

The United States recognizes the conflict in Vietnam as an international conflict to which both customary and written or conventional law of war apply, and the United States has declared its intent to observe this law.

The United States has an obligation to instruct its military personnel concerning the conventional law of war which the United States has recognized. This obligation is in part fulfilled by formal military instructions and directives. Further, the United States has affirmative responsibilities to investigate alleged violations of the pertinent conventions. Its obligations under the "grave breaches" article of each of the 1949 Geneva Conventions are quite specific:

The High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article.

Grave breaches to which the preceding Article relates shall be those involving the following acts, if committed against persons or property protected by present Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person, ...taking of hostages and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

Most of the "grave breaches" listed above had been considered as violations of customary law or were denounced in other conventions prior to the 1949 Geneva Conventions.

Both US military law and international law place certain responsibilities upon military commanders to control their troops, to investigate alleged violations of the law of war, and to take appropriate action. Furthermore, many offenses against the law of war are violations of the Uniform Code of Military Justice.

The United States, as a civilized nation and as a signatory of Hague Convention No. IV (1907) and its Annex and the four Geneva Conventions of 1949, is obligated to observe the law of war, to investigate alleged war crimes, and, in appropriate cases, to bring alleged offenders to trial.

The term "war crime" is the technical expression for a violation of the law of war by any person or persons, military or civilian. Every violation of the law of war is a war crime.