



US Rules of Engagement for Iraq, Aug 2007

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Description

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This document is the United States Rules of Engagement document for Iraq as appended to the orders for Operation Fardh al Qanoon (OPORD 07-04). It details U.S. Army policy regarding identifying and killing targets and targeted groups, detaining civilians, and provides specific rules for operations involving mosques and other religious property.

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ANNEX E (RULES OF ENGAGEMENT) TO OPORD 07-04 (OPERATION FARDH AL QANOON)

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- a. (U) USCENTCOM GENADMIN, 121917Z MAR 03, OIF ROE Serial One ISO Military Operations Against Iraq.
- b. (U) CJCSI 3121.01B, Standing Rules Of Engagement (SROE), 13 JUN 05.
- c. (U) USCINCCENT 081600ZNOV95 USCENTCOM Annex To Ref B (CJCSJ 3121.01A) USCENTCOM Theater-Specific ROE.
- d. (U) CJCSM 3160.01A, Joint Methodology for Estimating Collateral Damage, 30 Dec 05.
- e. (U) USCENTCOM Policy Guidance Governing the Interpretation of CJCSM 3160.01A 15 Jan 06.
- f. (U) USCENTCOM GENADMIN 241908Z JAN 04, SUBJECT: Additional Targeting Guidance for Declared Hostile Forces in Iraq.
- g. (U) USCENTCOM MEMORANDUM, Response to Request for ROE Additional Targeting Guidance (Iraq), 23 FEB 04.
- h. (U) MSG/CDR USCENTCOM/172012ZMAR03//Paramilitary Forces.
- i. (U) MSG/CDR USCENTCOM/221726ZMAR03//AMPN/CFC FRAGO 09-021 SROE for Iraqi Property.
- j. (U) MSG/CDR USCENTCOM/130918ZAPR03//AMPN/CFC FRAGO 09-111 Designating Personnel and Iraqi Property for Protection.
- k. (U) EXECUTIVE ORDER 11850.
- l. (U) APPENDIX 5 TO ANNEX C TO MNF-I FRAMEWORK OPORD [Rules of Engagement for US Forces], 01 MAY 06.
- m. (U) APPENDIX 7 TO ANNEX C TO MNC-I OPORD 06-03 [Rules of Engagement for US Forces], 27 MAR 07.
- n. (U) ANNEX D (FIRES AND EFFECTS) TO MND-B OPORD 07-02.
- o. (U) FRAGO 521 (MOD 1 TO ANNEX D (FIRES AND EFFECTS)) TO MND-B OPORD 06-01.
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- r. (U) FRAGO 441 TO MNC-I OPORD 06-03 (Approval and Notification of Operations).
- s. (U) FRAGO 442 TO MNC-I OPORD 06-03 (Revision of MNC-I Rules of Engagement).
- t. (U) FRAGO 476 TO MNC-I OPORD 06-03 (MOD 1 TO MNC-I FRAGO 441)
- u. (U) FRAGO 477 TO MNC-I OPORD 06-03 (MOD 1 TO MNC-I FRAGO 442)
- v. (U) MNF-I FRAGO 07-159 [IMPLEMENTATION OF MOD 4 TO USCENTCOM ROE SERIAL ONE ISO OIF]

1. (S/REL) SITUATION. This Annex represents the consolidation of all ROE Serials, FRAGOs, and directives pertinent to Operation Iraqi Freedom as of 31 March 2007. This information is critical to commanders and staff sections within MND-B. The Rules of Engagement will inform leaders and Soldiers of their authorities and responsibilities and must be incorporated into every training scenario. These Rules of Engagement apply to MND-B military operations within the international boundaries of Iraq, and to those Iraqi Army units TACON to MND-B. Additionally,

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these ROE apply to Iraqi National Police when TACON to MND-B and conducting combined operations.

2. (U) MISSION. No change.

3. (U) EXECUTION. Change.

A. (U) GENERAL GUIDANCE.

1. (S//REL) US NATIONAL POLICY. United States Government (USG) National Policy for the Southwest Asia region is "Charlie." Take the initiative within the limits allowed by these ROE.

2. (S//REL) MILITARY POLICY. Commanders have the inherent authority and obligation to use all necessary means available and to take proportional action in self-defense of their units, other US Forces, other Coalition Forces and other designated protected persons and forces as defined in paragraphs 3.G.3 and 4.

(a) (U) Military Necessity and Proportionality. At all times, the requirements of military necessity and proportionality will form the basis of the judgment of the on-scene commander (OSC) or individual Soldier as to what constitutes an appropriate response in self-defense to a particular hostile act or demonstration of hostile intent.

(i) (U) Military Necessity. Use of force required against military objectives to accomplish the mission is authorized in accordance with these ROE.

(ii) (S//REL) Proportionality. Military operations will be conducted, in so far as possible, to ensure that incidental injury to civilians and collateral damage to civilian objects are minimized. Strikes on infrastructure and lines of communication should, to the extent possible, disable and disrupt rather than destroy.

(b) (U) Distinction. All personnel must ensure that, prior to any engagement, non-hostile forces and civilian structures are distinguished from military objectives.

(c) (U) Military Objectives. Military objectives include hostile forces or military objects.

(i) (U) Hostile forces are those who because of either their status or conduct are actively engaged in hostilities. Status based hostile forces include members of designated terrorist organizations, outlined below. Conduct based hostile forces include those engaging in hostile acts or demonstrating hostile intent.

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(ii) (U) Military objects are those objects which by their nature, location, purpose or use make an effective contribution to military action.

(d) (S//REL) Positive Identification. Positive Identification (PID) of all targets is required prior to engagement. PID is a reasonable certainty that the individual or object of attack is a military objective in accordance with these ROE.

(e) (S//REL) Strategically Sensitive Military Operations. CDR, MND-B requires reporting and/or approval for particular military operations based on the potential strategic impact of the operations. Subordinate commanders will adhere to the notification and approval requirements delineated in the operational approval and notification matrix on the MND-B portal.

(f) (S//REL) Amount of Force. These ROE give commanders the maximum flexibility to use the amount of force required to accomplish the mission. A commander must consider the assigned mission, the current situation, the higher commander's intent, and all other available guidance in determining the level of force required for mission accomplishment. The level of force employed should not exceed the force required to accomplish the assigned mission.

3. (S//REL) ROE POLICY. The ROE in this message are effective for the duration of operations in Iraq, as determined by SECDEF or CDRUSCENTCOM, or until rescinded or amended by competent authority.

4. (S//REL) APPLICABILITY. These ROE are applicable to all US Forces and Iraqi Army Forces assigned to, or under the operational or tactical command and control of MND-B while conducting military operations. Additionally, these ROE apply to Iraqi National Police when TACON to MND-B and conducting combined operations.

5. (S//REL) FOREIGN ROE. ROE for non-US Forces participating in military operations may differ from these ROE. Conflicting ROE will be addressed on a case-by-case basis.

B. (U) TARGETING.

1. (S//REL) LETHAL STRIKE AUTHORIZATION. All uses of force in MND-B must fall into one of three categories: (1) Troops in Contact (TIC) / Self-Defense; (2) Deliberate Targets; and (3) Time Sensitive Targets (TST). TIC / Self-Defense is outlined below. Deliberate Targets and TSTs are divided into sections according to the specific type of target below.

(a) (S//REL) Troops in Contact (TIC) / Self-Defense. When troops are in contact or are acting in self-defense, the on-scene commander (OSC) may employ any available weapon system, organic and non-organic, except as otherwise provided in these ROE.

(i) (S//REL) OSC Responsibilities. The OSC is responsible for establishing PID and ensuring that the use of force is proportional. If PID of the target is lost due to the target's

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movement/relocation, PID must be re-established prior to striking the target.

(ii) (S//REL) Pursuit of Hostile Forces. OSC in continuous contact with a hostile force may continue to engage the hostile force and do not lose the right to continue to engage with all available weapons systems in self-defense as long as PID is maintained. When Coalition Forces are no longer threatened (i.e., the hostile force is running away), and Coalition Forces pursue the hostile force into an area where the death of nonhostile forces or civilians is likely, the local battalion level commander must approve continued engagement with indirect or air-delivered weapons systems.

(iii) (S//REL) Joint Close Air Support for TIC / Self-Defense. Joint Close Air Support (JCAS) 20mm-30mm gun employment and inert precision guided munitions (concrete JDAM) employment is delegated to OSC as long as PID is established and maintained throughout the engagement. Battalion commanders are the approval authority for all other JCAS delivered munitions during Troops in Contact / Self-Defense engagements.

(iv) (S//REL) Counterfire. Use of indirect fires for counterfire in the MND-B AO is permissible in accordance with the following guidelines.

a. (S//REL) OSC Responsibilities. The Collateral Damage Estimation Methodology (CDEM) (Reference D) does not apply to counterfire. The OSC must make three decisions prior to executing a counterfire mission: a) assess the military advantage of reactive counterfires (i.e., the nature of the target and the likelihood of effects on the target); b) conduct proportionality analysis, weighing the military advantage to be gained by the counterfire mission against the likely collateral damage from the mission; and c) act as the release authority for fires in support of troops in contact after confirming PID.

b. (S//REL) Counterfire Positive Identification (PID). For MND-B, PID for counterfires is considered a single Q-36, Q-37, or LCMR (Version I) counterfire radar acquisition in conjunction with a visually or audibly confirmed impact, or an acquisition from a counterfire target box as defined in FRAGO 521, MOD 1, Annex D to MND-B OPORD 06-01. Additionally, simultaneous acquisition from any two of the counterfire radar systems described above is sufficient to establish PID.

c. (S//REL) Fire Mission Limitations. CDR, MND-B has imposed the following limitations upon counterfire missions:

(i) (S//REL) Units may only conduct counterfire fire missions within 6 minutes of the most recent PID of an indirect fire attack. BCT commanders have the authority to approve counterfire missions between 6 – 10 minutes of the most recent PID of an indirect fire attack.

(ii) (S//REL) Counterfire missions are limited to 6 rounds per mission. However, units may reengage counterfire targets to achieve desired effects.

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(iii) (S//REL) Cluster munitions and white phosphorus are restricted munitions within MND-B; they require CDR, MND-B approval.

(b) (S//REL) Deliberate Targets. A deliberate target is any preplanned use of force. Responsibility for PID rests with the unit commander that nominates the target for attack, but may be augmented by intelligence or other assets. PID must be verified by the authorizing commander prior to engaging the target to ensure that conditions have not changed from the time of nomination of the target. A Formal Collateral Damage Estimate (CDE) must be completed prior to striking a deliberate target with Surface to Surface Ballistic Munitions, Air to Surface Unguided Munitions, or Precision Guided Munitions (see Reference D). Approval authority to strike deliberate targets, whether persons or objects, depends on the type of target and the level of collateral damage anticipated.

(i) (S//REL) Deliberate Target Sets. Deliberate Target sets in the MND-B OE include: (1) members of Designated Terrorist Organizations (DTOs), (2) facilities associated with DTOs; and (3) Iraqi lines of communication.

(ii) (S//REL) DTOs. The following groups are terrorist organizations that have been designated by CDRUSCENTCOM as proper objects of attack and commanders may process members of these organizations as Deliberate Targets and Time-Sensitive Targets. This is an additional authority and does not supersede the ability of US forces to use deadly force in self defense.

- (a) (S//REL) Al Qaida and related organizations.
- (b) (S//REL) Ansar Islam (AI).
- (c) (S//REL) Taliban.
- (d) (S//REL) Asbat Al-Ansar.
- (e) (S//REL) Egyptian Islamic Group (aka Gamaat Al-Islamiyya).
- (f) (S//REL) Hamas.
- (g) (S//REL) Hizballah/Islamic Jihad Organization.
- (h) (S//REL) Al Aqsa Martyrs Brigade.
- (i) (S//REL) Harakat Ul Mujahidin.
- (j) (S//REL) Lashkar E Tayyiba.
- (k) (S//REL) Palestinian Islamic Jihad.
- (l) (S//REL) Egyptian Islamic Jihad.
- (m) (S//REL) Jemaah Islamiyah.
- (n) (S//REL) The Islamic Movement of Uzbekistan.
- (o) (S//REL) Other groups or terrorist organizations specifically identified by CDRUSCENTCOM or CDR, MNF-I.

(iii) (S//REL) Collateral Damage Categories. There are three collateral damage estimate categories used in MND-B: 1) CDE 5 HIGH (30+ noncombatant casualties); 2) CDE 5 LOW (1-29 noncombatant casualties; and 3) CDE 1 – 4 LOW (zero noncombatant casualties).

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(iv) (S//REL) Approval Authorities. The approval authority for each category of deliberate target, based on that target's CD level is described in the table below:

	Members of DTOs	Facilities Associated with DTOs	Lines of Communication
CDE 5 HIGH	SECDEF	SECDEF	SECDEF
CDE 5 LOW	CDR, MNC-I	CDR, MNC-I	CDR, MNC-I
CDE 1-4 LOW	DCG(M)	DCG(M)	CDR, MND-B

(v) (S//REL) CJSOTF Targets. The CJSOTF Commander exercises the same approval authority as an MND-B BCT CDR within the MND-B OE. Therefore, CJSOTF may nominate targets for approval at the MND-B level. CJSOTF must deconflict planned fires at Division level and provide notification of lethal targeting operations to MNC-I. CJSOTF may forward targets disapproved by MND-B to MNC-I for target adjudication.

(c) (S//REL) Time Sensitive Targets (TST). A TST is a target for which there is insufficient time to obtain formal CDE or insufficient time to gain SECDEF approval. TST is a narrow authorization to engage a limited set of targets, either DTO members or facilities, or an individual from the CDRUSCENTCOM HVT list, which would otherwise be processed as deliberate targets. The requirement to complete a formal CDE is eliminated and the approval authority to engage a TST is delegated to a lower command level than the approval authority to engage a deliberate target. Responsibility for PID rests with the unit commander that nominates the target for attack. Once PID is established, a request for a formal CDE must be submitted, and a field CDE completed. PID must be verified by the commander authorizing the strike before engaging the target to ensure that conditions have not changed since the target was nominated. Approval authority to strike TSTs, whether persons or objects, depends on the level of collateral damage expected.

(i) (S//REL) Approval Authorities. The tables below describe the approval authority for each type of time sensitive target based on the target's CD level:

	Members of DTOs	DTO Facilities	CDRUSCENTCOM HVT List
CDE 5 HIGH	CDR, MNF-I or DIROPS, CENTCOM	CDR, MNF-I or DIROPS, CENTCOM	CDR, MNF-I or DIROPS, CENTCOM
CDE 5 LOW	CDR, MNC-I	CDR, MNC-I	CDR, MNC-I
CDE 1-4 LOW	DCG(M)	DCG(M)	CDR, MND-B (non-delegable)

2. (S//REL) OBSERVATION. All fires should be observed fires. For fixed wing air-delivered munitions, a forward air controller (FAC) or Joint Terminal Attack Controller (JTAC) is required. For all other fires, the commander approving the strike will determine the appropriate level of observation needed to acquire PID of the target.

3. (S//REL) SPECIAL INDIRECT FIRES- PLANNED. This guidance only applies to terrain denial, illumination, HC smoke and registration missions, and only when no collateral damage is expected. The ECOORD is the approval authority for high explosive (HE) terrain

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denial, registration, HC smoke, and illumination missions. Units will request or conduct a formal CDE for HE mortar and cannon fire. Formal CDE assessments are not required for illumination or HC smoke. The firing unit must conduct an assessment to identify and mitigate unintended collateral damage to personnel, structures, and vegetation resulting from the illumination and HC smoke. Illumination missions must maintain at least a 200m buffer at the target and range-to-impact grids.

4. (S//REL) PROTECTED COLLATERAL OBJECTS. These objects/places comprise a subset of objects defined by the Law of Armed Conflict (LOAC) whose damage or destruction require the approval of CDRUSCENTCOM, unless their destruction is required in self-defense. MND-B forces will not use protected collateral objects for military purposes. The following are examples of protected objects:

(a) (U) Religious, cultural, and historical institutions, structures, and terrain. Examples include Mosques, churches, monuments, cemeteries, museums, libraries, and internationally recognized historical/cultural sites.

(b) (U) Diplomatic offices, foreign missions, and sovereign nonmilitary property of other nations within the area of operations. Examples include embassies, consulates, ambassadorial residences, and their maritime assets.

(c) (U) Nongovernmental Organizations (NGO) (such as International Red Cross/Crescent and United Nations relief organizations) property, equipment, and personnel.

(d) (U) Government detention facilities/prisons.

(e) (U) Medical facilities (both civilian and military) including hospitals, clinics, field hospitals, and medical training facilities.

(f) (U) Public education facilities including nonmilitary schools, colleges, universities, and institutes.

(g) (U) Civilian refugee camps and concentrations.

(h) (U) Facilities whose engagement may result in pollution that cannot be contained, to include contamination of standing water, streams, and rivers.

(i) (U) Dams or dikes whose engagement may result in the flooding of civilian areas.

5. (S//REL) MNF-I RESTRICTED INDIVIDUAL AND RESTRICTED LOCATION LISTS. These lists identify personnel and locations against which coalition forces will not conduct operations without CG, MNF-I approval.

C. (S//REL) WEAPONS. Any lawful weapon system may be used against any lawful target

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if not otherwise prohibited in these ROE. Soldiers must always consider proportionality and a weapon's ability to distinguish between hostile forces and non-hostile forces when selecting a weapon to engage a target. Specific restrictions on weapon systems include:

1. (S//REL) MINES. CDR, MNF-I must approve any use of self-destructing/self-deactivating or command-detonated mines, except as provided below. Requests for all other types of mines must be made through the chain of command to SECDEF for approval.

2. (S//REL) CLAYMORE MINES. CDR, MND-B is the approval authority for employment of M18A1 claymore mines for self-defense in the command-detonated mode. Mechanical or non-command detonated use of the M18A1 claymore mines is not authorized.

(a) (S//REL) DETONATION AUTHORITY. When emplaced, the OSC will authorize detonation of the M18A1 claymore mines in self-defense.

(b) (S//REL) RECORDS. When emplaced in deliberate defense, annotate on the base defense plan the location of the M18A1 claymores. Upon completion of any mission, units will recover unexpended M18A1 claymores, render them safe and store them for use during future operations. If, during extreme situations, the M18A1 claymore mines are not recovered and rendered safe, units will immediately report the number and location of mines, along with plans to recover the mines.

3. (S//REL) RIOT CONTROL AGENTS (RCA). CDR, MND-B is the approval authority for employing RCA. This release authority is only delegable to Division Holding Area (DHA) or DHA-Annex commanders. If the CDR, MND-B authorizes use of RCA, they may only be used in limited circumstances and postures described below:

(a) (S//REL) Circumstances for Use. RCA may only be used in the following situations: (1) To protect US and/or designated personnel and facilities from civil disturbance; (2) During personnel recovery (PR) operations; (3) To control rioting prisoners or detainees; (4) During maritime operations involving civilians; (5) Where civilians are used to mask and/or screen an attack.

(b) (S//REL) Posture of Use. RCA may only be used in defensive military modes to save lives and may not be used solely against hostile forces. RCA should be employed in a graduated manner and only after the use of Riot Control Means (RCM) have failed or would otherwise be ineffective. Only those service members that have received proper training may employ RCA.

(c) (S//REL) Reporting Requirement. The use of any RCA shall be immediately reported through operational channels through CDR, MND-B to MNF-I Strategic Operations.

4. (S//REL) RIOT CONTROL MEANS (RCM). CDR, MND-B may approve the deployment and graduated use of RCM. CDR, MND-B may delegate the authority to deploy

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and use RCM to the OSC, and has done so for the RCM described below. Only those service members that have received proper training may employ RCM.

(a) (S//REL) Clothing. Detention facility commanders are authorized to employ protective riot control gear and clothing to protect their guard force.

(b) (S//REL) Tasers. A taser is a non-lethal system that temporarily incapacitates a person through electro muscular disruption. The possession and use of tasers in MND-B detention facilities requires approval by the CDR, MND-B. Use of tasers outside detention facilities is prohibited.

(c) (S//REL) Stun Grenades. CDR, MND-B has released to BCT Commanders the authority to use the M84 GG09 Stun Grenade for two purposes: (1) during a cordon and search or offensive raid once a viable hostile force target has been identified; and (2) to protect designated personnel against civil disturbance by unruly crowds. Soldiers should only use stun grenades as the last escalation of force measure prior to firing a warning shot.

(d) (S//REL) Non-Lethal Rounds. CDR, MND-B has released to BCT CDRs the authority to use several non-lethal rounds as an escalation of force measure at TCPs, during convoy operations, and foot patrols, including: the M1006, 40mm M203 non-lethal cartridge; the M1012 and M1013 shotgun non-lethal rounds; and the FN303 Paint Round System. Use of non-lethal rounds should be the last escalation of force measure used prior to firing a warning shot. These rounds are authorized for use as a non-lethal response to a non-lethal hostile act or demonstration of hostile intent that does not threaten designated personnel with serious bodily injury or death, e.g. rock throwing. Soldiers may also use these rounds to protect personnel and facilities from unruly crowds or civil disturbances. Non-lethal rounds may not be used in any other circumstances.

(e) (S//REL) Long Range Acoustical Device (LRAD). The CDR, MND-B has released to BCT CDRs the authority to employ the LRAD for use as a non-lethal escalation of force measure at check points, on convoys, and on patrol; for use as an RCM to protect designated personnel or facilities from civil disturbance or unruly crowds; and as a non-lethal response to a non-lethal hostile act, such as rock throwing. The CDR, MND-B has released to DHA/DHA-Annex Commanders the authority to employ the LRAD for use as a non-lethal response inside confinement facilities.

D. (S//REL) INTERNATIONAL BORDERS.

1. (S//REL) BORDER CROSSING. In the absence of host country permission, SECDEF approval is required for entry into the land, air, inland waters or territorial seas of Iran, Syria, or any other country bordering Iraq. In planning such an entry, SECDEF intention to obtain POTUS approval will be taken into account. The presence of an international boundary should always be considered during self-defense, but international boundaries do not prohibit Coalition Forces from taking those actions which are necessary in self-defense.

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2. (S//REL) BORDER CROSSING DETENTION. OSCs may authorize detention of personnel reasonably suspected of transporting contraband or of entering or traversing Iraq to join or assist hostile forces or terrorist organizations. They may also authorize seizure and/or destruction of supplies and equipment, including equipment that is not obviously military (i.e. civilian) equipment, which is reasonably suspected of being contraband or supporting persons entering or traversing Iraq to join or assist hostile forces or terrorist organizations. In using force to detain personnel suspected of engaging in the above activities, Commanders must take proportionate action and avoid endangering civilians. Commanders must report their actions through command channels through MNF-I Strategic Operations to CDRUSCENTCOM.

3. (S//REL) ASSISTING GOI. CDR, MNF-I is authorized to assist the Iraqi Government (IG) with restricting cross-border movement and/or restricting freedom of movement (e.g. curfews) inside Iraq. This authority may be used to prevent infiltration of persons entering or traversing Iraq to join or assist hostile forces or declared terrorist organizations, or to otherwise assist the IG to perform security functions. CDR, MNF-I may delegate this authority down to the OSC when required.

E. (S//REL) CORDON AND SEARCH. Units are authorized to cordon and search any residence, structure, property, or facility when the unit has a reasonable belief that the target contains personnel or materiel that poses an imperative threat to coalition forces or the security and stability in Iraq.

F. (S//REL) OPERATIONS INVOLVING MOSQUES AND OTHER RELIGIOUS PROPERTY. The entry on or into religious property by Coalition Forces can have significant political and cultural consequences, which commanders must consider when planning and executing operations that impact upon Mosques and other religious property. The following rules apply to Mosques, minarets, known husaniyahs (prayer houses), and cemeteries:

1. (S//REL) ISF LEAD. Iraqi Security Forces (ISF) will conduct Mosque operations whenever possible. ISF will coordinate Mosque operations with their chain of command within the Baghdad Operations Command.

2. (S//REL) PERMISSIVE ENTRY. Time and security situation permitting, commanders will use permissive measures (i.e. cordon and knock) to gain entry into Mosques and associated property.

3. (S//REL) NOTIFICATION REQUIREMENT. Time permitting, MND-B will notify MNC-I, C-3 prior to conducting operations against Mosques and associated property, or other religious property.

4. (S//REL) IO COORDINATION. Commanders will plan and coordinate IO effects and consequence management for Mosque and religious property operations.

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5. (S//REL) RETURNING FIRE INTO A MOSQUE OR OTHER RELIGIOUS PROPERTY DURING TIC/SELF-DEFENSE. The OSC is the approval authority for using force in self-defense in response to hostile acts emanating from a Mosque or other religious property. The OSC's authority to use force in self-defense is not limited by the fact that the hostile act originates from within a Mosque. The OSC will notify MND-B G-3 (through the operational chain of command) before, during, or after the operation as the situation permits. MND-B will notify MNC-I C3.

6. (S//REL) ENTRY AND SEARCH OF MOSQUES OR OTHER RELIGIOUS PROPERTY. The chart below describes the approval authorities for Mosque entry within MND-B. MND-B CG is the approval authority for Mosque entry by CJSOTF or OCF-I in MND-B.

	CF Independent Operation	Joint CF/ISF Operation	ISF Entry Without CF
Troops in Contact	BCT CDR	BCT CDR	BOC w/notification to MND-B
Pursuit of Hostile Forces	BCT CDR	BCT CDR	BOC w/notification to MND-B
Preplanned Entry/Search	MNC-I CG	DCG(M)	BOC w/notification to MND-B
Restricted Mosques	MNC-I or MNF-I CG	MNC-I or MNF-I CG	BOC w/notification to MND-B

7. (S//REL) RESTRICTED MOSQUES. Preplanned entry of the following Mosques requires higher headquarters approval: UM AL QURA MOSQUE, (38S MB 34548 88954), ABU HANIFA MOSQUE, (38S MB 40328 92715), AL KADIMIYAH SHRINE, (38S MB 38440 93620), ABID EL QADERA MOSQUE, (38S MB 44909 88784), BARATHA MOSQUE, (38S MB 40562 90406), SHAYKH MARUF MOSQUE, (38S MB 41769 88482), SAYYID IDRIS MOSQUE, (38S MB 44600 83850), SALMAN AL MUHAMMADI SHRINE (38S LC 05170 14120), IMAM AL HUSSEIN MOSQUE, (38S MB 0942 0920), NAJAF CITY (IMAM ALI) HOLY SHRINE (38R MA 35268 40179), IMAM ALI SHRINE (38R MA 35260 40190).

8. (S//REL) PREPLANNED LETHAL STRIKES AGAINST MOSQUES OR OTHER RELIGIOUS PROPERTY. CDRUSCENTCOM must approve any preplanned lethal engagements of Mosques or other religious property.

9. (S//REL) DETENTION OF CLERICS OR IMAMS ON MOSQUE PROPERTY. In order to detain a cleric or imam on Mosque property, the detention must be based on one of the following four criteria. The imam or cleric (1) is or was engaged in criminal activity; (2) is interfering or has interfered with mission accomplishment; (3) is on a list of persons wanted for questioning for criminal or security threat actions; or (4) detention is necessary for imperative reasons of security. Clerics or imams may not be detained on Mosque property if the only basis for detention is making prohibited statements, distributing prohibited material in violation of CPA Order 14, or making statements inciting violence. A preplanned action to detain a cleric or imam on Mosque property requires prior approval of CDR, MNC-I. Detention of a cleric or imam on Mosque property during a TIC/self-defense situation requires prior approval of the BCT CDR. Units must notify the MND-B CG or DCG(M) as soon as possible during, or immediately, after the operation.

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G. (S//REL) USE OF FORCE.

1. (S//REL) ESCALATION OF FORCE. When addressed with a potential threat that has not yet positively engaged in a hostile act or demonstrated hostile intent, Soldiers will use escalation of force techniques to develop the situation. If a potential threat fails to respond to escalation of force measures, Soldiers may use this failure as a factor in determining whether a potential threat is engaging in a hostile act or demonstrating hostile intent. Once a Soldier determines that a potential threat is engaging in a hostile act or demonstrating hostile intent, the Soldier may engage the threat with deadly force without further escalation of force measures. Escalation of force measures include, but are not limited to:

- (a) (U) Shout verbal warnings to halt;
- (b) (U) Show your weapon and demonstrate intent to use it;
- (c) (U) Physically restrain, block access, or detain;
- (d) (U) Fire a non-lethal round, if available;
- (e) (U) Fire a warning shot;
- (f) (U) Shoot to disable the threat (only when threat is a vehicle);
- (g) (U) Shoot to eliminate the threat.

2. (S//REL) DEADLY FORCE. If individuals pose a threat to Coalition Forces by committing a hostile act or demonstrating hostile intent, US Forces may use force, up to and including deadly force, to eliminate the threat. Soldiers may, but are not required to, use EOF when responding to a positively identified hostile act or display of hostile intent that threatens them or other designated personnel with death or serious bodily injury. When a Soldier has PID of a hostile act or display of hostile intent that threatens death or serious bodily injury, the Soldier is permitted to use deadly force without proceeding through EOF.

3. (S//REL) PROTECTION OF DESIGNATED PERSONS AND FORCES. Use of necessary force, up to and including deadly force, is authorized to protect the following designated persons and forces:

- (a) (S//REL) All US persons.
- (b) (S//REL) Citizens and other nationals of Coalition Force countries.
- (c) (S//REL) Detained persons, EPWs, and criminal suspects under MNF custody MUST be protected at all times.
- (d) (S//REL) Coalition Forces, Iraqi Forces, and/or personnel participating in military operations with MNF and the Iraqi Government, and their associated mission essential equipment and supplies.
- (e) (S//REL) Non-governmental organizations (NGO) and international organizations

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providing humanitarian assistance and/or relief in Iraq, and their associated mission essential equipment and supplies. Specifically, necessary force, up to and including deadly force, may be used to protect the International Committee of the Red Cross (ICRC), United Nations (UN) relief organizations, such as the United Nations Assistance Mission to Iraq (UNAMI), and any United States or United Nations supported relief organizations and their mission essential equipment and supplies.

(f) (S//REL) Those personnel designated by the on-scene commander, on a case-by-case basis, when necessary for the security and stability of Iraq.

4. (S//REL) THIRD PARTY VIOLENCE. Within Iraq necessary force, up to and including deadly force, may be used against individuals or groups of individuals who commit, or are about to commit, an act that is likely to cause death or serious bodily harm to another. When time and circumstances permit, use escalation of force measures as described in paragraph 3.G above.

(a) (S//REL) Murder Victims.

(i) (S//REL) Soldiers who have PID of an individual disposing of a murder victim in public are permitted to engage that individual with force, up to and including deadly force.

(ii) (S//REL) Indicators that may help Soldiers for PID that the individual is disposing of a murder victim include proximity to a historic Extra-Judicial Killing (EJK) body dumping area, observable trauma to the body indicating murder, the body is bound and/or blindfolded, the body is removed from the trunk of a vehicle, the individual disposing of the body is armed, the individual dumps the body in a location or in a manner that appears to be an act of intimidation to nearby residents, the individual disposing of the body is driving a vehicle on a BOLO list associated with EJK activity, or the body is dumped during hours of limited visibility.

(iii) (S//REL) Soldiers are not permitted to engage if there is a likely risk of collateral damage to non-hostile forces or civilians.

5. (S//REL) PROTECTION OF DESIGNATED PROPERTY. Necessary force, up to and including deadly force, is authorized to protect the following property designated by CDRUSCENTCOM as vital to the execution of the mission:

(a) (S//REL) Coalition Forces' mission essential equipment and supplies, including: weapons, ammunition, vehicles, communications and cryptology equipment, and hazardous materials.

(i) (S//REL) Tactical Cameras and Deception Cameras. CDR, MND-B has delegated to BCT CDRs the authority to designate tactical cameras as mission essential property and to authorize the use of force, up to and including deadly force, to protect both tactical cameras and deception cameras.

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(a) (S//REL) Before Soldiers use force to protect tactical cameras, all of the following conditions must be met:

(1) (S//REL) BCT CDR authorizes emplacement of cameras along historically active IED threat area and designates the cameras as essential to disrupting IED emplacement.

(2) (S//REL) The cameras are clearly marked with warning signs in large Arabic script warning that individuals who attempt to tamper with or steal cameras could be engaged with deadly force.

(3) (S//REL) An individual engages a designated camera with a firearm, or displays intent to immediately engage the camera with a firearm.

(4) (S//REL) There is no risk of collateral damage to non-hostile forces from engaging the individual.

(b) (S//REL) If the conditions above are met, the authorization to use deadly force continues until any of the following occurs:

(1) (S//REL) The Soldier loses PID of the shooter.

(2) (S//REL) There is a chance of collateral damage to a non-hostile force.

(3) (S//REL) The shooter surrenders and is no longer a threat.

(4) (S//REL) The shooter is out of combat due to injury.

(c) (S//REL) If an individual engages a designated tactical camera, or points a weapon at a tactical camera with the intent to engage, from a vehicle, Soldiers may use force, up to and including deadly force, to stop the vehicle and its occupants.

(d) (S//REL) If an individual uses means other than a firearm to tamper with or destroy a designated tactical camera, such as throwing a rock at the camera or climbing the pole, Soldiers are not permitted to immediately use deadly force. In these situations, Soldiers may fire a warning shot to deter the individual from tampering with the camera. If the individual continues to threaten a designated tactical camera after the Soldier has fired a warning shot, deadly force is authorized to protect the designated tactical camera.

(b) (S//REL) Public and private financial institutions; government buildings, including museums, courts, public schools and universities, and other facilities containing vital government records.

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(c) (S//REL) WMD or suspected WMD facilities or material, to include all manufacturing and storage sites.

(d) (S//REL) Oil fields and related equipment (e.g. wells, pumping stations, and pipelines).

(e) (S//REL) Public utilities and facilities including those that generate, distribute, or transport electricity, petroleum or water intended for civilian consumption, such as commercial fuel service stations, civilian mass transit facilities, water supply facilities, waste facilities, and urban gas supply.

(f) (S//REL) Dams or dikes that if damaged or destroyed may result in the flooding of civilian areas.

(g) (S//REL) Agricultural processing, storage, or distribution facilities producing food for civilian consumption.

(h) (S//REL) Hospitals and other public health facilities.

(i) (S//REL) That property designated by the on-scene commander, on a case-by-case basis, when necessary for the security and stability of Iraq.

6. (S//REL) NON-DESIGNATED PROPERTY. All non-designated property may be protected with non-deadly force. US Forces may detain individuals to protect such property.

7. (S//REL) WARNING SHOTS. Warning shots are only authorized when the use of deadly force would be authorized in a particular situation. Warning shots are not authorized to prevent looting, to protect non-designated property, or to clear traffic congestion.

H. (U) **DETENTION OF CIVILIANS.**

1. (S//REL) DETENTION OF CIVILIANS. MND-B personnel may stop, detain and search civilians when there is a reasonable belief that the person falls into one of the following categories: (1) are or were engaged in criminal activity; (2) interfere with mission accomplishment; (3) are on a list of persons wanted for questioning for criminal or security threat actions; or (4) the individual poses an imperative threat to the Coalition Forces or the security and stability of Iraq. These prerequisites do not limit the inherent right of self-defense. US Forces may always use force, up to and including deadly force, to neutralize and/or detain individuals who commit hostile acts or exhibit hostile intent against US Forces or Coalition Forces. For detention of clerics or imams, follow guidance specific to detention of clerics or imams in paragraph 3.F.9 above.

2. (S//REL) DETENTION OF FEMALES. OSCs may detain females only while the

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female is in the act of committing a crime, committing a hostile act, or demonstrating hostile intent; otherwise, detaining a female requires the approval of the first O-6 in the chain of command. Physical contact searches should be employed only as a last resort and only for imperative reasons of security. Stopping a car with a female occupant at a TCP, and subsequently questioning that female, does not constitute detention.

3. (S//REL) DETENTION OF JUVENILES. A Juvenile is a child who is at least nine years old but is younger than eighteen years old. Juveniles and those suspected of being juveniles will be detained in an area separate from adult detainees. A Minor is a child younger than nine years old. If a minor is detained, units should make a reasonable attempt to notify the parents. Units should release minors to the minor's parents. If no parent is present, notify Iraqi Police to pick up the minor for placement with a relative or Iraqi family. No minor will be detained as a security internee without immediately notifying MNF-I DCG-DO.

I. (U) DEFINITIONS.

1. (S//REL) COALITION FORCES (CF): Those nations who have armed forces assigned in Iraq as part of the Multi-National Force mission.

2. (S//REL) COLLATERAL DAMAGE (CD): CD is defined as "unintended physical damage to any non-hostile force person(s), property, or environment(s) occurring incidental to military operations." Collateral damage potential is determined by comparing weapons effect required to meet a specified military objective (i.e. desired target effect) and the likelihood that collateral damage will occur.

3. (S//REL) CONTACT: Contact, when used within the context of Troops in Contact, means that an MND-B unit is currently encountering a hostile act or demonstration of hostile intent. It does not require that the unit PID a hostile force. For example, a unit that is receiving incoming small arms fire is "in contact" even though they cannot ascertain the source of the small arms fire. However, the unit cannot respond with proportional force unless they can PID the source of the fire.

4. (S//REL) CONTRABAND: Goods destined for Iraq that are susceptible to use in armed conflict, including absolute contraband such as munitions, weapons, and uniforms, as well as conditional contraband such as construction materials, fuel and other equipment susceptible to either peaceful or warlike purposes.

5. (S//REL) FACILITIES (Associated with Designated Terrorists): A facility is a structure whose character has changed from a civilian object to a legitimate military objective through its purpose, location, or use. The term facilities also includes locations of possible attack such as tactical ambush points, and past sniper, improvised explosive device (IED) or indirect fire points.

6. (S//REL) FIELD COLLATERAL DAMAGE ESTIMATION (Field CDE): A process used by trained personnel to estimate the collateral damage anticipated at a given target. Units

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who do not have personnel trained to conduct Field CDE must request that their higher headquarters conduct the Field CDE.

7. (S//REL) FORMAL CDE: Formal CDE is the process used to determine the anticipated number of collateral casualties, damage to collateral objects, and damage to the environment that is anticipated to occur during a given air-delivered or Surface to Surface Ballistic Munitions attack. Formal CDE may be conducted by Division and higher level commanders with adequate bandwidth. USCENTCOM Targeting Cell retains the responsibility to conduct formal CDE and point mensuration for SSBMs requiring precision aimpoints (e.g. Army Tactical Missile System-Quick Reactionary Unitary and Guided Multiple Launch Rocket System) (MNF-I Framework OPORD, Annex C, Appendix 5, Tab H, Enclosure 1).

8. (S//REL) HIGH COLLATERAL DAMAGE TARGETS: Those targets that, if struck, have a ten-percent probability of causing collateral damage through blast debris and fragmentation and are estimated to result in significant collateral effects on non-combatant persons and structures, including: (1) non-combatant casualties estimated at 30 or greater; (2) significant effects on Category I No Strike protected sites in accordance with Reference D; (3) in the case of dual-use facilities, effects that significantly impact the non-combatant population, including significant effects on the environment/facilities/infrastructure not related to an adversary's war making ability; or (4) targets in close proximity to known human shields.

9. (C) HOSTILE ACT: An attack or other use of force by any civilian, paramilitary, or military force or terrorist(s), with or without national designation, against Coalition Forces, Coalition Force nationals, their property, and/or other designated non-coalition Force nationals and their property. It is also force used directly to preclude or impede the mission and/or duties of US Forces, including the recovery of US personnel and vital US Government property.

10. (U) HOSTILE FORCE: A hostile force is defined as any civilian, paramilitary, or military force, or terrorist(s), with or without national designation, that has committed a hostile act, exhibited hostile intent, or has been declared hostile by appropriate authority. Hostile force also includes hostile armaments, munitions, and equipment.

11. (S//REL) HOSTILE INTENT: The threat of imminent use of force against the United States, US Forces, and in certain circumstances, US Nationals, their property, US commercial assets, and/or other designated non-US Forces, foreign nationals, and their property. When hostile intent is present, the right exists to use proportional force, including armed force, in self-defense by all necessary means available to deter or neutralize the potential attacker or, if necessary, destroy the threat. Determination of hostile intent must be based on convincing evidence that an attack is imminent prior to the use of proportional force in self-defense. Evidence necessary to determine hostile intent will vary depending on the state of international or regional political tension, military preparations, intelligence, and indication and warning information. Evidence of hostile intent is considered to exist when a foreign force or terrorist(s): is detected to maneuver into a weapon launch position; is preparing to fire, launch or release weapons against the US, US Forces, and in certain circumstances, US nationals and their

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property, or US commercial assets; is preparing to lay mines in US territorial waters; or attempts to gain control of information systems critical to military employment or national infrastructure. (see Reference B).

14. (S//REL) IRAQI FORCES: Iraqi Forces are comprised of Iraqi police and security forces including, but not limited to: Ministry of Interior (MOI) assets to include Iraqi Police Service (IPS) and Special Police Forces (SPF); Ministry of Defense (MOD) assets to include Iraqi Armed Forces (IAF – Army, Navy and Air Forces), Iraqi Intervention Forces (IIF), Iraqi National Guard (ING), Border Police Services (BPS), Iraqi Special Operations Forces (ISOF); Iraqi National Intelligence Service (INIS), and individual ministry Facilities Protection Service (FPS) assets.

15. (S//REL) LINES OF COMMUNICATION: Structures and related equipment such as roads; highways; bridges; tunnels and rail systems (including rail yards and rolling stock) used for transportation.

16. (U) MILITARY NECESSITY: A Law of Armed Conflict Principle that recognizes valid military objectives as those objects, which, by their nature, use, location, or purpose offer the enemy a military advantage. Military necessity does not authorize acts otherwise prohibited by the law of war.

17. (S//REL) POSITIVE IDENTIFICATION (PID): PID is a reasonable certainty that the object of attack is a legitimate military objective in accordance with applicable ROE based on current vetted intelligence and/or direct observation. For target acquisition assets PID is geospatially defined as a reasonable certainty of having a target location error (TLE) of 75 meters or less. If PID is lost due to the target's movement/relocation, PID must be re-established prior to striking the target. The only single-source HUMINT that can establish PID is US or Coalition Forces who have "eyes-on" the target through direct observation or mechanical means (UAV, radar, SIGINT, or MASINT).

18. (U) PROPORTIONALITY: Using an amount of force such that the resulting collateral damage may not be excessive in relation to the concrete and direct military advantage to be gained.

19. (S//REL) RIOT CONTROL AGENTS (RCA): RCA are any chemical that can rapidly produce sensory irritation and debilitating effects that disappear in a short time. RCA include, but are not limited to, CS gas, CN gas, and OC "pepper spray."

20. (S//REL) RIOT CONTROL MEANS (RCM): RCM are any systems designed as non-lethal means of dispersing unruly crowds, rioting prisoners, or for the protection of designated personnel. They include, but are not limited to, riot control clothing, foam/rubber bullets, beanbags, water cannons, and flash bangs.

21. (S//REL) TERRORIST AND TERRORIST GROUPS/CELLS: A person providing

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support to or a member of the international terrorist organizations listed in paragraph B.1.(b).(ii), or any groups/cells/facilities associated therewith.

22. (S//REL) **TIME-SENSITIVE TARGETS (TSTs)**: A lucrative target of opportunity which is processed in exactly the same manner as a deliberate target, except that there is no time to obtain formal CDE or there is not sufficient time to gain SECDEF approval. The target must be temporary in nature. Additionally, the target must be either a member of a DTO or an individual on the CDRUSCENTCOM HVT list.

I. (U) CANCELLED MEASURES. All previously issued MND-B FRAGOs regarding Operation Iraqi Freedom ROE are hereby rescinded.

J. (U) ADMINISTRATION AND LOGISTICS.

1. (U) **TRAINING.** All commanders will ensure their personnel are trained and familiar with the Law of Armed Conflict and with these ROE.

2. (U) **REQUESTS FOR ROE CHANGES.** Commanders may submit requests for changes to these ROE, thru the MND-B Staff Judge Advocate, to the CDR, MND-B. Commanders will ensure requested changes:

- (a) (U) Remain consistent with the intent of these ROE.
- (b) (U) Result in more definitive guidance to subordinate commanders.
- (c) (U) Do not impair the commander's inherent right of self-defense.

4. (U) **SERVICE SUPPORT.** No change.

5. (U) COMMAND AND SIGNAL.

1. POC FOR THIS ACTION IS CPT WOLF, MND-B OPLAW ATTORNEY AT VOIP: 242-4570 OR SIPR EMAIL: JACOB.WOLF@MND-B.ARMY.SMIL.MIL.

ACKNOWLEDGE:

FIL
MG



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