#### RULES OF ENGAGEMENT

#### 1. Introduction.

This annex contains the Rules of Engagement (ROE) in force in the DA BG. UK units operate subject to national ROE and will inform CO DA BG of any national restrictions or caveats which might have an impact on interoperability.

Legal advice on other operational law issues can be found in DA BG SOP, including:

- · Guidance to permanent medical personnel.
- Code of Conduct
- DA BG Weapons confiscation policy
- · Handling of Detainees.
- · Guidance and documentation applicable to search operations.
- Aspects of The Iraqi police, court system and prison system case tracking.
- · Handling of claims against the DA BG.
- Guidance on the use of force in certain framework operations.
- · Issues related to the legal status of DA BG personnel in Iraq and Kuwait.

### 1.1. Basis.

The ROE in force are based upon ROE issued by UK Permanent Joint HQ (PJHQ UK) and agreed upon with the Kingdom of Denmark taking into consideration national caveats. Reference to MND(SE) SOI 911, which promulgates MND SE framework ROE. Further Danish instructions can be found in Defence Command Denmark ODO2 UF 102.0/0402413 dated 01 September 2004.

#### 1.2. Geographical area.

For DANBG the ROE in force are restricted to the territory, airspace and territorial seas of Iraq.

<u>Kuwait:</u> If MNF are fired upon from Kuwaiti territory, the fire may be answered to the extent necessary to suppress the hostile act and if deemed appropriate in the situation, hot pursuit may be conducted into Kuwaiti territory. The TOC must be informed and - if the situation allows – consulted.

<u>Iran:</u> DA BG soldiers are not under any circumstances to set foot on Iranian soil. However If shots are fired from within Iranian territory, the fire can be answered to the extent necessary to stop the hostile act.

#### 2. General

The ROE profile in force for DANBG reflects the ROE issued by UK authority and promulgated by MND(SE). It takes into account Command and Control arrangements agreed between participating nations as in Ref. C and national directives as issued in Ref. E. National clarifications to the MND(SE) ROE profile are made on the basis that such clarification will not be more permissive than the TELIC 003 ROE profile and will be communicated to MND(SE) force commander.

The use of force executed within this ROE profile will be correlated to the framework provided by UNSCR 1546, MNF assessment of current security environment in Iraq, GOC

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Annex F

MND(SE) intentions, BDE directives, CO DANBG intent and concept of operation as stated in this plan.

Enclosure 1 contains the ROE in force for DA BG, including applicable national caveats, interpretation, detailed instructions and remarks.

## 3. General principles on the use of force

- 3.1 The use of lethal force is permitted only to prevent loss of life or to protect materiel, the loss or destruction of which could be potentially life threatening for Coalition Forces. See para 4.2 below.
- 3.2 Force should be used as a last resort only. Whenever feasible other means of escalation control should be applied. E.g. verbal warnings and/or show of force.
- 3.3 The degree of force used must be no more than is reasonably necessary to control the situation. In all cases the utmost care must be taken to avoid harm to civilians or damage to civilian property.

## 4. DA BG ROE Definitions

The following definitions apply to the ROE Matrix in enclosure 1.

# 4.1. Specially Designated persons.

Use of minimum force up to and if necessary and proportional, deadly force is authorised in order to defend, prevent interference with, capture, illegal detention or kidnapping of the following protected persons:

- All DANBG, MND(SE) and MNF-I forces personnel
- Iraqi and 3<sup>rd</sup> country civilians.
- POW and Detained/Interned persons
- NGOs and IO's who are assisting with the Humanitarian Aid effort.
- Iraqi security forces.

# 4.2. Specially Designated property.

Use of minimum force up to and if necessary and proportional, <u>deadly force is authorised</u> in order to prevent the seizure, capture, boarding, detention and destruction of the following pre-designated property:

- Weapons, ammunition, vehicles, and crypto equipment, ECM or Coalition Force Tracker belonging to MNF, and
- to avert an assessed imminent threat to life such as assaults against:
  - Structures essential for the maintenance of public order, health and hygiene
  - Electricity generation and distribution facilities
  - Sample transport containers used in WMD sampling operations
  - Oil infrastructure.

The following property is pre-designated as requiring protection by the use of minimum force up to <u>but not including deadly</u> force (as the threat to human life is less immediate and a second or third order consequence of the loss or damage)

- Port facilities
- Food warehouses
- Communication facilities
- Banks

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· Ammunition storage sites

### 4.3. Hostile Intent.

An action or actions (pattern of behaviour) indicating intent to commit a hostile act. The existence of hostile intent may be judged by either:

- The threatening element, unit or force's capability and preparedness to inflict damage.
- Evidence, particularly intelligence, which indicates that a surprise strike has been, or is about to be, launched.

Examples of events which might be evidence of hostile intent are:

- Elements, or units, moving into weapons launch positions, whether MNF forces are
  presently in range or not, and preparing to fire, launch or release weapons.
- Repeated and extensive harassment of MNF forces or elements under MNF protection.
- The existence of increased indicators of mobilisation/ preparedness or warlike actions, movements of weapons and ammunition or intelligence with regard to intentions.

## 4.4. Hostile act.

A hostile act is an aggressive act against MNF forces or person/property designated by DA BG, MND(SE) Force Commander, where death or serious bodily harm would likely result.

Examples of such actions are:

- Elements breaching or attempting to breach MNF military installations or restricted areas.
- Vehicles driven high speed, directly into check points military installations regardless of warning to slow down.

#### 4.5. Military Restricted Area.

A secure area in a designated location, used by MNF, in which the movement of non-MNF personnel is restricted. For this operation DA BG and MND(SE) Force Commander or Component Commanders or designated subordinate commanders may declare military restricted areas and designated persons allowed access, and take such steps to establish such areas and clear them of all unauthorised persons. This includes the authority to remove military or para-military forces or people as required.

Examples include arms and ordnance storage sites, personnel processing areas, command and control areas, check points and billeting areas.

#### 4.6. Element

An individual, vehicle, vessel or aircraft platform.

#### 4.7. Unit

Any military element whose structure is prescribed by a competent authority.

## 4.8. Riot Control Means.

Any means, short of deadly force, used for force protection or to deter or prevent elements from interfering with mission accomplishment.

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Examples include (but are not limited to)

- · Use of incapacitating agents (Riot Control Agents).
- Rubber bullets/baton rounds.
- Water cannon.
- Batons.
- · Riot control clothing,

### 4.9. Less Than Lethal Weapons.

See Enclosure 4.

## 5. Changes to the Roe Release Authority Matrix.

Changes or adjustments of authorised ROE can be requested in a ROE request (ROEREQ) addressed for CO DA BG. Any format can be used.

#### 6. Duty to act

If possible without endangering own forces unnecessarily, DANBG personnel are expected to intervene in defence of any person who is made subject of a serious, violent crime which can be expected to lead to loss of life or serious damage to person.

If DA BG witness IZ law enforcement agencies abuse their power to punish or abuse persons in their custody it may be considered inappropriate to intervene physically in the situation. In such situations contact shall be taken to the IZ officer in charge and the mistreatment should be immediately stopped. If the mistreatment continues C/S should abort the mission and return to SLB to report.

<u>In any event</u> report shall be given to DA BG TOC immediately after such violent behaviour is witnessed. DA BG TOC will provide further instructions on a case by case basis.