

Cambridge University Press
978-1-108-42758-6 — The Law of War
William H. Boothby, Wolff Heintschel von Heinegg
Frontmatter
[More Information](#)

THE LAW OF WAR

In 2015, the United States Department of Defense published its long-awaited *Law of War Manual*, making a significant statement on the position of the DoD on important military matters. While readers recognise the *Manual's* legal and strategic importance, they may question whether particular statements of law are legally accurate or complete. This book offers a unique in-depth review of the complete *Manual*, including revisions, on a paragraph-by-paragraph, line-by-line and word-by-word basis. The authors offer their personal assessment of the DoD's declared view as to the law that regulates the conduct of warfare, a subject of unparalleled current importance. William H. Boothby and Wolff Heintschel von Heinegg offer a balanced, articulate and authoritative critique for readers perusing the *Manual* in whatever capacity.

William H. Boothby is an associate fellow at the Geneva Centre for Security Policy. A former Air Commodore, he retired as Deputy Director of Legal Services for the RAF in 2011.

Wolff Heintschel von Heinegg is the Chair of Public Law, in particular Public International Law, European Law and Foreign Constitutional Law, at the Europa-Universität Viadrina in Germany.

Cambridge University Press
978-1-108-42758-6 — The Law of War
William H. Boothby, Wolff Heintschel von Heinegg
Frontmatter
[More Information](#)

The Law of War

A DETAILED ASSESSMENT OF
THE US DEPARTMENT OF
DEFENSE LAW OF WAR MANUAL

WILLIAM H. BOOTHBY
WOLFF HEINTSCHEL VON HEINEGG



Cambridge University Press
978-1-108-42758-6 — The Law of War
William H. Boothby, Wolff Heintschel von Heinegg
Frontmatter
[More Information](#)

CAMBRIDGE UNIVERSITY PRESS

University Printing House, Cambridge CB2 8BS, United Kingdom
One Liberty Plaza, 20th Floor, New York, NY 10006, USA
477 Williamstown Road, Port Melbourne, VIC 3207, Australia
314–321, 3rd Floor, Plot 3, Splendor Forum, Jasola District Centre,
New Delhi - 110025, India
79 Anson Road, #06–04/06, Singapore 079906

Cambridge University Press is part of the University of Cambridge.

It furthers the University's mission by disseminating knowledge in the pursuit of education, learning, and research at the highest international levels of excellence.

www.cambridge.org

Information on this title: www.cambridge.org/9781108427586

DOI: 10.1017/9781108639422

© William H. Boothby and Wolff Heintschel von Heinegg 2018

This publication is in copyright. Subject to statutory exception and to the provisions of relevant collective licensing agreements, no reproduction of any part may take place without the written permission of Cambridge University Press.

First published 2018

Printed in the United States of America by Sheridan Books, Inc.

A catalogue record for this publication is available from the British Library

Library of Congress Cataloging-in-Publication data

Names: Boothby, William H., author. | Heintschel von Heinegg, Wolff, author.

Title: The law of war : a detailed assessment of the US Department of Defense law of war manual / William H. Boothby, Wolff Heintschel von Heinegg.

Description: Cambridge, United Kingdom ; New York, NY, USA : Cambridge University Press, 2018. | Includes bibliographical references.

Identifiers: LCCN 2017058259 | ISBN 9781108427586 (hardback)

Subjects: LCSH: United States. Department of Defense. Office of General Counsel.

Department of Defense law of war manual. | War (International law). | Military law – United States. | International and municipal law – United States.

Classification: LCC KZ6385 .B664 2018 | DDC 343.73/01 – DC23

LC record available at <https://lcn.loc.gov/2017058259>

ISBN 978-1-108-42758-6 Hardback

Cambridge University Press has no responsibility for the persistence or accuracy of URLs for external or third-party internet websites referred to in this publication and does not guarantee that any content on such websites is, or will remain, accurate or appropriate.

Cambridge University Press
978-1-108-42758-6 — The Law of War
William H. Boothby, Wolff Heintschel von Heinegg
Frontmatter
[More Information](#)

To Monika and Katja

Cambridge University Press
978-1-108-42758-6 — The Law of War
William H. Boothby, Wolff Heintschel von Heinegg
Frontmatter
[More Information](#)

Contents

<i>Preface</i>	<i>page</i> xix
<i>List of Abbreviations</i>	xxi
Introduction	1
The Readership	4
1 General Background	6
Purpose and Scope of the <i>Manual</i>	6
Use of Footnotes, Sources, Cross-References and Signals in the <i>Manual</i>	7
Definition of the Law of War	10
Object and Nature of War	13
War as a Legal Concept	14
Law of War Distinguished from Certain Topics	16
Treaties	19
Customary International Law	21
Subsidiary Means of Determining International Law	23
Legal Force of the Law of War	24
<i>Jus ad Bellum</i>	26
2 Principles	30
Military Necessity	31
Humanity	34
Proportionality	36
Distinction	37
Honor	39

3	Application of the Law of War	42
	Situations to Which the Law of War Applies	45
	Status of the Parties and the Law of War	45
	When <i>Jus in Bello</i> Rules Apply	48
	Relationship between <i>Jus in Bello</i> and <i>Jus ad Bellum</i>	53
	Reciprocity and Law of War Rules	55
	Applying Rules by Analogy	57
	End of Hostilities and the Application of the Law of War	58
	Law of War Duties also Applicable in Peace	59
4	Classes of Persons	60
	The Armed Forces and the Civilian Population	61
	Lawful Combatants and Unprivileged Belligerents	63
	Rights, Duties and Liabilities of Combatants	65
	Armed Forces of a State	68
	Other Militia and Volunteer Corps	71
	<i>Levee en Masse</i>	76
	Rights, Duties and Liabilities of Civilians	77
	Military Medical and Religious Personnel	78
	Rights, Duties and Liabilities of Military Medical and Religious Personnel	80
	Authorized Staff of Voluntary Aid Societies	81
	Staff of a Recognized Aid Society of a Neutral Country	81
	Auxiliary Medical Personnel	82
	Personnel Engaged in Duties Relating to the Protection of Cultural Property	83
	Persons Authorized to Accompany the Armed Forces	85
	Crews of Merchant Marine Vessels or Civil Aircraft	89
	Spies, Saboteurs and Other Persons Engaged in Similar Acts Behind Enemy Lines	90
	Private Persons Who Engage in Hostilities	93
	Rights, Duties and Liabilities of Unprivileged Belligerents Children	96
	Mercenaries	100
	API Provisions on Civil Defense Personnel	101
	Law Enforcement Officers	101
	Journalists	102
	Delegates or Representatives of the Protecting Powers	103

Contents

ix

ICRC and Other Impartial Humanitarian Organizations	104
Determining the Status of Detainees in Cases of Doubt	105
5 The Conduct of Hostilities	107
Overview of the Rules for the Protection of Civilians	108
Assessing Information under the Law of War	112
Rules on Conducting Assaults, Bombardments and Other Attacks	113
Discrimination in Conducting Attacks and Military Objectives	118
Combatants	123
Civilians Taking a Direct Part in Hostilities	127
Persons Placed <i>Hors de Combat</i>	129
Feasible Precautions in Conducting Attacks to Reduce the Risk of Harm to Protected Persons and Objects	131
Proportionality in Conducting Attacks	134
Attacks on Works, Facilities or Installations Containing Dangerous Forces	138
Feasible Precautions to Reduce the Risk of Harm to Protected Persons and Objects by the Party Subject to Attack	139
Undefended Cities, Towns and Villages	140
Prohibition on Using Protected Persons and Objects to Shield, Favor or Impede Military Operations	142
Seizure and Destruction of Enemy Property	143
Protection of Cultural Property during Hostilities	146
Sieges and Encircled Areas	149
Starvation	151
Overview of Good Faith, Perfidy and Ruses	152
Treachery or Perfidy Used to Kill or Wound	152
Use of Enemy Flags, Insignia and Military Uniforms	153
Improper Use of Certain Signs	154
Ruses of War and Other Lawful Deceptions	154
Non-Forcible Means and Methods of Warfare	155
Prohibition Against Compelling Enemy Nationals to Take Part in the Operations of War Directed Against Their Own Country	156
6 Weapons	157
Introduction	157
DoD Policy of Reviewing the Legality of Weapons	158

Prohibited Weapons and Lawful Weapons	159
Weapons Calculated to Cause Superfluous Injury	164
Inherently Indiscriminate Weapons	165
Poison, Poisoned Weapons, Poisonous Gases and Other Chemical Weapons	166
Biological Weapons	168
Certain Environmental Modification Techniques	168
Weapons Injuring by Fragments Not Detectable by X-Rays	169
Landmines, Booby-Traps and Other Devices	169
Cluster Munitions	173
Incendiary Weapons	174
Laser Weapons	176
Riot Control Agents	177
Herbicides	178
Nuclear Weapons	178
Explosive Ordnance	179
Explosive Remnants of War	179
7 Wounded, Sick, Shipwrecked, Dead and the Medical Services	181
Introduction	181
Application of the Protections	182
Respect for and Protection of Wounded, Sick and Shipwrecked	183
Search, Collection and Affirmative Protection	185
Humane Treatment and Care of Enemy Military Wounded, Sick and Shipwrecked in the Power of a Party to the Conflict	186
Accountability Information from Enemy Wounded, Sick, Shipwrecked and Dead	188
Treatment and Handling of Enemy Military Dead	188
Respect and Protection of Categories of Medical and Religious Personnel	189
Captured Medical and Religious Personnel	190
Military Medical Units and Facilities	192
Ground Transports of the Wounded and Sick, or of Medical Equipment	194
Hospital Ships, Sick Bays in Warships and Coastal Rescue Craft	194
Military Medical Aircraft	196
Display of the Distinctive Emblem to Facilitate Identification	197

Protection of Civilians Who Are Wounded, Sick, Infirm or Expectant Mothers	198
Civilian Hospitals and Their Personnel	199
Land and Sea Civilian Hospital Convoys	199
Civilian Medical Aircraft	199
API Provisions on the Wounded, Sick and Shipwrecked	200
8 Detention – Overview and Baseline Rules	201
Introduction	201
Humane Treatment of Detainees	204
Security Measures	205
Interrogation	206
Medical Care	207
Criminal Procedure and Punishment	211
Concluding Remarks	212
9 Prisoners of War	213
Introduction	213
General Principles Applicable to the Treatment of PWs	213
Entitlement to PW Status	214
National-Level GPW Implementation	216
Humane Treatment and Basic Protections for PWs	216
Security Measures with Respect to PWs	218
Interrogation of PWs	219
Evacuation from Combat Areas	220
Transit or Screening Facilities	221
General Conditions in PW Camps – Location, Safety, Hygiene and Living Conditions	221
Segregation of PWs	223
Food, Water, Tobacco and Clothing for PWs	223
Medical Attention for Interned PWs	224
Intellectual, Physical and Recreational Activities	225
Canteens for PWs	226
Financial Resources of PWs	226
PW Labor	227
PW Correspondence	229
Private Legal Matters of PWs	230
Internal Discipline of PW Camps	231
PW Requests, Complaints and Reports about Conditions of Captivity	232

PW Representatives	233
PW Escapes	234
General Principles Applicable to PW Discipline	235
Disciplinary Proceedings and Punishment	236
Judicial Proceedings and Punishment	237
Transfer of PWs from the PW Camp	239
Transfer of PWs to the Custody of Another Detaining Power	239
National Accounting of the Detention of PWs	239
Role of the Protecting Power in GPW	240
Access to PWs by the Protecting Powers, ICRC and Relief Organizations	240
Death of PWs	241
Exchanges and Other Release and Repatriation of PWs during Hostilities	242
Direct Repatriation and Accommodation in Neutral Countries during Hostilities	242
Release and Repatriation after Hostilities	243
PWs Whom the Detaining Power Is Not Required to Repatriate	244
Procedure on Release and Repatriation after Hostilities	245
Concluding Remarks	245
10 Civilians in the Hands of a Party to the Conflict	247
Introduction	247
National-Level GC Implementation Measures	248
Protected Person Status	248
Derogation for Security Reasons	250
Humane Treatment and Other Basic Protections for Protected Persons	251
Measures of Control and Security	252
General Treatment of Protected Persons in a Belligerent's Own Territory	254
Expulsion from Areas within a Belligerent's Home Territory and Departure and Transfers of Protected Persons from a Belligerent's Home Territory	255
Internment	256
Segregation of Internees	258
Safety, Hygiene and Living Conditions in Places of Internment	258
Canteens for Internees	259
Food, Water, Tobacco and Clothing for Internees	259

<i>Contents</i>	xiii
Medical Attention for Internees	260
Religious Exercise by Internees	261
Intellectual, Physical and Recreational Activities	261
Internee Labor	262
Internees' Articles of Personal Use	262
Financial Resources of Internees	262
Administration of Places of Internment and Discipline	263
Internee Petitions, Complaints and Reports about Conditions of Internment	264
Internee Committees	265
Internee Correspondence and Relief Shipments	265
Private Legal Matters of Internees	267
Internees and Visits of Families and Friends	268
Internee Escapes	268
General Provisions Applicable to Both Judicial and Disciplinary Sanctions Regarding Internees	268
Disciplinary Proceedings and Punishment	269
Judicial Proceedings Regarding Protected Persons in Occupied Territory or Internees in a Belligerent's Home Territory	270
Transfers of Internees from the Place of Internment	271
National Accounting for Protected Persons in Its Power	272
Role of the Protecting Power in GC	274
Access to Internees by Protecting Powers, ICRC and Other Relief Organizations	274
Death of Internees	275
Release, Return, Repatriation of Internees after the Close of Hostilities	276
Concluding Remarks	276
11 Military Occupation	278
Introduction	278
When Military Occupation Law Applies	282
End of Occupation and Duration of GC Obligations	284
Legal Position of the Occupying Power	285
Duty of the Occupying Power to Ensure Public Order and Safety	285
Protection of the Population of an Occupied Territory	286
Authority of the Occupying Power over Inhabitants	287
Administration of Occupied Territory	288

Local Law and Legislation	288
Ordinary Courts in Occupied Territory	289
Criminal Law in Occupied Territory	290
Movement of Persons in Occupied Territory	292
Protection of Children in Occupied Territory	293
Food and Medical Supplies for the Civilian Population	294
Public Health and Hygiene	294
Spiritual Assistance	295
Relief Efforts and Consignments	295
Enemy Property during Occupation	297
Protection of Cultural Property during Occupation	300
Labor of Protected Persons in Occupied Territory	301
Judges and Other Public Officials	303
Public Finances and Taxes	303
Other Economic Regulation of Occupied Territory	305
Concluding Remarks	306
12 Non-Hostile Relations between Belligerents	308
Introduction	308
Principle of Good Faith in Non-Hostile Relations	309
Methods of Communication between Belligerents	309
The White Flag of Truce to Initiate Negotiations	310
Rules for Parlemaires	311
Military Passports, Safe-Conducts and Safeguards	313
Cartels	314
Capitulations – Negotiated Instruments of Surrender	314
Capitulations – Subjects Usually Addressed	316
Capitulations – Violations and Denunciation	317
Armistices and Other Cease-Fire Agreements	318
Armistices – Subjects Usually Addressed	319
Armistices – Violations and Denunciation	321
UN Security Council Cease-Fires	322
13 Naval Warfare	323
Law of the Sea	324
Overview of Rules for Naval Engagements	326
Fundamentals of the Law of Naval Warfare	326
Other Aspects Dealt With in Section 13.3	328
Enemy Warships	331
Enemy Merchant Vessels	332

Contents

xv

Enemy Vessels Exempt from Capture or Destruction	336
Submarine Warfare	338
Belligerent Control of the Immediate Area of Naval Operations	339
Maritime and Airspace Zones – Exclusion, War, Operational, Warning and Safety	341
Blockade	345
Naval Mines	347
Torpedoes	350
Deception by Naval Forces, Including the Use of Enemy or Neutral Flags	350
Concluding Remarks	351
14 Air and Space Warfare	352
Introduction	352
Legal Boundaries of Airspace	354
Aircraft Status	357
Status of Aircrew on Military Aircraft	359
Measures Short of Attack – Interception, Diversion and Capture	361
Belligerent Control of Aviation in the Immediate Vicinity of Hostilities	362
Airspace Zones	363
Attacks Against Military Objectives in the Air	363
Air Attacks Against Military Objectives on the Ground	366
International Law and Warfare in Outer Space	368
Concluding Remarks	370
15 The Law of Neutrality	371
Introduction	373
Application of the Law of Neutrality	375
Overview of the Law of Neutrality's Framework of Reciprocal Rights and Duties	377
Remedies for Violations of Neutrality Law	377
Prohibition on the Use of Neutral Territory as a Base of Operations	378
Neutral Persons	379
Neutral Waters	380
Passage of Belligerent Vessels and Aircraft through International Straits and Archipelagic Sea Lanes	382
Sections 15.9 and 15.10	382

Right of Angary	383
Neutral Commerce and Carriage of Contraband	383
Belligerent Right of Visit and Search of Merchant Vessels and Civil Aircraft	386
Acquisition of Enemy Character by Neutral-Flagged Merchant Vessels and Neutral-Marked Civil Aircraft	387
Capture of Neutral Vessels and Aircraft	388
Sections 15.16, 15.17 and 15.18	388
Concluding Remarks	389
16 Cyber Operations	390
Introduction	390
Application of the Law of War to Cyber Operations	391
Cyber Operations and the <i>Jus ad Bellum</i>	393
Cyber Operations and the Law of Neutrality	395
Cyber Operations and <i>Jus in Bello</i>	396
Legal Review of Weapons That Employ Cyber Capabilities	400
Concluding Remarks	400
17 Non-International Armed Conflict	401
Introduction	402
Application of International Law to Non-International Armed Conflicts	404
Sections 17.3 and 17.4	406
Principle of Distinction	407
Respect and Humane Treatment of Persons Taking no Active Part in Hostilities in Non-International Armed Conflict	409
Rules on Conducting Attacks in Non-International Armed Conflict	410
Sections 17.8 and 17.9	410
Protection of Children in Non-International Armed Conflict	412
Protection of Cultural Property in Non-International Armed Conflict	412
Use of Captured or Surrendered Enemy Personnel in Non-International Armed Conflict	412
Weapons in Non-International Armed Conflict	413
Protection of the Wounded, Sick, Shipwrecked and Dead	413
Medical and Religious Personnel and Medical Transports	414
Display of the Distinctive Emblem	415
Detention in Non-International Armed Conflict	415

Contents

xvii

Non-Intervention and Neutral Duties in Non-International Armed Conflict	416
Concluding Remarks	418
18 Implementation and Enforcement of the Law of War	419
Introduction	419
Prudential Reasons Supporting the Implementation and Enforcement of the Law of War	421
Duties of Individual Members of the Armed Forces	421
Sections 18.4 to 18.8	421
States' Obligations with Respect to Violations of the Law of War	422
State Responses to Violations of the Law of War by the Enemy	422
War Crimes	425
Concluding Remarks	426
19 Documentary Appendix – Notes on Treaties and Other Relevant Documents	428
Lists of Treaties and Other Documents	428
The Lieber Code	430
1856 Paris Declaration Respecting Maritime Law	430
1864 GWS	431
1868 St Petersburg Declaration	431
1899 and 1907 Hague Declarations on Weapons	431
1899 Hague Convention II and 1907 Hague Convention IV and Their Annexed Regulations	432
1923 Hague Air and Radio Rules	433
1925 Geneva Gas and Bacteriological Protocol	434
1929 Geneva Conventions	434
1930 London Treaty for the Limitation and Reduction of Naval Armament and 1936 London Protocol	434
1935 Roerich Pact	435
1949 Geneva Conventions	435
1954 Hague Cultural Property Convention	437
Vienna Convention on the Law of Treaties	437
Biological Weapons Convention	437
Additional Protocols to the 1949 Geneva Conventions	438
CCW, CCW Amended Article 1 and CCW Protocols	440

Chemical Weapons Convention	442
Rome Statute	443
1999 UN Secretary General's Bulletin for UN Forces	443
2005 ICRC Study on Customary International Humanitarian Law	444
20 Post-Publication Amendments	445
May 2016 Amendments	445
December 2016 Amendments	449

Preface

The preparation of a commentary on a national military manual is a somewhat unique undertaking. That very aspect would cause most observers to ask why indeed would one wish to do it. When the *Manual* in question extends to approximately 1200 pages and addresses the law of war in very considerable detail, the question takes on added poignancy. Part at least of the answer lies in the fact that this is a military manual issued by no lesser an authority than the United States Department of Defense (US DoD). And yet the document does not describe itself as expressing the US national position on law of war matters. Indeed, the document makes it abundantly clear that the views expressed are those of the Department and may not necessarily be those of the US Government as a whole.

So, the reader starts to wonder what the legal status of the text is, and this very legal ambiguity was another factor that caused the present authors to contemplate writing this book. As we started to look at the different chapters, we noticed that there was much to praise but, also, elements that merited criticism. The idea started to form that a systematic, paragraph-by-paragraph commentary addressing all of the substantive provisions of the *Law of War Manual* and of the amendment documents should be prepared. There was never any doubt that this would be a considerable task.

It would be tempting to divide such a task among a significant number of authors, each of them taking on the review of a substantial but not overburdensome number of pages of text. That would not, however, have led to what the present authors were trying to produce, namely a text that reflects the kind of consistency of approach only normally to be achieved by means of very limited authorship. At the same time, what we wanted to write was an accessible, well-written commentary with which we both agreed, i.e. essentially a joint view. In short, there could be no shortcut. Both of us had to go

through the whole text in some detail, and the pages that follow are the result of that significant endeavour.

The aim throughout has been to give a balanced appraisal of what the *Manual* has to say. While criticism is offered where it is considered to be merited, praise is also forthcoming. Indeed, the most praiseworthy aspect of all is the very decision to publish a manual on this most complex, politically sensitive and controversial subject at all. That the Defense Department of a State of the military stature and global significance of the United States has been prepared to do so does much to take international understanding of the law of war forwards, and is thus to be regarded as an inherently good thing.

Undoubtedly there are improvements that could be made to the current text, and we have made suggestions throughout the book of where we consider such improvements might profitably be considered. The issuing of the two amendment sheets discussed at Chapter 20 indicates that the DoD is not averse to making such amendments where they are thought to be appropriate. It is to be hoped that such amendments will continue to appear from time to time and that the *Manual's* legal accuracy will accordingly be further enhanced as the months and years go by.

More particularly, we hope that this book will be of assistance to users of the *Manual*, whether they be military lawyers, policy staffs, academics, military thinkers or others with an interest in the Law of War in its many contexts. Those users, whoever they may be, should understand that in the following pages we have put forward our joint personal views on the matters discussed. We do not seek to persuade as to the correctness of our view. Indeed, we positively invite readers to form their own opinions on the various points that we make. We do not speak for any government or institution, and we explicitly recognise that the purpose of the *Manual* is to set forth the Department's position, not that of commenting academics.

Nevertheless, we hope that what we have written will be found useful.

Finally, we would like to thank our wives for their patient understanding during the very many hours of study while the book was being written. We also thank Cambridge University Press for agreeing to publish, and all at CUP who have handled the publication process with such efficiency. Finally, we thank you, the reader, for taking the time to consider our thoughts on these matters.

Bill Boothby
Wolff Heintschel von Heinegg

Abbreviations

- Amended Mines Protocol – Amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (1996)
- AMW Manual – HPCR Manual on International Law Applicable to Air and Missile Warfare, Program on Humanitarian Policy and Conflict Research at Harvard University (2010)
- API – Protocol Additional to the Geneva Conventions of 12 August 1949 and Relating to the Protection of Victims of International Armed Conflicts, Geneva (8 June 1977)
- API Commentary – Y Sandoz, C Swinarski and B Zimmermann (eds), *Commentary on the Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts*, International Committee of the Red Cross (1987)
- APII – Protocol Additional to the Geneva Conventions of 12 August 1949 and Relating to the Protection of Victims of Non-International Armed Conflicts, Geneva (8 June 1977)
- APIII – Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Adoption of an Additional Distinctive Emblem (Protocol III) (8 December 2005)
- CCW – 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 (1980)
- CWC – Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons, and on their Destruction, Paris (13 January 1993)
- DoD Manual – *United States Department of Defense Law of War Manual*, United States Department of Defense (June 2015)

- FM 27–10 (Change No. 1 1976) – *US Department of the Army Field Manual: The Law of Land Warfare*, United States Department of the Army (1956), as amended by Change No. 1, dated 15 July 1976
- GC – Geneva Convention Relative to the Protection of Civilian Persons in Time of War of August 12, 1949
- German Manual* – Bundesministerium der Verteidigung Joint Service Regulation (ZDv) 15/2, *Law of Armed Conflict Manual* (May 2013)
- GPW – Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949
- GPW Commentary* – J S Pictet (ed.), *Commentary III on Geneva Convention Relative to the Treatment of Prisoners of War*, International Committee of the Red Cross (1960)
- GWS – Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949
- GWS Commentary* – J S Pictet (ed.), *Commentary I on Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field*, International Committee of the Red Cross (1952)
- GWS-Sea – Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of August 12, 1949
- GWS-Sea Commentary* – J S Pictet (ed.), *Commentary II on Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea*, International Committee of the Red Cross (1960)
- Hague Regulations – Regulations Respecting the Laws and Customs of War on Land Annexed to Hague Convention IV (18 October 1907)
- ICJ – International Court of Justice
- ICRC – International Committee of the Red Cross
- ICRC Customary Law Study – J-M Henckaerts and L Doswald-Beck, *Customary International Humanitarian Law, vol. 1: Rules*, International Committee of the Red Cross (2005)
- ICRC Commentary GCI – ICRC, *Commentary on the First Geneva Convention*. Cambridge: Cambridge University Press (2016)
- ILC – International Law Commission
- Lieber Code – Instructions for the Government of Armies of the United States in the Field, US Army General Order No. 100 (24 April 1863)
- NWP 1–14M – *The US Commander's Handbook on the Law of Naval Operations*, NWP 1–14M, Department of the Navy, Department of Homeland Security (July 2007)

- PW – prisoner of war
- San Remo Manual* – Louise Doswald-Beck (ed.), *San Remo Manual on International Law Applicable to Armed Conflicts at Sea*, Cambridge: Cambridge University Press (1995)
- Tallinn Manual* – *Tallinn Manual on the International Law Applicable to Cyber Warfare* (2013)
- Tallinn Manual 2.0* – M N Schmitt (ed.), *Tallinn Manual 2.0 on the International Law Applicable to Cyber Operations*, Cambridge: Cambridge University Press (2017)
- UK Manual* – *The Manual of the Law of Armed Conflict*, UK Ministry of Defence (2004)
- 1958 *UK Manual* – *The Law of War on Land*, being Part III of the *Manual of Military Law* (1958)
- United States Air Force Publication* – Department of the Air Force, *Air Force Operations and The Law*, 85, 3rd edn. The Judge Advocate General's School (2014)
- UNCLOS – 1982 UN Convention on the Law of the Sea, UN Doc. A/CONF.62/121 of 10 December 1982, 1833 UNTS 396

Cambridge University Press
978-1-108-42758-6 — The Law of War
William H. Boothby, Wolff Heintschel von Heinegg
Frontmatter
[More Information](#)
