked, whether or not they have taken part in the armed conflict, shall be respected and protected. In all circumstances they shall be treated humanely, shall receive, to the fullest extent practicable and with the least possible delay, the medical care and attention required by their condition.

In all cases, whenever circumstances permit and particularly after an engagement, all possible measures shall be taken, without delay, to search for and collect the wounded, sick and shipwrecked, to protect them against pillage and ill-treatment, to ensure their adequate care, as well as to search for the dead and prevent their being despoiled, and to adequately bury them.

83. Medical and religious personnel shall be respected and protected and shall be granted all available help for the performance of their duties. In performance of their duties, medical personnel may not be required to give priority to any person except on medical grounds.

Medical personnel may give information concerning the wounded and sick which constitutes a medical secret only in cases provided for by the laws of the Russian Federation concerning the citizens' health protection.

Medical units and transports shall be respected and protected at all times and shall not be the object of attack except for cases when they are used to commit hostile acts. Protection may, however, cease only after a warning has been given and after such warning has remained unheeded.

In accordance with Appendix 1 to this Manual, the distinctive emblem (a red cross on a white ground) shall be carried and displayed in clearly visible places by medical and religious personnel, medical units and medical transports. It shall be respected in all circumstances, it shall not be used improperly.

84. The civilian population and individual civilians shall enjoy general protection against the dangers arising from military operations. The civilian population as such, as well as individual civilians, shall not be the object of attack. Acts or threats of violence the primary purpose of which is to spread terror among the civilian population shall be prohibited. Civilians shall enjoy the protection, unless and for such time as they take a direct part in hostilities.

Individuals suspected of involvement in armed conflict are detained and transferred to law enforcement. Until that time, their protection is ensured against possible physical attacks.

85. Starvation of civilians as a method of combat, including subjecting to attack, destruction, removal or rendering useless objects necessary for the survival of the civilian population is prohibited.

The displacement of the civilian population shall not be ordered for reasons related to the conflict unless the security of the civilians involved or imperative military reasons so demand. Civilians shall not be compelled to leave their own territory for reasons connected with the conflict.

Especially dangerous objects shall not be made the object of attack, even where these objects are military objectives, if such attack may cause the release of dangerous forces and consequent severe losses among the civilian population.

It is prohibited to commit any acts of hostility directed against cultural property and use them to achieve success in battle.

Aid societies, located on the territory of the state, such as the Red Cross and Red Crescent, may offer services to carry out humanitarian activities in relation to the victims of armed conflict. Civilian population may offer to pick up the wounded, sick, and shipwrecked and care for them.

86. Penal prosecution of persons who have committed war and other crimes during an armed conflict shall be exercised on the basis of the Russian legislation via investigation and conviction pronounced by a court offering the essential guarantees of independence and impartiality.

#### **IV. PARTICULARS OF THE APPLICATION OF NORMS OF INTERNATIONAL HUMANITARIAN LAW IN COMBAT OPERATIONS BY THE AIR FORCE AND NAVY**

##### **General Provisions**

87. In the conduct of hostilities by the Air Force and Navy, which can cause damage to individuals and objects on land, protected under international humanitarian law, the provisions of Chapter III of this Manual apply. They also apply to all attacks from the air or sea on land objects, but do not affect the rules of international law applicable in armed conflicts in the air and at sea.

In the course of hostilities in the air and at sea, all precautionary measures are taken in accordance with international humanitarian law.

88. **Prisoners of war**, except those referred to in Paragraph 1 of this Manual, in the conduct of hostilities in the air and at sea, include captured by the enemy crew members of the civilian vessels, including masters, pilots, apprentices, and the crews of civil aircraft of the parties to the conflict, if they do not enjoy preferential treatment under other provisions of international law, as well as civilian members of military aircraft crews, responsible for the welfare of the armed forces and who have standard ID cards.

89. When conducting combat operations:

a) in the air—military objectives include military aircraft; auxiliary aircraft.

b) at sea—military objectives include:

- war-ships, which means all vessels belonging to the armed forces of a state bearing the external marks which distinguish the war-ships of their nationality; the commander must be in the service of the state, his name figuring on the list of the officers of the fighting fleet or in a similar document; the crew must be subject to military discipline;
- vessels converted into war-ships, namely, those meeting the following conditions: they are placed under the direct authority, immediate control, and responsibility of the power whose flag they fly; bear the external marks which distinguish the war-ships of their nationality; are under the command of an officer who is in the service of the state, his name figuring on the list of the officers of the fighting fleet or in a similar document; the crew must be subject to military discipline.

Possession of weapons by the civil vessel's crew does not give grounds to consider such class of ships as converted into war-ships. Such vessels shall be considered civil vessels if they are innocently used in their normal role, comply with identification and visit requirements and do not intentionally hamper the movement of war-ships.

90. **Medical aircraft** are any aircraft used only for medical transportation by air and having distinctive emblems allowing to identify them as aircraft belonging specifically to that category.

**Military hospital ships** are ships built or equipped for the sole purpose to help the wounded, sick, and shipwrecked, to provide them with care and transport them and having distinctive emblems allowing to identify them as vessels belonging specifically to that category.

**Hospital ships**—ships used by national Red Cross (Red Crescent) societies, officially recognized relief societies or private individuals and having distinctive emblems allowing to identify them as vessels belonging specifically to that category.

**Assistance vessels** are small boats used by a state or by an officially recognized non-governmental organizations for coastal rescue operations and having distinctive emblems allowing to identify them as vessels belonging specifically to that category.

91. **Civilian objects** are.

a) in air:

- **civil aircraft** is an aircraft that is not military, auxiliary, or **state aircraft** (customs or police, etc.), and used for commercial or private service.
- **auxiliary aircraft**—state aircraft that is not military as well as civil aircraft used to ensure the conduct of hostilities;
- **neutral civil aircraft** is civilian aircraft having markings of a neutral state.

b) at sea:

- **civilian vessel** is a passenger, merchant or other vessel which is not a warship, a ship converted into a warship or government ship (customs or police, or another vessel), and used for commercial or private service.
- **neutral civilian vessel** is a civilian vessel having markings of neutral nations.

### **Particulars of the application of international humanitarian law in the conduct of hostilities by the air forces**

92. The following classes of enemy aircraft are exempt from attack:

- medical aircraft;
- aircraft, which have been granted safe conduct by agreement of the parties to the conflict;

- civilian aircraft.

They shall not be attacked only if:

a) for medical aircraft recognized as such:

- they are acting in compliance with an agreement between the parties to the conflict concerning medical flights. When such an agreement is concluded, it shall specify the altitudes, times and routes for safe operation and it shall include means of identification and communications;
- fly in areas under the control of own or friendly forces; or
- fly outside the area of armed conflict.

b) aircraft, which have been granted safe conduct if they:

- are innocently employed in their normal role;
- do not intentionally hamper the movement of combatants;
- comply with all terms of the agreement, including the possibility of the inspection.

c) civilian aircraft if they:

- are used in good faith for their intended purpose;
- intentionally do not prevent the movement of the combatants.

In case of doubt whether an aircraft exempt from attack is being used to make an effective contribution to military action, it shall be presumed not to be so used.

93. The aircraft falling under Paragraph 92 may be attacked by reason of a breach of a condition of exemption if:

- diversion for landing, visit and search, and possible capture is not feasible;
- no other method is available for exercising military control;
- the circumstances of non-compliance are sufficiently grave that the aircraft has become, or may be reasonably assumed to be a military objective;
- the collateral casualties or damage will not be disproportionate to the military advantage gained or anticipated.

Medical aircraft shall obey every summons to alight on land or water for inspection and search. Upon alighting on land or water the medical aircraft shall be inspected without delay and within the shortest possible time preventing any deterioration of condition of the wounded and sick.

94. **It is allowed to attack civil aircraft**, if they engage in activities rendering them military objectives:

- engage in acts of war on behalf of the enemy;
- act as an auxiliary aircraft to an enemy's armed forces;
- are incorporated into or assist the enemy intelligence-gathering system;
- fly under the protection of accompanying enemy military aircraft;
- refuse an order to identify itself, divert from its track, or proceed for inspection and search to a belligerent airfield that is safe for the type of aircraft involved and reasonably accessible;
- operate target indicating system that could reasonably be construed to be part of an aircraft weapon system;
- on being intercepted clearly maneuver to attack the intercepting belligerent military aircraft;

- are armed with air-to-air or air-to-surface weapons;
- otherwise make an effective contribution to military action.

95. In case of a forced landing of aircraft on the territory occupied by enemy troops or water surfaces, the wounded, sick and shipwrecked, and their crews of the armed forces become prisoners of war, except for medical and religious personnel.

***Interception, inspection, search and seizure of civil aircraft***

96. Military aircraft of the warring nations have the right to intercept civilian aircraft outside neutral airspace when there are reasonable grounds to suspect that they are subject to seizure.

If, after interception there are grounds to suspect that civil aircraft is subject to seizure, military aircraft of a warring nation has the right to order the civil aircraft to proceed for inspection and search to a belligerent airfield that is safe for the type of aircraft involved and reasonably accessible.

In case when a belligerent nation lacks an airfield that is safe for the type of aircraft involved and reasonably accessible, and as a measure alternative to inspection and search, the civil aircraft may be diverted from its declared destination.

97. Civil aircraft of the enemy (except medical aircraft, aircraft which have been granted safe conduct under an agreement between the parties to the conflict) and goods on board such aircraft may be captured outside neutral airspace.

98. **Medical aircraft, aircraft that were granted safe conduct**, are not subject to seizure if they:

- are used in good faith for their original purpose;
- do not commit acts harmful to the enemy;
- immediately submit to the request for the interception and inspection;

- do not deliberately impede the movement of combatants and obey orders to change course when needed;
- do not violate any previous agreement.

99. Capture occurs by intercepting civil aircraft of the enemy, ordering it to proceed to a belligerent airfield that is safe for the type of aircraft involved and reasonably accessible, and upon landing, keeping the aircraft as a prize until a decision of the court. As an alternative measure, the aircraft may be diverted from the declared destination.

In the case of capture, safety of the passengers and crew, and the safety of their personal property should be ensured.

*Actions in relation to neutral aircraft in the conflict zone*

100. Civil aircraft bearing the marks of neutral states may not be attacked unless they:

- are believed on reasonable grounds to be carrying contraband, and, after prior warning or interception, they intentionally and clearly refuse to divert from their destination, or intentionally and clearly refuse to proceed for visit and search to a belligerent airfield that is safe for the type of aircraft involved and reasonably accessible;
- engage in belligerent acts on behalf of the enemy;
- act as auxiliaries to the enemy's armed forces;
- are incorporated into or assist the enemy's intelligence system;
- otherwise make an effective contribution to the military action and, after prior warning or interception, they intentionally and clearly refuse to divert from their destination, or intentionally and clearly refuse to proceed for inspection and search to a belligerent airfield that is safe for the type of aircraft involved and reasonably accessible.

101. If the commander of a military aircraft suspects that a neutral civil aircraft is a military object, he can use the right to intercept and, if circumstances so require, the right to divert this civil aircraft for inspection and search.

102. A neutral civil aircraft is exempt from inspection and search, if:

- it is proceeding to be a neutral airfield;
- it is under the control of an accompanying aircraft: neutral military aircraft, with which the flag nation of the civil aircraft entered into an agreement regarding such control;
- the flag nation of a neutral military aircraft guarantees that the neutral civil aircraft does not carry contraband and is not involved in any other way in the actions that are inconsistent with its neutral status;
- the commander of a neutral military aircraft provides, at the request of the commander of the intercepting military aircraft of a warring nation, all the information regarding the nature of the civil aircraft and its cargo, which otherwise could be obtained by inspection and search.

103. In close proximity to the areas of hostilities, civil aircraft follow the rules set out by the warring parties with respect to the direction and altitude of their flight.

104. If, after inspection and search, there are sufficient grounds for suspicion that the civil aircraft with identifying marks of a neutral state is a military objective, the said aircraft may be captured as a prize until a decision of the court.

105. Neutral civil aircraft are subject to seizure if as a result of inspection and search, or otherwise, it was determined that they:

- transport contraband;
- fly specifically to transport individual passengers or members of the armed forces of the enemy;

- operate under the direct control and direction of the enemy, obey its orders, or directly chartered, or used by it;
- present improper or fraudulent documents, lack necessary documents, destroy, spoil or conceal documents;
- violate the rules established by a warring nation;
- violate the blockade.

106. The cargo on board a neutral aircraft is subject to seizure only if it is contraband.

107. Capture of a neutral civil aircraft takes place in the manner set forth in Paragraph 99.

108. In the case of the capture of a neutral aircraft, the safety of the passengers and crew, and the safety of their personal property as well as documents relating to the prize should be ensured.

109. As an alternative measure, the neutral civil aircraft may, with the consent of the crew, be diverted so that the said aircraft could not proceed to the declared destination.

#### *Particulars of fire destruction of the enemy*

110. When carrying out successive attacks by aviation units, it is prohibited to reduce regulatory intervals of safe use of air destruction weapons from the objects protected under international humanitarian law.

When attacking preplanned targets, military aircraft crews should choose the direction of attack in such a way that one considers not only the tactical requirements, but also the conditions of sufficient security for sites protected under international humanitarian law that are located in the range of entering and use of air destruction weapons.

111. The head of command and control, while managing the crews in the air in their performance of combat missions and receiving data from the crews,

shall assess the situation in the area of the object (target) of attack, related to the presence of objects protected under international humanitarian law.

The advanced aircraft gunner, while managing the crews directly on the battlefield and adjusting attack of military aircraft, shall consider the possibility of causing the least damage to objects protected under international humanitarian law.

112. The crew of military aircraft, while conducting air patrols or tasks for self-search and annihilation of identified targets, shall know precisely the status of objects (targets) to prevent the destruction of the objects protected under international humanitarian law.

### **Particulars of the application of international humanitarian law in the conduct of hostilities by the Navy**

113. A war-ship shall not destroy an enemy civil ship or otherwise divert it from its destination, except for the following cases:

- the vessel refuses to stop after it was requested to do so, or
- the vessel resists a visit.

Prior to using force against a civil vessel the war-ship shall provide for the security of passengers and crew, of the documents and papers, unless the war-ship is in danger of being sunk by an enemy war-ship, escort ship or aircraft.

114. Destruction of the enemy passenger vessels carrying only civilians is prohibited at sea. For the safety of the passengers, such vessels shall be diverted to an appropriate area or port in order to complete capture.

115. When there is no certainty that the vessel is a military objective, to establish its status, it can be stopped for inspection.

116. Enemy civil vessels may only be attacked if they are:

- engaging in belligerent acts on behalf of the enemy (attacking or capturing persons or objects in neutral waters, neutral territory or air-space);
- being used as a base for operations, including attacking or capturing persons or objects outside neutral waters;
- acting as an auxiliary to the enemy armed forces;
- being incorporated into or assisting the enemy's intelligence gathering system;
- sailing under convoy of enemy warships or military aircraft;
- refusing an order to stop or actively resisting visit, search or capture;
- otherwise making an effective contribution to military action.

117. The following vessels shall not be attacked or captured:

- military hospital ships;
- hospital ships
- small craft used for coastal rescue operations and medical transports
- vessels, which are granted safe conduct under an agreement among the warring parties, including cartel vessels, i.e. vessels designed for the transport of prisoners of war and engaged in such transport,
- vessels engaged in humanitarian missions, including vessels carrying supplies necessary for the survival of the civilian population;
- vessels engaged in relief actions and rescue operations;
- vessels transporting cultural property, enjoying special protection;

- passenger vessels when they are used exclusively for the transport of civilians;
- vessels carrying out religious, scientific or philanthropic non-military functions;
- small vessels for coastal fishing and used for the local coastal trade. These vessels follow the instructions of the commanders of the naval units of the warring parties and are subject to inspection;
- vessels designed or adapted exclusively for the liquidation of the consequences of marine pollution;
- vessels surrendered into captivity;
- life rafts and boats.

The above-mentioned vessels shall not be attacked or captured if they:

- are innocently employed in their normal role;
- do not commit actions falling under Paragraph 116;
- do not intentionally hamper the movement of combatants and obey orders to stop or move out of the way when required.

118. A ship that belongs to any class of vessels mentioned in Paragraph 117 may only be attacked as a last resort if:

- diversion is not feasible;
- no other method is available for exercising military control;
- the acts it commits give reasons to consider it as a military objective;
- the collateral casualties or damage will not be disproportionate to the military advantage gained or anticipated.

119. Military hospital ships shall not be attacked or captured and shall enjoy respect and protection, on condition that their names and descriptions have been notified to the parties to the conflict ten days before those ships are employed.

Hospital ships shall have the same protection as military hospital ships on condition that they observe the provision concerning notification with regard to the latter; they must also be provided with certificates from responsible authorities stating that the vessels have been under their control while fitting out and on departure.

The medical and religious personnel of hospital ships and their crews may not be captured, whether or not there are wounded and sick on board.

A hospital ship may lose immunity only after it has been duly warned, indicating a sufficient period of time during which the vessel shall eliminate the cause for loss of immunity, and after this warning had been ignored.

If after due warning, a hospital ship continues to violate a condition granting immunity, it can be subject to seizure or other measures needed to force it to comply.

120. The vessels, referred to in Paragraph 119, assist the wounded, sick, and shipwrecked, regardless of their belonging to parties in conflict. During and after hostilities, they act at their own risk.

Civilian vessels that take the shipwrecked on board shall notify about it by all available means.

121. The parties to the conflict have the right to control and inspect vessels referred to in Paragraph 119. They can refuse their help, order them to leave, prescribe them a certain course, control their use of radio and other means of communication, and even detain them for a period not exceeding 7 days from the date of inspection, if circumstances require it. By special agreement, neutral observers can be placed on the ships to testify about the provided care to the wounded, sick, and shipwrecked.

122. The ships described in Paragraph 119 shall not be exempt from protection provided by international humanitarian law if:

- the crews of ships are armed for the maintenance of order, for their own defense, or that of the sick and wounded;
- an apparatus exclusively intended to facilitate navigation or communication is present on board;
- portable arms and ammunition taken from the wounded, sick, and shipwrecked is discovered on board;
- equipment and personnel intended exclusively for medical duties are transported, over and above the normal requirements.

123. Once a military ship (vessel) of the enemy clearly indicated her willingness to surrender by descending her flag, raising a white flag, coming to the surface (for submarines), or moving of the crew into rescue boats, attacks on it must be stopped. Disengagement and surrender of the military aircraft may be demonstrated by its landing on water and the transition of the crew into rescue boats. Personnel of the captured or destroyed military ships (vessels) of the enemy become prisoners of war.

124. Opponent's vessels, both merchant and other, as well as cargo on board can be captured outside neutral waters.

Capture of a merchant ship occurs by taking such vessel as a prize until a decision of the court. Moreover, her route may be forcefully changed so that it proceeds to the respective area or port to complete the capture. As an alternative measure, the route of the merchant ship can be changed so that it cannot proceed to the stated destination.

125. The captured merchant vessel of the enemy may be destroyed as a last resort when it is not possible to send it to the appropriate area or port for award as a prize taken from the enemy if the following conditions are met in advance:

- the safety of passengers and crew is ensured. Lifeboats are not considered safe for that purpose, except when the safety of passengers and crew is ensured with favorable weather and sea condition, the proximity of land or the presence of another vessel, which can take them on board;

- the preservation of documents relating to the prize is ensured;
- if possible, the personal property of passengers and crew is preserved.

*Actions in relation to the central civilian vessels in a conflict zone*

126. Neutral civilian vessels cannot be subjected to attack except when:

- There are reasons to believe that they transport contraband or violate an embargo, and if, after they are warned, they intentionally and clearly refuse to stop, or intentionally and clearly resist inspection, search or seizure;
- participate in hostilities on the side of the enemy;
- act as auxiliary vessels of the armed forces of the enemy;
- are part of the intelligence system of the enemy or assist it;
- proceed by an escort of warships or military aircraft of the enemy,
- make an effective contribution to military actions (e.g., transport military supplies); and the attacking forces are not able to put the passengers and crew in a safe place.

The fact that a neutral civil ship is armed cannot serve as a reason to attack it.

127. If it is suspected that a neutral civil vessel belongs to the enemy, the right to inspection and search may apply, including the right to change the route of the vessel to conduct a search.

If, after inspection and search there are reasonable grounds for suspicion that the merchant vessel under a neutral flag or a civil aircraft with the identifying markings of a neutral state is a military objective, the vessel can be captured as a prize until a decision of the court.

128. As a measure alternative to inspection and search, the route of a neutral civilian vessel with its consent may be changed so that it cannot proceed to the stated destination.

If the inspection and search at sea is impossible or unsafe, a warship or military aircraft of a party to the conflict can change the route of a neutral civilian vessel so that she proceeds to the respective area or port in order to exercise the right to inspection and search.

129. A neutral civilian vessel is exempted from being subject to the right to inspection and search, if:

- it proceeds to a neutral port;
- it is escorted by a neutral warship of the same flag or a neutral warship of a state with which the state, under whose flag the civilian ship sails, reached an agreement regarding such escort;
- the state, under whose flag the neutral warship sails, guarantees that the neutral merchant vessel is not carrying contraband and is not involved in any other way in the actions that are inconsistent with its neutral status;
- the commander of the neutral warship presents, at the request of the commander of the intercepting warship or aircraft of a warring nation, all the information regarding the nature of the civilian vessel and its cargo, which otherwise could be obtained by inspection and search.

130. Neutral civilian vessels are subject to capture outside neutral waters if they are involved in any of the activities listed in Paragraph 126, or, if as a result of inspection and search or otherwise, it is determined that they:

- transport contraband;
- sail exclusively to transport individual passengers, enlisted in the armed forces of the enemy;

- operate under the direct control and command of the enemy, obey its orders or are directly chartered or used by it;
- present improper or fraudulent documents, lack necessary documents, destroy, spoil or conceal documents;
- violate the rules established by a belligerent party directly in the area of naval operations;
- violate or attempt to violate the blockade.

Capture of a neutral civilian vessel is carried out by taking such vessel as a prize until a decision of the court.

## **V. APPLICATION OF NORMS OF INTERNATIONAL HUMANITARIAN LAW IN THE LOGISTICS OF MILITARY ACTIVITIES**

### **Combat support**

#### *Intelligence*

131. To ensure compliance with international humanitarian law, intelligence performs the following tasks:

- gathering of information about military objects (targets) of the enemy, located near civilian objects, or their use for military purposes; about the availability of shelters for the civilian population on possible lines of action of the troops; about the presence, location and condition of the objects, protected under international humanitarian law, and the degree of their use by the enemy;
- additional reconnaissance of objects (targets) of the enemy in order to obtain data to determine possible losses of the civilian population and damage to the objects protected under international humanitarian law;

- identification of violations of international humanitarian law during hostilities by own troops and the troops of the enemy.

132. The responsibilities of the commander and staff include the harmonization of forces and means of intelligence chiefs of combat arms and services to identify high-risk facilities, densely populated areas, and other facilities, damage of which can lead to significant civilian casualties.

133. During interrogations of prisoners of war, to obtain intelligence information, the rules set forth in Paragraph 51 of this Manual should be followed.

134. The commander and staff should consider the use of all methods and means to solve the following tasks: attack alert (if the situation allows) of the persons protected under international humanitarian law; notification of the enemy forces about the location of objects (areas) protected under international humanitarian law on its territory, as well as the enemy's violation of international humanitarian law.

### ***Radio electronic warfare***

135. When organizing and carrying out radio electronic warfare, one shall consider an introduction of bans on radio electronic suppression of board radiolocation stations of aircraft, as well as radio electronic means and lines of communication, used by the military and civilian medical services, humanitarian organizations, civil defense, personnel of objects protected under international humanitarian law. Concurrently, one shall carry out a complex of organizational and technical measures to protect systems and equipment of their related services and organizations.

136. Identification of radio electronic equipment belonging to the services (objects) specified in Paragraph 135 of this Manual is conducted through distinctive radio signals provided by Article 40 of Section II of the Radio Regulations of the International Telecommunication Union (Appendix 1 to this Manual), as well as through the published radio frequencies and signals. The list of signals and operating frequencies is provided to the commanders of units of radio electronic warfare systems and is stored in appropriate commander points (control points) in peacetime and wartime.

***Tactical concealment***

137. When organizing and conducting cover and concealment of military objectives, it is prohibited:

- to use international distinctive emblems, signs and signals (Appendix 1 to this Manual);
- [to use] the flags, military emblems and uniforms of the enemy, neutral states, as well as the distinctive emblem of the United Nations;
- to use the presence of persons and objects protected under international humanitarian law in order to hide (protect) certain areas and military objects from enemy intelligence.

***Engineering Logistics***

138. It is prohibited to use minefields against the civilian population and objects.

139. Whenever mines are laid, the civilian population shall be warned in advance about the danger area (a mined area), except for cases when the situation does not permit to do so.

140. Specific requirements imposed by international humanitarian law on the use of antipersonnel mines consist in additional measures and restrictions described in Appendix 6 to this Manual.

141. It is allowed to use without restrictions:

- command-detonated (by radio or wire) fragmentation mines capable of target selection;
- fragmentation directional mines if placed for a period of up to 72 hours;
- antipersonnel mines fitted with a delay action fuse.

142. Minefields reference (minefields location registration) shall be done in relation to the coordinates of at least two reference points.

143. Decision to mark a minefield with a fence shall be taken by the mining unit commander.

144. Minefields made up of antipersonnel mines, other than those described in Paragraph 141, shall be marked with signs (see Appendix 1 to this Manual) visible and clear for a civilian approaching the minefield perimeter from such a distance that is sufficient to identify it. The minefield may be fenced with barbed wire or any other means hampering trespass. After the mines have been placed within such marked and fenced area, the minefield shall remain under protection (observation).

145. When the mine obstacles are erected in the forward edge of the battle area (line of contact) manually, with the use of portable mining sets, by mobile obstacle units or in different conditions when there is a direct threat to the personnel engaged in the fencing of the mine obstacles, it is allowed not to mark and fence the mine obstacles made up of antipersonnel high explosive, circular area fragmentation and antipersonnel cluster mines. However, when the situation changes (the above-mentioned threat vanishes), the fence shall be erected as soon as possible.

146. After the termination of combat operations, in order to ensure the protection of civilian persons against the effects of antipersonnel mines and to prevent civilians from getting into the mined areas, all minefields, mines and booby-traps shall be destroyed (removed) or left within the marked and fenced perimeter that is maintained under proper protection (observation).

### ***Radiation, Chemical and Biological Defense***

147. The chief of radiation, chemical and biological defense, when preparing for combat operations, organizes collaboration with units (institutions, agencies) of civil defense regarding alerting the civilian population about radiation, chemical and biological contamination; detection and designation of the areas of contamination, and decontamination (disinfection) of sites, roads and structures.

148. During the liquidation of the aftermath of the use of nuclear and chemical weapons in densely populated areas, the forces and means of the troops of radiation, chemical and biological defense may assist the organizations of civil defense to decontaminate (disinfect) sectors of terrain, roads and buildings. Major efforts shall be focused on decontamination (disinfection) of objects necessary for the survival of the civilian population (water sources, food warehouses, medicine and others).

### ***Moral and psychological support***

149. The objectives of the moral and psychological support in accordance with international humanitarian law are:

- reasoned convincing of the personnel in the necessity to follow the rules of international humanitarian law;
- prompt delivery to the personnel of the military orders and directives of superiors (chiefs) regarding application of international humanitarian law;
- continuous informing of the personnel about the situation, manners, customs, and traditions of the local civilian population;
- training of the personnel in the best Russian traditions of humane treatment of victims of armed conflict and civilian population;
- maintaining close relations with local authorities to ensure conflict-free relations of the troops with the civilian population.

150. When organizing the moral and psychological support of combat operations, one ensures that the troops (forces) are provided with print media, audio and video materials on international humanitarian law.

### **Logistic support**

151. Organizing and furnishing logistic support of the forces' combat operations in compliance with international humanitarian law includes:

- evacuation of the wounded, sick and dead bodies (dead) from the area of operations;
- reception, holding and support of the prisoners of war until their transfer to the assembly points of combined prisoners of war,
- search, collection, identification, and burial of the dead from the army of the enemy, as well as other victims of armed conflict.

Accommodation, transfer, security and defense of units, and agencies of the rear, the choice of supply and evacuation routes, use of vehicles and local resources is organized and implemented in accordance with international humanitarian law, generally binding on formations (units) in the preparation and conduct of hostilities.

### *Medical (ambulance) transportation*

152. Medical (ambulance) transportation means transportation by land, sea or air of the wounded, sick, and shipwrecked, as well as medical and religious personnel, medical equipment and supplies.

While conducting medical (ambulance) transportation, one shall follow the following requirements:

- medical transport (land, water, air) is used exclusively for medical purposes;
- followed technical standards and procedures, applicable rules of identification, notification and radio communication of the medical transport must conform to generally accepted international standards.

Medical transports are allowed to carry individual small arms and ammunition taken from the transported wounded (sick) and shipwrecked as well as individual small arms of the transported military medical personnel.

153. During the evacuation of the wounded and sick from combat zones by medical transport and general purpose transports, the international distinctive emblem and signals are used for their identification (Appendix 1 to this Manual).

154. Organization of medical (ambulance) transportation should not give the opposing parties any grounds for mutual suspicions of abuse of the international distinctive emblems, signs and signals of medical transport for treacherous purposes, such as for the transportation of combat-ready soldiers or other armed men, ammunition or other property of non-medical groups.

***Accommodation of prisoners of war  
(reception, registration and support)***

155. During the battle, prisoners of war, in compliance with measures to ensure their safety, are immediately removed from the area of hostilities and accompanied by the appointed order of the commander of the military unit directives into the division (brigade) collection site for prisoners of war, organized under a combat formation where they undergo initial registration.

156. The location of prisoner-of-war collection sites shall ensure the life and health of the prisoners of war. It is prohibited to locate the collection sites in the vicinity of nuclear industrial facilities, chemical and other potentially dangerous industrial installations or military objectives.

It is prohibited to use the prisoner of war collection sites as well as prisoners of war themselves as live shields to protect any objects or areas against enemy attacks.

157. Prisoner-of-war collection sites, if the situation permits, should be lettered as “PW” or “PG”, placed so as to be clearly visible from the air.

158. During an initial registration, one compiles a list containing the last names, first names, middle names, the dates of birth and personal or serial numbers, or failing this, equivalent information concerning prisoners of war. The person in charge of registration shall explain to the prisoners of war their status, rights, duties, and rules of behavior in a language that they understand.

The prisoner of war must present his ID card at any request. The prisoner of war’s ID card is not confiscated, and in the absence thereof, in the POW collection sites one issues a temporary ID card.

159. Personal protection means, all effects and items of personal use (except arms and ammunition, military equipment and military documents), badges of rank and nationality, sums of money and articles having a personal value may not be taken from the prisoners of war. Articles used for their clothing or feeding shall likewise remain in their possession. Articles of value may be withdrawn from the prisoner of war only for reasons of security. It can be done only by order of an officer in charge of the maintenance of the prisoners of war and after the money amount and particulars of the owner have been recorded in a special register and an itemized receipt has been given, legibly inscribed with the position, rank, family name, first name and the middle name of the person issuing the said receipt. Such objects, likewise the sums taken away shall be returned in their initial shape to prisoners of war at the end of captivity.

160. The formation and maintenance of groups of prisoners of war, if possible, should take account of their nationality, language, religion, sex, and customs, as well as the nationality or the armed forces in which they had served at the time of capture.

Prisoners of war are given the opportunity to perform rites of their religion.

161. Logistical and medical support of prisoners of war during their stay in the division (brigade) collection site is organized by the deputy commander of the rear unit—the chief of logistics.

162. Feeding of prisoners of war at the division (brigade) prisoner-of-war collection sites shall be organized at the expense of the division food stock in accordance with the specially established rations, whenever possible account shall be taken of their habitual diet. When escorted to places at a distance of up to 50 km, prisoners of war may be provided with food that does not require cooking.

Whenever necessary, captured uniforms and footwear of enemy armed forces or second-hand military kit can be made available to clothe prisoners of war.

Prisoners of war shall get both timely first aid and specialized medical assistance as required by their state of health.

Temporarily retained enemy medical personnel may be used for providing medical assistance to prisoners of war, preferably to those belonging to the armed forces upon which they depend.

Whenever necessary, wounded and sick prisoners of war shall be evacuated on a temporary basis to the military units medical posts where they shall be accommodated separately from the members of the Russian Armed Forces. Those in need of qualified and specialized medical assistance shall be sent to prisoner-of-war hospitals.

163. At the direction of the staff, prisoners of war, in compliance with measures to ensure their safety, are evacuated into the combined POW collection site.

***Burial of the dead victims of armed conflicts***

164. Search for, collection, identification, and burial of the dead members of the enemy armed forces as well as of other victims of armed conflicts shall be organized immediately, as soon as the situation permits and carried out to prevent the emergence and spread of epidemics of diseases (infections), to avoid cases of looting (pillage of the dead bodies), to establish the identity of the dead (deceased) and bury them with due dignity and respect as required by ethical principles.

165. Burial of the dead members of the enemy armed forces and other victims of armed conflicts shall be organized by the deputy division (regiment) commander for logistics. Collection, identification, and burial of the dead as well as the graves (gravesites) registration shall be performed by the units (teams) headed by officers appointed by a division (regiment) commander's order. Such units (teams) commanders shall be provided with transport, tools, materials and disinfectants.

166. Bodies of the dead enemy servicemen and those of other victims of armed conflicts shall be gathered in the assigned areas.

Whenever possible, the fact of death shall be confirmed by a representative of the medical service. In the course of identification, if the identification information is available (documents, personal identification number—identity disc), lists of names of the dead shall be drawn up, including nationality

(citizenship); service or personal number; last name; first name or names; date of birth; any other particulars shown on the identity card or disc; date and place of death; particulars concerning wounds (mutilation) or illness and the cause of death.

If identification is impossible and if the situation permits, the appearance of the dead shall be described, prints of his fingers and palms taken, a card filled out, and full face and profile photos taken in order to identify the dead person in the future.

167. A half of a double identity disc or the identity disc itself, if it is a single disc, should remain on the body both when buried or cremated.

A two-copy inventory shall be made of the identity disc or one half of the double identity disc, if any, last wills or other documents of importance to the next of kin, money and in general all articles of an intrinsic or sentimental value, which are found on the dead. All these articles shall be sealed into a parcel with the second copy of the inventory enclosed and sent, according to the established procedure, together with the burial acts, and the lists of the names of the dead.

168. Gravesites and individual graves shall be located in open and dry areas (public gardens, squares, forest and grove edgings, road crossings). After proper recording, gravesites (graves) shall be conveyed by record to the local authorities or military commandants who shall henceforth be responsible for their maintenance. Whenever possible, dead bodies or the remains thereof shall be buried individually in accordance with the rites of the religion to which they belonged.

Dead bodies shall not be cremated except for imperative reasons of hygiene or for motives based on the religion of the deceased.

169. After the burial, a proper statement shall be drawn up containing a description of the burial site (its precise coordinates), with enclosed lists of identified bodies, and specifying the number of unidentified bodies and their description. The statement shall be made in two copies.

The burial statement and the lists of the dead shall be certified by the signature of a person in charge of the burial, stamped with the official seal of the military unit (organization) and confirmed by the superior commander.

The first copy of the burial statement, as well as the first copies of the inventory of the personal effects of the deceased and a cover letter, shall be sent to the army's headquarters. As soon as circumstances permit and at the latest at the end of hostilities, the second copy of the statement with the enclosures and the parcels containing the personal effects of the deceased shall be handed over through international channels to the competent authorities of the adverse party.

## **VI. STUDY OF NORMS OF INTERNATIONAL HUMANITARIAN LAW**

### **During combat training**

170. Compliance with the rules of international humanitarian law is possible only through a firm knowledge by the servicemen of its rules and the ability to apply the rules during the preparation for and conduct of hostilities.

171. International humanitarian law shall be studied both in peacetime and in time of war as part of servicemen's training and education. International humanitarian law training shall be integrated in combat (commanders') training curricula.

The organization and direct management of the study of international humanitarian law in a formation (military unit) is carried out by the commanders (chiefs) and their deputies on educational work along with direct participation of the assistant commanders on legal matters.

172. The aim of international humanitarian law training is to prepare servicemen to discharge their duty in a complex situation in compliance with international humanitarian law.

As a result of training, the servicemen should:

*soldiers (sailors)—*

- know the military Code of Conduct of the Armed Forces of the Russian Federation—the party to hostilities—and international distinctive emblems, signs, and signals;
- be able to perform combat actions, in compliance with the Military Code of Conduct of the Armed Forces of the Russian Federation—a party to hostilities—complying with the rules of international humanitarian law;

*sergeants (foremen)—*

- know the basic rules of international humanitarian law within their official duties;
- be able to take into account the rules of international humanitarian law while managing the subordinates and train them to perform practical actions ensuring compliance with these rules in a combat situation;

*officers (warrant officers)—*

- know the rules of international humanitarian law within their official duties;
- be able to follow the rules of international humanitarian law while managing the subordinates, monitor their compliance with the rules, as well as to train them to perform practical actions ensuring compliance with these rules in a combat situation.

173. The main forms of practical training of the management (staff) and units in carrying out assigned tasks in accordance with international humanitarian law are tactical (special tactical, command and staff) trainings and studies. During the training of actions to comply with the rules of international humanitarian law, carrying out of other methods and means of preparation for and engagement in hostilities is studied.

174. During the preparation for tactical (special tactical) trainings, additional goals are set forth:

- to improve the practical skills of the commanders of military units and administration (staff) related to the compliance with the rules of international humanitarian law during the organization of combat operations, related to management of military units in combat in compliance with these rules;
- to develop in the personnel, along with high military and moral-psychological qualities, skills in implementing international humanitarian law;
- to test the ability of the management and military units to take into account the rules of international humanitarian law during the preparation for and conduct of hostilities.

During the preparation of the command and staff trainings, additional goals are set forth:

- to develop the ability of officers to take into account the rules of international humanitarian law during the preparation for and conduct of hostilities, to ensure the compliance with them by the subordinate troops (forces);
- to test the ability of commanders and staffs to take into account the rules of international humanitarian law during the preparation for and conduct of hostilities.

175. During training, there should be created complex, dynamic, engaging situations, requiring decision making on the application of international humanitarian law.

The complexity of the situation during training is achieved by creating conditions when in a line (area, site) of actions of units there are people and objects (areas) that are protected under international humanitarian law.

The dynamic environment during training is achieved by changing the nature of objects (targets).

During staff training, group exercises and tactical briefings, the application of international humanitarian law is studied the same way as in trainings.

176. The training of the unit commanders and individual servicemen on practical techniques of compliance with international humanitarian law is carried out during the tactical drill, tactical (tactical special) and special sessions, which teach the techniques and methods of action by a single soldier (sailor) and units, including the compliance with international humanitarian law.

The most distinctive educational issues at these sessions and trainings may be: identification of persons and objects (zones), protected under international law, treatment of the wounded and sick, shipwrecked, prisoners of war, civilians, medical and religious personnel of the enemy.

177. While evaluating the results of the trainings (sessions, exercises), one shall analyze the actions of the trained commanders, staffs and military units on the application of international humanitarian law.

Meanwhile, particular attention shall be drawn to the inadmissibility of the use of prohibited methods of warfare and responsibility of the servicemen for violations of international humanitarian law.

Actions of the trainees are considered correct if the assigned combat mission is achieved without violations of international humanitarian law.

178. The study of international humanitarian law in the system of public and state training and legal training of the servicemen is conducted in accordance with model curricula and programs and implemented in the mandatory and optional forms.

In formations (military units, military management agencies, and institutions), the study of the rules of international humanitarian law in mandatory form is carried out:

- with the officers, warrant officers (warrant officers)—in the commander training;

- with the military personnel undergoing military service under contract as soldiers, sailors, sergeants, and petty officers—in the public and state training:
- with the enlisted military personnel—in the public and state training and hours of educational work.

Optional study of international humanitarian law is carried out:

- with the officers—in courses on retraining and advanced training at military schools of the Russian Defense Ministry, during planned legal lectures, discussions, and informing that involves officials of the legal service of the Armed Forces of the Russian Federation;
- with the military personnel undergoing military service under contract as soldiers, sailors, sergeants and petty officers—during lectures at clubs of officers, common days of legal knowledge, and other measures of a legal nature.

179. To organize the study of the rules of international humanitarian law, one establishes the legal minimums for all categories of servicemen, which along with the regulations of the Russian Federation contain international regulations that are the foundation of international humanitarian law.

180. Questions regarding international humanitarian law are submitted to the test sessions on social and public training.

Officers and warrant officers take tests on the legal minimum once in two years and before their appointment to senior positions.

Servicemen undergoing military service under contract as soldiers (sailors), sergeants (foremen) take oral tests at least once a year, during which the level of the servicemen's knowledge of international humanitarian law is tested.

## **Study of the norms of international humanitarian law in military schools**

181. The rules of international humanitarian law are studied in military training institutions that prepare officers, in sessions (groups) of overall humanitarian and special economic, social humanitarian, special and military professional disciplines in accordance with the requirements for graduates in relevant specialties.

182. The requirements regarding the levels of training of graduates of military schools on the application of international humanitarian law in the Armed Forces of the Russian Federation are as follows:

### ***When preparing officers with higher professional education:***

- to know and be able to apply the rules of international humanitarian law during the preparation for and conduct of hostilities of compound forces, formations, and military units;

### ***When preparing officers with the higher (vocational) military special education:***

- to know and be able to apply the rules of international humanitarian law during the preparation for and conduct of hostilities by units;
- to be able to train individual servicemen and units in general to apply the rules of international humanitarian law in a combat situation;

### ***When preparing legal service officers:***

- to know and be able to apply the rules of international humanitarian law;
- to be able to perform the duties of a legal adviser to the commander to ensure compliance with international humanitarian law;

***When preparing medical officers:***

- to know the rules of international humanitarian law governing medical services, special rights, duties and responsibilities of military and medical personnel.

[Editor's note: The appendices are omitted]