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## LEGAL DIMENSION OF THE ACTIONS SPECIFIC TO PSYCHOLOGICAL AGGRESSION

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**Abstract:** *The actions specific to psychological aggression are, usually found within the scope of ruses of war and thus, in accordance with the provisions of international humanitarian law, are not prohibited. Therefore, they can be used freely against enemy troops.*

**Keywords:** *psychological aggression, perfidy, ruses of war*

### INTRODUCTION

It can be said that psychological warfare blows up the classic distinction between war and peace. It is an unconventional war, not according to the international law and rules of war, it is a total war is that confuses lawyers and pursues its objectives under the protection of their code.

We often hear the phrase „permitted means and methods of warfare leading or, on the contrary, prohibited means and methods of warfare ". This aspect of permitting or prohibiting means and methods of war is approached by a number of norms of internal law and especially international law.

In fact, if we could be as correct as possible, we should not question the permitted means and methods of warfare, and this, because, by the Briand-Kellogg Convention of 1929, the war is prohibited, placed outside the law.

#### 1. LIMITING THE STATES' RIGHTS WITHIN THE SCOPE OF WAR WAGE

Life highlights the fact that the rule, the norm, is frequently violated, war still waging under various pretexts. However,

through legal norms, it was aimed to limit the right of states to resort discretionarily means and methods meant for war. Thus, within the international humanitarian law, there were formulated and consolidated the fundamental principles governing the matter, such as:

- choosing means and methods of war - parties in an armed conflict have no an unlimited right;
- achieving a clear distinction between military objectives, on one hand, and civilians on the other hand, so that armed actions to proceed only against the first;
- limiting, to a minimum, the sufferings produced to the combatants, as well as the damage caused to them.

We might interpret that the methods and means which can cause unnecessary harm to win in a battle are prohibited, as well as of those producing non-discriminating effects (between military objectives, civilians and civilian goods), or not allowing these methods and means whose effects extend over large areas, on a long period of time and, sometimes, irreparably for the natural environment.

All these rules are based on the idea according to which, war is a complex of actions at whose origins there are the states

and governments and, therefore, it would be natural to leave out everything that is not directly related to its performance and conduct.

If, concerning the conventional traditional means of warfare, we can say that most of them are known, not the same thing happens with the insidious ones, having psychological effects. As such, let us see what is allowed and what is not in the latter view. We propose, in other words, to perceive the psychological aggression phenomenon, this time in terms of its legal dimension, the perfidious means occupying an important place in the economy approach.

## 2. PERFIDY VERSUS RUSES OF WAR

From the conceptual point of view, **perfidy** is defined as "*that trait that hides evil, deceit, dishonesty, a bad and evil deed*", but within the international law norms, it assumes other valences. The broader rules on perfidy (as a distinct problematic of psychological implications among the own troops or enemy troops) were made in art. 37 of **Geneva Protocol of 1977**, which establishes as a general rule, the prohibition "to kill, injure or capture an adversary by resort to perfidy".

The following acts are *examples of perfidy*:

- the feigning of an intent to negotiate under a flag of truce or of a surrender;
- the feigning of an incapacitation by wounds or sickness;
- the feigning of civilian, non-combatant status;
- the feigning of protected status (journalist, doctor) by the use of signs, emblems or uniforms of the United Nations, or of member States or other States not Parties to the conflict.

There are also other articles that incriminate deeds under perfidy jurisdiction, such as: **art. 38** - It is prohibited to make improper use of the distinctive emblem of the Red Cross and Red Crescent, or of other internationally recognized protective signs (flag of truce provided, the protective emblem of cultural property, a.s.o.)

**Art. 39** – it is prohibited to make use in an armed conflict of the flags or military emblems, insignia or uniforms of neutral or other States not Parties to the conflict or adverse Parties.

**Art. 40** - combatants are obliged to carry weapons openly; there are also presented a series of rules that prohibit placing military objectives from attacks shelter, serving to protected persons or property.

At the same time, within the doctrines of international humanitarian law, it is considered that the concept of perfidy includes other facts such as:

- recruitment of hired assassins
- offering tempting rewards for capturing or killing opponents;
- prescription and outlawry of an opponent;
- request of sparing by treachery;
- simulating death, injury or disease.

Unlike the perfidy, the means of deception of the enemy, that is the "**ruses of war**", which are based on the insight, ingenuity, and stratagem are permitted by international humanitarian law. Because it is a difficult to draw a dividing line between perfidy and cunning, they were called the "gray zone" of military operations.

Under current interstate military conflict, it seems that the role of the ruses of war is increasingly reduced, but in those of non-state entities, where tactics is founded, above all, on surprise, ambush, deception, uniforms alterations, enemy incitement to rebellion, the use of ruses is paramount.

In addition, Regulation Annex of the Hague Convention of 1907 provided: the "*ruses of war and the use the necessary means to obtain information on enemy and terrain are considered legitimate.*"

**Art. 37** of the Protocol I of Geneva of 1977, stipulates the following: "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".



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**3. ACTIONS HAVING  
PSYCHOLOGICAL EFFECTS  
PERMITTED BY THE  
INTERNATIONAL LAW**

The following deeds, contained in different military manuals, having psychological effects, are examples of permitted ruses of war:

- surprise attacks, ambushes, simulated land air, maritime operations;
- simulation of rest or inactivity, or of weather conditions adverse to attacks (fog, snow);
- construction of plants which are not used;
- installation of false airfields (guns, armored etc.);
- imitation of mine fields;
- deployment of smaller subunits so that they seem important troops;
- transmission by radio or press of inaccurate information;
- intoxicating opponent with false documents, plans of operation, having no connection to reality;
- using the enemy's wavelength, telegraph codes to transmit false instructions;
- parachuting or supply imitation;
- moving terminals or falsifying road signs;
- using false signals to deceive enemy;

- using of psychological war means, inciting opposing soldiers to rebel or to desert;
- inciting the civilian population in military operations;
- using natural forces in the own advantage;
- imitating the enemy commanders' orders and others.

We consider appropriate that the commanding officers, the commanders know and acknowledge the means and methods allowed or banned during the military action and that is because their whole conduct must be firm when the situation requires. They must not hesitate, but the action be reported at norm, and the spectrum of the responsibility must not astound them in a negative way.

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