



ACTS OF WAR CRIME IN
CALL OF DUTY MODERN WARFARE TRILOGY

A FINAL PROJECT

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PRONOUNCEMENT

I states truthfully this project is compiled by me without taking the result from other research in any university, in S-1, S-2, and S-3 degree and in diploma. In addition, I ascertain that I do not take the material from other publications or someone's work except for the references mentioned in bibliography.

Semarang, 30th August 2019

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MOTTO AND DEDICATION

“Peace is not the absence of conflict; it is the ability to handle conflict by peaceful means”

(Ronald Reagan)

This project is dedicated to my family and friends

ACKNOWLEDGEMENT

Thanked be Allah SWT, for the strength and blessing He had given for the completion of this project “Act of War Crime in *Call of Duty Modern Warfare* Trilogy”. I would like to express my gratitude for those whose contribution made this assignment possible to be done.

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It is within my knowledge that this project still has more to improve and correct, and thus any positive criticism and suggestion are openly welcomed. Lastly, I hope that this simple assignment would at least provide insights for those who seek it.

Semarang, August 30th 2019

Dwityayoga H Yunanto

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ABSTRAK

Trilogi Call of Duty Modern Warfare adalah sebuah trilogi permainan video yang terdiri dari tiga permainan video yang berjudul Call of Duty 4 (atau Call of Duty Modern Warfare 1), Call of Duty Modern Warfare 2, dan Call of Duty Modern Warfare 3. Ketiga permainan video ini dibuat oleh dua perusahaan permainan video asal Amerika Serikat, yaitu Activision dan Sledgehammer Games, dan dibuat dari tahun 2007 hingga 2011. Dalam proyek ini, akan didiskusikan kejahatan perang yang terdapat dalam cerita trilogi Call of Duty Modern Warfare. Metode yang digunakan dalam penelitian ini adalah metode studi pustaka. Dalam pembahasan ini, penulis menemukan setidaknya empat tindakan kejahatan perang, dan juga menyertakan kutipan-kutipan hukum perang internasional yang dilanggar.

Kata kunci: Call of Duty Modern Warfare, War Crime, Geneva Convention, Additional Protocol, Violation, Law

1.Introduction

Call of Duty Modern Warfare Trilogy is a trilogy of games developed by two American game developers, Infinity Ward and Sledgehammer Games, from 2007 to 2011. The trilogy gained huge popularity throughout its release and sales in the United States, and even also sparked a controversy throughout the news media in America and several debates due to a certain violent content depicted in the second title of the trilogy¹².

The story of the games revolves around the struggle of members of Taskforce 141, a taskforce which is created under the cooperation of USA and England in NATO organization. In the first title of the trilogy, *Call of Duty 4: Modern Warfare* (or popularly called as COD 4 MW), a fictional state in the Middle East is under national crisis as a coup is staged by an insurgent general named Khaled Al-Asad, who is supported by a Russian ultranationalist party leader named Imran Zakhaev. Spearheaded by the USA Military Force, NATO sends its force in order to defeat the insurgents and reestablish the legitimate government. On the other hand, Taskforce 141 is sent to investigate the uprising of the Russian ultranationalists and their involvement in the coup of the Middle East nation. During this investigation, the US Army and USMC continue to attack the insurgents and rapidly show promising development of the war. However,

¹ “Controversial Game ‘Call of Duty on Sale at Midnight’”. Fox News. <https://www.foxnews.com/story/controversial-game-call-of-duty-on-sale-at-midnight>. Published at November 29, 2009.

² “Is Call of Duty Modern Warfare 2 Terrorist Gameplay Artful?”. PCWorld. https://www.peworld.com/article/181140/modern_warfare_2_artful.html. Published November 02, 2009.

when they set out to capture Al-Asad, a trap is already set for them and a nuclear bomb explodes as they evacuate from the target city. Meanwhile, the investigation leads the taskforce to the main force of Imran Zakhaev, and so their investigation mission turn into a manhunt mission; they must either capture or kill Imran Zakhaev. His death marks the end of the first title.

In the next game title, *Call of Duty Modern Warfare 2*, the US Military turns its attention to anticipate the threat of Russia's Ultrationalists after the conflict in the Middle East begins to ease. Taskforce 141 is once more tasked to hunt down the new leader of the Ultrationalist paramilitary force named Vladimir Makarov. In this attempt, a US Army general named Shepherd assigns a Ranger personnel to become a double agent who will be inserted into the Ultrationalist paramilitary force. However, Makarov manages to secretly discover this plan. He then stages a civilian massacre at the Zakhaev Airport in Moscow, on which he kills the double agent to let the FSB (Russian equivalent of FBI) discover the body and identify him as an American agent. Through this maneuver, Makarov incites a third world war between USA and Russia. The US Army, manages to hold their ground and make defense, although they have not yet manage to repel the entire invasion. Taskforce 141, which is led by Captain Price, decides to initiate a mission in order to put a stalemate situation between US and Russia/ General Shepherd, on the other hand, intends to hunt down Vladimir Makarov and these interests collide with each other. After the Taskforce 141 manage to acquire significant intelligence data from an Ultrationalist compound, Shepherd personally executes them and falsely accuses them as

traitors. The taskforce retreat, only to reconsolidate and exact their revenge on Shepherd. The game ends with the Taskforce 141 manage to kill Shepherd and run from the US Military.

In the third game (*Call of Duty Modern Warfare 3*), the US Military Force manage to mobilize its entire forces and repel the invading Russian Military Force after a group of Delta Force personnel disturb their foothold in New York. Taskforce 141, on the other hand, is still trying to locate Vladimir Makarov while remain labeled as war criminals. Not only that, the Ultrationalist paramilitary force also secretly hunting them down through various regions in order to eliminate the remaining members of the taskforce. Captain Price and his men, however, manage to evade the pursuit and secretly work with a Delta Force sergeant codenamed Sandman to hunt down Makarov. While the war rages on, both US and Russia are trying to commence a peace negotiation in Hamburg, Germany. However, the Russian President Vorshevsky is abducted by Makarov on his way to Hamburg, while his daughter is captured in Berlin. As a result, both Taskforce 141 and the Delta Force decide to work together unofficially to track them all. The two forces, after going through many missions and face devastating losses, manage to free the president and his daughter, although at the cost of the entire Delta Force's team. After President Vorshevsky and his daughter are rescued, the peace negotiation is continued, and the Taskforce 141's name is cleared. The taskforce then proceed to hunt down and kill Makarov, which marks as the ending of both the game title and the trilogy.

. In general, the public audience is capable already to point which acts shown in modern fiction works that classify as war crime, but without the deeper understanding regarding the related law and such. In fact, there are several acts depicted in fictional works that can be classified as war crime, but slipped their attention due to the lack of knowledge regarding laws of war. The purpose of this research is to point out certain acts committed within the plot of the stories of the games which are considered as war crime, along with the detailing elaboration regarding which rules are violated by such acts and how the acts do so by providing references from related laws, which in turn provides better understanding for the common peers regarding of war crimes.

2. Theoretical Framework

For the sake of this research, the author will refer to the laws of war that are highly respected throughout the globe; the Rome Statute of the International Criminal Court and Geneva Conventions 12 August 1949. There are many definitions regarding war crime according to several valid international rules. The Rome Statute of the International Criminal Court defines war crime in their 161 rules (Rule 156. “*Serious violations of international humanitarian law constitute war crimes*”) as “*serious violations of the laws and customs applicable in international armed conflict*” and “*serious violations of the laws and customs applicable in an armed conflict not of an international character*”. Meanwhile, in Geneva Conventions of 12 August 1949, several actions committed in war that

violates the treaty are considered as “*Grave breaches of the Geneva Conventions of 12 August 1949*”

3. Research Method

Library Research is a research method which focuses on collecting references or sources relevant to the main purpose of the research, in order to obtain relevant and/or required information to be analyzed and to be used for the sake of the research. Most of the data gathered for this research came from primary sources, while a small portion of it came from secondary source. According to Thomas Mann in his book, *Library Research Models*, there are several steps in Library Research;

1. Define a topic
2. Write a thesis
3. Create an outline
4. Develop a search strategy
5. Evaluate the sources
6. Take important notes
7. Write and revise the paper
8. Document all the sources

4. Discussion

4.1 Act of War Crime in Call of Duty 4: Civilian Massacre

We begin the discussion with the first finding of an act of war crime which comes from the first title of the trilogy, *Call of Duty 4*, in the level “Safehouse”. In this level, the mission is to capture the leader of the revolution in the Middle East, Khaled Al-Asad, in order to interrogate him and obtain information regarding the bomb nuclear which he uses to kill thousands of American soldiers in the Middle East. During the early stage of the game, as the Taskforce is moving toward a village in Azerbaijan, where Khaled Al-Asad is hiding, several gunshots and screaming can be heard from the village direction.

Russian Loyalist: “Al-Asad is in the village. The Ultrationalists are protecting him.”

Captain Price: “Perfect. Move out.”

(As they head up the hill, screams and gunshots can be heard from a distance.)

Gaz: “What the bloody hell's going on up there?”

Russian Loyalist: “It's the Ultrationalists. They're killing the villagers.”

Gaz: “Yeah well, not for long they're not.”

Although it is not directly shown during the game, it can be concluded that the Ultrationalist is committing a massacre against the villagers. Civilian massacre is, without doubt, a grave war crime at the highest level. It is a blatant

and direct violation of the Geneva Convention³, and so in this case, it is clear that the Ultrationalist soldiers are committing a war crime.

4.2 Act of War Crime in Call of Duty 4: Usage of Prohibited Weapon (Nuclear Armament)

The next finding comes from the 7th level of the same game, which is dubbed 'Shock and Awe'. In this level, the US Army and Marines are deployed into the capital city of the fictional Middle East state in order to subdue the general of the insurgent army, Khaled Al-Asad. However, during the mission the US military discovers the existence of a nuclear bomb in the middle of the city. The soldiers and marines operating in the city are quickly evacuating from the location, but before they could escape the bomb is detonated by the insurgents.



1. **The moment in which the nuclear bomb is detonated. Notice the shockwave destroying the landscape of the city. Source: Youtube.**

³ Rome Statute of International Criminal Court 1998, Article 8 "War Crime", Section B Subsection (i). See Appendix



2. **The aftermath of the nuclear attack. Notice the mushroom cloud which is the result of the nuclear bomb and the destroyed city. Source: Youtube.**

As we all already know, the use of nuclear armament in all kinds of warfare has been strictly prohibited by the international law and condemned by many countries. Even though there are countries which possess nuclear armaments, they only pose as ‘deterrent strategy’ instrument and only considered as the last option. The nuclear attack depicted this specific scene can be considered as a war crime, as it causes indiscriminate and excessive destruction which in turn also caused the loss of many lives⁴.

⁴ Rome Statute of International Criminal Court 1998, Article 8 “War Crime”, Section B Subsection (iv) and (xx). See Appendix.

4.3 Act of War Crime in Call of Duty Modern Warfare 2: Civilian Massacre and Violation of Perfidy

The next example is taken from *Call of Duty Modern Warfare 2*, in the level “No Russian”. Makarov and his men, along with a CIA double agent named Joseph Allen with alias name Alexei Borodin, commit an operation disguised as a terrorism act by massacring nearly everyone in Zakhaev International Airport located in Moscow. Makarov intends to spark a massive outrage from the Russian society and rally for war against the United States by committing the massacre, killing the CIA undercover agent inside his team and then leaving his body to be identified by the Russian government, causing a false but legitimate assumption that the attack is staged by the American government.



3. Moments before the massacre. Notice that Makarov (right) and his teammate did not wear an official uniform. Source: Newsactivist.com

From the picture, we can see that neither Makarov nor his teammate wears any official uniform or bearing an official insignia or symbol of military unit. Instead, they are wearing civilian clothes in the form of formal suits, and thus this act

alone can be charged as ‘Perfidy’⁵. Aside of Perfidy, Makarov and his men also commit a massive civilian massacre, which is again a direct violation of the Geneva Convention.

4.3. Act of War Crime in Call of Duty Modern Warfare 3: Violation of *Hors de Combat* status

The third finding is in the third title of the trilogy, *Call of Duty Modern Warfare 3*, in the level “Turbulence”. The Ultranationalist black ops soldiers hijack the presidential plane which is in way to peace negotiation in Hamburg, in order to abduct both President Vorshevsky and his daughter to obtain the nuclear missile launch code as Makarov intends to gain access to the Russian’s nuclear armament.



4. The epilogue of level “Turbulence”, in which Makarov (middle) successfully captures President Vorshevsky (right). Source: Youtube

⁵ Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflict, 8 June 1977, Article 37. See Appendix.

As Vorshevsky is the president of Russia, he is considered as a man of power, and also as “Hors de Combat” as well. Although he is guarded by several armed agents of FSO and a pair of fighter jets are protecting his airplane, his position as a president⁶ and his purpose of trip, which is the peace negotiation in Hamburg, consecutively make him invalid target for any military operation. This makes the assault toward Vorshevsky a war crime, as he is considered to be “Hors de Combat”, and attacking anyone to whom such status is applicable is a war crime.

4.4 Act of War Crime in Call of Duty Modern Warfare 3: Use of Prohibited Weapon (Chemical Armament)

The last finding is taken from the dialogue of the entrance cutscene 9th level of *Call of Duty Modern Warfare 3*, which is titled “Goalpost”. Throughout the dialogue lines from the cutscene, it can be deducted that the Russian military forces has detonated several chemical strikes across the European continent in order to “pave their way for an invasion”.

TV News: “CHEMICAL ATTACK ACROSS EUROPE; Chemical weapons used in coordinated attacks across Europe. CHEMICAL ATTACK IN WESTMINSTER; A “dirty bomb” explodes in London.”

British Male News Reporter: “At 6:22 Greenwich Mean Time, chemical attacks were triggered across Europe.”

(One of the chemical attacks is located in London; “Chemical attack, Central London, 4M contamination radius.”)

Wallcroft: “I repeat: Downing Street is within the contamination radius, over!”

⁶ Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflict, 8 June 1977, Article 41, Section 2. See Appendix

(Many of the European cities and their intelligence defenses go offline as a result of the chemical attacks.)

British Female News Reporter: "It's been called the worst terror event in history."

(The GIGN HQ is located in Paris. A GIGN commander sends a distress video feed.)

GIGN Commander (Cmdr Morel): "(coughing) This is GIGN HQ. My men are dead or dying! (coughing) I've been exposed!"

(The satellite locates Ramstein A.F.B., US Airforce European Headquarters in Germany.)

Ramstein AFB: "This is Ramstein! We're under attack!"

Overlord: "Roger – we are aware of the gas attack and are sending decon units your way."

Ramstein AFB: "Not the gas! We're under attack by Russian ground forces!"

Overlord: "Say again, Ramstein. What Russian forces?"

(The satellite tracks the Russian army from Moscow moving in all across the attacked European cities.)

Ramstein AFB: "The entire Russian army! Request immediate assistance."

(A video feed shows a Russian tank moving into Paris and more video feeds of the Russian army invading Europe.)

European News Reporter: "Eyewitnesses are now reporting Russian tanks rolling down the Champs-Élysées."

Overlord:" This was no act of terrorism. The attacks were intended to cripple our defenses and pave the way for an invasion. We need to hit them now with everything we've got."

As we can deduct from the series of dialogue lines above, it can be concluded that the chemical strikes are intended as strategic maneuver committed by the Russian military in the game in order to gain strategic advantage in their invasion. This act can be considered as a war crime as it violates the restriction of usage of illegal armaments such as nuclear, poisonous agents, etc. The usage of

such weaponries is illegalized due to its indiscriminate and excessive destruction result which could cause unnecessary loss of lives, destruction of non-military target properties

5. Conclusion

From the findings and analysis of this project, we can conclude that there are at least four acts of war crime portrayed throughout the trilogy of *Call of Duty Modern Warfare* games. Each of them falls into four categories; civilian massacre, perfidy, violation of *Hors de Combat* status, and usage of prohibited weapon.

The first finding covers about the civilian massacre performed by the Russian Ultranationalist soldiers in a village in Azerbaijan as deducted from the presented dialogue lines. Civilian massacre violates both the Rome Statute of International Criminal Court and Geneva Convention 12 August 1949, as it directly violates the prohibition of any assault toward civilians.

The second finding portrays the usage of prohibited weapon, in this case a nuclear armament by the insurgent force. As it has been described and shown through the short explanation of the story of the level and the screenshot, it can be seen that the US military force is attacked with nuclear bomb by the insurgent force. Due to its excessive destruction force, the usage of nuclear armament has been prohibited by many international laws and especially the laws related in this project.

The third finding, aside of covering about the civilian massacre performed by Makarov and his men, also covers about the act of perfidy, which was performed by the characters in the game that, despite being members of the Russian paramilitary force, put on civilian attire in order to hide their identity as military personnel.

The last finding covers about the violation of *Hors de Combat*, which is shown by how Makarov assaulted the Russian presidential convoy which is en route to Hamburg in order to capture president Vorshevsky and force him to surrender the access code to the Russian nuclear armaments. As a president, Vorshevsky is protected by the status of *Hors de Combat*, as he is a man or a subject of power of a party within a conflict, and thus any attempt on his life or safety is considered as a war crime.

References

Call of Duty 4: Modern Warfare. Call of Duty Wikia. Accessed 13 December 2017.
www.callofduty.wikia.com/wiki/Call_of_Duty_4:_Modern_Warfare.

Call of Duty Modern Warfare 2. Call of Duty Wikia. Accessed 13 December 2017
www.callofduty.wikia.com/wiki/Call_of_Duty:_Modern_Warfare_2.

Call of Duty Modern Warfare 3. Call of Duty Wikia, Accessed 13 December 2017. www.callofduty.wikia.com/wiki/Call_of_Duty:_Modern_Warfare_3.

Contingency (Mission)/ Transcript. Call of Duty Wikia, Accessed 13 December 2017. [www.callofduty.wikia.com/wiki/Contingency_\(mission\)/Transcript](http://www.callofduty.wikia.com/wiki/Contingency_(mission)/Transcript).

Turbulence/ Transcript. Call of Duty Wikia, Accessed 13 December 2017.
www.callofduty.wikia.com/wiki/Turbulence/Transcript.

Goalpost/Transcript. Call of Duty Wikia. Accessed 29 August 2019.
[https://callofduty.fandom.com/wiki/Goalpost_\(mission\)/Transcript](https://callofduty.fandom.com/wiki/Goalpost_(mission)/Transcript).

Geneva Conventions and Additional Protocols. International Committee of the Red Cross. Accessed 13 December 2017. www.icrc.org/en/war-and-law/treaties-customary-law/geneva-conventions.

Protocol Additional to the Geneva Conventions of 12 August 1949 and Relating to the Protection of the Victims of International Armed Conflicts (Protocol I),

8 June 1977. International Committee of the Red Cross.
Accessed 13 December 2017.
<https://ihldatabases.icrc.org/applic/ihl/ihl.nsf/Treaty.xsp?action=openDocument&documentId=D9E6B6264D7723C3C12563CD002D6CE4>.

Rome Statute of the International Criminal Court, 17 July 1998. International Committee of the Red Cross. Accessed 13 December 2017. www.ihl-databases.icrc.org/applic/ihl/ihl.nsf/Article.xsp?documentId=E4C44E2F1347B99D412566900046EACB&action=OpenDocument.

Walkthrough of Call of duty modern warfare 3 - #3 " turbulence " objective failed!!. Youtube, <https://www.youtube.com/watch?v=m7j-L94DcJI>. Accessed 13 December 2017.

You are the Monster, the "No Russian" controversy of 2009. News Activist, Accessed 13 December 2017.<http://newsactivist.com/en/articles/media-ethics-winter-2017-section-18/you-are-monster-no-russian-controversy-2009>.

Research 101: Primary and Secondary Sources. Ithaca College Library. Accessed 10 April 2019.<https://libguides.ithaca.edu/research101/primary>.

Mann, Thomas. (1993) *Library Research Models: A Guide to Classification, Cataloging, and Computers.* Oxford University Press.

Appendix

Rome Statute of International Criminal Court, 17 July 1998

Article 8: War Crime

1. *The Court shall have jurisdiction in respect of war crimes in particular when committed as part of a plan or policy or as part of a large-scale commission of such crimes.*

2. *For the purpose of this Statute, "war crimes" means:*

(a) Grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention:

(i) Willful killing;

(ii) Torture or inhuman treatment, including biological experiments;

(iii) Willfully causing great suffering, or serious injury to body or health;

(iv) Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;

(v) Compelling a prisoner of war or other protected person to serve in the forces of a hostile Power;

(vi) Willfully depriving a prisoner of war or other protected person of the rights of fair and regular trial;

(vii) Unlawful deportation or transfer or unlawful confinement;

(viii) Taking of hostages.

(b) Other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts:

(i) Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;

(ii) Intentionally directing attacks against civilian objects, that is, objects which are not military objectives;

(iii) Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;

(iv) Intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated;

(v) Attacking or bombarding, by whatever means, towns, villages, dwellings or buildings which are undefended and which are not military objectives;

(vi) Killing or wounding a combatant who, having laid down his arms or having no longer means of defence, has surrendered at discretion;

(vii) Making improper use of a flag of truce, of the flag or of the military insignia and uniform of the enemy or of the United Nations, as well as of the distinctive emblems of the Geneva Conventions, resulting in death or serious personal injury;

(viii) The transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory;

(ix) Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;

(x) Subjecting persons who are in the power of an adverse party to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons;

(xi) Killing or wounding treacherously individuals belonging to the hostile nation or army;

(xii) Declaring that no quarter will be given;

(xiii) Destroying or seizing the enemy's property unless such destruction or seizure be imperatively demanded by the necessities of war;

(xiv) Declaring abolished, suspended or inadmissible in a court of law the rights and actions of the nationals of the hostile party;

(xv) Compelling the nationals of the hostile party to take part in the operations of war directed against their own country, even if they were in the belligerent's service before the commencement of the war;

(xvi) Pillaging a town or place, even when taken by assault;

(xvii) Employing poison or poisoned weapons;

(xviii) Employing asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices;

(xix) Employing bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisions;

(xx) Employing weapons, projectiles and material and methods of warfare which are of a nature to cause superfluous injury or unnecessary suffering or which are inherently indiscriminate in violation of the international law of armed conflict, provided that such weapons, projectiles and material and methods of warfare are the subject of a comprehensive prohibition and are included in an annex to this Statute, by an amendment in accordance with the relevant provisions set forth in articles 121 and 123;

xxi) Committing outrages upon personal dignity, in particular humiliating and degrading treatment;

(xxii) Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 7, paragraph 2 (f), enforced sterilization, or any other form of sexual violence also constituting a grave breach of the Geneva Conventions;

(xxiii) Utilizing the presence of a civilian or other protected person to render certain points, areas or military forces immune from military operations;

(xxiv) Intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;

(xxv) Intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including willfully impeding relief supplies as provided for under the Geneva Conventions;

(xxvi) Conscripting or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities.

(c) In the case of an armed conflict not of an international character, serious violations of article 3 common to the four Geneva Conventions of 12 August 1949, namely, any of the following acts committed against persons taking no active part in the hostilities, including members of armed forces who have laid

down their arms and those placed hors de combat by sickness, wounds, detention or any other cause:

(i) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;

(ii) Committing outrages upon personal dignity, in particular humiliating and degrading treatment;

(iii) Taking of hostages;

(iv) The passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court, affording all judicial guarantees which are generally recognized as indispensable.

(d) Paragraph 2 (c) applies to armed conflicts not of an international character and thus does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature.

(e) Other serious violations of the laws and customs applicable in armed conflicts not of an international character, within the established framework of international law, namely, any of the following acts:

(i) Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;

(ii) Intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;

(iii) Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;

(iv) Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;

(v) Pillaging a town or place, even when taken by assault;

(vi) Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 7, paragraph 2 (f), enforced sterilization, and any other form of sexual violence also constituting a serious violation of article 3 common to the four Geneva Conventions;

(vii) Conscripting or enlisting children under the age of fifteen years into armed forces or groups or using them to participate actively in hostilities;

(viii) Ordering the displacement of the civilian population for reasons related to the conflict, unless the security of the civilians involved or imperative military reasons so demand;

(ix) Killing or wounding treacherously a combatant adversary;

(x) Declaring that no quarter will be given;

(xi) Subjecting persons who are in the power of another party to the conflict to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons;

(xii) Destroying or seizing the property of an adversary unless such destruction or seizure be imperatively demanded by the necessities of the conflict;

(f) Paragraph 2 (e) applies to armed conflicts not of an international character and thus does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar

nature. It applies to armed conflicts that take place in the territory of a State when there is protracted armed conflict between governmental authorities and organized armed groups or between such groups.

3. Nothing in paragraph 2 (c) and (e) shall affect the responsibility of a Government to maintain or re-establish law and order in the State or to defend the unity and territorial integrity of the State, by all legitimate means.

Protocol Additional to the Geneva Conventions of 12 August 1949 and Relating to the Protection of Victims of International Armed Conflicts (Protocol I)

Article 37: Prohibition of Perfidy

1. It is prohibited to kill, injure or capture an adversary by resort to perfidy. Acts inviting the confidence of an adversary to lead him to believe that he is entitled to, or is obliged to accord, protection under the rules of international law applicable in armed conflict, with intent to betray that confidence, shall constitute perfidy. The following acts are examples of perfidy:

(a) the feigning of an intent to negotiate under a flag of truce or of a surrender;

(b) the feigning of an incapacitation by wounds or sickness;

(c) the feigning of civilian, non-combatant status; and

(d) the feigning of protected status by the use of signs, emblems or uniforms of the United Nations or of neutral or other States not Parties to the conflict.

2. Ruses of war are not prohibited. Such ruses are acts which are intended to mislead an adversary or to induce him to act recklessly but which infringe no rule of international law applicable in armed conflict and which are not perfidious because they do not invite the confidence of an adversary with respect to

protection under that law. The following are examples of such ruses: the use of camouflage, decoys, mock operations and misinformation.

Article 41: Safeguard of an enemy hors de combat

1. A person who is recognized or who, in the circumstances, should be recognized to be ' hors de combat ' shall not be made the object of attack.

2. A person is ' hors de combat ' if:

(a) he is in the power of an adverse Party;

(b) he clearly expresses an intention to surrender; or

(c) he has been rendered unconscious or is otherwise incapacitated by wounds or sickness, and therefore is incapable of defending himself;

provided that in any of these cases he abstains from any hostile act and does not attempt to escape.

3. When persons entitled to protection as prisoners of war have fallen into the power of an adverse Party under unusual conditions of combat which prevent their evacuation as provided for in Part III, Section I, of the Third Convention, they shall be released and all feasible precautions shall be taken to ensure their safety.