

Dt. Komitee zum Humanitären Völkerrecht [ed.]

National Implementation of International Humanitarian Law

Document on the Implementation of IHL
in the German Legal System



Nomos

Dt. Komitee zum Humanitären Völkerrecht (ed.)

National Implementation of International Humanitarian Law

Document on the Implementation of IHL
in the German Legal System



Nomos

The **Deutsche Nationalbibliothek** lists this publication in the Deutsche Nationalbibliografie; detailed bibliographic data are available on the Internet at <http://dnb.d-nb.de>

ISBN 978-3-8487-7717-4 (Print)
978-3-7489-2110-3 (ePDF)

British Library Cataloguing-in-Publication Data

A catalogue record for this book is available from the British Library.

ISBN 978-3-8487-7717-4 (Print)
978-3-7489-2110-3 (ePDF)

Library of Congress Cataloging-in-Publication Data

Dt. Komitee zum Humanitären Völkerrecht
National Implementation of International Humanitarian Law
Document on the Implementation of IHL in the German Legal System
Dt. Komitee zum Humanitären Völkerrecht (ed.)
74 pp.
Includes bibliographic references.

ISBN 978-3-8487-7717-4 (Print)
978-3-7489-2110-3 (ePDF)

1st Edition 2020

© Dt. Komitee zum Humanitären Völkerrecht (ed.)

Published by
Nomos Verlagsgesellschaft mbH & Co. KG
Waldseestraße 3-5 | 76530 Baden-Baden
www.nomos.de

Production of the printed version:
Nomos Verlagsgesellschaft mbH & Co. KG
Waldseestraße 3-5 | 76530 Baden-Baden

ISBN (Print): 978-3-8487-7717-4
ISBN (ePDF): 978-3-7489-2110-3

DOI: <https://doi.org/10.5771/9783748921103>



Onlineversion
Nomos eLibrary



This work is licensed under a Creative Commons Attribution
– Non Commercial – No Derivations 4.0 International License.

Table of Contents

I.	Introduction	9
II.	Status of International Humanitarian Law in the German Legal System	11
	1. Status of relevant IHL Treaties	11
	2. Status of Customary International Law	12
III.	Status and Control of the German Armed Forces	13
IV.	Implementation Measures	15
	1. Protection of Civilians and Civilian Objects	15
	a. Distinction between Civilian Objects and Military Objectives	15
	b. Protection of the Civilian Population against Indiscriminate Attacks	17
	c. Prohibition of Excessive Civilian Damage or Loss of Civilian Life	18
	d. Protection of Schools as Civilian Objects	19
	2. Persons under Specific Protection	20
	a. Prisoners of War, Internees and Detainees	20
	b. The Wounded, Sick and Shipwrecked as well as the Medical Service	22
	c. Civil Protection / Civil Defence Units and Personnel	23
	d. Religious Personnel Attached to the German Armed Forces	24
	3. Relief Actions / Humanitarian Assistance	25
	4. Protection of Cultural Property	27
	5. Protection of the Environment	29
	6. Tracing Missing Persons and the Reunification of Families	30
	7. Means and Methods of Warfare	31
	a. Prohibitions and Restriction of the Use of Specific Weapons	31
	i. Chemical Weapons	31

Table of Contents

ii.	Biological Weapons	32
iii.	Certain Conventional Weapons	33
iv.	Mines	34
v.	Cluster Munitions	34
vi.	Explosive Weapons in Populated Areas	34
vii.	Cyber Weapons and Means of Warfare	35
b.	Weapon Reviews	36
8.	German Red Cross and other Voluntary Aid Societies – Recognition and Status	36
V.	Dissemination and Education	39
1.	Dissemination and Education within the German Armed Forces	39
a.	Legal Advisers in the German Armed Forces	39
b.	Legal Advisers as Teachers of Law	41
c.	LOAC Manual and Internal Service Regulations	42
d.	Soldier’s Cards	43
2.	Dissemination and Education by the German Red Cross	43
a.	Legal Basis	43
b.	Dissemination of the GerRC	45
i.	Meaning of Dissemination	45
ii.	Federal Structure	45
iii.	Dissemination Activities	45
3.	German Committee on International Humanitarian Law	46
4.	Dissemination, Education and other Actors at the Federal Level	48
VI.	Enforcement of IHL	49
1.	Internal System to Monitor Observance of IHL by the German Armed Forces and Command Responsibility	49
2.	Securing Enforcement through Disciplinary Action	50
3.	Securing Enforcement through Criminal Law	51
4.	Securing Enforcement through the Rome Statute and the Code of Crimes against International Law (CCAIL)	52
5.	Entitlement of an Individual Victim of IHL Violations to claim Compensation and Civil Proceedings	53

Table of Contents

Annex 1: List of treaties of IHL and other selected treaties signed / ratified by Germany	57
Annex 2: Code of Crimes against International Law	63

