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NUMBER 5100.77

GC, DoD

Department of Defense Directive

SUBJECT: DoD Law of War Program

- References:
- (a) DoD Directive 5100.77, "DoD Program for the Implementation of the Law of War (Short Title: DoD Law of War Program)," November 5, 1974 (hereby canceled)
 - (b) DoD Instruction 5500.15, "Review of Legality of Weapons Under International Law," October 16, 1974
 - (c) DoD Directive 5100.69, "DoD Program for Prisoners of War and Other Detainees," December 27, 1972
 - (d) through (l), see enclosure 1

A. REISSUANCE AND PURPOSE

This Directive reissues reference (a) and provides policy guidance and assignment responsibilities within the Department of Defense for a program to ensure compliance with the law of war.

B. APPLICABILITY

The provisions of this Directive apply to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Defense Agencies, and the Unified and Specified Commands (hereafter referred to as "DoD Components").

C. POLICY

It is the policy of the Department of Defense to ensure that:

1. The law of war and the obligations of the U.S. Government under that law are observed and enforced by the U.S. Armed Forces.
2. A program, designed to prevent violations of the law of war, is implemented by the U.S. Armed Forces.
3. Alleged violations of the law of war, whether committed by or against U.S. or enemy personnel, are promptly reported, thoroughly investigated, and, where appropriate, remedied by corrective action.

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4. Violations of the law of war alleged to have been committed by or against allied military or civilian personnel shall be reported through appropriate command channels for ultimate transmission to appropriate agencies of allied governments.

D. DEFINITION AND EXCLUSION

1. The law of war encompasses all international law with respect to the conduct of armed conflict, binding on the United States or its individual citizens, either in international treaties and agreements to which the United States is a party, or applicable as customary international law.

2. There is excluded from the scope of this Directive that part of the law of war relating to the acquisition and procurement of weapons and weapons systems for the Armed Forces of the United States, which is addressed in DoD Instruction 5500.15 (reference (b)), and the DoD Program for Prisoners of War and other Detainees, which is addressed in DoD Directive 5100.69 (reference (c)).

E. RESPONSIBILITIES

1. General

a. The Armed Forces of the United States shall comply with the law of war in the conduct of military operations and related activities in armed conflict, however such conflicts are characterized.

b. The Armed Forces of the U.S. shall institute and implement programs to prevent violations of the law of war to include training and dissemination, as required, by the Geneva Conventions (GWS Art. 47 (reference (d)), GWS Sea Art. 48 (reference (e)), GPW Art. 127 (reference (f)), GC Art. 144 (reference (g)), Hague Convention IV (Art. I) (reference (h)), in accordance with doctrine set forth in Army Field Manual 27-10 (reference (i)), Naval Warfare Information Publication 10-2 (reference (j)), Air Force Pamphlet 110-32 (reference (k)), Air Force Pamphlet 110-31 (reference (l)), or other publications issued under subparagraph E.2.e.(2).

2. Specific

a. The Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) shall maintain overall coordination of and monitor the Military Departments' plans and policies for training and education in the law of war.

b. The Assistant Secretary of Defense (International Security Affairs) shall coordinate DoD positions on international negotiations of the law of war.

c. The Assistant Secretary of Defense (Public Affairs) shall monitor the public affairs aspects of the DoD law of war program and provide public affairs policy guidance, as appropriate, to include coordination with the Department of State on matters of mutual public affairs concern.

d. The DoD General Counsel shall provide overall legal guidance within the Department of Defense pertaining to the DoD law of war program, to include review of policies developed in connection with the program and coordination of special legislative proposals and other legal matters with other Federal departments and agencies.

e. The Secretaries of the Military Departments shall develop internal policies and procedures consistent with this Directive in support of the DoD law of war program in order to:

(1) Provide publication, instructions, and training so that the principles and rules of the law of war will be known to members of their respective Departments, the extent of such knowledge to be commensurate with each individual's duties and responsibilities.

(2) Provide for the prompt reporting and investigation of alleged violations of the law of war committed by or against members of their respective Departments in consonance with directives issued pursuant to subparagraph E.2.h.(4) of this Directive.

(3) Provide for the appropriate disposition, under the Uniform Code of Military Justice, of cases involving alleged violations by persons subject to court-martial jurisdiction of their respective Departments.

(4) Provide for the central collection of reports and investigations of violations of the law of war alleged to have been committed by members of their respective Military Departments.

(5) Ensure that programs are implemented within their respective Departments to prevent violations of the law of war alleged to have been committed by members of their respective Military Departments.

f. The Secretary of the Army is designated as the Executive Agent for the Department of Defense for the administration of the DoD law of war program with respect to alleged violations of the law of war committed against U.S. personnel. In this capacity, the Secretary shall act for the Department of Defense in the development and coordination of plans and policies for the investigation and, subject to the provisions of DoD Directive 5000.19 (reference (m)), collection, recording, and reporting of information related to enemy violations of the law of war.

g. The Chairman of the Joint Chiefs of Staff shall:

(1) Provide guidance to the Commander of Unified and Specified Commands conforming with the policies and procedures contained in this Directive.

(2) Ensure that a primary point of contact in the Organization of the Joint Chiefs of Staff is designated to handle actions concerning activities under the provisions of this Directive.

(3) Issue and review appropriate plans, policies, and Directives, as necessary, in consonance with this Directive.

(4) Ensure that rules of engagement issued by Unified and Specified Commands are in consonance with the law of war.

h. Commanders of Unified and Specified Commands shall:

(1) Institute necessary programs within their respective commands to prevent violations of the law of war and ensure that they are subject to periodic review and evaluation, particularly in light of any violations reported.

(2) Implement Joint Chiefs of Staff guidance for the collection and investigation of reports of enemy violations of the law of war.

(3) Designate an authority within the command to supervise the administration of those aspects of this program dealing with alleged enemy violations.

(4) Issue appropriate plans and regulations to ensure that war crimes allegations, which apply to this Directive, are reported promptly to the appropriate authorities and investigated.

(5) Ensure that initial reports and reports of investigation of alleged war crimes committed by U.S. personnel are forwarded to the appropriate Military Departments.

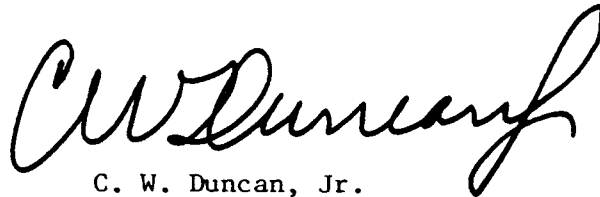
(6) Ensure that rules of engagement issued by the command conform to the law of war.

i. The Director, Defense Intelligence Agency, shall provide appropriate information from the intelligence community to the Secretary of the Army and the Commanders of Unified and Specified Commands, pursuant to paragraphs E.2.f. and h., above, concerning violations of the law of war perpetrated against captured or detained U.S. nationals.

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F. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. Forward two copies of implementing documents and notification of designated representatives, in accordance with subsection E.2., above, and any revisions to the General Counsel, Department of Defense, and the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) within 150 days.



C. W. Duncan, Jr.
Deputy Secretary of Defense

Enclosure - 1
References

Accession For	
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REFERENCES, continued

- (d) Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, August 12, 1949
- (e) Geneva Convention for Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, August 12, 1949
- (f) Geneva Convention Relative to the Treatment of Prisoners of War, August 12, 1949
- (g) Geneva Convention Relative to the Protection of Civilian Persons in Time of War, August 12, 1949
- (h) Hague Convention No. IV Respecting the Laws and Customs of War on Land, October 18, 1907
- (i) Army Field Manual 27-10, The Law of Land Warfare, July 1956
- (j) Naval Warfare Information Publication 10-2, Law of Naval Warfare, September 1955
- (k) Air Force Regulation 110-32, Training and Reporting to Insure Compliance with the Law of Armed Conflict, August 1976
- (l) Air Force Pamphlet 110-31, International Law-The Conduct of Armed Conflict and Air Operations, November 1976
- (m) DoD Directive 5000.19, "Policies for the Management and Control of Information Requirements," March 12, 1976