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Joint Doctrine Manual

CODE OF CONDUCT

FOR CF PERSONNEL

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PREFACE

1 This manual, The Code of Conduct for CF Personnel, B-GL-005-104/FP-023 was prepared both as a standard of conduct and as a training manual for unit level law of armed conflict training. It is one of three publications on the Law of Armed Conflict (LOAC) produced by the Office of the JAG:

B-GJ-005-104/FP-021 The Law of Armed Conflict at the Operational and Tactical Levels

B=GJ-005-104/FP-022 Collection of Documents on the Law of Armed Conflict

B=GJ-005-104/FP-023 Code of Conduct for CF Personnel

A Standard of Conduct

1. Canada is legally bound, both under treaty and customary international law, to apply the LOAC when Canada is a party to an armed conflict. Even if Canada is not a party to an armed conflict, it is CF Policy that the CF will apply, as a minimum, the spirit and Principles of the LOAC in all CF international operations. The Code of Conduct is issued on the authority of the Chief of the Defence Staff in accordance with this policy.
2. The Code of Conduct is a simple and understandable set of rules which are virtually universal in their application and which quickly point to the right choice of conduct when CF members are faced with unusual or doubtful situations. Following the Code will ensure that CF members apply, as a minimum, the spirit and principles of the LOAC during international operations.

A Training Manual

1. As a training manual, this publication provides all that is required for unit-level trainers to conduct LOAC training at their unit. Included in this manual are instructional aids such as a lesson plan and an accompanying PowerPoint presentation to conduct Code of Conduct training. The CDS Guidance to Commanding Officers states:
 - a. 703.2 COs must ensure that their subordinates are aware of their obligations under the LOAC. Clearly it is not practicable for those subordinates to have a detailed knowledge of customary international law or the over 30 international LOAC treaties which apply to CF operations. The task of providing instruction has been simplified by the development of 11 rules known as The Code of Conduct for CF Personnel.
 - b. 704.2 COs must ensure the LOAC is integrated into all aspects of operations, including training and exercises conducted to enhance operational effectiveness. COs are responsible to ensure their personnel are aware of their obligations under the LOAC by training on the 11 Rules that constitute The Code of Conduct for CF Personnel.
2. Unit training authorities should be aware that all of the Code of Conduct instructional materials, including the lesson plan and the PowerPoint presentation, can be downloaded in electronic format from the JAG's web sites:
 - a. on the DIN:
 - (1) (in English) <http://jag.dwan.dnd.ca/main-e.asp>
 - (2) (in French) <http://www.forces.gc.ca/jag/main-e.asp>

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CHAPTER 1

INTRODUCTION

101. SCOPE

1. This publication briefly outlines the Code of Conduct applicable to all Canadian Forces personnel taking part in all military operations other than Canadian domestic operations. These various types of domestic operations along with the law applicable to them are described in the CF Operations Manual. The CF Code of Conduct applies to operations where Canada is a party to an armed conflict as well as to peace support operations.
2. A lesson plan for the use of leaders in the training of CF members at the unit level is included at Annex A.
3. This publication has been prepared by the Office of the Judge Advocate General which is the office of primary interest for all matters related to the Law of Armed Conflict. It is issued under the authority of the CDS in accordance with CF policy which states that the CF will apply as a minimum, the spirit and principles of the Law of Armed Conflict in all CF operations other than Canadian domestic operations.

102. THE REASON FOR A CODE OF CONDUCT

1. What is a Code of Conduct? It is a simple and understandable code which is virtually universal in its application and which quickly points to the right choice of conduct when faced with an unusual or doubtful situation.
2. Operational missions often require CF members to make decisions under considerable stress and in times of confusion. Moreover, the course of action one elects to make during operations can have serious consequences. Decisions must often be made very quickly. Compliance with this simple Code of Conduct helps to ensure that split second decisions are consistent with the Law of Armed Conflict and Canadian law.
3. The purpose of the Code, therefore, is to provide simple and understandable instructions to ensure that CF members apply as a minimum, the spirit and principles of the Law of Armed Conflict in all CF operations other than Canadian domestic operations.

103. WHAT IS THE "LAW OF ARMED CONFLICT"

1. The Law of Armed Conflict is the body of international law, which sets out rules of behaviour in an armed conflict. It sets out minimum standards applicable to the conduct of hostilities designed to limit unnecessary human suffering, ensure respect for human dignity and facilitate the restoration of peace. The Law of Armed Conflict also protects the victims of armed conflicts such as the wounded and the sick, the civilian population and others who are hors de combat (for example, those who are unwilling or unable to participate further in the conflict). Some of these laws are the result of long standing custom while others have been established by international treaties such as the Hague Rules and the Geneva Conventions.

104. THE AIM OF THE LAW OF ARMED CONFLICT

1. The aim of the Law of Armed Conflict is to limit the conflict to opposing forces and to limit the extents to which people who are not participants in the conflict become victims. This principle of limiting the death, suffering and destruction caused by armed conflict is the driving force behind the development of international laws for armed conflict. The proper application of the Law of Armed Conflict, however, does not prevent the use of force in the achievement of legitimate military objectives.

105. THE CF CODE OF CONDUCT

1. CF members are not expected to know all the details of the various treaties and international customs that make up the Law of Armed Conflict. They are, however, expected to know at least the basic principles which, when followed, will ensure CF members carry out their duties in accordance with the spirit and principles of the Law of Armed Conflict. These principles of the Law of Armed Conflict are set out in the CF Code of Conduct.

2. The CF Code of Conduct consists of eleven rules which capture the essence of the law of Armed Conflict. This Code does not in any way replace or alter the existing treaties and conventions to which Canada is a party. Actually, it represents a summary of the Law of Armed Conflict. It is designed to assist you, your commanders and your fellow members of the armed forces to achieve legitimate military objectives while ensuring operations are carried out in accordance with the Law of Armed Conflict. You must, therefore, know and faithfully comply with these eleven rules.

106. PEACE SUPPORT OPERATIONS VS ARMED CONFLICT

1. The Law of Armed Conflict applies when Canada is a party to any armed conflict. During peace support operations the spirit and principles of the Law of Armed Conflict apply. The CF will apply, as a minimum, the spirit and principles of the Law of Armed Conflict in all Canadian military operations other than Canadian domestic operations. The significant operational advantage of having one Code applicable to all operations is that there is only one standard to train to. Furthermore, should a CF operation shift from peace support to armed conflict, the Code would continue to apply. It does require CF members however, to understand and be able to apply the eleven rules of the Code to their specific operation.

107. RULES OF ENGAGEMENT

1. The Law of Armed Conflict is not the only factor governing the use of force by CF personnel during any given operation. The use of force to accomplish your mission is also governed by Rules of Engagement (ROE). The Code of Conduct does not replace your ROE, but rather complements them.

2. ROE are the way in which military commanders control the use of force by their subordinates. ROE are orders and must be obeyed. They are developed by higher command taking into consideration all of the operational, political, diplomatic and legal considerations, including the principles set out in the Code of Conduct, relevant to the successful completion of the overall military mission. CF doctrine requires the issuance of ROE for both armed conflict and peace support operations. This is not something new. Orders from commanders controlling the use of force have existed for as long as there have been military forces. For example, during the American Revolutionary War, William Prescott's famous order at Bunker Hill was the simple but effective ROE, "Don't fire 'til you see the whites of their eyes."

3. The requirement that CF members have complete understanding of their ROE cannot be overstated. ROE must be obeyed at all levels. You must study and discuss the ROE for your mission. You must know and understand them. If you are uncertain about your ROE, you must ask for guidance or clarification through your chain of command.

108. THE ROLE OF LEADERSHIP AND DISCIPLINE AND THE LAW OF ARMED CONFLICT

1. Ensuring compliance with the Law of Armed Conflict is a matter of leadership and discipline. The use of military force can never be left uncontrolled. Indeed, strong leadership and discipline ensure that operational aims are achieved through the appropriate use of armed force. You must obey the Law of Armed Conflict. Failure to do so is contrary to the direction of your government; can adversely affect the successful completion of your military mission; dishonours you and your country; and ultimately can leave you or your subordinates open to prosecution.

2. A military unit that obeys the Law of Armed Conflict is one that demonstrates discipline and leadership. This requires training. The responsibility for this training rests with leaders at all levels.

109. SOURCE

B-GJ-005-300/FP-000 *CF Operations Manual*.

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CHAPTER 2
THE CF CODE OF CONDUCT

RULE 1

Engage Only Opposing Forces and Military Objectives.

1. Rule # 1 is the cornerstone of the Law of Armed Conflict. It is consistent with and in fact reflects two of the Principles of War, namely “selection and maintenance of the aim” and “economy of effort.” Any deviation from the military aim jeopardizes the mission. Thus, whether you are involved in defensive or offensive operations, your effort must be directed toward the continued maintenance of the aim. It would be considered a waste of resources to engage forces that are not hostile or that have been rendered incapable of further hostilities, or to attack objectives or other objects not used for a military purpose. It is unlawful as well as unsound from an operational point of view.
2. Adherence to rule # 1 does not prevent the accomplishment of your mission. Rather, it assists in its completion since it ensures that time; personnel and other resources are properly used to achieve the mission. The principles of economy of effort and maintenance of the aim also require that you must only act against opposing forces.
3. Force used during operations must be directed against opposing forces and military objectives. Therefore, civilians not taking part in hostilities must not be targeted. Rule #1 not only makes sense morally but also helps to ensure the most efficient use of military resources. In simple terms, “warriors fight warriors.”

201. MILITARY OBJECTIVES

1. Military objectives are those objects which make an effective contribution to military action due to their nature, location, purpose or use. Secondly, to be a military objective, the destruction or neutralization of the same must offer a definite military advantage to your operation. Thus, the characteristics of a military objective will vary depending on the type of operation and the mission assigned to the CF. For example a bridge or a military barracks may well be a military objective in an armed conflict yet are unlikely be so during a peace support operation.

202. OPPOSING FORCES

1. An “opposing force” is any individual or group of individuals who pose a threat to you or your mission. It is sometimes difficult to identify who the opposing forces are. At one time most armed conflict involved organized armed forces. However, since World War II an increasing number of conflicts involve paramilitary, irregular or poorly organized armed groups. Sometimes these groups are fighting for ethnic or religious reasons. Often members of such paramilitary or irregular armed groups do not wear uniforms or operate in organized units. The potential for you to be confronted by these irregular opposing forces has increased as a result of the UN involvement in humanitarian operations. CF operations in Somalia, Rwanda, the former Yugoslavia and Haiti are examples of such operations. If you are involved in a peace support operation, your concern should not be whether a member of an opposing force wears a uniform, or is part of a well-established army, but whether or not that person poses a threat. In a peace support operation persons (including civilians) usually must do more than simply be in possession of weapons to be considered “opposing forces.” They must also act in a threatening manner toward you, or the persons and property you are tasked to protect. In an armed conflict, on the other hand, the enemy forces are opposing forces whether or not they pose an immediate threat.

203. SOURCES

Hague Convention IV, Regulations, Art.22, 23.

Additional Protocol I to the Geneva Conventions, Art.35, 48, 52, 57, 58.
B-GJ-005-501/FP-010 *Use of Force in CF Operations*.

RULE 2

In Accomplishing Your Mission, Use Only the Necessary Force That Causes the Least Amount of Collateral Civilian Damage.

1. Rule #2 deals with the legal obligation to minimize harm to civilians and their property while carrying out your mission. It balances the needs of military necessity against the humanitarian principle that civilians should be spared the hardship of conflict. This is known as the principle of proportionality. This principle imposes a duty to ensure that the collateral civilian damage created is not excessive in relation to the concrete and direct military advantage anticipated.

2. The reduction of collateral civilian damage may assist in the achievement of the overall military mission by avoiding the escalation of the conflict. It also satisfies the military requirement that military resources be used efficiently.

204. COLLATERAL CIVILIAN DAMAGE

1. "Collateral civilian damage" is any injury to civilians or damage to civilian objects which is not part of an authorized target, resulting from the use of force.

2. Whenever military force is used, civilians who are not directly involved in the conflict may be hurt and their property may be damaged. Indeed, the inaccuracy of weapons systems, the deployment of opposing forces in civilian areas and the general "fog of war" increases the likelihood of injury being unintentionally inflicted on civilians. CF operations must be conducted in such a way that damage to civilians and their property is minimized.

205. PROPORTIONALITY

1. The question whether collateral civilian damage is acceptable is often referred to in terms of proportionality. Unfortunately, there is no scientific scale of "proportionality" on which to measure the permissible amount of collateral civilian damage. International law states that force should only be used against "military objectives." Your commanders (and in some cases you) must decide if the collateral civilian damage resulting from the use of force is excessive in light of the direct and concrete military advantage anticipated. In most cases the assessment of what is an acceptable level of damage boils down to common sense. For example, the complete destruction of a town in order to eliminate a small pocket of opposing forces would be seen as unacceptable. In that case, the collateral civilian damage (numerous civilian casualties and widespread destruction of civilian property) would be excessive in light of the military advantage anticipated. Depending upon the goal of the mission and the accuracy or destructiveness of certain weapons systems, commanders may limit the types of weapons subordinates may use, or restrict the circumstances under which those weapons can be employed. Such restrictions are often found in the ROE. These restrictions are put in place to ensure that decisions with respect to the use of force made at the local level do not interfere with the overall goals of the military mission. Achieving your own local objective by any means, regardless of the consequences, cannot be allowed to place the overall mission at risk. The actions of each individual CF member must fit within the overall plan and goals of the mission, including the commander's direction on the use of force.

206. SOURCES

Hague Convention IV, Regulations, Art 23(g).
Additional Protocol 1 to the Geneva Conventions, Art 57, 58.
B-GJ-005-501/FP-010 *Use of Force in CF Operations*.

RULE 3**Do Not Alter Your Weapons or Ammunition to Increase Suffering and Use Unauthorized Weapons or Ammunition.**

1. Rule # 3 is based on both military and humanitarian principles. The use of weapons or ammunition that cause unnecessary suffering is unlawful and is also contrary to the principle of war, selection and maintenance of the aim.

207. AUTHORIZED WEAPONS AND AMMUNITION

1. There are few legal restrictions on the types of weapons that can be lawfully used. The use of CF issued shotguns, for example, is legal. CF issued military pattern weapons are lawful. The use of only CF issued weapons and ammunition helps to ensure that there is no deviation from international standards. CF personnel are not authorized to bring or use privately owned weapons or ammunition.

208. CAPTURED WEAPONS AND AMMUNITION

1. Circumstances may arise where captured weapons and ammunition may have to be used. However, they may only be used if they are lawful weapons.

209. ALTERATION OF WEAPONS/AMMUNITION TO CAUSE UNNECESSARY SUFFERING

1. The alteration of weapons or ammunition to increase suffering is unlawful and may interfere with the overall military mission. The alteration of ammunition so that it expands or flattens easily when striking the human body is expressly prohibited.

2. The aim of the use of force is to allow you to accomplish your mission. When force is used, suffering is likely to result. However, the infliction of unnecessary suffering is prohibited. "Unnecessary suffering" refers to the infliction of injuries or suffering beyond what is required to achieve the military aim. Thus, the alteration of weapons or ammunition to increase suffering is forbidden. Not only is this rule morally right, it is to your operational advantage based on reciprocity (i.e., the use of altered weapons may encourage opposing forces to do the same or worse).

210. RESTRICTIONS ON THE USE OF LAWFUL WEAPONS

1. Remember that even lawful weapons cannot be used in a manner that causes unnecessary suffering.
2. Booby traps are lawful but can only be used in very limited circumstances, and in particular must be directed only at military objectives.
3. The use of land mines, other than anti-personnel mines, is lawful, but is subject to strict regulation.
4. The use of CS gas or pepper spray is lawful and may be used for crowd control purposes, but their use as a means of warfare is illegal.

211. PROHIBITED WEAPONS AND AMMUNITION

1. Use of the following weapons and ammunition is forbidden:
 - a. bullets designed to expand or flatten easily on contact with the human body (i.e., dum-dum bullets or hollow point bullets);
 - b. poison or poison weapons;

- c. tracer rounds for other than marking; and
 - d. chemical weapons.
2. The use of all but manually detonated anti-personnel mines (for example, Claymore mine that is manually detonated) by CF members is prohibited.

212. INSPECTION

1. To ensure that only authorized weapons are used, regular inspections should be carried out. Experience has shown that kit and weapons inspections should be conducted prior to leaving and upon entering Canada. It is prohibited to return to Canada with weapons or ammunition as "war trophies." CF personnel who attempt to return to Canada with such items may also run afoul of Canadian criminal and customs laws. Undeclared ammunition and ordinance pose a significant risk to aircraft and ships transporting troops.

213. SOURCES

St. Petersburg Declaration, 1868.
Hague Declaration, 1899.
Hague Convention IV, Regulations, Art 23 (a) &(b).
Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare. Geneva 1925.
United Nations Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons, Protocol I, Protocol II Art.6 and Protocol III Art 1, 2.
Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, 1993.
Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction, 1997.

RULE 4

Treat All Civilians Humanely and Respect Civilian Property.

1. Rule # 4 deals with the protection of civilians in the theatre of operations and as such it is a complement to rules # 1 and # 2. As mentioned, civilians who do not take part in hostilities must not be targeted. They should also be respected and treated humanely in all circumstances. Their property must also be respected. In general, civilians should be treated the way you would like you and your family to be treated in the same circumstances.

214. STANDARD OF TREATMENT

1. Military operations in foreign lands expose CF personnel to civilian populations that differ markedly from our own. However different or unusual a foreign land may appear, these civilians are in all circumstances entitled to respect for their persons and property, their honour, their family rights, their religious convictions and practices, and their manners and customs. In your daily interaction with the civilian population, they must at all times be humanely treated and shall not be subjected to acts of violence, threats, or insults. Women and children in particular must not be subjected to rape, enforced prostitution, and any form of indecent assault. All civilians, subject to favourable considerations based on sex, health or age, must be treated with the same consideration and without any adverse distinction based in particular on race, religion or political opinion.

215. DETENTION OF CIVILIANS

1. On occasion it may be necessary to detain civilians who as a result of their actions are considered to be opposing forces. For example, looters or other common criminals may have to be detained in order to protect the military compound. In certain circumstances, civilians who interfere with and prevent the CF from accomplishing the mission may also be detained when authorized by the ROE. These civilians become "detainees" and as such, shall be treated at least as well as any other detained persons (see Rule # 6).

216. RESPECT FOR CIVILIAN PROPERTY

1. Compliance with rule #4 is one important difference between a disciplined professional force and a band of marauders. Respect for the property rights of civilians, including civilians in the territory of the opposing force, requires discipline. If you do not obey this rule, the civilian population may turn against you. The mission may thus be jeopardised and the conflict prolonged.

2. You must make every effort to avoid alienating the local civilian population. Reckless destruction of civilian property and disregard for personal ownership rights will place the overall military mission at risk as well as damage the reputation of Canada and its soldiers. Military necessity may sometimes require the destruction of some civilian property in order to conduct operations. This destruction should not be done needlessly. The wanton destruction, theft or confiscation of civilian property is prohibited and is an offence under the Code of Service Discipline.

217. PURCHASE OF PROVISIONS

1. The CF may purchase or requisition property and services from the local population but only for the use of our forces. Requisitioned material should always be paid for in cash, or a receipt should be provided which then should be honoured as soon as possible. Where requisitioning is authorized, appropriate procedures will be established and published.

218. SOURCES

First Geneva Convention, Art. 12,13.

Second Geneva Convention, Art. 12,13.

Fourth Geneva Convention, Art. 16, 27, 33.

Additional Protocol I to the Geneva Conventions, Art 48,51,52,53, 54,75.

Additional Protocol II to the Geneva Conventions, Art.4.

RULE 5**Do Not Attack Those Who Surrender. Disarm and Detain Them.**

1. During armed conflict opposing forces who surrender have the status of Prisoners of War (PWs) while persons detained during peace support operations are not usually considered PWs. Such detained persons are known as "detainees." The reason for the distinction is that Canada is not normally a party to an armed conflict when taking part in a peace support operation.

2. Those who surrender and who are no longer a threat must be protected and treated humanely. The "denial of quarter" is prohibited. In other words, it is unlawful to refuse to accept someone's surrender or to order that no PWs or detainees will be taken. It is also illegal as well as operationally unsound to make threats to opposing forces that no PWs or detainees will be taken.

219. INTENT TO SURRENDER

1. Anyone who wishes to surrender must clearly show an intention to do so (for example, hands up, throwing away his weapon, or showing a white flag). Remember that the showing of a white flag is not

necessarily an expression of intent to surrender. Furthermore it is not necessarily applicable to all opposing forces in an area. The white flag can also mean that opposing forces wish to temporarily cease hostilities to talk or negotiate.

220. SEARCH AND DISARM

1. Those who wish to surrender should be dealt with cautiously until they are disarmed and are no longer a threat.
2. Disarming includes the search for and the taking away of equipment and documents of military value (for example, weapons, ammunition, maps, orders, code books, etc.). The following material must remain with the PW or detainee:
 - a. identification documents/discs;
 - b. clothing, items for personal use, or items used for feeding; and
 - c. items of personal protection (i.e., helmet, gas mask, flak jacket, etc.).

221. SAFETY, PROTECTION AND CARE

1. The evacuation of PWs or detainees should be organized and begin as rapidly as the tactical situation permits. While awaiting evacuation, they shall:
 - a. not be unnecessarily exposed to combat danger,
 - b. not be forced to engage in activities having a military character or purpose,
 - c. be protected against acts of violence, insults or intimidation and
 - d. be given any immediate first aid or medical attention necessary.

222. DOUBTFUL STATUS

1. In recent years the nature of armed conflict as well as the nature of peace support operations have changed and those personnel opposing CF members will not always be in uniform, or even be members of an organized armed group. *Regardless of whether your captive wears a uniform or civilian clothes the obligation to such person remains the same.* In the case of doubt about the legal status of persons that you detain, those persons shall be treated like any other detained person and evacuated.

223. SECURITY

1. Restraint devices (such as handcuffs, shackles, flex-cuffs, tie-wraps, etc.) will *only* be used on a case by case basis where individual PWs or detainees represent an immediate threat. Those restraints will be removed as soon as the individual no longer poses a threat to security. In exceptional circumstances a PW or a detainee may be blindfolded for security purposes. However, in nearly all cases the nature of the operation and the lack of an opportunity to escape will mean there is no requirement to even consider the use of a blindfold. The Law of Armed Conflict permits the use of force to prevent the escape of PWs. In the case of detainees, however, force may only be used to stop an escape where it is authorized in your ROE.

224. SOURCES

Hague Convention IV, Regulations, Art. 23.

Third Geneva Convention, Art. 18.

Additional Protocol I to the Geneva Conventions, Art. 40, 41, 44.

RULE 6

Treat All Detained Persons Humanely in Accordance with the Standard Set by the Third Geneva Convention. Any Form of Abuse, Including Torture, is Prohibited.

1. Rule # 6 deals with the treatment of anyone detained by CF personnel in the course of an operation. At the tactical level, the legal status of those who are detained does not matter. All persons held by CF personnel without their consent, both PWs and detainees, shall be treated in accordance with the standard set by the Third Geneva Convention on the Treatment of Prisoners of War.
2. It is a legal obligation for PWs to be treated in accordance with the Third Convention. The CF will also apply the Third Convention to detainees because it represents a high level of protection for those persons. From an operational perspective it is also advantageous in that CF personnel need only be trained to one set of rules for the treatment of persons held under their control.

225. WHY DO WE DETAIN

1. The primary reasons for which members of the CF may be called upon to detain individuals in the course of an operation are to prevent their further participation in a conflict or, when authorized, to prevent them from interfering with the military mission. The reason for captivity is never related to revenge or punishment. The concept of humane treatment toward those under your control and the standard of treatment which applies to all detained persons, without adverse distinction based on race, nationality, sex, religious belief or political opinion, is a long standing rule.
2. Over and above existing individual responsibilities, any person detained by CF members becomes the responsibility of Canada for the treatment given to them from the time of capture until their final release. Detained persons will be handed over to the military police as soon as possible. Their transfer to local authorities or evacuation through the appropriate channel, depending on the circumstances, shall be organized and start as rapidly as the tactical situation permits.

226. HUMANE TREATMENT

1. Humane treatment includes not only the proper provision of the necessities of life but also the type of treatment provided to detained persons. PWs and detainees must at all times be protected against insults and public curiosity. Detained persons shall be treated with all due regard to their gender. Searches will be conducted by persons of the same sex unless, in exceptional circumstances, they have to be conducted by a member of the opposite sex. Searches conducted by members of the opposite sex will be carried out in a respectful manner. PWs and detainees will be allowed to retain all personal effects and articles, as well as their metal helmets, gas masks, feeding utensils and articles of personal protection. Their weapons, such as other military equipment, military documents can be removed. Only an officer may order the removal of sums of money and valuables for safekeeping. If such action is taken, a receipt must be issued and the details recorded in a special register.

227. CONVENTION AGAINST TORTURE

1. In accordance with the United Nations Convention Against Torture, Canada has the obligation to set out in the Code of Conduct the prohibition against any form of torture. It is a service and a criminal offence to torture a PW or detained person. Any form of physical or psychological abuse is prohibited. In addition, following the Third Geneva Convention, all PWs must be protected against acts of violence, insults or intimidation. By national direction, all detainees must also be protected against acts of violence, insults or intimidation.

228. FOOD, WATER AND SHELTER

1. Food and water will be provided as soon as is feasible and will not be arbitrarily or unreasonably withheld. For example, if CF personnel are scheduled to eat at a certain time, PWs and detainees will be allowed to eat at that time as well. More timely provision of food and water may be medically necessary due to climatic conditions. Detained persons will be provided shelter from both the elements and hostile action to the same extent as is available to CF personnel. For the provision of food, water and shelter, the idea is not to treat PWs or detainees better than CF members but to treat them at least as well.

229. PROTECTION AND MEDICAL CARE

1. Detained persons must be protected from the effect of hostilities. In the presence of an NBC threat for example, PWs and detainees must be allowed to use their protective gear. If they don't have any, they should be provided with the necessary gear where this is practically possible. Similarly, if there is a risk of indirect fire and shelling, detained persons will be allowed to use their protective gear. Again if they don't have any, they should be provided with the necessary gear where this is practically possible.

2. Every PW and detainee should be given a medical examination as soon as practicable after capture and the condition of each person shall be recorded. All detained persons shall be afforded the necessary medical care.

230. QUESTIONING AND INTERROGATION

1. Any PW or detainee who is questioned need only give his or her full name and rank, date of birth, and service number or equivalent information. That information is necessary in order to properly administer the detained person. If a PW or detainee refuses to provide this information, no action will be taken beyond making note of the refusal. At this stage CF members will not interrogate or ask for any information beyond the above-mentioned particulars.

2. The interrogation or debriefing of detainees may only be conducted by qualified personnel such as intelligence personnel in accordance with the relevant UN, coalition or national direction. Where interrogation or debriefing is conducted by qualified and authorized personnel, no physical or mental torture, or any other form of coercion, shall be inflicted on PWs or detainees to force them to provide information of any kind. Detained persons who refuse to answer shall not be threatened, insulted or exposed to unpleasant or ill-treatment of any kind.

231. PROHIBITION AGAINST REPRISALS AND THE USE OF PWS AS HUMAN SHIELDS

1. No reprisals will be taken against PWs or detainees. Similarly, they will not be used as "human shields" to protect military objectives or cover military operations. CF personnel will treat detained persons properly regardless of how CF personnel may have been treated while in the hands of opposing forces.

232. SOURCES

Third Geneva Convention, Art. 3, and 13 to 17
Additional Protocol I to the Geneva Conventions, Art. 75.
United Nations Convention Against Torture, 1984.
Criminal Code of Canada, s. 269.1.

RULE 7

Collect All the Wounded and Sick and Provide Them with the Treatment Required by Their Condition, Whether Friend or Foe.

1. All the wounded and sick, whether friend or foe, shall be respected and protected. In all circumstances they shall be treated humanely and shall receive, to the fullest extent practicable and with the least possible delay, the medical care and attention required by their condition. There shall be no distinction among them based on any grounds other than medical ones.

233. STATUS OF THE WOUNDED AND SICK - OPPOSING FORCES

1. Members of opposing forces who have been rendered unconscious or are otherwise incapacitated by wounds or sickness, and therefore are incapable of defending themselves shall not be made the object of attack provided that they abstain from any hostile act. They shall be treated as PWs or detainees as appropriate, but they will be evacuated through the medical services to allow for proper medical treatment. Guards may have to be provided while such detained persons undergo medical treatment.

234. OBLIGATION TO COLLECT AND CARE FOR THE SICK AND WOUNDED

1. Following an engagement in which you were involved, you have an obligation, without delay, to take all possible measures to search for and collect the wounded and sick from all sides, opposing forces or not, as well as civilians. It is understood however that this obligation only comes into play once the area has been secured. This includes the obligation to protect them against theft and ill-treatment and to ensure their adequate care. There is also an obligation to search for, protect and pay proper respect for the dead. Whenever circumstances permit, a suspension of fire shall be arranged or local arrangements made to permit the removal of the sick, wounded and dead, and the exchange and transport of the wounded and sick.

235. TREATMENT FOLLOWING AN ENGAGEMENT

1. Only medical reasons will determine the priority of treatment. Therefore, there will be circumstances where a member of opposing forces will have to be treated before a Canadian soldier. Such professional behaviour increases the likelihood that wounded CF personnel in the hands of the opposing forces will be treated as quickly as possible and as their medical condition requires. Moreover, the sick and wounded who abstain from hostile acts are no longer opposing forces and are entitled to protection. Where it is necessary to abandon wounded and sick personnel to opposing forces there is a requirement, as far as military considerations permit, to leave with them medical personnel to provide appropriate care.

236. BURIAL

1. The burial or cremation of the dead should be carried out individually as far as circumstances permit. Burial must be preceded by a careful examination, and if possible, by a medical examination of the bodies in order to confirm death, establish identity and make appropriate reports. One half of the double identity disc, or the identity disc itself if it is a single disc, should remain with the body. Bodies must not be cremated except for imperative reasons of hygiene or because of the religion of the deceased. Reasons for cremation must be recorded. The dead shall be honourably interred, and if possible accorded the rites of the religion to which the deceased belonged.

237. SOURCES

First Geneva Convention I, Art.12,15,17,18.

Second Geneva Convention, Art 12,18,20,21.

Third Geneva Convention, Art 16.

Additional Protocol I to the Geneva Convention, Art.10, 11 and 41.

RULE 8

Looting is Prohibited.

1. A battlefield and destroyed civilian areas offer attractive objects for the curiosity seeker. No matter how tempting such objects may be, the taking of souvenirs is prohibited. Looting is theft; it is a serious offence and it may also have direct operational consequences.

238. LOOTING AND WAR TROPHIES

1. The personal property of sick and wounded, detained persons and the dead shall not be taken. The taking of personal war trophies is also prohibited. Not only is looting illegal, there is also a significant operational risk that such property may be booby-trapped. An isolated act of theft may impede your mission by turning the local population against you.

239. PROPERTY OF OPPOSING FORCES

1. The Law of Armed Conflict does permit the seizure and use of property belonging to the opposing forces under certain circumstances. However, the taking and use of such property must only be done where properly authorized. On many peace support operations the seizure and use of such property may be inconsistent with the overall military mission. Property may never be taken for the personal benefit of individual CF personnel.

240. SOURCES

Hague Convention IV, Regulations, Art.28

First Geneva Convention, Art.15.

Second Geneva Convention, Art 18.

Fourth Geneva Convention, Art 16, 33.

Additional Protocol I to the Geneva Conventions, Art.48, 52, 53, 54.

Additional Protocol II to the Geneva Conventions, Art. 4.

RULE 9

Respect All Cultural Objects (Museums, Monuments, Etc.) and Places Of Worship.

1. As a general rule, buildings and property dedicated to cultural or religious purposes may not be attacked. You must do your best to ensure that these buildings, or their contents, are not stolen, damaged or destroyed.

241. OPERATIONAL RATIONALE

1. The destruction of, or interference with, cultural and religious objects can only serve to adversely affect your forces and possibly prolong the conflict. Peace becomes more difficult to secure if we do not respect a people's religion or culture. Failure to honour this rule often results in retaliation and resulting damage to one's own religious and cultural objects. Thus, every attempt should be made to avoid unnecessary desecration or destruction of cultural objects and places of worship.

242. RELIGIOUS AND CULTURAL OBJECTS

1. The identification of religious locations and objects is usually obvious. Churches, mosques and synagogues, cemeteries and other places of religious significance such as monasteries and temples are protected. The proper identification of cultural objects may not be as readily apparent. Cultural property is property of great importance to the cultural heritage of a people such as monuments of architecture, art or

history, whether religious or not, archaeological sites, archives, buildings, manuscripts, work of art, large libraries, etc. These objects are protected.

243. DISTINCTIVE SIGNS FOR CULTURAL AND RELIGIOUS PROPERTY

1. Some cultural and religious locations may be marked with a distinctive blue and white sign as illustrated in Figure 1. However, not all religious and cultural property is marked with such a sign. Religious and cultural property should be respected whether or not it is marked with a sign. Thus a church or mosque should be protected even though the distinctive sign for cultural property may not be displayed on the exterior of the church.

244. EXTENT OF PROTECTION

1. Cultural and religious property should not be targeted. It should also not be used for military purposes. If cultural or religious property is used for a military purpose, it loses its protection. Thus, care must be taken to avoid locating military personnel and material in or near these locations. If the opposing force is using a religious or cultural site for military purposes it becomes a legitimate target. Whether you attack this legitimate target will depend on your mission. If so, the principle of proportionality is particularly important as the location or object should not be damaged any more than what the mission requires. For example, the destruction of all or a portion of a church steeple may or may not be justified if it is being used by a sniper. The decision to attack would be based on the level of threat that the sniper presents and the military mission. The tactical method selected for the attack should not place CF personnel under undue risk yet should cause the least possible damage to the church. Where possible, the opposing force must be warned to stop using a cultural or religious site for a military purpose before an attack. Rules of Engagement may also further restrict the use of force even if the property is being used for a military purpose. This further restriction would depend on the nature of the property, operational and political factors, and the overall goals of the mission.

245. SOURCES

Additional Protocol I to the Geneva Conventions, Art. 49, 52, 53.
Hague Convention for the Protection of Cultural Property, 1954.

RULE 10

Respect All Persons and Objects Bearing the Red Cross/Red Crescent, and Other Recognized Symbols of Humanitarian Agencies.

1. International law provides special protection to personnel and facilities displaying the Red Cross or Red Crescent. To secure such protection, all forces should display the Red Cross/Red Crescent on their medical personnel, facilities and transports. Medical personnel and their medical facilities/buildings and transport displaying the distinctive emblem must not be attacked. The proper respect for the persons and objects bearing the distinctive emblem also enhances the likelihood that your own medical personal and facilities and the sick and wounded will be respected and protected. Therefore, you must be able to recognize the distinctive emblem worn by medical personnel and appearing on their facilities and transport.

246. MEDICAL AND PROTECTED PERSONNEL

1. There are two categories of medical personnel: permanent and temporary. Permanent medical personnel include doctors, nurses and medical assistants who are engaged exclusively in the collection, transport or treatment of the sick or wounded, or in the prevention of disease; staff exclusively engaged in the administration of medical units and establishments; and chaplains attached to the armed forces. These people shall be respected and protected. They must not be attacked. Permanent medical personnel must wear an arm band displaying the Red Cross/Red Crescent emblem and carry an appropriate identity card. If captured permanent medical personnel and chaplains although detained, will continue to care for their sick

and wounded. If there is no such medical requirement, they are to be released and returned to their own forces.

2. Temporary medical personnel may be employed on a part-time basis as hospital orderlies or temporary stretcher bearers in the search for and collection, transport and treatment of the sick and wounded. Part-time medical personnel are protected when they are carrying out those duties and shall not be the object of attack. This second category of medical personnel wears a smaller arm band and emblem while employed on those medical duties. Captured temporary medical personnel who are detained may be employed on medical duties. Unlike permanent medical personnel, temporary medical personnel do not have to be released to their side even if there is no medical requirement for their services.

247. MEDICAL UNITS AND ESTABLISHMENTS

1. Fixed and mobile medical units and establishments shall not be attacked. The protection provided to medical establishments and units shall only cease if they are used for purposes outside their humanitarian duties which are harmful to your forces. Even then, the protection shall cease only after due warning, and after a reasonable time period thereafter if the warning goes unheeded. Such establishments and units should, if possible, be situated so that attacks against military objectives will not endanger them. The Red Cross/Red Crescent flag will only be used on medical establishments or units entitled to protection under the Geneva Convention.

248. MEDICAL TRANSPORTS

1. Opposing forces transports for the wounded and sick, or of medical equipment, shall be respected as soon as they are identified as such and protected in the same manner as mobile medical units. The wounded and sick in the transports will be properly cared for if captured.

249. ARMING OF MEDICAL PERSONNEL

1. Personnel of a medical unit or establishment may be armed with small arms and may use those arms in defence of themselves or of the wounded and sick under their charge. Pickets or sentries equipped with small arms consisting of non-medical personnel can be used without adversely affecting the protected status of the medical establishment or unit. As a general rule medical transports should not have any weapons "mounted" on them to avoid being mistaken for fighting vehicles.

250. INTERNATIONAL COMMITTEE OF THE RED CROSS

1. Under the Law of Armed Conflict, the International Committee of the Red Cross (ICRC) has a special role and status. The ICRC may undertake to care for the wounded and sick. The ICRC is an independent humanitarian institution. As a neutral intermediary in the event of armed conflict it endeavours, on its own initiative or on the basis of the Geneva Conventions, to bring protection and assistance to the victims of armed conflict. Members of the ICRC wear the distinctive emblem. As such, they must be protected at all times.

251. NON-GOVERNMENTAL ORGANIZATIONS

1. On many modern battlefields there are also numerous UN and Non-Governmental Organizations (NGOs) which dedicate their efforts to alleviating the suffering of the victims of war. In addition, military authorities may ask the inhabitants in the area of the conflict to voluntarily collect and care for the wounded under their direction.

2. NGOs such as CARE and Médecins Sans Frontières (Doctors Without Borders) might wear other recognizable symbols. The symbols used by CARE, MSF and other NGOs do not benefit from international legal protection, although their work in favour of the victims of armed conflict must be respected. Upon recognition that they are providing care to the sick and wounded, NGOs are also to be respected.

252. IMPROPER USE OF THE DISTINCTIVE EMBLEM AND PERFDY

1. False and improper use of the Red Cross/Red Crescent emblem is prohibited. The use of the Red Cross to shield the movement of troops or ammunitions is also prohibited. Perfidy is a war crime. Committing a hostile act under the cover of the protection provided by the distinctive emblem would constitute perfidy. Ruses such as camouflage and other similar deceptions are not prohibited and as such are legitimate.

253. SOURCES

First Geneva Convention, Art.38-44.

Second Geneva Convention, Art 41-45.

Additional Protocol I to the Geneva Conventions, Art. 12,15,17,18, 85.

RULE 11

**Report and Take Appropriate Steps to Stop Breaches of the Law of Armed Conflict and These Rules.
Disobedience of the Law of Armed Conflict is a Crime.**

1. It is CF policy to respect and abide by the Law of Armed Conflict in all circumstances. To meet this commitment, every CF member must know and understand, as a minimum, the basic principles of the Law of Armed Conflict. It is also of the utmost importance that any breach of the Code of Conduct or other provision of the Law of Armed Conflict be reported without delay. a failure to comply with the Code of Conduct represents a failure in the "habit of obedience," the cornerstone of discipline.

254. REPORTING A BREACH OF THE LAW OF ARMED CONFLICT OR THESE RULES

1. All CF personnel, allied and coalition personnel and opposing forces are required to abide by the Law of Armed Conflict and the basic principles these rules represent. If a CF member believes that the Law of Armed Conflict or these rules are being breached, the member must take the appropriate steps to stop the illegal action. If the CF member is not in a position to stop the breach, then the member shall report to the nearest military authority who can take appropriate action. It is recognized that it may sometimes be difficult to report a breach, for example when a junior member believes a breach has been committed by a higher ranking member. However, there is always a way to report a breach. The member can report to his or her superiors in the chain of command, the military police, a chaplain, a legal officer or any other person in authority. If a breach of the Law of Armed Conflict or these rules has already occurred, the member shall report that breach. The old adage "bad news doesn't get better with time" definitely applies to these types of breaches. Any attempt to cover up a breach of the Law of Armed Conflict or these rules is in itself an offence under the Code of Service Discipline. Experience has shown that isolated breaches committed by a few members of the force, even a momentary lapse in one's duty, could dishonour the country and adversely affect the accomplishment of the overall mission.

255. INVESTIGATION OF BREACHES

1. It is essential that any alleged breaches of these rules and the Law of Armed Conflict be investigated rapidly in as impartial a manner as possible. An impartial investigation will not only assist in bringing violators to justice, thereby maintaining discipline, but will also provide the best opportunity to clear anyone who has not acted improperly. In most cases that investigation will be carried out by the military police or National Investigation Service.

256. SUPERIOR ORDERS

1. Orders must be followed. Military effectiveness depends on the prompt obedience to orders. Virtually all orders you will receive from your superiors will be lawful, straightforward and require little clarification. What happens, however, if you receive an order that you believe to be questionable? Your first

step of course must be to seek clarification. Then, if after doing so the order still appears to be questionable, in accordance with military custom you should still obey and execute the order - unless - the order is manifestly unlawful.

2. It is recognized that the lower you are in rank, the more difficult it will be to question orders. However, every member of the CF has an obligation to disobey a manifestly unlawful order regardless of rank or position. A manifestly unlawful order is one which shocks the conscience of every reasonable, right-thinking person. For example, mistreating someone who has surrendered or beating a detainee is manifestly unlawful. It must be remembered that if you are charged for carrying out a manifestly unlawful order, it will not be a defence to say that you were only following orders. This is why leaders have an obligation to provide clear lawful commands. The issuance of a manifestly unlawful order is a crime in itself.

257. LEADERSHIP AND DISCIPLINE

1. The importance of leadership and discipline cannot be overstated. Good leaders do not issue manifestly unlawful commands. They give clear orders which will not be misunderstood. Disciplined personnel do not commit war crimes or breach the Law of Armed Conflict. They understand the nature of a lawful command and are always conscious that they must carry out their orders in a manner consistent with the law and the goal of the overall mission.

2. It might appear that a momentary advantage may be gained from a breach of the Law of Armed Conflict or the Code of Conduct. However, experience has shown that even a momentary lapse in your duty may dishonour your country and also adversely affect the accomplishment of the overall mission.

258. OBLIGATION TO FOLLOW CANADIAN MILITARY LAW

1. The obligation to obey these rules and the Law of Armed Conflict is a requirement under Canadian military law which includes the Criminal Code of Canada. Breaches of the Law of Armed Conflict or these rules by CF personnel will be dealt with regardless of which side is successful. Canada is committed to see that its forces conduct their operations in compliance with the Law of Armed Conflict. The Code of Service Discipline applies to CF members world wide. As a result, your conduct must always be governed by the principles of Canadian law and society incorporated in the Code of Conduct. There is no exception to your obligation to follow Canadian law even when confronted with an opposing force which refuses to comply with the Law of Armed Conflict.

259. SOURCES

First Geneva Convention, Art.49-52.

Second Geneva Convention, Art. 50-53.

Third Geneva Convention, Art. 129-132.

Fourth Geneva Convention, Art. 146-149.

Additional Protocol I to the Geneva Conventions, Art. 85-91.

QR&O, Art. 4.02, 5.01.

CHAPTER 3**CONCLUSION**

1. The purpose of this publication is to instruct Canadian Forces personnel on the Code of Conduct which applies to all CF personnel carrying out military operations other than Canadian domestic operations. These 11 rules, are designed to allow the CF members to successfully complete any military mission according to a standard of conduct demanded by Canada and the international community. As a reminder the "Code of Conduct for CF Personnel" reads as follows:

"CODE OF CONDUCT FOR CF PERSONNEL"

- 1. Engage only opposing forces and military objectives.**
- 2. In accomplishing your mission, use only the necessary force that causes the least amount of collateral civilian damage.**
- 3. Do not alter your weapons or ammunition to increase suffering, or use unauthorized weapons or ammunition.**
- 4. Treat all civilians humanely and respect civilian property.**
- 5. Do not attack those who surrender. Disarm and detain them.**
- 6. Treat all detained persons humanely in accordance with the standard set by the Third Geneva Convention. Any form of abuse, including torture, is prohibited.**
- 7. Collect all the wounded and sick and provide them with the treatment required by their condition, whether friend or foe.**
- 8. Looting is prohibited.**
- 9. Respect all cultural objects (museums, monuments, etc.) and places of worship**
- 10. Respect all persons and objects bearing the Red Cross/Red Crescent, and other recognized symbols of humanitarian agencies.**
- 11 Report and take appropriate steps to stop breaches of the Law of Armed Conflict and these rules. Disobedience of the law of armed conflict is a crime.**

2. These rules are simple, straight forward and easy to follow. Each and every Canadian Forces member has an obligation to obey them.