escalation of the conflict, may result in the injury or death of enemy forces legitimately attempting to surrender or discharging their humanitarian duties, or may impede the restoration of peace.

There were few examples of perfidious practices during the Persian Gulf War. The most publicized were those associated with the battle of Ras Al-Khafji, which began on 29 January. As that battle began, Iraqi tanks entered Ras Al-Khafji with their turrets reversed, turning their guns forward only at the moment action began between Iraqi and Coalition forces. While there was some media speculation that this was an act of perfidy, it was not; a reversed turret is not a recognized indication of surrender per se. Some tactical confusion may have occurred, since Coalition ground forces were operating under a defensive posture at that time, and were to engage Iraqi forces only upon clear indication of hostile intent, or some hostile act.

However, individual acts of perfidy did occur. On one occasion, Iraqi soldiers waved a white flag and laid down their weapons. When a Saudi Arabian patrol advanced to accept their surrender, it was fired upon by Iraqi forces hidden in buildings on either side of the street. During the same battle, an Iraqi officer approached Coalition forces with his hands in the air, indicating his intention to surrender. When near his would-be captors, he drew a concealed pistol from his boot, fired, and was killed during the combat that followed.

Necessarily, these incidents instilled in Coalition forces a greater sense of caution once the ground offensive began. However, there does not appear to have been any centrally directed Iraqi policy to carry out acts of perfidy. The fundamental principles of the law of war applied to Coalition and Iraqi forces throughout the war. The few incidents that did occur did not have a major effect on planning or executing Coalition military operations.

WAR CRIMES

Iraqi war crimes were widespread and premeditated. They included the taking of hostages, forcible deportation, torture and murder of civilians, in violation of the GC; looting of civilian property in violation of Hague IV; looting of cultural property, in violation of the 1954 Hague Cultural Property Convention;

indiscriminate attacks in the launching of Scud missiles against cities rather than specific military objectives, in violation of customary international law; violation of Hague VIII in the method of using sea mines; and unnecessary destruction in violation of Article 23(g) of the Annex to Hague IV, as evidenced by the unlawful and wanton release of oil into the Persian Gulf and the unlawful and wanton sabotage of hundreds of Kuwaiti oil wells. The latter acts also constitute a violation of Article 53, GC and a Grave Breach under Article 147, GC.

As indicated earlier, the United States, Iraq, and the members of the Coalition that liberated Kuwait are parties to several law of war treaties. Each assumes good faith in its application and enforcement. Common Article 1 of the four 1949 Geneva Conventions for the Protection of War Victims requires that parties to those treaties "respect and ensure respect" for each of those treaties. The obligation to "respect and ensure respect" was binding upon all parties to the Persian Gulf War. It is an affirmative requirement to take all reasonable and necessary steps to bring individuals responsible for war crimes to justice. In a separate article common to the four 1949 Geneva Conventions, no nation has the authority to absolve itself or any other nation party to those treaties of any liability incurred by the commission of a Grave Breach (Article 50, GWS; Article 51, GWS (Sea); Article 130, GPW; and Article 147, GC).

The United States has one of the more comprehensive law of war programs in existence. DOD Directive 5100.77 is the foundation for the US military law of war program. It contains four policies:

- The law of war and obligations of the US Government under that law . . . [will be] observed and enforced by the US Armed Forces.
- A program, designed to prevent violations of the law of war . . . [will be] implemented by the US Armed Forces.
- Alleged violations of the law of war, whether committed by or against US or enemy personnel, . . . [will be] promptly reported, thoroughly investigated, and, where appropriate, remedied by corrective action.