

**COMPLEX PACKAGE**  
**of study materials for teaching a training on**  
**“International Humanitarian Law**  
**and its norms on the protection of victims of war”**  
**within the framework of the basic military training**

Draft prepared by the Legal Department of the Ministry of Defense of Ukraine in cooperation with the civic organization “Ukrainian Helsinki Human Rights Union”

## General provisions

The distribution of knowledge about the norms of international humanitarian law (hereinafter – IHL) is an integral component of training of the enlisted members of the Armed Forces of Ukraine. This question became especially important during mobilization, repulsing and containment of the armed aggression of Russian Federation against Ukraine.

In accordance with the Basic general military training program (for training of mobilization resources) approved by the chief of the General Staff of the Armed Forces of Ukraine on 20 June 2022, IHL knowledge is to be distributed as a part of the 2-hours theoretical session with the topic “International humanitarian law and its norms about the protection of victims of war”. The session includes the study of the basic terms and notions of IHL, as well as the question of responsibility of the servicemen/servicewomen for IHL violations. The personnel are informed about the requirements of the Instruction on the application of the rules of international humanitarian law in the Armed Forces of Ukraine approved by the order of the Ministry of Defense of Ukraine of 23.03.2017 № 164.

For the purposes of standardization of the study materials taught within the framework of the abovementioned session by the instructors of training centers (units) (hereinafter – instructing personnel), as well as considering the experience of IHL norms application obtained by the Armed Forces of Ukraine in the course of the Russo-Ukrainian armed conflict, the Legal department of the Ministry of Defense of Ukraine in cooperation with the civic union “Ukrainian Helsinki Human Rights Union” has developed this Complex Package of study materials on IHL training in the framework of basic military training (hereinafter – Complex IHL package).

*For reference. In accordance with the Regulations of the Legal department approved by order of the Ministry of Defense of Ukraine of 10.06.2020 № 190, the Department organizes and coordinates the activities on implementation, application and training on IHL norms as well as coordinates the work with international and non-governmental organizations on IHL issues.*

The IHL complex package is a practical instrument intended for the instructing personnel teaching IHL as a part of the basic general military training.

The IHL complex package includes:

- *Presentation material* (provided separately);
- *Lecturing material*, which, among other things, contains examples of proper application of IHL norms based on the experience of the Armed Forces of Ukraine obtained during the Russo-Ukrainian armed conflict.
- *FAQ* on IHL in the context of the Russo-Ukrainian armed conflict.

Each of the materials of the IHL complex package if formed in accordance with the following training session structure:

- 1) the notion of IHL and why the servicemen/servicewomen of the Armed Forces of Ukraine must respect it;
- 2) IHL principles and their practical application in hostilities;
- 3) procedure of capturing the enemy as POW;
- 4) means and methods of warfare;
- 5) responsibility for IHL violations;
- 6) soldier's card on IHL.

The use of IHL complex package is expected to increase awareness and motivation of the enlisted members in the sphere of IHL, and each of them will obtain practical skills of proper IHL application in the conditions of the russo-Ukrainian armed conflict, and will receive an IHL card.

The IHL complex package is a flexible instrument, and therefore the included study materials can be changed and amended in the course of the russo-Ukrainian armed conflict and with view of the experience obtained. Therefore, for propositions on the IHL complex package based on its application please apply to the e-mail of the section of international law of the Legal department of the Ministry of Defense of Ukraine: [ild\\_ld@mod.gov.ua](mailto:ild_ld@mod.gov.ua).

## 2. Lecturing material

### Content of the training session

1. Notion of international humanitarian law
2. Why servicemen/servicewomen of the Armed Forces of Ukraine should respect IHL?
3. Principles of International Humanitarian Law
4. Capturing procedure
5. Means and methods of warfare
6. Responsibility for violation of International Humanitarian Law
7. IHL soldier's card

*Slide 2*



01	The notion of IHL
02	Why IHL should be complied with?
03	The principles of IHL
04	The procedure of capturing a prisoner
05	Means and methods of warfare
06	Responsibility for IHL violations
07	IHL soldier's card

The instructor opens the training session “International humanitarian law and its norms of the protection of the victims of war” in the framework of the Basic military training with the explanation of the content of the session and the order of subtopics included therein.

### 1. The notion of international humanitarian law

International humanitarian law (hereinafter - IHL) – is a branch of international law, which norms and principles determine the conduct of States which are parties to an armed conflict.

Being an exclusively legal category, IHL utilizes the politically neutral notion of “armed conflict”.

IHL starts applying automatically with the beginning of an armed conflict and applies till its end, and in some questions, for example in the treatment of POWs, it applies after the end of armed conflict.

IHL obligates every serviceman/servicewoman to respect its norms and principles. However, it should not be perceived as a law prohibiting to wage the war and destroy the enemy. In contrast, IHL clearly defines the categories of persons and objects which are lawful military targets, as well the means and methods of warfare which may be used to destroy them.

The main goal of IHL is to protect persons not taking direct part in hostilities, as well as those who ceased to take part in hostilities. This includes, for instance, servicemen/servicewomen who ceased to take part in combat due to illness, wounds or any other reason. Besides, IHL limits means and methods which may be used in conducting hostilities.

In addition, IHL protects civilian objects such as hospitals, cultural heritage objects, infrastructural objects indispensable for the survival of the civilian population, etc.

IHL norms are contained in a series of international treaties recognized as legally binding by the Verkhovna Rada of Ukraine, as well as international customs.

The most determinative among the IHL treaties are:

*Geneva Conventions* of 1949, namely:

Geneva Convention on the Amelioration of the Condition of the Wounded and Sick in the Armed Forces in the Field (Geneva Convention I);

Geneva Convention on the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of the Armed Forces at Sea (Geneva Convention II);

Geneva Convention relative to the Treatment of Prisoners of War (Geneva Convention III);

Geneva Convention relative to the Protection of Civilian Persons in Time of War (Geneva Convention IV);

Protocol Additional to the Geneva Conventions relating to the Protection of Victims of International Armed Conflicts (Additional Protocol I)

Protocol Additional to the Geneva Conventions relating to the Protection of Victims of Armed Non-International Armed Conflicts (Additional Protocol II);

Protocol Additional to the Geneva Conventions relating to the Adoption of an Additional Distinctive Emblem (Additional Protocol III);

*Hague Conventions*, including IV Convention respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land of 1907.

*Other treaties relating* to prohibitions and limitations of application of weapons and manners of warfare, namely:

Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction of 1993;

Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction of 1972;

Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects of 1980;

etc.

All the abovementioned sources are applied in the russo-Ukrainian armed conflict except Protocol II to the Geneva Conventions. Both russian federation and Ukraine are obliged to comply with the norms of these international treaties. This rule remains in force even in situations when another party violates IHL norms. In other words, regardless of the violation of IHL norms by the russian federation, Ukraine is obliged to respect them.

*Slide 3*

01

## The notion of IHL



**IHL** is a branch of international law which establishes principles and norms of conduct of the Parties to an armed conflict (war).

### The aim of this branch of law is:

#### **Protect**

those who do not take or ceased to take direct part in hostilities



#### **Limit**

the methods and means of warfare

### *Key points:*

IHL is branch of international law which norms and principled determine the conduct of States which are parties to an armed conflict.

IHL automatically takes effect with the beginning of an armed conflict and remains effective till its end.

The main goal is the protection of persons not taking direct part in hostilities and those who ceased to take part in hostilities, as well as the limitation of means and methods applicable in warfare.

IHL norms are contained in a series of international treaties recognized as legally binding by the Verkhovna Rada of Ukraine. The most determinative are the Geneva Conventions of 1949.

IHL is also sometimes referred to as the law of armed conflict and (or) laws and customs of war.

The laws and customs of war are an outdated term, although the legislation of some States retains it. The example is Article 438 of the Criminal Code of Ukraine “Violation of the laws and customs of war”. In general, IHL, the law of armed conflict and the laws and customs of war should be considered as synonyms in the context of basic military training.

*Slide 4*

01

## The notion of IHL



**These notions must be understood as synonyms:**



**International  
humanitarian  
law  
(IHL)**



**Law of  
armed  
conflicts  
(LOAC)**



**Laws and  
customs  
of war**



*Key points:*

The synonyms of IHL in LOAC is laws and customs of war.

## **2. Why should the members of the Armed Forces of Ukraine respect IHL?**

In the conditions of active fighting waged by the Armed Forces of Ukraine to repulse the armed aggression by the Russian Federation on one hand, and complete disregard of international legal norms by the aggressor-state on the other hand, the instructing personnel may find it a difficult task to motivate the servicemen/servicewomen to study and respect IHL norms.

Below are 5 concrete reasons to study and respect IHL. Depending on the audience and personality of each serviceman/servicewoman, the abovementioned reasons should be used together or separately.

*Reason № 1. Values*

Slide 5

02 Why IHL should be complied with?

IHL norms are a summary of values, which Ukraine and its Armed Forces struggle for



*Key points:*

IHL norms are manifestation of values which Ukraine fights for.

These are exactly the values which differentiate the people of Ukraine from russians and the serviceman of the Armed Forces of Ukraine from the occupier.

Adherence to values even in active hostilities positively influences the moral and subsequent adaptation of the servicemen/servicewomen.

IHL norms, their essence and content are a synthesis of values which Ukraine and its Armed Forces struggle for. Respect for human rights even in armed conflict, especially the rights of those in need of additional protection, is a feature of a democratic State. This is exactly the model which the Armed Forces vindicate in the struggle against the aggressor for the existence of independent and free Ukraine. Moreover, different value systems is exactly what makes the difference between the aggressor-state and Ukraine and an occupier from a serviceman/servicewoman of the Armed Forces of Ukraine.

In addition, proper respect for IHL while participating in hostilities directly determines the moral self-understanding of servicemen/servicewomen both during armed conflict and in the aftermath, since respect for IHL affects the moral condition of a serviceman/servicewoman, their psychics and further adaptation in the society.



*Reason № 2. Image of the Armed Forces of Ukraine and international assistance*

Unconditional compliance with IHL norms by the servicemen/servicewomen forms a positive image of the Armed Forces of Ukraine. In turn, this is a weighty reason for the growing international support from the Partner States, including in ammunition and military vehicles. International support is an important component which helps Ukraine confront the armed aggression of the Russian Federation for a long time. Precisely the weapons and military vehicles delivered to the Armed Forces of Ukraine helped to stop the aggressor-state and to undertake counteroffensive operations.

Slide 6



*Key points:*

Respect of IHL by the members of the Armed Forces of Ukraine creates a positive image of Ukraine and is a precondition for provision of international assistance to Ukraine, including weapons and military vehicles.

*Reason № 3. The return of the defenders of Ukraine from the enemy captivity*

Respect for IHL norms of POWs, especially in the process of capturing, predetermines the increase of number of the Russian servicemen in the power of Ukraine. Therefore, such proper actions concerning compliance with IHL norms by the members of the Armed Forces of Ukraine contribute to improvement of the positions of State in matters of prisoners' exchange and return of the defenders of Ukraine from the enemy captivity.

## Why IHL should be complied with?

**The return**  
of the defenders of  
Ukraine from the  
enemy captivity



### *Key points:*

Compliance with IHL by the members of the Armed Forces of Ukraine while capturing the enemy, including sparing their lives, health, humane treatment, etc., predetermines the increase of number of the russian POWs. In turn, this positively influences the opportunities to return more defenders of Ukraine from the russian captivity.

### *Reason № 4. Duty*

Knowledge of IHL norms and their application is the duty of every serviceman/servicewoman. Thus, according to the Statute of Internal Service of the Armed Forces of Ukraine, every serviceman/servicewoman is obliged to know and rigorously comply with the IHL norms recognized by Ukraine.

The fact that the Law of Ukraine determines such a direct duty of every serviceman/servicewoman attests its unconditional importance. Therefore, the knowledge of IHL norms and their application in practice is a normatively determined necessary skill of a member of the Armed Forces of Ukraine.

Moreover, respect for IHL norms is a duty not only of a serviceman/servicewoman, but also of the State in general. Ukraine, as a party to a series of the abovementioned international treaties on IHL, including the Geneva Conventions of 1949, undertook to ensure respect of IHL norms by all the defense forces.

02

## Why IHL should be complied with?



A duty of  
both  
a serviceman/  
servicewoman,  
and  
the state in general



### *Key points:*

Knowledge and respect for IHL norms is the duty of every serviceman/servicewoman foreseen by Article 15 of the Statute of internal service of the Armed Forces of Ukraine.

Moreover, Ukraine as a State accepted an obligation to respect IHL by agreeing to a series of international treaties, including the Geneva Conventions of 1949.

### *Reason № 5. Responsibility*

The duty of servicemen/servicewomen to respect IHL norms determines the existence of responsibility in case of a violation of that duty. At that, the type of responsibility depends on the gravity of the IHL violation committed. A member of the Armed Forces of Ukraine can be brought to disciplinary or criminal responsibility. Article 438 of the Criminal Code of Ukraine establishes responsibility for violations of the laws and customs of war. At that, a serviceman/servicewoman can be brought to criminal responsibility both on domestic (by the law enforcement bodies and courts of Ukraine) and international (by the courts of other States, specialized international judicial institutions) levels.

In addition, responsibility for IHL violations exists not only for the perpetrator, but also their commander in case he (she) ordered a violation or failed to prevent the violation or did not investigate it.

02

## Why IHL should be complied with?



A serviceman/  
servicewoman and their  
commander will not be  
brought to responsibility

### *Key points:*

Respect for IHL norms includes the probability of criminal responsibility for their violation both on domestic and international levels. This includes not only individual responsibility (of a serviceman/servicewoman committing a crime and their commander), but also the responsibility of State in general.

Thus, the reasons described above are practical instruments for persuasion of servicemen/servicewomen that IHL must be studied and respected. The abovementioned reasons should be used in conjunction (together or separately) depending on the category of servicemen/servicewomen and their personality. The correct choice of reason (or their combination) will motivate the serviceman/servicewoman to further study of IHL and its respect during direct participation in hostilities.

## Why IHL should be complied with?

Let's sum up:



Values



Image of the Armed Forces of Ukraine and international assistance



Return of the defenders of Ukraine



Duty (of a serviceman/servicewoman and the state)



Responsibility

The slide briefly summarizes 5 main reasons why IHL needs to be respected by the members of the Armed Forces of Ukraine.

### 3. Principles of international humanitarian law

The essence of content and meaning of all IHL norms are IHL principles. In general, there exists a great number of their classifications, however, in the framework of Basic military training, servicemen/servicewomen must know and respect five main principles of IHL:

- humanity
- military necessity
- distinction
- proportionality
- precaution.

Each of them is considered in detailed below.



*Key points:*

The essence of content and meaning of all IHL norms are IHL principles.

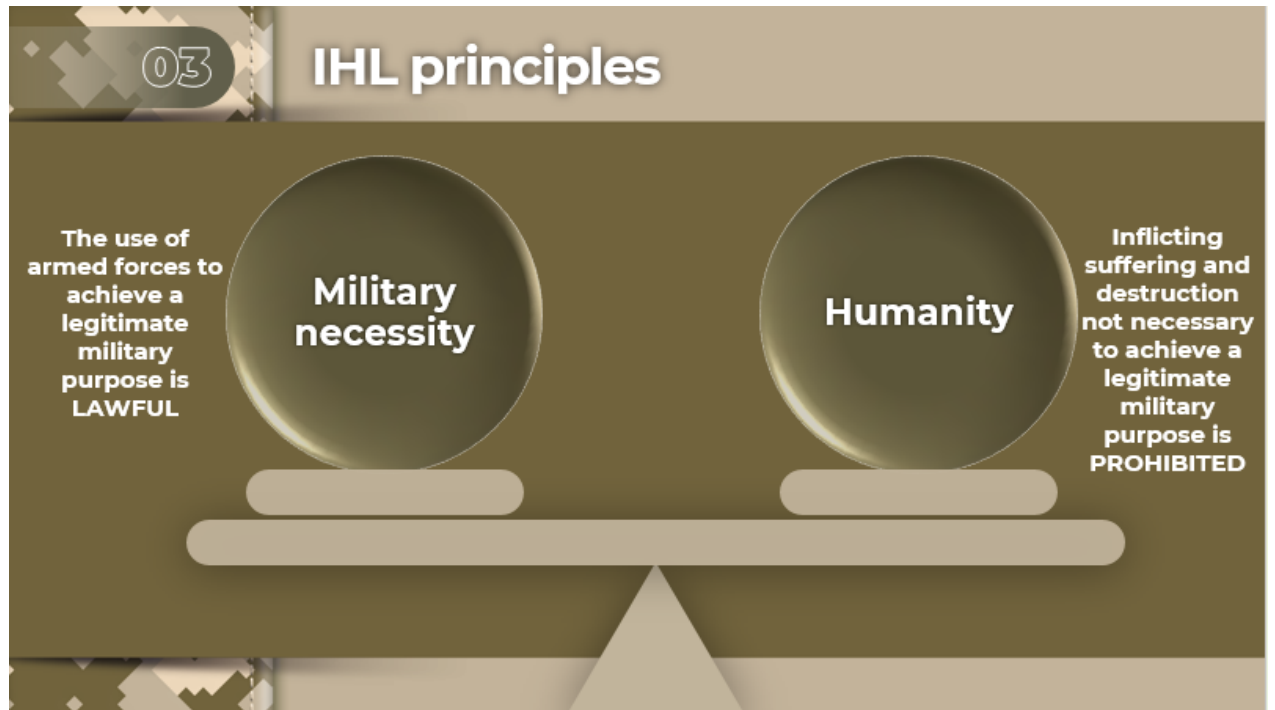
The slide presents 5 main IHL principles, which every serviceman/servicewoman must know and respect.

In the most general understanding, the content of all IHL norms can be viewed as a compromise between two foundational but divergent principles: *the principle of humanity and the principle of military necessity*. Ignoring any of these principles results in impossibility to regulate the conduct of parties to armed conflicts.

In case only the humanity principle would be recognized, the soldiers would be unable to apply the IHL norms resulting in loss of their practical importance. These norms would contravene the fact of existence of an armed conflict – a situation which necessarily requires the use of force, which leads to destruction, death, and injury to persons.

On the other hand, the resort to the necessity principle only would not lead to reduction of calamities accompanying an armed conflict.

Finding a balance between these two principles of humanity and military necessity is the goal of IHL. For example, the preamble of the IV Hague Convention respecting the Laws and Customs of War on Land of 1907 specifies that it's provisions have been "*inspired by the desire to diminish the evils of war, as far as military requirements permit*".



*Key points:*

The content of all IHL norms can be viewed as a compromise between the two foundational principles: the principle of humanity (the obligation to protect life and health of the civilian population and to minimize the negative consequences for it) and the principle of military necessity (the need to destroy the enemy and use force).

***Example of IHL application. russo-Ukrainian armed conflict***

In autumn 2022 during planning and conducting of hostilities to liberate the city of Kherson, the Command of the Armed Forces of Ukraine has demonstrated how to adhere to the balance between the principles of humanity and military necessity in practice.

Thus, instead of assaulting one of the biggest cities of Ukraine, that would obviously lead to large-scale destruction of civilian infrastructure and losses among the civilian population, a destruction of logistics of the armed forces of the Russian Federation has been carried out, which actually resulted in their forced retreat to the left bank of the Dnipro river without street fighting.

Thus, the goal of the offensive (liberation of the city of Kherson) has been achieved (principle of military necessity), while civilian population and infrastructure suffered minimal damage (principle of humanity).

*Principle of humanity*

The general aim of the principle is limitation of destruction, damages and suffering, sparing the life and health of persons. The principle of humanity implies respect and ensuring protection of persons not taking direct part in hostilities


(civilians), including persons belonging to armed forces of the enemy, who laid down their arms or ceased to participate in hostilities due to injury, sickness or whatever other reason.

In addition, a manifestation of the principle of humanity is the prohibition and limitation of use of concrete means and methods of warfare.

*«In any armed conflict, the right of the Parties to the conflict to choose methods or means of warfare is not unlimited» (Article 35(1) of Additional Protocol I).*

This question will be described in more detail below.

Slide 13



The infographic is titled "IHL principles" and is divided into three vertical sections. The first section, "Aim", features an icon of a destroyed city and a person, with text: "Aim – limitation of destruction, damage and suffering, sparing life and health of persons". The second section, "Demands", features an icon of a soldier pointing, with text: "Demands humane attitude to those who do not take or ceased to take direct part in hostilities". The third section, "Imposes", features an icon of a soldier with a rifle, with text: "Imposes Limitations on means and methods of warfare". The background is a dark olive green with a camouflage pattern on the right side.

**Key points:**

The principle of humanity implies respect and ensuring protection of persons not taking direct part in hostilities, as well as limitation of means and methods which can be used in warfare.

#### *Principle of military necessity*

The principle implies that firstly, the type and degree of force applied must be actually necessary to achieve a legitimate military purpose. At that, a commonly recognized purpose of warfare is the defeat of the enemy with minimal losses of time, life and physical resources both of the attacking and the defending parties.

Secondly, the use of such type and degree of force is not prohibited by IHL norms. At that, even the lawful right of a State to resort to force is not unlimited. A detailed study on the prohibited or limited means and methods of warfare will be provided below.

*In any armed conflict, the right of the Parties to the conflict to choose methods or means of warfare is not unlimited» (Article 35(1) of Additional Protocol I).*



## IHL principles



### The principle of military necessity



**Allows the use of force** within the limits actually necessary to achieve the legitimate military purpose



**Legitimate military purpose**—the defeat of the enemy with minimal losses (of time, lives and physical resources), achieving military advantage over the enemy



**Allows the use of** only that force, which is not prohibited by IHL

### *Key points:*

The principle of military necessity implies that the type and degree of force used are to be actually necessary to achieve a legitimate military purpose. In addition, such type and degree of force must not be prohibited by IHL.

A legitimate military purpose is the defeat of the enemy with minimal losses.

### *Principle of distinction*

This third out of five main IHL principles implies that the parties to an armed conflict are obliged to draw a distinction between the two categories: persons and objects.

At that, persons are divided into combatants and civilians, while objects are divided into civilian and military ones.

The application of the principle of distinction is an important element of definition of a lawful target for attack. Attack is permitted against combatants and military objectives. Civilians (civilian population) and civilian objects are protected by IHL. Under the general rule, attack against them is not permissible.

Principle of distinction



**Means**  
the duty to distinguish between combatants and civilians, as well as military objectives and civilian objects

*Key points:*

The parties to an armed conflict are obliged to draw a distinction between two categories: persons and objects.

At that, persons are divided into combatants and civilians, while objects are divided into civilian and military ones.

It is permitted to attack combatants and military objectives.

Under the general rule, attacks against civilian persons and civilian objects is not permissible.

*Combatants* are persons entitled to directly participate in hostilities, who do not bear responsibility for their actions until they correspond to IHL norms.

Combatants, among others, include personnel of armed forces of a party to a conflict.

At that, the notion of “armed forces” means not the name of a particular military formation (for example, Armed Forces of Ukraine or armed forces of the Russian Federation), but all military formations taking part in armed conflict on the side of one of the parties to a conflict.

Combatants are a legitimate target for attack regardless of their whereabouts or functional responsibilities. For example,

- an infantryman of the armed forces of rf, who participates in hostilities on a platoon (company) stronghold of the af of rf on the territory of Ukraine;
- a military pilot of a plane launching ballistic missiles against objects on the territory of Ukraine, while being outside that territory;
- an artilleryman of the armed forces of rf, who shells the territory of Ukraine;

- a representative of the military command of the armed forces of rf, who, while never visiting the temporarily occupied territories of Ukraine, performs operations planning and orders an offensive,
- etc.

Slide 16

03

## IHL principles

### COMBATANTS

- ✔
**Representatives of the armed forces**, including members of volunteer corps and all militarized groups, subordinated to a party to the conflict
- ✔
**Are entitled to** directly participate in hostilities, but are simultaneously a lawful objective for attack



Defense Forces of Ukraine	rf occupation troops
Armed Forces of Ukraine	Armed forces of rf
National Guard of Ukraine	National guard of rf
State Border Control Service	Border control service of rf
Defense Intelligence	fsb and gru units
Voluntary associations of territorial communities	So-called "private military companies"

*Key points:*

Combatants are representatives of armed forces, including members of voluntary corps and all militarized groups subordinated to a party to the conflict.

Combatants are entitled to directly participate in hostilities, and they do not bear responsibility for their actions unless they do not violate IHL norms.

Combatants are legitimate targets for attack.

### ***Example of IHL application. russo-Ukrainian armed conflict.***

The term “armed forces of a party to an armed conflict” in the meaning of the Geneva Conventions of 1949 and the principle of distinction covers, in particular, all military formations participating in a conflict on the side of one of the parties.

In the framework of the russo-Ukrainian armed conflict, this includes the defense forces which participate on the side of Ukraine and all the constituents of the occupational troops of the russian federation.

Thus, in accordance with the Law of Ukraine “On the national security of Ukraine and other legal acts, the defense forces include:

Armed Forces of Ukraine

State Special Transport Service  
National Guard of Ukraine  
Foreign Intelligence Service of Ukraine  
Security Service of Ukraine  
etc.

Besides, the armed forces of a State which is a party to an armed conflict include a separate category of *non-combatants*. These are the persons who are members of the armed forces and provide assistance, but do not directly participate in hostilities. This includes medical and religious personnel.

Under the general rule, non-combatants are not a legitimate target and cannot be subjected to attack. In order to enjoy protection, medical and religious personnel must distinguish themselves by corresponding distinctive emblems.

Non-combatants enjoy protection foreseen by IHL, which they lose in case they directly participate in hostilities for the period of such participation.

Slide 17

03 IHL principles

**NON-COMBATANTS**

**Non-combatants** – are persons who are formally members of the armed forces, yet they do not take direct part in hostilities (their duty is to assist)

**Non-combatants** are not a legitimate target and they cannot be subjected to attack unless they take direct part in hostilities

**Non-combatants** include medical and religious personnel

**In order** to enjoy protection, they must distinguish themselves by the relevant distinctive emblems

HACKSAW RIDGE



*Key points:*

Non-combatants are members of the armed forces of a party to a conflict who form part of the medical and religious personnel.

Under the general rule, non-combatants are not lawful military targets and cannot be subjected to attack.

Non-combatants enjoy protection under IHL, which they lose in case of direct participation in hostilities for the period of such participation.

### ***Example of IHL application. Movie***

A lively cinematographic example of strict fulfillment by a non-combatant of exclusively their immediate duties is the movie “Hacksaw Ridge”, which is based on a true story of private Desmond Doss, a hero of the Second World War. Because of his religious beliefs, the protagonist refuses to carry arms and kill the enemies, resulting in his appointment to the medical corps. He saved 75 soldiers in the Battle of Okinawa and was awarded with a Medal of Honor.

*Civilians* are all persons who do not directly participate in hostilities.

Civilians enjoy IHL protection, they cannot be subjected to attack, unless such a *person directly participates in hostilities*.

IHL lacks direct definition of what is considered direct participation of a civilian in hostilities, and therefore its regulation and interpretation can be carried out in the domestic legislation.

According to the approaches of the International Committee of the Red Cross, in order to be considered direct participation in hostilities:

- the act must inflict *direct damage* to the enemy, for example by inflicting death or mutilation, destruction of military objectives (but not civilian objects or persons);
- there must be a direct causal link between the act and the harm inflicted;
- the act must be committed intentionally to cause such harm to a party to the conflict in support of another party.

Examples of direct participation in hostilities are:

- participation in an attack, including carrying arms;
- manufacturing or preparation of self-made explosive devices or other ordnance awaiting attack;
- acting as spotters, watchmen, guards;
- collection of intelligence about the location of the armed forces.

Civilians lose their protection for such time as they directly participate in hostilities, and therefore they can be lawfully targeted.

Slide 18

03

## IHL principles

### Civilians.

#### Direct participation in hostilities



**Civilians**– are all other persons who are not combatants and non-combatants. Civilians directly participating in hostilities are a legitimate military target for the time of such participation.

#### *Key points:*

All other persons do not directly participate in hostilities.

A civilian enjoys IHL protection and cannot be subjected to attack unless that person directly participates in hostilities.

#### ***Example of IHL application. Movie***




A lively example of direct participation of a civilian in hostilities is the episode of the movie “American Sniper”. A sniper keeps at a gunpoint a small boy holding a grenade launcher directed at the American military vehicles. The sniper hesitates, he is ready to open fire because the boy is a lawful military target, but he does not want to take the life of a child. The dramatic scene ends when the boy throws down the grenade launcher and escapes. You can find the link<sup>1</sup> to the movie episode on the slide.

<sup>1</sup> <https://www.youtube.com/watch?v=k7otrCuw348>

**03 IHL principles**

**Examples of such participation:**

<b>Participation</b> in attack, inflicting damage to personnel and vehicles of the armed forces	<b>Acting</b> as observers, watchmen, guards
<b>Manufacturing</b> or preparation of self-made explosive devices or other ordnance awaiting attack	<b>Collection</b> of intelligence on the position of armed forces



*Key points:*

Examples of direct participation in hostilities are:

- participation in attack, including in arms;
- manufacturing or preparation of self-made explosive devices or other ordnance awaiting attack;
- acting as spotters, watchmen, guards;
- collection of intelligence on the position of armed forces.

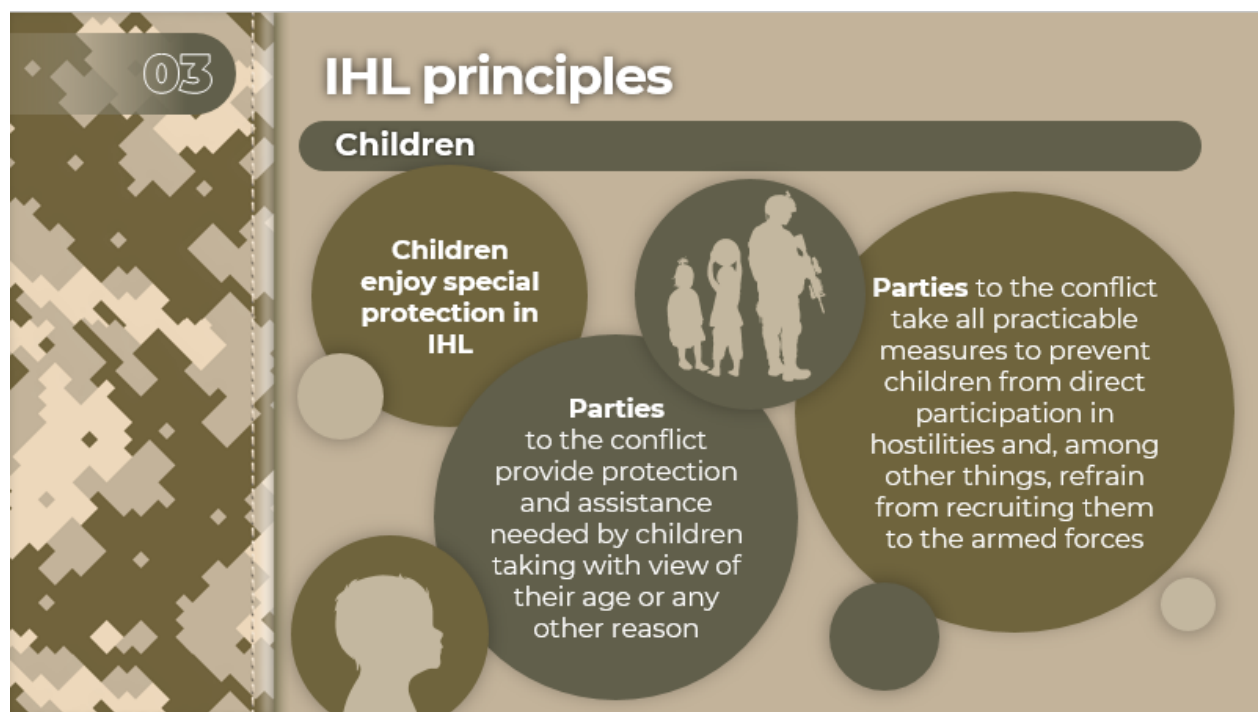
While directly participating in hostilities civilians lose their protection, and therefore can be a legitimate target for attack.

Except for the general protection of civilians, there are several categories of persons enjoying special IHL protection. One of them is *children*.

Children enjoy special respect, they are provided with protection and assistance necessary with view of their age or any other reason, as well as protection against all forms of indecent assault.

In addition, IHL determines the means of protection of children during evacuation and creation of safe zones and areas, during treatment (care) and educational activities, as well as in identification and registration of family ties procedures.

In addition, IHL determines the obligation of the parties to take measures to prevent involvement of children in the armed forces and their direct participation in hostilities. Such actions of a State are a grave violation of the rights of children and are one of 6 serious crimes against children.



*Key points:*

There are several categories of persons who enjoy special IHL protection. One of them is children.

There are several categories of person enjoying special protection under IHL. Children are among them. They enjoy special respect, they are provided with protection and assistance necessary with view of their age or any other reason, as well as protection against all forms of indecent assault.

In addition, IHL determines the means of protection of children during evacuation and creation of safe zones and areas, during treatment (care) and educational activities, as well as in identification and registration of family ties procedures.

The involvement of children for direct participation in hostilities (serving at the checkpoints, acting as observers, spotters, etc.) is prohibited.

Under the principle of distinction objects are divided into *military objectives and civilian objects*.

Military objects are a legitimate target.

A military objective remains such even if there are civilians in or around it.

A military objective is specifically designed, constructed and produced for military purposes (weapons, vehicles, communications equipment, their storages, production and repair facilities, etc.).

Among them are:

- units of the armed forces (buildings, weapons and military vehicles), with the exception of medical units, medical transports, religious personnel and their property;



- objects (buildings, houses, positions, barracks, warehouses, etc), which are used or are prepared to be used for military purposes.

A military objective is such regardless of its location on the territory of States parties to the conflict.

***Example of IHL application. russo-Ukrainian armed conflict***

In the russo-Ukrainian armed conflict the military objectives and therefore legitimate targets are:

- ammo storage facility in the Belhorod oblast of the russian federation;
  - a column of military vehicles moving on the territory of the russian federation in the direction of the temporarily occupied territory of Ukraine;
  - military vehicles and personnel of the russian federation on the temporarily occupied territory of Ukraine
- etc.

Besides that, a military objective is any objective, which by their nature, location, purpose or use makes an effective contribution to military actions and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage.

Thus, for example:

- 1) Civilian objects used for military purposes lose their protection and can be legitimate objectives for attack.

***Example of IHL application. russo-Ukrainian armed conflict***

Приклади втрати цивільними об'єктами захисту, передбаченого нормами МГП:

- розташування особового складу збройних сил російської федерації у гуртожитку університету на тимчасово окупованій території України;
- розташування вогневої позиції САУ на підвір'ї житлового будинку тощо.

Незважаючи на втрату названими вище об'єктами захисту, передбаченого МГП, під час планування та здійснення нападу на такі об'єкти мають бути враховані принципи пропорційності та вжиття запобіжних заходів.

- 2) Dual-purpose objects are lawful targets for attack, if the attack is carried out in the time of their use as military objectives.

Dual-purpose objects include railways, railway stations, bridges, transport routes, etc.

***Example of IHL application. russo-Ukrainian armed conflict***

Example of attacks against dual-purpose objects.

Since November 2022, the defense forces purposefully attacked the Antoniv Bridge as well as the so-called "Crimean Bridge" (08.10.2022, 18.07.2023). Both

Antoniv<sup>2</sup> and Crimean<sup>3</sup> Bridges are dual-purpose objects, however they were actively used for military purposes, namely for providing logistical support to the Russian occupational troops on the temporarily occupied territory of the Kherson and Zaporizhzhia Oblasts, as well as on the temporarily occupied territory of the Autonomous Republic of Crimea and the city of Sevastopol. Therefore, the attacks on the abovementioned bridges, carried out in time of their use for military purposes, do not violate the principle of distinction.

Slide 21

**03 IHL principles**

**Military objectives**

**specifically designed, constructed**  
and produced for military purposes (arms, vehicles, communications equipment, their storages, production and repair facilities, etc.)

**Complete or partial destruction, capture or neutralization** in the circumstances ruling at the time offers a definite military advantage

**AN OBJECT IS MILITARY IF:**

**by its nature, location, purpose or use** make an effective contribution to military action

To consolidate the material explained above, the servicemen/servicewomen are offered to select military objectives among the 6 (six) objects pictured below. Some of them are obviously military.

Pictures № 1 and 6 show ammunition and military vehicles accordingly, which are easily identified as military objects.

Pictures № 3 and 5 are civilian objects or objects appearing such at first sight.

Pictures № 2 and 4 show infrastructural objects (bridge and railways), which are dual-purpose objects and, depending on their use or location can be legitimate targets.

<sup>2</sup> <https://tsn.ua/en/ato/afu-confirmed-strikes-against-antonov-bridge-and-explained-why-civilians-could-not-be-affected-2184946.html>

<sup>3</sup> <https://war.ukraine.ua/faq/why-is-the-crimean-bridge-under-attack/>

## IHL principles

Which of these objects are military objectives?



1



2



3



4



5



6

### Responses

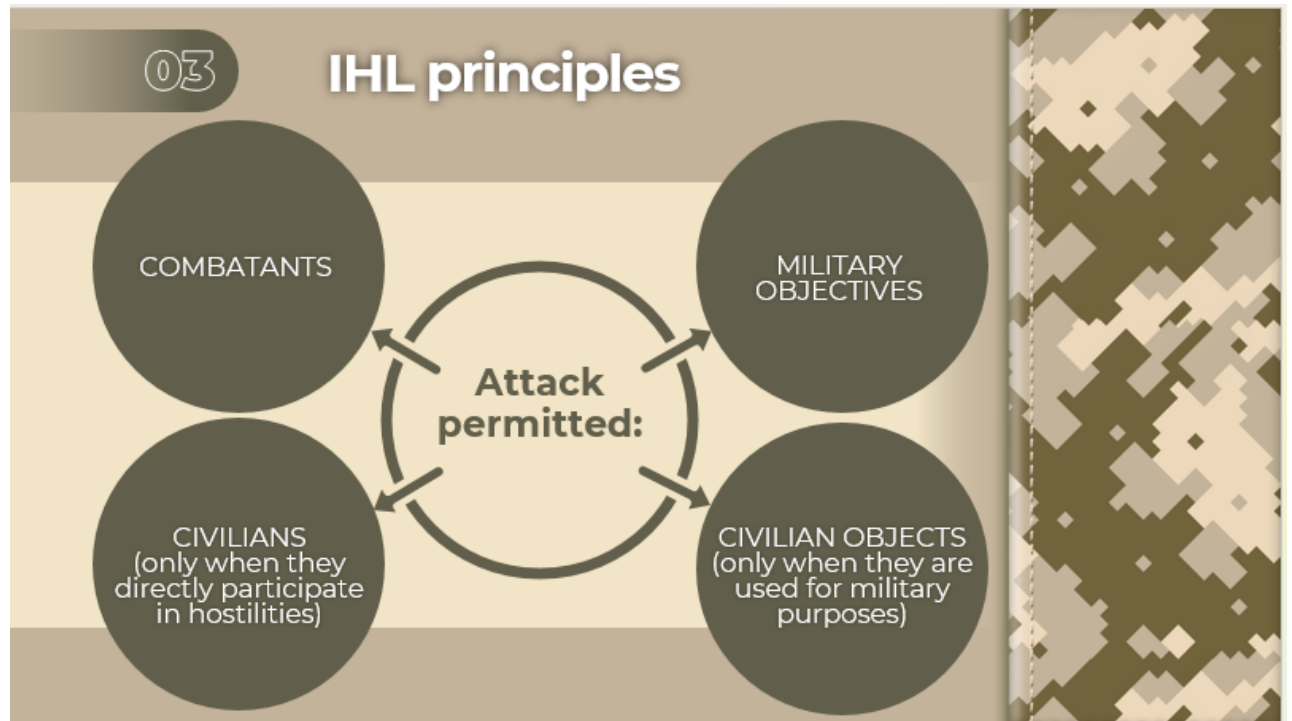
Pictures № 1 and 6 are ammunition and military vehicles accordingly, which are easily identified as military objectives.

Pictures № 3 and 5 are civilian objects or objects appearing such at first sight.

Pictures № 2 and 4 are infrastructural objects (bridge and railways), which are dual purpose objects and which, depending on their use or location, may be legitimate targets for attack.

Thus, the distinction between civilians and combatants, civilian objects, and military objectives is aimed at ensuring protection of civilian population and civilian objects from the consequences of hostilities and direction of actions of troops (forces) against enemy's military objectives only.

It is proposed to complete the study of the principle of distinction with concrete targeting rules presented on the slide.



Based on the study of the principle of distinction, the servicemen/servicewomen are offered concrete targeting rules.

#### *Proportionality principle*

The fourth IHL principle is the principle of proportionality, which implies that the concrete and direct military advantage obtained as a result of military operation must exceed the damage inflicted in its course to civilians and civilian objects, which is collateral damage (losses).

In other words, the parties engaged in fighting should not inflict damage to civilian objects and cause losses among the civilian population that would be excessive for obtaining sufficient military advantage over the enemy.

Thus, the losses among the civilian population are not always a violation of IHL norms, and upon condition of compliance with the proportionality principle they can be considered a justified collateral damage.

Undoubtedly, the proportionality principle cannot be a justification of destruction of unlimited scale or attacks on civilian persons and objects. A purposeful attack on civilians or civilian objects is prohibited. The application of proportionality principle is only possible when a military objective is targeted, however civilians or civilian objects are likely to suffer as a result of attack.

The use of proportionality principle and the corresponding decision-making depends entirely on the time of such decision, available information, available means and methods and task to be performed. Its application in practice is often a serious challenge.

МЕЖНАРОДНЕ ГУМАНІТАРНЕ ПРАВО  
ТА ЙОГО НОРМИ  
ПРО ЗАХИСТ ЖЕРТВ ВІЙНИ



**Implies**, that concrete and direct military advantage obtained as a result of military operation must exceed the damage inflicted in its course to civilians and civilian objects, i.e. collateral damage (losses)



*Key points:*

The proportionality principle implies that concrete and direct military advantage obtained as a result of military operation must exceed the damage inflicted in its course to civilians and civilian objects, which is collateral damage (losses).

The losses among civilians will not necessarily be a violation of IHL and, provided the proportionality principle is satisfied, they can be justified by collateral damage.

### ***Example of IHL application. Movie***

The complexity and consistency of proportionality principle application in the process of planning and execution of an operation is expressly demonstrated in the famous “Eye in the sky” movie, which is offered for watching at leisure.

The protagonists of the movie are the members of the military tasked with elimination of a group of terrorists by launching a rocket attack from combat drones. However, they encounter difficulties when civilians appear close to the terrorists location. The members of the military search for a solution that would help them to perform the mission with minimum civilian losses.

### ***Example of IHL application. russo-Ukrainian armed conflict***

On 16 February 2023 the Armed Forces of Ukraine attacked a lyceum in the town of Yenakiyev, that was used by the Russian occupation troops for accommodation of personnel. A significant number of Russian servicemen have been killed or wounded as a result of the strike.

The use of the HIMARS high-precision artillery rocket system in the attack enabled destruction of the lyceum building only without damage to the nearby civilian objects<sup>4</sup>.

At that, due to the use of the lyceum in Yenakiyev for accommodation of military personnel, it has lost protection under IHL and, in combination with other factors, became a lawful military target. In this fashion, the principle of proportionality has been complied with.

### ***Precautionary principle***

The last but not the least important principle implies that the right of parties to an armed conflict to choose methods and means of warfare is not unlimited.

From the practical viewpoint, the principle of precautions has three elements of necessity:

- 1) verify that the objectives to be attacked are neither civilians nor civilian objects and are not subject to special protection;
- 2) choose the means and methods of attack with view to avoiding and in any event to minimizing incidental loss of civilian life, injury to civilians and damage to civilian objects;
- 3) make an effective advance warning about the attack to the civilian population (unless circumstances do not permit).

The quality of the first component directly depends on the information available to the commander during operational planning and corresponding decision-making.

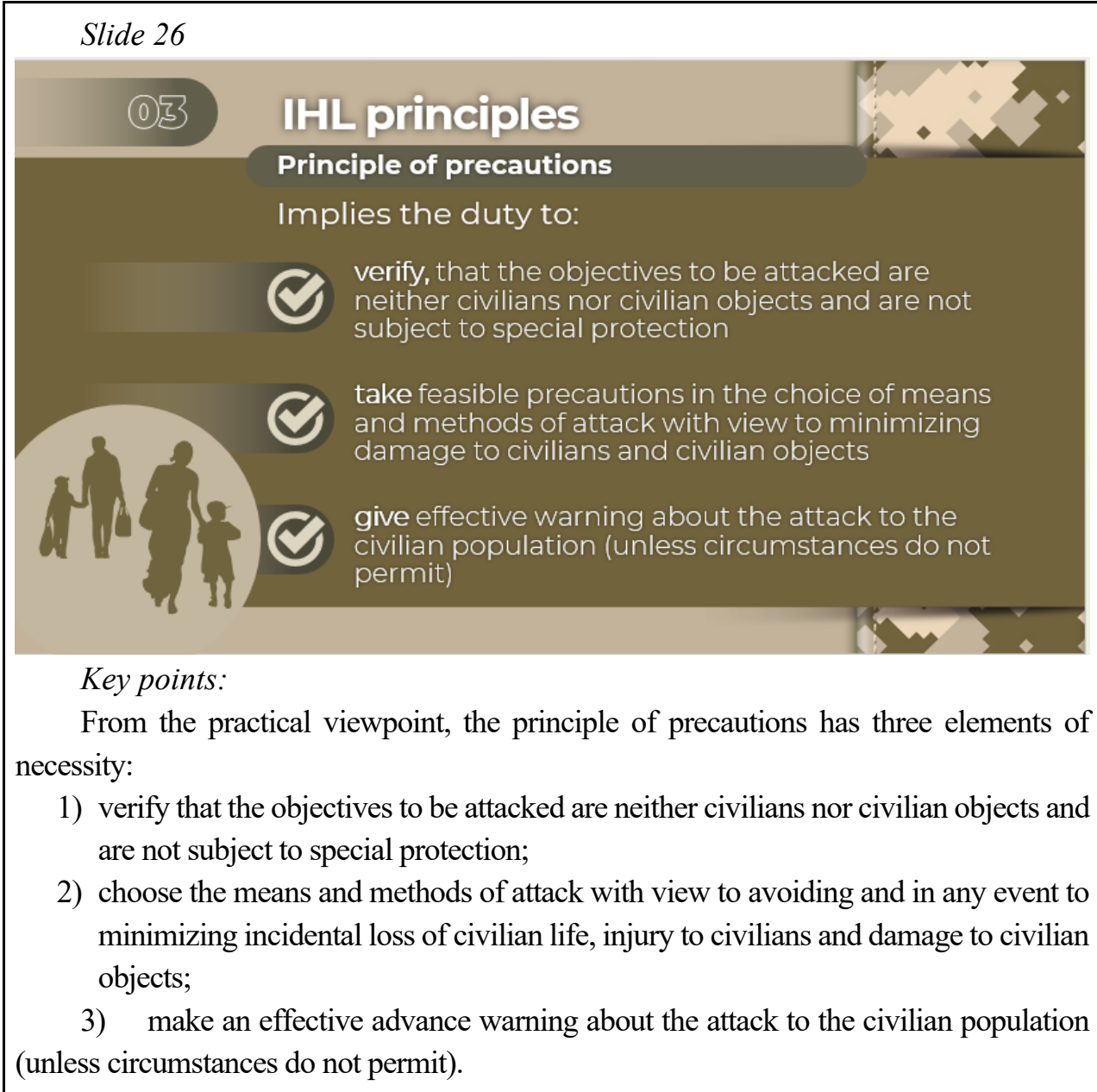
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<sup>4</sup> <https://charter97.org/en/news/2023/2/17/536652/>

The second component concerning choice of means and methods of attack is aimed at ensuring nonapplication of means and methods of warfare prohibited by IHL, as well selection of permitted means and methods in a manner minimizing accidental damage inflicted to civilians and civilian objects.

The execution of the third component concerning warning to a civilian population about the attack is the most controversial for the servicemen/servicewomen. Indeed, the surprise and temporal advantage are an extremely important element of planning and performance of an operation.

*Slide 26*



**03** IHL principles

**Principle of precautions**

Implies the duty to:

- ✓ verify, that the objectives to be attacked are neither civilians nor civilian objects and are not subject to special protection
- ✓ take feasible precautions in the choice of means and methods of attack with view to minimizing damage to civilians and civilian objects
- ✓ give effective warning about the attack to the civilian population (unless circumstances do not permit)

*Key points:*

From the practical viewpoint, the principle of precautions has three elements of necessity:

- 1) verify that the objectives to be attacked are neither civilians nor civilian objects and are not subject to special protection;
- 2) choose the means and methods of attack with view to avoiding and in any event to minimizing incidental loss of civilian life, injury to civilians and damage to civilian objects;
- 3) make an effective advance warning about the attack to the civilian population (unless circumstances do not permit).

***Example of IHL application. russo-Ukrainian armed conflict***

A headquarters of the armed forces of the Russian Federation was located in a multistorey building in one of the towns of Ukraine at the contact line, with civilians still residing in the building. A commander of Armed Forces of Ukraine unit, who

planned an attack, used the available information channels and one day before the attack distributed information about provision of humanitarian aid to civilians in a place situated at a maximum distance from the intended objective of attack. As expected, most civilians were out on the day of the intended attack, and thus civilian casualties as a result of attack has been minimized as much as possible.

Thence, this is the content of the five basic IHL principles: humanity, military necessity, distinction, proportionality, limitation (precautions). It deserves remembering that they should be applied in practice in the process of planning and evaluation of an operation. Besides, all principles are applied in combination complementing each other, taking into account the information available at the time of decision-making.

#### **4. Capturing procedure**

A combatant who has fallen into the power of the adversary is a prisoner of war (POW).

POWs are protected by IHL. The main goal of captivity is the restriction of opportunity to participate in hostilities. Therefore, captivity is not a punishment. Should any doubt arise as to whether the captured person is a prisoner of war or not, such person is to be treated in accordance with the protection guaranteed to prisoners of war by the IHL norms, including Geneva Convention III.

Such protection is well-detailed in the provisions of the Geneva Convention III at all stages: capturing, keeping and treatment of POWs. In particular, POWs have a pretty broad set of rights, including: right to nutrition, clothing, healthcare and respect of their religious beliefs, intellectual and physical activities, communication with the outer world and family, etc.

It is strictly prohibited to subject POWs to torture, cruel or degrading treatment. According to the principle of humanity, all POWs should be treated humanely and with respect to their dignity. It is prohibited to subject them to punishments without a decision of a competent court.

The role of the members of the Armed Forces of Ukraine in the treatment of POWs is pretty limited. Thus, the servicemen/servicewomen are responsible for capturing the russian servicemen and their subsequent transfer to the State bodies authorized for keeping and treatment of POWs (POW camps (compounds) subordinated to the Ministry of Justice of Ukraine.



04

## Capturing procedure

### Prisoners of war



**Prisoner of war** are combatants who have fallen into the power of the enemy

**Captivity** is not a punishment, its goal is to remove the combatant from participation in conflict



Sign  
**Prisoners of war**

**Prisoners of war must be treated humanely**

*Key points:*

A combatant who has fallen into the power of the enemy, is a prisoner of war.

POWs are protected by IHL. The main goal of captivity is the restriction of opportunity to participate in hostilities. Therefore, captivity is not a punishment.

Should any doubt arise as to whether the captured person is a prisoner of war or not, such person is to be treated in accordance with the protection guaranteed to prisoners of war by the IHL norms, including Geneva Convention III.

Understanding and knowing the general POW status under the norms of IHL, members of the Armed Forces of Ukraine must possess concrete practical knowledge and skills of capturing the servicemen of the adversary.

Based on the summarizing of IHL requirements on the treatment of the prisoners of war, international experience of armed conflicts, as well as the experience obtained during 9 years of warfare by the Armed Forces of Ukraine, it is proposed to follow the capturing procedure presented on the slide.

Throughout the entire capturing procedure, one should remember about the massive acts of perfidy committed against the Ukrainian servicemen and servicewomen. For this exact reason, the personal safety of the servicemen and servicewomen of the Armed Forces of Ukraine and the unit are key questions during capturing the enemy.

04

## Capturing procedure

- 1) **Recognize** the enemy's intention to surrender and accept it
- 2) **Remember** about personal safety and the safety of your unit
- 3) **Disarm** the enemy
- 4) **Search** the enemy
- 5) **Limit** the enemy's ability to move
- 6) **Report** the capturing
- 7) **Provide** the prisoner of war with necessary medical assistance (if necessary)
- 8) **Provide** the prisoner of war with necessary food and water (if necessary)
- 9) **Evacuate** the prisoner of war from the battle zone
- 10) **Pass** the prisoner of war to the commander



**ВОЇНИ 10-ї ОГШБ  
БЕРУТЬ ПОЛОНЕНОГО**

### *Key points:*

Based on the summarizing of IHL requirements on the treatment of the prisoners of war, international experience of armed conflicts, as well as the experience obtained during 9 years of warfare by the Armed Forces of Ukraine, it is proposed to follow the capturing procedure presented on the slide.

Throughout the entire capturing procedure, one should remember about the massive acts of perfidy committed against the Ukrainian servicemen and servicewomen. For this exact reason, the personal safety of the servicemen and servicewomen of the Armed Forces of Ukraine and the unit are key questions during capturing the enemy.

### ***Example of IHL application. russo-Ukrainian armed conflict***

The Armed Forces of Ukraine possess an abundant set of video materials from bodycams that demonstrates the process of capturing the servicemen of the armed forces of the Russian Federation.

At that, capturing takes place in accordance with the algorithm described above and in compliance with the relevant IHL norms. One of them is the material of the 10th Mountain Assault Brigade "Edelweiss".

## **5. Means and methods of warfare**

Means of warfare are weapons and weapon systems used by the parties to an armed conflict. Methods of warfare are tactics and strategies of the use of means of warfare.

Thus, means are that what one fights with, and methods is how one fights.

The limitation of means and methods of warfare is necessary in order to comply with IHL principles, including humanity and distinction. The right to choose means and methods of warfare is not unlimited. It is prohibited to employ means and methods of warfare causing superfluous injury and/or unnecessary suffering.

The prohibited means of warfare include types of weapons and weapon systems which by their nature violate one or more IHL principles. As a rule, these are weapons that is indiscriminate in nature, meaning that its use is highly likely to cause damage to civilians. Such means are, for instance, weapons of mass destruction.

Prohibited methods of warfare violate one or more IHL principles. They are, for example, indiscriminate attacks, perfidy, use of live shields, taking of hostages. The use of such methods of warfare violates the principle of distinction, thus undermining the protection provided by IHL to certain categories of persons such as combatants who are hors de combat and civilians.

### ***Prohibited methods***

*Slide № 29*

05

## Means and methods of warfare

### Methods of warfare

Methods are manners of use of means

Legal	Prohibited
<ul style="list-style-type: none"> <li>ambushes</li> <li>fake attacks</li> <li>simulating retreat</li> <li>misinformation</li> <li>Camouflage</li> </ul>	<ul style="list-style-type: none"> <li>use of "live shields"</li> <li>ordering "that there shall be no survivors"</li> <li>perfidy</li> <li>use of emblems and uniforms of the adversary</li> <li>taking of hostages</li> </ul>

***Key points:***

Methods of warfare can be lawful or prohibited. The prohibited methods of warfare violate one or several IHL principles. They include, among others, indiscriminate attacks, perfidy, use of live shields and taking of hostages. The use of such methods violates the principle of distinction thus undermining protection provided by IHL to certain categories of persons like combatants *hors de combat* and civilians.

### *Use of “live shields”*

A “live shields” tactics implies the use of presence or movements of the civilian population to render certain points or areas immune from military operations, in particular in attempts to shield military objectives from attacks or to favour or impede military operations.

Civilians can become “live shields” voluntarily or under coercion.

The first variant was broadly used by the armed forces of the Russian Federation during occupation of the Autonomous Republic of Crimea and at the initial stage of the armed conflict in the Donetsk and Luhansk Oblasts.

Forced “live shields” were used by the enemy during full-scale invasion of Russia into Ukraine, when civilians were held in the basements and on the first floors of the buildings where military objectives were located.

In both cases the civilian status of persons, who are a part of “live shield” remains, and such persons retain protection granted to civilians. Such civilians cannot be lawful military targets. However, provided that proportionate means of attack on the combatants or military objectives covered by the “live shields” are used, although this may result in occasional damage to civilians forming part of a “live shield”, the party resorting to such a prohibited method will be responsible for such collateral damage.

*Slide 30*



#### *Key points:*

This method means that combatants use the presence of protected persons (for example, civilians or POWs) for the protection of their troops.

That is, the servicemen misuse the presence of persons who are not legitimate targets. The use of “live shields” is a prohibited method of warfare. It is a serious IHL violation and thus qualifies as war crime.

### ***Example of IHL application. russo-Ukrainian armed conflict***

The Russian Federation regularly resorts to “live shields” tactics. For the first time – during occupation of the Autonomous Republic of Crimea in winter and spring 2014, when the Russian servicemen without insignia approached the military units of the Armed Forces of Ukraine under cover of civilians.

The enemy keeps using the prohibited “live shields” method throughout the entire armed conflict. There are numerous reports about positioning of the enemy servicemen at the first floors of civilian buildings (multistorey buildings, schools, hospitals), while civilians stay on higher floors<sup>5</sup>.

None other than the leader of the aggressor-state confessed the use of the prohibited “live shields” method when he stated on 4 March 2014: “If we do take a decision, it will be only to protect the Ukrainian people, and let anyone among servicemen try to shoot their own people, behind whom we will stand, not in front of them but behind them. Let them try to shoot women and children. I want to see who would give such an order in Ukraine”.

Thus, the use of the prohibited method of “live shields” are not isolated cases or initiative of certain commanders of the enemy, but a manifestation of state policy.

### ***Ordering “that there shall be no survivors”***

IHL norms demand to give quarter to the enemy who surrenders. It is prohibited to give the order “that there shall be no survivors”, to threaten an adversary therewith or to conduct hostilities on this basis. During the conduct of hostilities such order means the denial to spare the life of anyone from the adversary side, even those who are clearly unable to defend themselves or expressed their desire to surrender. A declaration that no quarter will be given is a serious IHL violation and a war crime.

Several conditions are necessary to consider that the declaration on the absence of quarter was indeed made, including:

- the perpetrator has declared or ordered that there shall be no survivors;
- such a declaration was given to threaten an adversary or to conduct hostilities on the basis that there would be no survivors;
- the perpetrator occupies a certain position (for example, is a commander or superior) enabling them to effectively achieve execution of the order.

Same as everything in IHL, the prohibition not to give quarter is based on the principle of humanity and preservation of human life of those *hors de combat*. As such, this prohibition is aimed at creation of balance between military necessity and humanitarian considerations. It protects combatants *hors de combat* because of their intent to surrender, injury or sickness, even if they remain physically able to continue

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<sup>5</sup> <https://time.com/6255183/ukraine-basement-yahidne-held-captive/>; <https://vostok-sos.org/en/russian-federation-uses-patients-and-doctors-of-the-mariupol-regional-hospital-as-a-human-shield-is-a-war-crime/>

fighting, but wish to surrender. This prohibition also concerns further treatment of those who already surrendered.

Slide 31



*Key points :*

IHL norms require giving quarter to the enemy who surrenders.

It is prohibited to give the order that “there shall be no survivors”, to threaten an adversary therewith or to conduct hostilities on this basis.

During the conduct of hostilities such order means the denial to spare the life of anyone from the adversary side, even those who are clearly unable to defend themselves or expressed their desire to surrender. A declaration that no quarter will be given is a serious IHL violation and a war crime.

### ***Example of IHL application. russo-Ukrainian armed conflict***

One April 24, 2023, the chieftain of the “Wagner” armed group yevgeniy prigozhin recorded a video stating that he orders his subordinates not to take Ukrainian servicemen as prisoners and finish the wounded on the battlefield<sup>6</sup>.

There are other reports about orders given by the adversary to finish the wounded Ukrainian servicemen/servicewomen<sup>7</sup>.

Such orders are a direct violation of the prohibition to order “that there shall be no survivors” and a war crime.

<sup>6</sup> <https://lieber.westpoint.edu/wagner-groups-no-quarter-order-international-law/>

<sup>7</sup> <https://www.ohchr.org/en/statements/2015/09/end-visit-statement-special-rapporteur-extrajudicial-summary-or-arbitrary>

## *Perfidy*

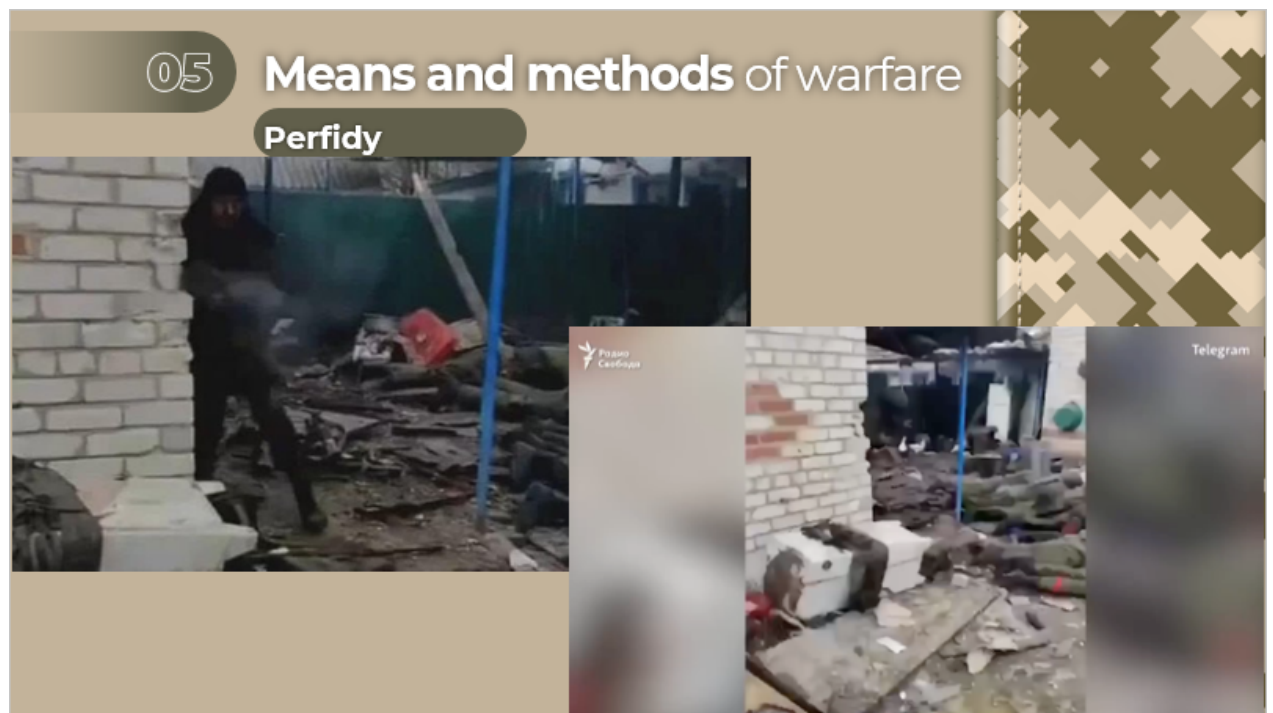
Perfidy is a prohibited method of warfare which implies the use by combatants of the protected status (for example, simulation of being civilians, wounded, flag-bearers, medical or religious personnel) in order to obtain advantage over the adversary.

Examples of perfidy are:

- the feigning of an intent to negotiate under a flag of truce or of a surrender. For example, purposeful demonstration of white flags on the military vehicles with subsequent fire for effect upon approach of the Ukrainian servicemen/servicewomen;
- the feigning of incapacitation by wounds or sickness. For example, pretending being sick or wounded intending to shoot the persons who are going to provide assistance;
- the feigning of civilian or non-combatant status. For example, this can mean the use of civilian clothes to penetrate to the enemy's rear for sabotage or pretending to be a doctor or a clergyman during engagement in hostilities. However, it is not a perfidy to conceal the status of a serviceman/servicewoman to escape the enemy. For example, using civilian clothes to escape is not perfidy;
- the feigning of protected status by the use of signs, emblems or uniforms of the United Nations or of neutral States not parties to the conflict;
- the use of emblems of the Red Cross, Red Crescent, Red Crystall or other protective emblems, signs, signals.

Perfidy is a serious IHL violation and therefore a war crime. .

*Slide 32*



*Key points:*

Perfidy is a prohibited method of warfare which implies the use by combatants of the protected status (for example, simulation of being civilians, wounded, flag-

bearers, medical or religious personnel) in order to obtain advantage over the adversary.

By its nature perfidy is a criminal deception or misuse of trust. Perfidy is a war crime. Perfidy must be distinguished from the ruses of war.

***Example of IHL application. russo-Ukrainian armed conflict***

A key threat for the servicemen/servicewomen of the Armed Forces of Ukraine while capturing the enemy servicemen is the possibility of perfidious attack. Thus, on the 21 of November 2022 during fighting in the Luhansk region, a group of rf servicemen feigned surrender, however, one of them opened fire at the Ukrainian soldier and was destroyed by a reprisal fire. This is an example of a war crime of perfidy committed by the russian servicemen<sup>8</sup>.

During hostilities cases were reported when the enemy servicemen feigned surrender aiming to blow up themselves and the Ukrainian soldiers with a grenade<sup>9</sup>. Such actions should be considered a war crime of perfidy where a combatant feigns protected status (in this case – of a person *hors de combat* who surrenders) to misuse the trust and attack.

Besides that, there were cases when the enemy placed protective emblems of the Red Cross on fighting vehicles and helicopters carrying armaments<sup>10</sup>.

Perfidy should be distinguished from the ruses of war.

Ruses of war are acts which are intended to mislead an adversary or to induce him to act recklessly. The most common ruses of war are the use of camouflage, creation of dummy vehicles, fake positions, decoys, mock operations, seemingly mistaken maneuvers, demonstrative actions, misinformation.

***Example of IHL application. russo-Ukrainian armed conflict***

The servicemen of the Armed Forces of Ukraine actively employ the ruses of war in planning and conducting military actions.

This includes creation of fake positions of the HIMARS rocket systems, with wooden dummies placed instead of real military vehicles.

Another example is active spread of rumors about the approaching offensive on Kherson in autumn 2022. As a result of misinformation spread among the general public, the enemy was misled and was not prepared to massive offensive of the AFU in the Kharkiv oblast<sup>11</sup>.

<sup>8</sup> <https://www.youtube.com/watch?v=av46xt8dxtk>

<sup>9</sup> <https://t.me/AFUStratCom/8995>

<sup>10</sup> <https://www.pravda.com.ua/eng/news/2022/03/11/7330549/>

<sup>11</sup> <https://www.theguardian.com/world/2022/sep/10/ukraines-publicised-southern-offensive-was-disinformation-campaign>



### *The use of emblems and uniforms of the adversary*

Another prohibited method of warfare is the use of enemy uniforms, his flags and military signs during attack or cover of military actions, as well as to impede the enemy's actions. Such a method is close to perfidy, since it is also a treacherous deceit of the enemy and misuse of trust.

Slide 33

05

## Means and methods of warfare

### The use of emblems and uniforms of the adversary



#### *Key points:*

One of the prohibited methods of warfare is the use of military uniforms and emblems of the enemy. Killing or wounding a combatant of the enemy by using their emblems and uniforms is a war crime. Such a dishonest method of warfare is not a ruse of war.

### ***Example of IHL application. russo-Ukrainian armed conflict***

There are numerous reports about russian servicemen changing into Ukrainian uniform for the conduct of hostilities.

Thus, during the fighting for the Hostomel Airport in February 2022, the russian servicemen changed into the Ukrainian uniform to penetrate to the Ukrainian rear for sabotage<sup>12</sup>.

There are also reports about russian servicemen changing to the Ukrainian uniform for provocations against civilians and identification of supporters of Ukraine<sup>13</sup>.

<sup>12</sup> <https://mil.in.ua/en/news/russians-dressing-up-as-ukrainian-military-while-storming-ukrainian-positions/>

<sup>13</sup> <https://tsn.ua/en/ato/russian-troops-dressed-in-ukrainian-military-uniform-kidnap-people-in-ukraine-region-2077156.html>

### *Prohibited means*

Prohibited means of warfare include types of weapons and weapon systems which by their nature violate one or more IHL principles. As a rule, these are the weapons which are indiscriminate in nature, meaning that its use is highly likely to cause damage to civilians.

*Slide 34*



### *Key points:*

One of the IHL functions is limitation of the parties to a conflict in the choice of weapons in order to prevent unnecessary suffering of civilians and combatants. The slide shows some of the types of weapons prohibited by IHL.

Prohibited means of warfare include types of weapons and weapon systems which by their nature violate one or more IHL principles. As a rule, these are the weapons which are indiscriminate in nature, meaning that its use is highly likely to cause damage to civilians.

## **6. Responsibility for violation of rules of International Humanitarian Law**

Responsibility for IHL violations can be divided into:

- (1) responsibility of State and
- (2) individual criminal responsibility of persons (servicemen/servicewomen and their commanders (superiors)).

### *Responsibility of State*

A State is responsible for IHL violations committed by its bodies or officials, including members of the armed forces. Every serviceman/servicewoman is “the face of State” and its agent.

Unlawful acts of one serviceman/servicewoman entail State responsibility on the international level. For this exact reason it is important that the serviceman comply with IHL, including humane treatment of civilians and POWs, since in the contrary occasion it will be the State that will be responsible at the first place, and a serviceman/servicewoman who committed a violation will be responsible at the second place.

Besides, IHL violations inflict serious damage to the image and interests of State and its Armed Forces.

#### ***Example of IHL application. russo-Ukrainian armed conflict***

During the “hybrid war” (2014-2022) one of the most complicated questions was to prove the responsibility of the Russian Federation for acts of armed groups trained and sponsored by the aggressor-state.

Thus, in the case of Flight MH-17 downed over the occupied part of the Donetsk Oblast in 2014, the Russian Federation submits that it cannot bear responsibility as long as it had nothing to do with the “militiamen” who were engaged in fighting against Ukraine.

Yet the European Court of Human Rights in its decision of 25.01.2023 established that Russia exercised effective control over the occupied territories of Ukraine and all the armed groups which operated on that territory and is therefore responsible for all such actions. Further that ECtHR decision can be used to recover compensations from the aggressor-state<sup>14</sup>.

### *Individual responsibility*

Individual responsibility for IHL violations can be criminal and disciplinary. It takes place only for a particular individual – a perpetrator, and sometimes their commander (superior). Moreover, criminal responsibility is foreseen not only on domestic level, but also on international level.

On the domestic level criminal responsibility for IHL violation occurs under Article 438 of the Criminal Code of Ukraine “Violation of the laws and customs of war”. Disciplinary responsibility occurs under the Disciplinary Statute of the Armed Forces of Ukraine.

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<sup>14</sup> <https://www.dw.com/en/mh17-case-against-russia-is-admissible-european-court-rules/a-64511609>

On the international level, individual criminal responsibility is foreseen by the Rome Statute of the International Criminal Court (hereinafter – ICC). Article 8 of the Rome Statute establishes a list of criminally punishable war crimes. Importantly, Ukraine recognized the jurisdiction of the ICC and this international court has powers to persecute perpetrators of war crimes on the territory of Ukraine regardless of their nationality or affiliation with any party to the conflict.

Slide 35



*Key points:*

IHL violations entail responsibility of the State and individual responsibility of a person (servicemen/servicewomen and/or their commanders).

### ***Example of IHL application. russo-Ukrainian armed conflict***

The case of the Russian pilot Aleksandr Krasnoyartsev. He participated in bombing Chernihiv, was downed, and landed with a parachute in a yard of a private house. The master attempted to apprehend him. Krasnoyartsev shot him with a gun. He was later exchanged for five Ukrainian pilots. He was also sentenced to 14 years in prison for a war crime – murder of a civilian<sup>15</sup>.

A commander (superior) bears criminal or disciplinary responsibility for all their subordinates in case they commit a war crime or other IHL violations in such cases:

(1) if the commander themselves ordered to commit criminal acts;

<sup>15</sup> <https://www.justiceinfo.net/en/124464-one-year-after-exchanged-russian-pilot-sentenced-chernihiv.html>

- (2) if the commander knew or must have known that their subordinates have committed or intend to commit a war crime (other IHL violation, however:
- (a) failed to take sufficient and reasonable measures to prevent that violation or
  - (b) failed to bring the perpetrators to responsibility (i.e. when the commander ignores the unlawful actions of their subordinates).

***Example of IHL application. russo-Ukrainian armed conflict.***

Well-known are the crimes against civilians in the Kyiv Oblast committed by the russian occupation troops between 24 of February and 30 March 2022. There are reasons to believe that some of the war crimes, for instance organization of torture chambers and extrajudicial killings of persons suspected of affiliation or support to the Armed Forces of Ukraine were committed by direct orders of the russian military commanders. At the same time, the nature of certain other war crimes, such as killings of civilians, looting private property, rapes, etc. were committed by russian servicemen on their own initiative.

For the entire period of occupation of parts of Kyiv Oblast, the russian military command did not prevent such war crimes, and later the russian military and political leadership denied them and never took measures to investigate and prosecute the perpetrators. To the contrary, on 18 April 2022, the russian president awarded an honorary title of guards to the 64<sup>th</sup> motor rifle brigade that occupied Bucha. This indicates not only unwillingness to investigate, but a direct support of war crimes committed by the members of that brigade, making the command of the brigade and the russian military and political leadership responsible for the war crimes committed under the command responsibility doctrine.

06

## Responsibility

### Responsibility for IHL violations



**A State** is internationally responsible for the actions of servicemen/servicewomen. The acts of servicemen/servicewomen=acts of state.



**Servicemen/servicewomen**, who have committed a war crime, are subject to criminal responsibility



**Commanders** are responsible for the actions of their subordinates: (1) if war crimes are committed by their orders, or (2) if the commanders have failed to take measures necessary to prevent their commission of punishment of the guilty



### *Key points:*

A State is responsible for the actions of the Armed Forces and individual servicemen/servicewomen.

A serviceman/servicewoman bears criminal or disciplinary responsibility for IHL violations which they have themselves committed.

A commander (superior) bears criminal or disciplinary responsibility in the following cases:

- (1) If the commander has himself/herself ordered to commit unlawful actions.
- (2) If the commander knew or must have known that their subordinates have committed or are willing to commit an IHL violation, but (a) failed to take necessary and reasonable measures for the prevention of this violation or (b) bringing the guilty to responsibility (i.e. when the commander ignores the unlawful actions of their subordinates).

### *War crimes/military crimes*

War crimes are serious violations of IHL (laws and customs of war). These crimes are international since they infringe upon the internationally recognized rules of conduct during the war. War crimes are not subject to statutory limitations. Amnesty does not apply to war criminals. The abovementioned Article 438 of the Criminal Code of Ukraine foresees criminal responsibility precisely for war crimes.

Examples of war crimes are:

- killing or wounding treacherously a combatant adversary;
- torture or inhuman treatment;
- willfully causing great suffering or serious injury to body or health;
- extensive destruction and appropriation of property, not justified by military

necessity and carried out unlawfully or wantonly;

- compelling a prisoner of war or other protected person to serve in the forces of a hostile power;
- unlawful deportation or transfer or unlawful confinement.

Slide 37

06

## Responsibility

### War crimes

Examples of war crimes:

- **Killing or wounding** treacherously a combatant adversary
- **torture** or inhuman treatment
- **willfully** causing great suffering or serious injury to body or health
- **extensive** destruction and appropriation of property, not justified by military necessity and carried out unlawfully or wantonly
- **compelling** a prisoner of war or other protected person to serve in the forces of a hostile power
- **unlawful** deportation or transfer or unlawful confinement

War crimes are serious IHL violations

*Key points:*

War crimes are serious IHL violations. These crimes are international since they infringe upon the internationally recognized rules of conduct during the war.

War crimes are not subject to statutory limitations. Amnesty does not apply to war criminals.

Do not confuse war and military crimes. War crimes infringe upon the internationally established rules of conduct during the war and constitute the most serious IHL violations. Military offences, in turn, infringe upon the established procedure of military service (for example, failure to comply with orders, disobedience, absence without leave from a military unit or place of service, desertion, loss of munitions, omission of military authorities, etc.).



War crimes – serious IHL violations



Military offences – offences against the established procedure of military service



*Key points:*

War crimes infringe upon the internationally established rules of conduct during the war and constitute the most serious IHL violations.

Military offences, in turn, infringe upon the established procedure of military service (for example, failure to comply with orders, disobedience, absence without leave from a military unit or place of service, desertion, loss of munitions, omission of military authorities, etc.).


The Criminal Code of Ukraine contains norms establishing criminal responsibility for the commission of war crimes (“Violation of the laws and customs of war”). They can be found in Article 438 of the Criminal Code of Ukraine.

All persons, regardless of which armed forces they are associated with, may be subjected to criminal responsibility.



## Responsibility

### Article 438 of the Criminal Code of Ukraine



**Cruel treatment** of prisoners of war or civilians, deportation of civilian population to engage them in forced labor, pillage of national treasures on occupied territories, use of methods of the warfare prohibited by international instruments, or any other violations of laws and customs of war stipulated by international treaties, ratified by the Verkhovna Rada of Ukraine, and also issuing an order to commit any such actions - shall be punishable by imprisonment for a term of eight to twelve years.

**The same actions**, where they are accompanied with premeditated murder, – shall be punishable by imprisonment for a term of ten to fifteen years or life imprisonment.

#### *Key points:*

The Criminal Code of Ukraine contains norms establishing criminal responsibility for the commission of war crimes (“Violation of the laws and customs of war”).

All persons, regardless of which armed forces they are associated with, may be subjected to criminal responsibility.

## 7. IHL Soldier’s Card

IHL is a collection of many international customs and treaties (161 norms of customary IHL and around 100 international treaties in this field). Such a volume of information is clearly extensive, and it is practically impossible to cover it in the course of BMT. To make this massive of norms disposable and available for the members of the military, on the State level there exists an Instruction on the application of the rules of international humanitarian law in the Armed Forces of Ukraine approved by the order of the MOD of 23 March 2017 № 164 (hereinafter – the Instruction).

This document contains the most important IHL provisions and the order of their application while performing combat missions by the servicemen/servicewomen of all levels ranging from soldiers and up to commanders.

Among other things, the Instruction includes a Soldier’s card containing basic provisions of IHL (protected persons and objects, rules of conducting hostilities). Knowing and understanding the content of that Card is a duty of all servicemen/servicewomen.

## 07 Soldier's IHL Card

**ВІЙСЬКОВОСЛУЖБОВЕЦЬ**  
при виконанні обов'язків військової служби та спеціальних (бойових) завдань

**ПАМ'ЯТАЙ**  
Під час збройного конфлікту норми гуманності повинні дотримуватись навіть щодо ворога. Ці норми містяться у міжнародному гуманітарному праві (головним чином, у чотирьох Женевських Конвенціях та Додаткових Протоколах до них).

**ЗАХИЩЕНІ ОСОБИ:**

- Щоразу, коли дозволяє ситуація підбирай всіх поранених і хворих (у тому числі представників ворожої сторони) та піклуйся про них.
- Забороно брати заручників або використовувати живі щити.
- Забороно застосовувати катування, тілесні покарання, каліцтво, глум над людською гідністю, колективні покарання та покарання без належного судового рішення.

**ЗАХИЩЕНІ ОБ'ЄКТИ:**

- Забороно знищувати, виводити або доводити до непридатності об'єкти, необхідні для виживання цивільного населення.
- Забороно грабувати майно цивільного населення.
- Забороно завдавати масштабної, довготривалої та серйозної шкоди навколишньому природному середовищу.

**ЗАХИСТ МЕДИЧНИХ МІСЬ:**

- Розпізнавальні емблеми Червоного Хреста повинні користуватися повагою за будь-яких обставин. Заборонено вчиняти будь-які дії, направлені на применшення поваги та захисту по відношенню до них.
- Медичні установи, персонал, обладнання та санітарно-транспортні засоби повинні користуватися повагою та захистом за будь-яких обставин.

**Soldier's IHL card** is a document which all servicemen/servicewomen are obliged to know and understand.

**The card contains** the main provisions of IHL established by international treaties to which Ukraine is a party.

**This document is foreseen** by the Instruction on the application of the rules of international humanitarian law in the Armed Forces of Ukraine approved by the order of the MOD of 23 March 2017 № 164. Please check the link to the Instruction .



*Key points:* The slide shows the soldier's IHL card, the Instruction and the QR-code referring to it.

When showing this slide, the instructors are expected to hand the IHL card to the trainees.

### 3. FAQ

<p>1.</p>	<p>Why should I respect IHL, if the members of the AF of rf do not?</p>	<p>1. Do rf and its servicemen violate IHL norms? Yes, definitely.</p> <p>Does this grant us, members of the AF of Ukraine to violate the norms in the same way? No, categorically.</p> <p>2. IHL is a minimum standard of humanity among total suffering and destruction brought about by hostilities. Compliance with this standard is not based on reciprocity principle. This means that even if the enemy violates IHL, we have no right to mirror its actions.</p> <p>3. Besides, respect for IHL norms is an instrument that contributes to achieving military goals lawfully.</p> <p>There are, at least, 5 concrete reasons why IHL must be respected even if the enemy does not respect it:</p> <ol style="list-style-type: none"> <li>1. military-political assistance of Partner States (weapons, vehicles, training, political support, etc.);</li> <li>2. more russian POWs;</li> <li>3. preserving moral values (honor and dignity) both of every serviceman/servicewoman and the AF of Ukraine in general as an institution;</li> <li>4. performance of duty both of individual serviceman/servicewoman (foreseen by the Statute of Internal Service of the AF of Ukraine) and Ukraine in general (international commitments of a State);</li> <li>5. absence of disciplinary and criminal responsibility both on domestic and international level.</li> </ol>
<p>2</p>	<p>Do I have to comply with IHL norms, if Ukraine never declared war to the russian federation and vice versa.</p>	<p>IHL norms take effect automatically with the beginning of an armed conflict, i.e. with the beginning of hostilities or occupation (even exercised without a single shot).</p> <p>IHL application is not affected by how the parties call the hostilities that are taking place.</p>

		<p>An armed conflict between rf and Ukraine started in 2014 with the occupation by the russian federation of the AR of Crimea, and it was then when a duty to comply with IHL emerged for both parties.</p> <p>At that, since 2014 and until now:</p> <ul style="list-style-type: none"> <li>• Ukraine used different names for hostilities: occupation of ARC, antiterrorist operation on the territory of the Donetsk and Luhansk Oblasts, repelling aggression of the russian federation, Joint Forces Operation, full-scale invasion;</li> <li>• the russian federation switched from “we are not there” narrative to the “special military operation”.</li> </ul> <p>Thus, it does not matter for the IHL application how the parties, that is russia and Ukraine, call the hostilities taking place.</p>
3	<p>Is Bilorus a party to the armed conflict?</p>	<p>Bilorus is not a party to the armed conflict between the russian federation and Ukraine. So far, at least.</p> <p>At the same time, Bilorus (same a the russian federation) is an aggressor-state with respect to Ukraine because it allows the russian federation to use the territory of Bilorus for aggression against Ukraine.</p> <p>Such actions (according to Article 3 of the UN General Assembly Resolution “Definition of Aggression” of 14 December 1974) are an act of aggression, regardless of the declaration of war.</p>
4	<p>What is the status of members of the PMC “Wagner” and other private military companies?</p>	<p>This is a complicated question from the point of view of international law.</p> <p>First of all, for a member of the AF of Ukraine, who is engaged in a combat mission at the contact line, members of any PMC involved in hostile actions are a legitimate target for attack.</p> <p>Secondly, PMC “Wagner” (as well as other PMC) participate in the international</p>

armed conflict between rf and Ukraine on the side of the occupation troops of rf, that is evidenced by joint performance of combat missions, logistical and other types of support, etc. In that case, they are combatants.

Thirdly, members of the “Wagner” PMC and other russian PMCs, who directly participate in hostilities in other armed conflicts (where rf is not a party), can be classified as mercenaries. Mercenary activities are unlawful under international law and qualifies as war crime. By the way, the same crime can be found in the criminal code of rf.

To be recognized a mercenary, a person must correspond to *all* the criteria below:

- 1) is specially recruited locally or abroad in order to fight in an armed conflict;
- 2) is motivated to take part in the hostilities essentially by the desire for private gain and, in fact, is promised, by or on behalf of a party to the conflict, material compensation substantially in excess of that promised or paid to combatants of similar rank and functions in the armed forces of that party;
- 3) is neither a national of a party to the conflict nor a resident of territory controlled by a party to the conflict;
- 4) is not a member of the armed forces of a party to the conflict;
- 5) has not been sent by a State which is not a party to the conflict on official duty as a member of its armed forces.

Most members of the russian PMCs participating in the russo-Ukrainian armed conflict do not correspond to criteria № 3, since they have rf citizenship, and thus do not have a status of a mercenary.

At the same time, the same member of the russian PMCs, who takes part in hostilities in, for instance, Central African Republic,

		is a mercenary from the point of view of international law.
5	Are foreigners serving in the AF of Ukraine, mercenaries?	<p>No.</p> <p>Foreigners serving in the AF of Ukraine are not mercenaries since they <b>do not correspond to, at least, three criteria</b> out of five. Namely:</p> <ul style="list-style-type: none"> <li>• foreigners enter military service in the AF of Ukraine voluntarily (criterion № 1 is not met)</li> <li>• foreigners who participate in hostilities are guided by different personal beliefs, mostly connected to the protection of democratic values and internal desire to stop the armed aggression. Besides, their material reward is the same as of the national of Ukraine undergoing military service in a similar position and having the same rank (criterion № 2 is not met)</li> <li>• foreigners undergo military service in the AF of Ukraine on lawful grounds since 2016 (criterion № 4 is not met).</li> </ul>
6	Is it only a member of the AF of Ukraine who is a combatant on the Ukrainian side?	<p>No.</p> <p>Although IHL uses the term “armed forces of a party to an armed conflict”, that term is general.</p> <p>It includes all armed formations participating in hostilities on behalf of one of the parties to an armed conflict.</p> <p>In the context of the russo-Ukrainian armed conflict this means not only the AF of Ukraine (as a name of the Ukrainian military), but all the defense forces in the meaning of the Law of Ukraine “On National Security of Ukraine”.</p>
7	Is attack against medical and religious personnel prohibited in all times?	Under the general rule, medical and religious personnel of the armed forces are non-combatants and they are protected against attack. The servicemen enjoy such protection for the time they perform their

		<p>duties, that is provide medical and religious support.</p> <p>In case such persons perform different functions (for example, employ weapons, reload weapons, etc.) they lose their protection and are a legitimate target for attack.</p> <p>At that, the mere presence of personal weapons not prepared for use is not an indication of “exiting” beyond performance of duties.</p>
8	Is the legal advisor (military lawyer) a combatant?	The representatives of legal service of the Armed Forces of Ukraine are participants of combat actions. Civilian advocates are protected against attack.
9	Is it worthwhile to injure the member of the af of rf, but not kill him?	<p>No, its not worthwhile to intentionally aim to injure the enemy.</p> <p>A member of the af of rf is a combatant since Ukraine and rf are parties to an armed conflict.</p> <p>A combatant is a lawful target for attack.</p> <p>Use weapons in a way that you were taught.</p>
10	Can I open fire at a member of the af of rf who escapes?	<p>Yes.</p> <p>A member of the af of rf is a combatant since Ukraine and rf are parties to an international armed conflict.</p> <p>A combatant is a lawful target for attack, except when he/she <b>is out of action</b> (hors de combat).</p> <p>Such cases may be:</p> <ul style="list-style-type: none"> <li>a) falling in the power of the adversary (i.e. POW);</li> <li>b) clear indication of intention to surrender;</li> <li>b) inability to continue fighting due to injury or sickness, provided that such a person refrains from hostile actions and does not attempt to escape.</li> </ul>

11	If a member of the af of rf does not have weapons, should I take him prisoner and not use arms against him?	<p>An attack on a member of af of rf is prohibited only when he/she is out of action (see question above), and in that case you must take him/her prisoner.</p> <p>In case a member of the af of rf does not carry arms in this particular moment of time for whatever reason (for example, during smoking, eating, sleep, etc.) there is no requirement to necessarily take him/her prisoner. He/she is a combatant, and thus a legitimate target, and there are no limitations on the use of arms.</p> <p>At the same time, if the combat situation so permits and this will not negatively affect performance of a task, it is recommended to capture such combatants.</p>
12	If its obvious that a member of the af of rf will not survive after injuries sustained, can I shoot him to put an end to suffering?	<p>No.</p> <p>IHL does not allow to help the enemy to die in this manner. You must provide necessary medical assistance and ensure satisfaction of his/her spiritual and religious needs.</p>
13	Why should I evacuate a wounded member of the af of rf?	<p>International humanitarian law protects a combatant, who is out of action, against attack. Provision of medical aid and arranging evacuation is also mandatory.</p> <p>Once the life of a wounded member of the af of rf is preserved, he/she becomes a prisoner of war, and thus can later be exchanged for the defenders of Ukraine.</p> <p>Except for sparing life of a wounded member of the af of rf by evacuation, there are other important reasons why the norms of international humanitarian law must be respected (see question № 1)</p>
14	What should I do if I see a child fighting in hostilities on the side of the russian federation?	<p>Regardless of who uses weapons against you in hostilities, you have the rights to employ all available and permitted means and methods for self-defense, protection of your unit and Ukraine in general.</p> <p>In general, children enjoy special protection in international humanitarian</p>



		<p>law and cannot be targeted. This rule applies unless they take direct participation in hostilities.</p> <p>The use of arms by a child at a contact line is, without doubt, a direct participation in hostilities.</p>
15	How can I understand that a civilian directly participates in hostilities?	<p>A civilian is considered to be directly participating in hostilities when he/she performs acts falling under three criteria:</p> <ul style="list-style-type: none"> <li>• directed at the support of one party by inflicting damage to another party;</li> <li>• will likely result in infliction of concrete damage to the enemy or protected persons or objects;</li> <li>• existence of direct causal link between the act and the damage inflicted.</li> </ul> <p>For example:</p> <ul style="list-style-type: none"> <li>- physical participation in hostilities</li> <li>- participation in tactical planning</li> <li>- collection of tactical intelligence for immediate use in hostilities</li> <li>- acting as spotter during ambush, adjustment of artillery fire and of other means of remote attack</li> <li>- delivery of ammunition to a firing position.</li> </ul>
16	Is a Ukrainian adjusting artillery fire of the af of rf in the combat area a legitimate target for attack?	<p>If you are able to physically observe that during shelling a civilian acts as enemy fire spotter (for example, uses means of communication to pass information making fire more precise), such a person directly participates in hostilities, and thus is a legitimate target for attack.</p> <p>It deserves noting that a person is a legitimate target for attack only for such time when he/she acts as gunnery spotter. The same person, for example, going to a store or to a working place next day, is not a legitimate target for attack.</p>

		<p>At the same time, you can pass information about such a person to the law enforcement bodies of Ukraine for criminal persecution.</p>
17	<p>Is attack on a school lawful? How about other objects like churches, administrative buildings, etc?</p>	<p>In general, a school is a civilian object, and an attack on it is impermissible.</p> <p>At the same time, a school is protected against attack unless it is used by the enemy for military purposes (accommodation of personnel, storing ammunition, placing of command posts, etc.).</p> <p>Therefore, before launching an attack on a school, one must make sure whether it is indeed used for military purposes.</p> <p>If a school is indeed used for military purposes, it must be attacked taking into account the principles of proportionality and precautions. This means that a commander must select means and methods of attack to minimize damage to civilians.</p> <p>For example, if teaching process goes on in such a school, an attack can be launched at night when there are no children inside. Such a precautionary measure will notably minimize damage likely to be caused to civilians.</p> <p>This approach also relates to other civilian objects.</p>
18	<p>Would it be lawful to attack a building with 5 members of the af of rf inside, however, as I suspect, there is additionally a greater number of civilians there?</p>	<p>Legality or illegality of such an attack depends on military advantage anticipated, as well as the amount of collateral damage (civilian casualties and damage to civilian objects) likely to be caused.</p> <p>If the anticipated military advantage considerably exceeds collateral damage likely to be caused, such an attack would be proportionate and thus lawful. Here lies one of the basic IHL principles – the principle of proportionality.</p> <p>Such a decision is to be taken by a commander based on the available</p>

		<p>information. This means that the commander may recognize an attack proportionate, although it is likely to lead to civilian casualties.</p> <p>At that, all possible measures are to be taken to minimize the number of civilian casualties (attack at different time, with other means, etc.).</p>
19	<p>Would it be lawful to attack a munitions factory where civilians are employed?</p>	<p>A munitions factory is a military objective.</p> <p>At that, civilians employed there retain their status and are protected by the norms of international humanitarian law. That is, an attack on the factory is permitted, but not an attack on civilians, who assist in military effort but do not directly participate in hostilities.</p> <p>The fact of presence of civilians at such a factory (their quantity, need to minimize civilian casualties) must be taken into account by the commander in determination of proportionality of attack.</p> <p>Thus, an attack can be launched when civilians will be out of work (or their quantity will be minimal), using high-precision means of attack in order to minimize the damage likely to be inflicted to civilian employees.</p> <p>The goal of the attack is to destroy the munitions factory, but not to inflict damage to employees, who remain civilians.</p>
20	<p>Would the presence of one member of the AF of Ukraine in a store/school/administrative building turn that object into a military objective?</p>	<p>No. A civilian object does not lose its status because of presence of a serviceman/servicewoman.</p> <p>At that, a serviceman/servicewoman himself/herself is a legitimate target for attack. However, such an attack must offer concrete military advantage that would considerably exceed the possible collateral damage to civilians.</p> <p>Yet, for example, launching an artillery strike on a shop in a town near the contact line, destruction of a shop, killing and</p>

		wounding civilians and one serviceman/servicewomen (who went shopping) is not proportionate and thus is unlawful. Such actions are qualified as a war crime.
21	Is a military objective on the territory of rf a legitimate target?	<p>International humanitarian law defines that all military objectives on the territory of States parties to an armed conflict, are legitimate targets.</p> <p>Planning and launching of concrete attacks is performed taking into account military and political expediency.</p>
22	Would a bridge on a temporarily occupied territory be a legitimate target? How does the international community approach attacks on such objects?	<p>A bridge (just as any dual-purpose object) is a legitimate target only in case and for such time that it is used for military purposes (for instance, for transportation of weapons, redeployment of military vehicles and manpower, etc.). This provision applies also to bridges situated on the temporarily occupied territory of Ukraine.</p> <p>At that, such an attack must take into account other principles of international humanitarian law, namely proportionality and precautions.</p> <p>The international community never supports unlawful actions, especially committed using means provided to Ukraine by Partner States.</p>
23	Would it be lawful to attack medical vehicles used by the ar of rf for redeployment of manpower to the contact line but not for evacuation of the wounded?	<p>Medical transports enjoy special protection, and therefore its use for movement of members of the af of rf to the contact line is prohibited under international humanitarian law.</p> <p>Medical transport used for military purposes loses protection for the period of such use and is a legitimate target for attack.</p>
24	Why should I take a member of the af of rf prisoner but not destroy him?	<p>There are several reasons both axiological and pragmatic:</p> <ul style="list-style-type: none"> <li>• the increase of number of POWs to be exchanged for defenders of Ukraine;</li> </ul>

		<ul style="list-style-type: none"> <li>• maintaining own value priorities;</li> <li>• performance of an international obligation of Ukraine, etc.</li> </ul>
25	Why should I treat a member of the af of rf taken as prisoner humanely, if russia does not treat Ukrainian POWs in that way?	<p>Because you are not russian. You are much higher than that.</p> <p>In addition to the arguments mentioned in the previous question, humane treatment of POWs will instigate members of the af of rf to surrender instead of fighting to death. The reason is that the members of the af of rf are sure that they will be treated humanely.</p> <p>This will help us win.</p>
26	Should I use my own meds to provide medical assistance to a POW?	<p>On the battlefield, during capturing a member of the af of rf, if he needs urgent help, you must provide medical assistance with means contained in his first aid kit.</p> <p>You should carefully use your own first aid kit in the interests of a POW, considering all the circumstances of combat situation ruling at the time (ongoing assault, intensity of combat, estimated enemy strength, etc.).</p>
27	Should I share my own food and water with a POW?	<p>In general, a POW must be evacuated from an active combat zone as soon as practicable.</p> <p>At that, the role of the AF of Ukraine in the treatment and detention of POWs is very limited. It lies in taking members of the af of rf as prisoners, preliminary questioning and transfer to the authorized representatives of the Military Law Order Service of the AF of Ukraine for escorting to the authorized bodies of state power for further detention.</p> <p>That is, from the practical point of view the probability of such a situation is very low and it is connected with the need to stay covered because of heavy enemy fire.</p> <p>In that situation, available nutrition products and water are to be distributed equally, including for POWs.</p>

28	If I capture a member of af of rf, are there any items that must stay with him?	<p>Effects and articles of personal use must remain in the possession of a POW, namely: medicines, religious items, letters, identification documents, etc.</p> <p>You have no reason and need to take these items.</p>
29	Can I take pictures / record videos of a POW and share these materials on the Internet, with my friends, etc?	<p>POWs have a right to protection against public curiosity, including, among other things, non-distribution of photo and video materials about them on the Internet with some exceptions namely: POW's personal desire of publicity (especially when they are considered missing in action) and existence of substantial public interest.</p> <p>The grounds for substantial public interest are:</p> <ul style="list-style-type: none"> <li>• high rank of a POW;</li> <li>• drawing public attention to serious violations of international humanitarian law;</li> <li>• a POW is on a wanted list.</li> </ul> <p>It is within the powers of the Command to determine whether either of the two exclusion grounds exist, and therefore, in view of their right to protection against public curiosity, it is prohibited to take pictures / record videos of a POW on the tactical level.</p>
30	What should I do to a POW after evacuation from the battlefield?	<p>After evacuation of a POW from the battlefield, he/she must be transferred to the command of your unit for questioning and further transfer to the Military Law Order Service of the AF of Ukraine for escorting to the places of detention of POWs (camps or camp compounds).</p>
31	What questions can I ask a POW to obtain information? Who should ask questions?	<p>As a matter of fact, AF of Ukraine questions POWs twice.</p> <p>Firstly, when capturing a member of the af of rf, you can ask about tactical situation, location of enemy troops, their numbers in a particular area, etc.</p>

		<p>Secondly, the POW is questioned by the command of your unit. During that questioning, a POW is bound to give his first names, surname, rank, date of birth and military number.</p> <p>At that, he can be asked any questions. However, they must be asked in a language a POW understands.</p> <p>It is prohibited to resort to any physical or psychological pressure to obtain information from POWs.</p>
32	What should I do if I witness inhumane treatment of a POW?	<p>Inhumane or cruel treatment of a POW is a war crime.</p> <p>You must stop such actions and report the fact to your superior. The supreme political leadership and military command of Ukraine does not tolerate commission of war crimes by the members of AF of Ukraine regardless of their position and military rank.</p>
33	What should I do if a POW escapes?	<p>You should try catching them.</p> <p>At that, the use of weapons as means to prevent escape is an extraordinary measure, that must be preceded by a proper warning.</p> <p>A POW caught in escape can be brought to disciplinary responsibility only.</p>
34	If a POW escapes and I take him prisoner again after some while, will he/she be still protected under Geneva Convention III?	<p>Yes, POWs are always protected by the Geneva Convention relative to the Treatment of Prisoners of War.</p> <p>A POW is considered as escaped if he/she rejoined the AF of Ukraine or left the territory controlled by the Defense Forces.</p>
35	Who is responsible for the detention of the Russian POWs?	<p>The Ministry of Justice of Ukraine is responsible for the detention of Russian POWs.</p> <p>The Ministry of Defense of Ukraine and the AF of Ukraine have limited functions in the matter of detention of POWs, namely capturing the enemies (Defense Forces) and escorting them to the prisoners' camps.</p>

		(camp compounds) (Military Law Order Service of Ukraine).
36	Can POWs be forced to rebuild the Ukrainian cities after the war?	<p>POWs must be repatriated to rf as soon as practicable after the end of hostilities.</p> <p>At the same time, in the course of the conflict they may perform only some types of work, including public works and building operations which have no military character or purpose.</p>
37	Is it lawful for the members of the AF of Ukraine to wear non-Ukrainian uniforms during participation in hostilities?	<p>1. In general, members of the AF of Ukraine must wear issue-type uniforms. At the same time, during armed conflict and active participation in hostilities, members of AF of Ukraine use issue-type uniforms of Partner States. A paramount IHL requirement in this regard is that the servicemen/servicewomen must distinguish themselves from civilians, including by wearing military uniforms. At that, it is critically important to use distinctive signs of the AF of Ukraine (the State Flag of Ukraine, emblems of certain arms and branches of the AF of Ukraine, as well as particular unit). It is impermissible to have distinctive signs of other States on the uniforms (even if not Ukrainian issue-type).</p> <p>2. A situation with the use of military uniforms and clothes of the af of rf. Wearing them, including with the intent to attack the enemy, is a method of warfare prohibited by IHL.</p>
38	Is it lawful for Ukraine to use cluster munitions?	<p>Yes.</p> <p>Ukraine is not a party to the Cluster munitions convention of 2008.</p> <p>At the same time, cluster munitions and other weapons and military vehicles must be used without causing superfluous damage/suffering or widespread, long-term and severe damage to the natural environment, as well as not indiscriminately.</p>



39	What should I do if the enemy uses a “live shield”?	<p>“Live shield” means the use of civilians to cover military persons and objectives or launching an attack.</p> <p>A “live shield” is a civilian object and does not lose protection from attack under international humanitarian law.</p> <p>At the same time, the presence of “live shields” around a military objective does not mean that the objective cannot be attacked. However, such civilians must be taken into account when evaluating military necessity and proportionality of the attack.</p>
40	Does international humanitarian law prohibit camouflaging military objectives?	Camouflage is not prohibited under international humanitarian law. This is a ruse of war providing sudden advantage over the enemy.
41	Does IHL allow the use of dummy military vehicles to mislead the enemy?	Yes, the use of dummy military vehicles is a ruse of war providing sudden advantage over the enemy.
42	Will members of the af of rf be brought to responsibility for violation of the norms of international humanitarian law?	<p>Serious violations of the norms of international humanitarian law are war crimes.</p> <p>War crimes are one of the types of international crimes with no statutory limitations. This means that criminals can be brought to responsibility many years after the end of an armed conflict, that happened many times in the international community.</p> <p>Presently, war crimes committed by the members of af of rf are investigated both by Ukrainian authorities and the International Criminal Court and the authorities of other States.</p> <p>Ukraine does not only believe, but does everything possible to achieve justice, and bring to responsibility not only members of af, but also the supreme military and political leadership of the rf.</p>
43	What is the maximum punishment for a war crime?	A maximum punishment is life imprisonment. At the same time, imposition of punishment in a particular case depends on multiple factors.

44	Who is responsible for bringing servicemen/servicewomen who committed a war crime to justice?	War crimes are crimes of universal jurisdiction, which means that anyone can bring the perpetrator to responsibility. This can be authorities of Ukraine or any other State.
45	Who will be brought to responsibility: the one who orders to commit a war crime or the one who executes the order?	Potentially both. Everyone bears responsibility for their actions. An excuse that you were just following orders is unlawful and will not be taken into account.
46	Is Ukraine a party to the International Criminal Court / Rome Statute?	Ukraine has not ratified the Rome Statute, but still used the established procedure and recognized the jurisdiction of the International Criminal Court with respect to crimes against humanity and war crimes committed by the senior officials of the rf and leaders of terrorist organizations “DNR” and “LNR” which lead to extremely grave consequences and mass murder of Ukrainian nationals.
47	How does Ukraine bring members of af of rf, who are physically not on the territory of Ukraine, to responsibility?	The law enforcement bodies of Ukraine run systematic work on bringing russian war criminals to responsibility. Definitely, it is most effective to bring perpetrators from among the members of af of rf to responsibility, if they are presently in the power of Ukraine as POWs. At the same time, according to the Criminal Procedural Code of Ukraine, members of the af of rf can be persecuted and brought to responsibility in absentia, in their physical absence, i.e. without seeing.