

MOD-83-0000142-A

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D/Sec(Iraq)/4/2

18 March 2003

PS/Secretary of State

Copy to:

PS/Minister(AF)	MA/CGS	ACDS(Ops)
PS/Minister(DP)	PS/CAS	DG Op Pol
PS/USofS	PS/CDI	Legal Advisor
PSO/CDS	Policy Director	PJHQ-CivSec
PS/PUS	MA/DCDS(C)	Hd Sec(Iraq)
MA/VCDS	MA/CJO	DTIO
Sec CNS	MA/DCDS(Pers)	DJW

IRAQ: RULES OF ENGAGEMENT FOR OP TELIC

Reference: D/DG Op Pol/4/6/1 dated 7 March 2003.

Issue

1. The Rules of Engagement for British forces in the event of Op TELIC operations.

Recommendations

2. That Secretary of State agrees to the attached draft ROE profile for OP TELIC noting that:
 - a. the draft ROE profile is in full accordance with "Disarming Iraq" (reference: annex A) and takes into account the Attorney General's comments on earlier drafts;
 - b. although there are some differences between UK and US ROE, we do not anticipate these causing difficulty at the tactical level;

Timing

3. Urgent. Draft ROE have been promulgated down the command chain, UK forces, but approval is required before offensive operations are authorised.

Background

4. DG Op Pol's 'Disarming Iraq' paper set out the background to the military campaign that would be necessary to secure Iraqi compliance with UNSCRs, consistent with the principle of the minimum use of force. I attach draft ROE for OP TELIC which have been developed in accordance with that document and the requirements of the coalition military. The ROE do, of

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course, reflect our obligations under the Law of Armed Conflict, to ensure that the following principles are applied to ensure the minimum use of force:

- **Distinction.** Offensive action must only be directed against military objectives;
- **Proportionality.** Military objectives must not be attacked if the attack is likely to cause civilian casualties or damage that would be excessive in relation to the concrete and direct military advantage which the attack is expected to produce; and
- **Military Necessity.** Offensive operations must be limited to those which are necessary (ie only that which is required to secure a definite military advantage).

Once approved, the ROE will become an annex to the CDS directive to CJO.

Key Features

5. **Zones.** Separate ROE have been developed for three zones of operations. This structure was adopted for Exercise INTERNAL LOOK and proved a successful concept, given the large joint area of operations, within which there are varying threat levels and requirements. Zone 1 covers the territory of Iraq and the high seas of the Arabian Gulf, and the rules are drafted on the basis that the law of armed conflict will apply to offensive operations conducted in this zone. Zones 2 and 3 cover the conduct of forces when they are deployed in other countries, and high threat areas such as choke points (eg Straits of Hormuz) and are designed to address issues of force protection. Zone 2 is based on a higher level of threat than for Zone 3. The National Component Commander would have the discretion to re-designate as Zone 2, a country that had up to then been included in Zone 3, where there is an increased requirement for force protection.

6. Given the nature of the planned campaign, the ROE cover fielded forces: Iraqi military forces and equipment deployed from barracks/garrisons and storage depots. As Secretary of State is aware pre-planned targets to be attacked using air delivered munitions are dealt with under the terms of the targeting directive, on which we have already submitted.

7. **Iraqi Military.** [REDACTED]

- Iraqi regular armed forces, Republican Guard forces and Special Republican Guard forces.
- Directorate of General Security.
- Special Security Organisation
- The Directorate of Military Intelligence.
- Al Quds, Fidayin Saddam and the MEK.

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8. **Prisoners of War.** In addition to offensive operations, the Zone 1 ROE cover treatment of Prisoners of War who are expected to be held on Iraqi territory. [REDACTED]

9. **Temporary Detention.** Rule Six Eighty Bravo (One) permits the detention of persons posing a threat to Coalition Forces, including persons who are assessed as being of high value intelligence interest (HVII), and this will be the subject of separate advice to Secretary of State.

10. [REDACTED]

11. **Maritime Interdiction Operations.** The draft TELIC ROE incorporate the former MIOPs regime from OP RESINATE. These allow interdiction of vessels suspected of breaching UNSCRs 661/665 (pertaining to sanctions) and the UNCLOS 110 right of visit (of unflagged vessels etc).


Legal Advice

12. Legal Advice has formed an integral part of the drafting process throughout. Secretary of State should be aware that the Attorney General has been consulted on earlier drafts of the ROE and amendments have taken into account his comments. The Attorney indicated at a meeting with Legal Adviser last night that subject to this being the case, he was content.

Differences with US ROE

13. US ROE have been issued to US forces, and there are/we anticipate three key [REDACTED]

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PJHQ do not anticipate any of these differences causing difficulty at the tactical level.

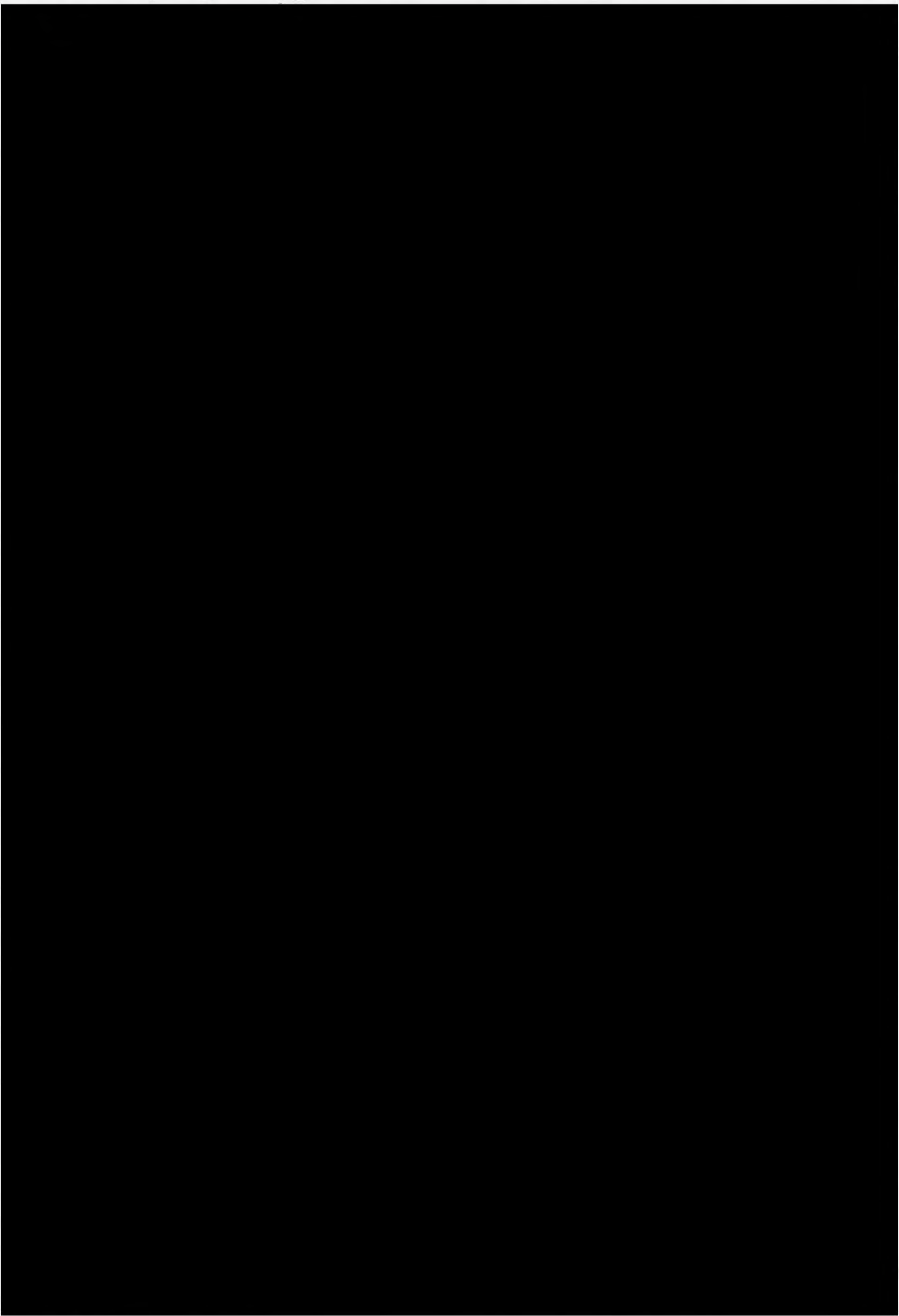
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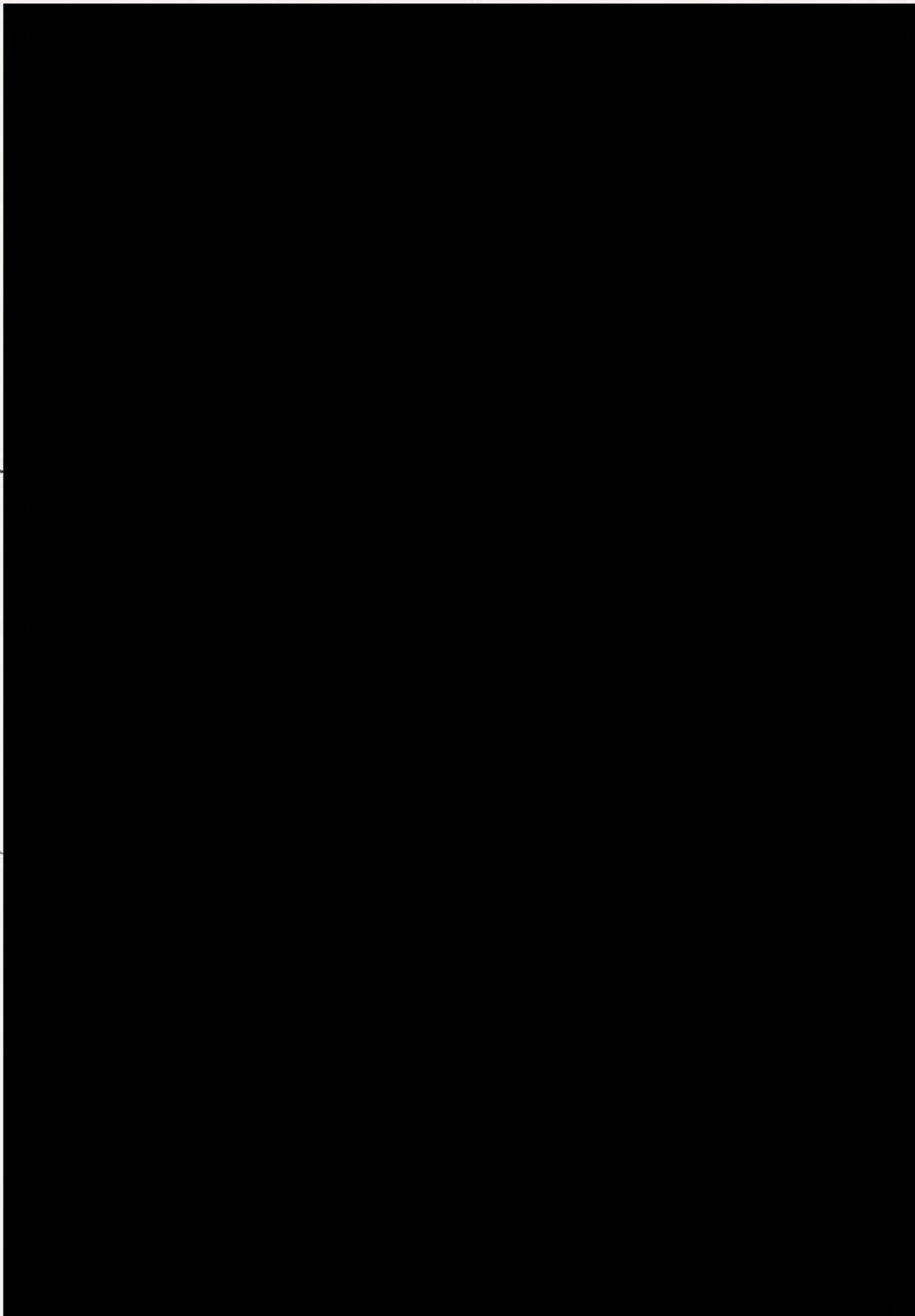
14. When the Op TELIC ROE profile comes into effect, it will replace the current Op RESINATE ROE and No Fly Zone patrolling will cease. Although this raises no issues for our forces deployed to the Gulf region (Southern NFZ), the position is somewhat different for our forces in Turkey (in support of RESINATE for the Northern NFZ) because of uncertainty over the position of the Turkish Government. We will provide further advice during the course of the day.

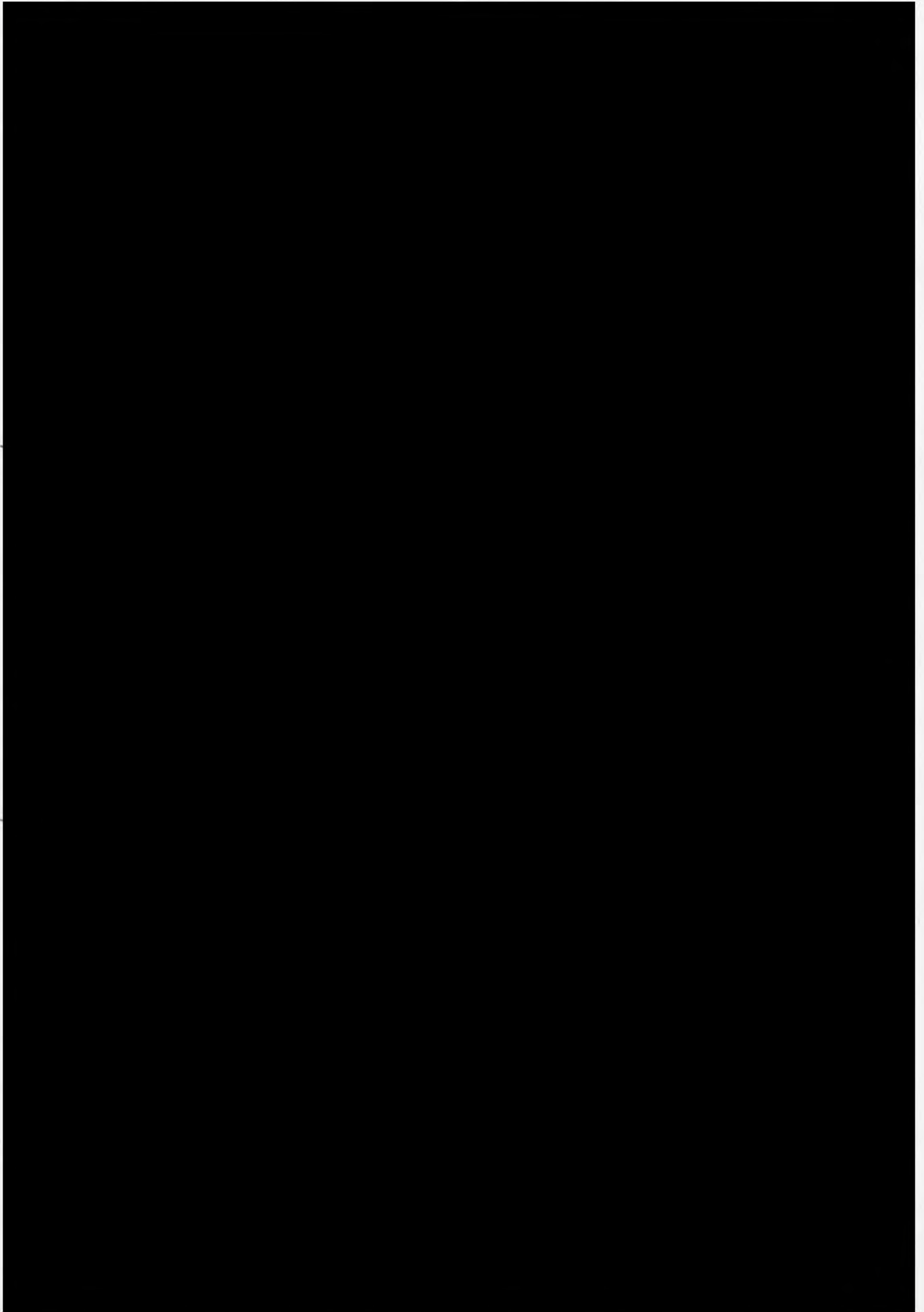
Presentation

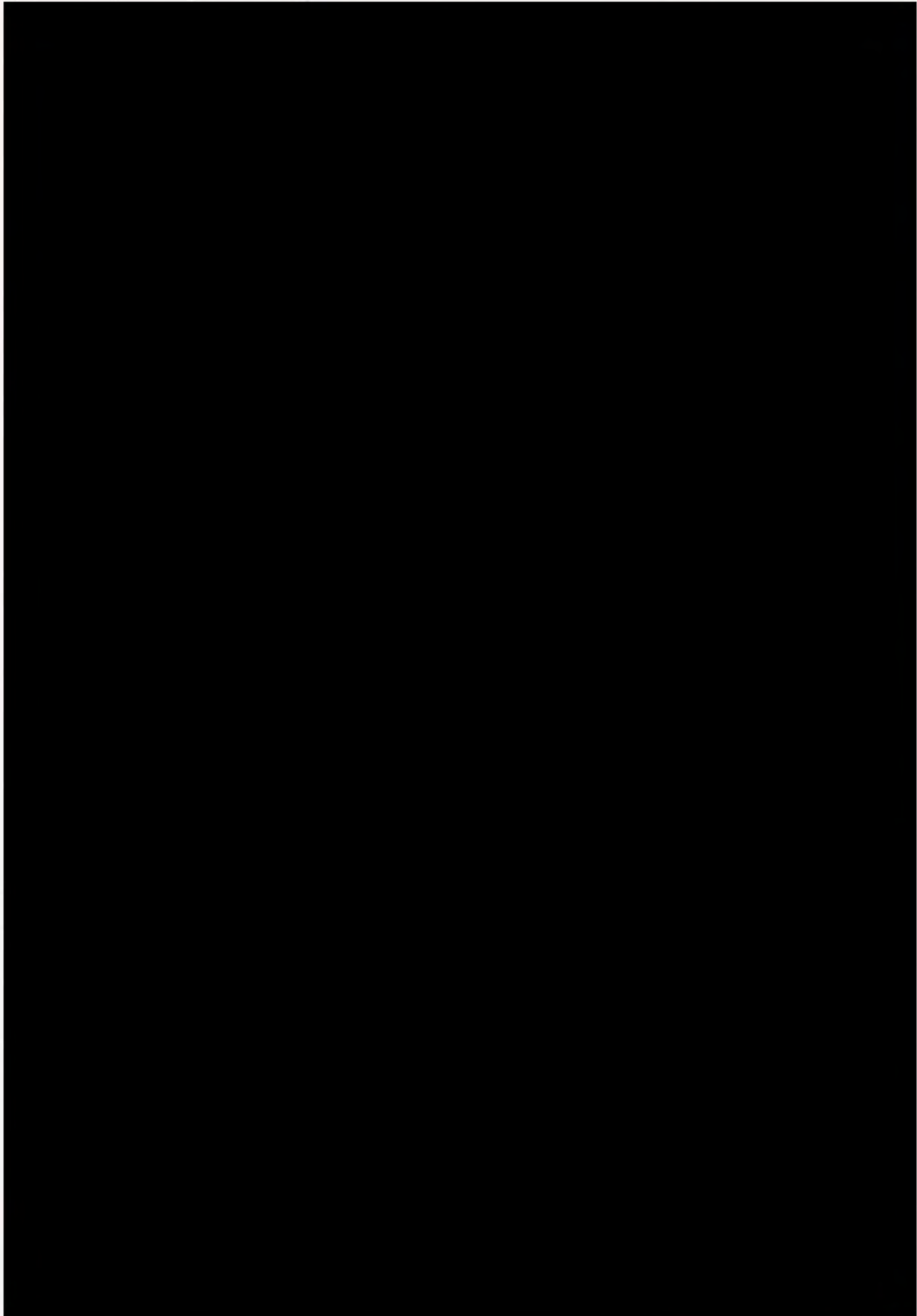
15. It has been the policy of successive governments not to comment on ROE, which are classified. Accordingly, we should not comment on the authorisation of an ROE profile, or on its content. If required subsequently to do so, we could confirm that ROE comply with international law. If differences of approach between US and UK forces are raised, we would stress that US compliance with international law and treaty obligations is a matter for them.

Simon Cholerton
AD Pol/Ops - Sec(Iraq)
88921 DCMC

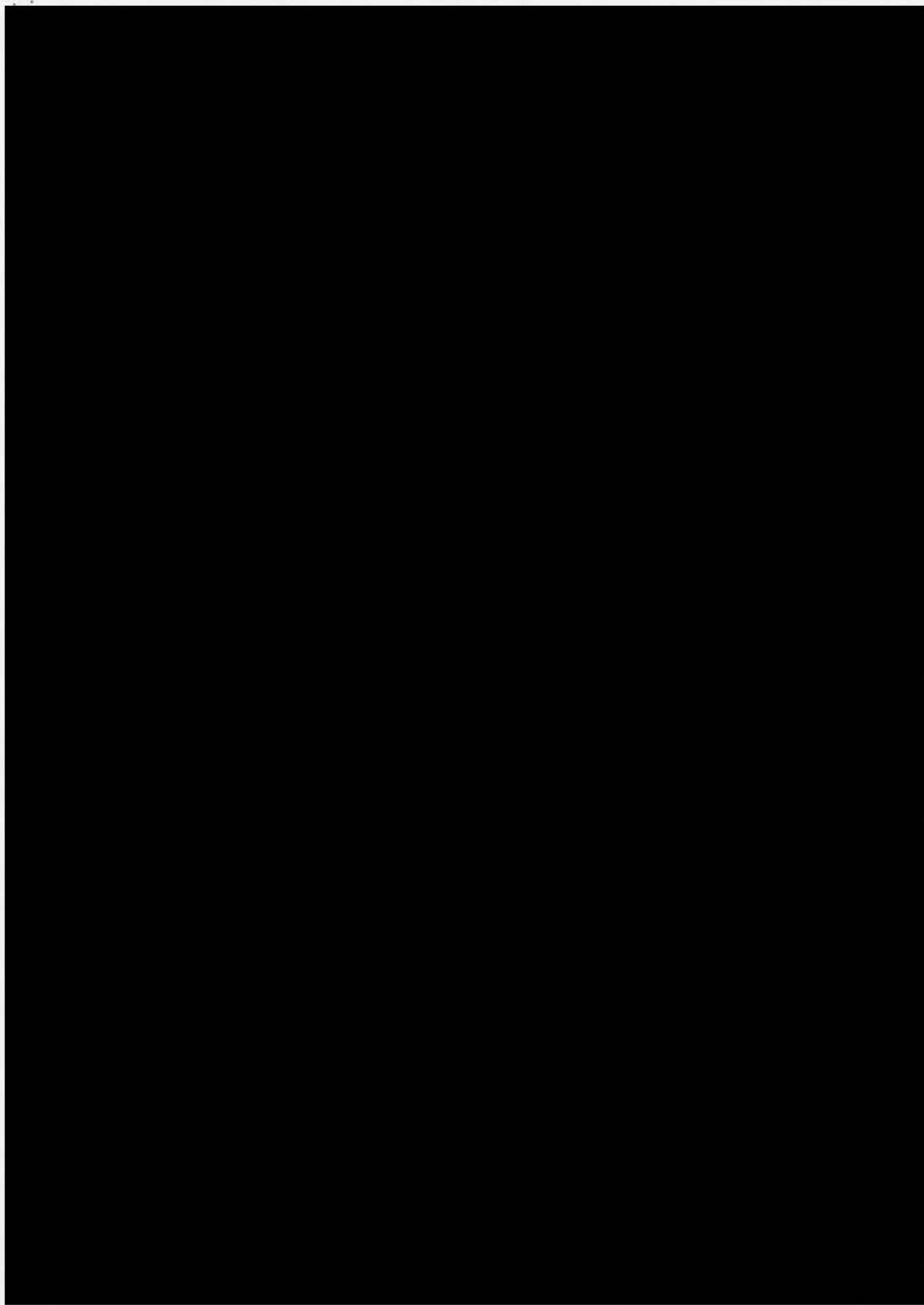


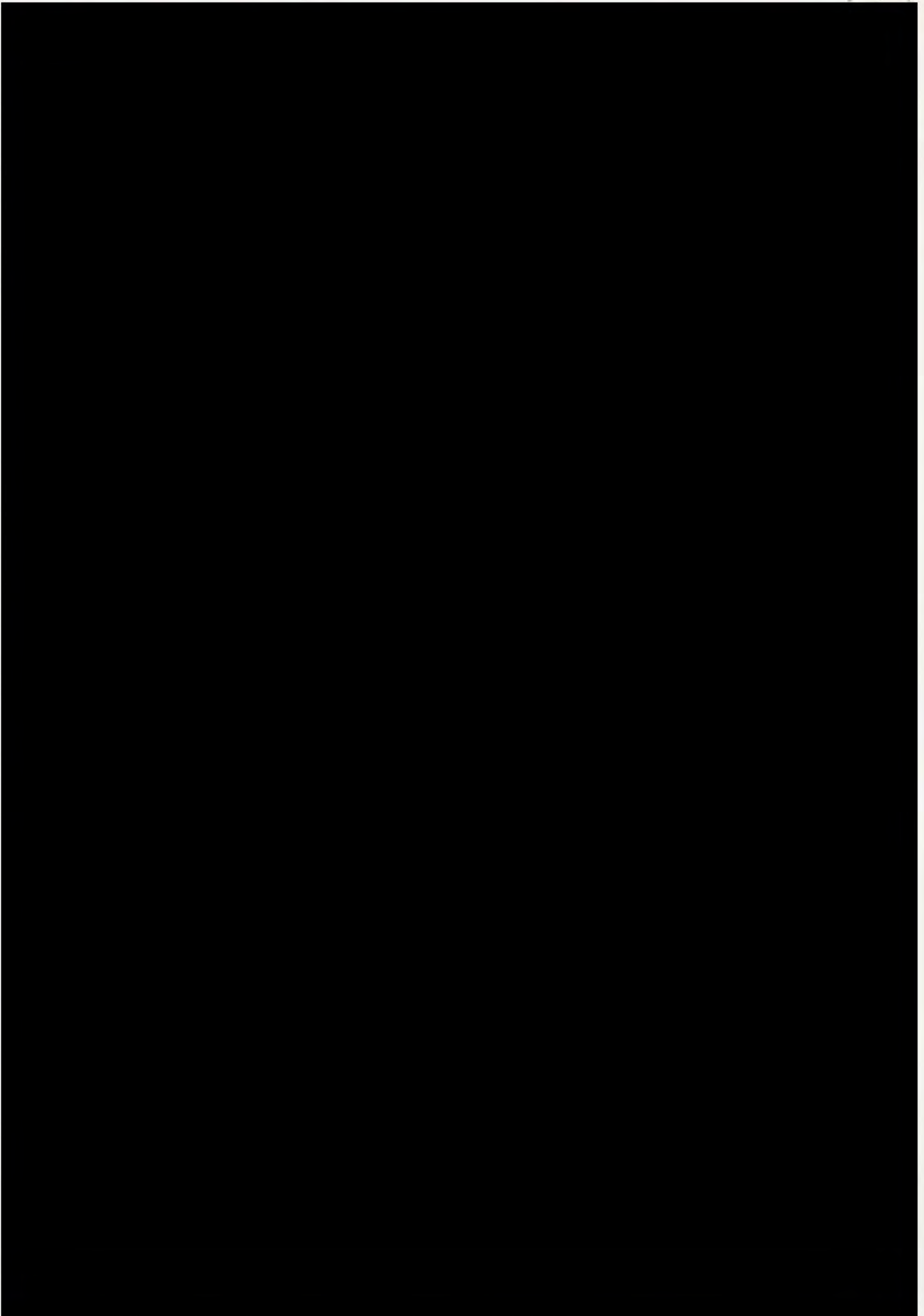


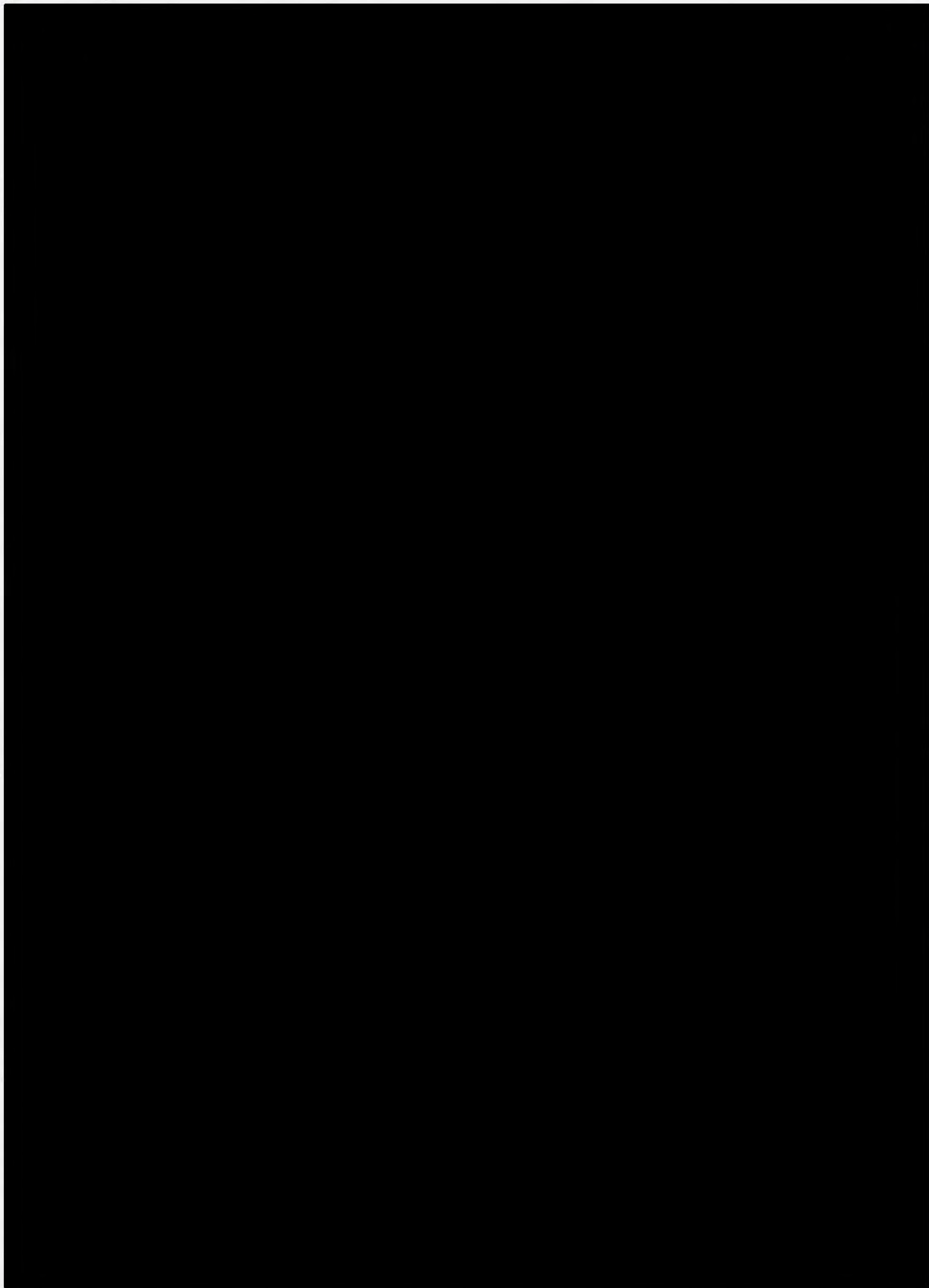


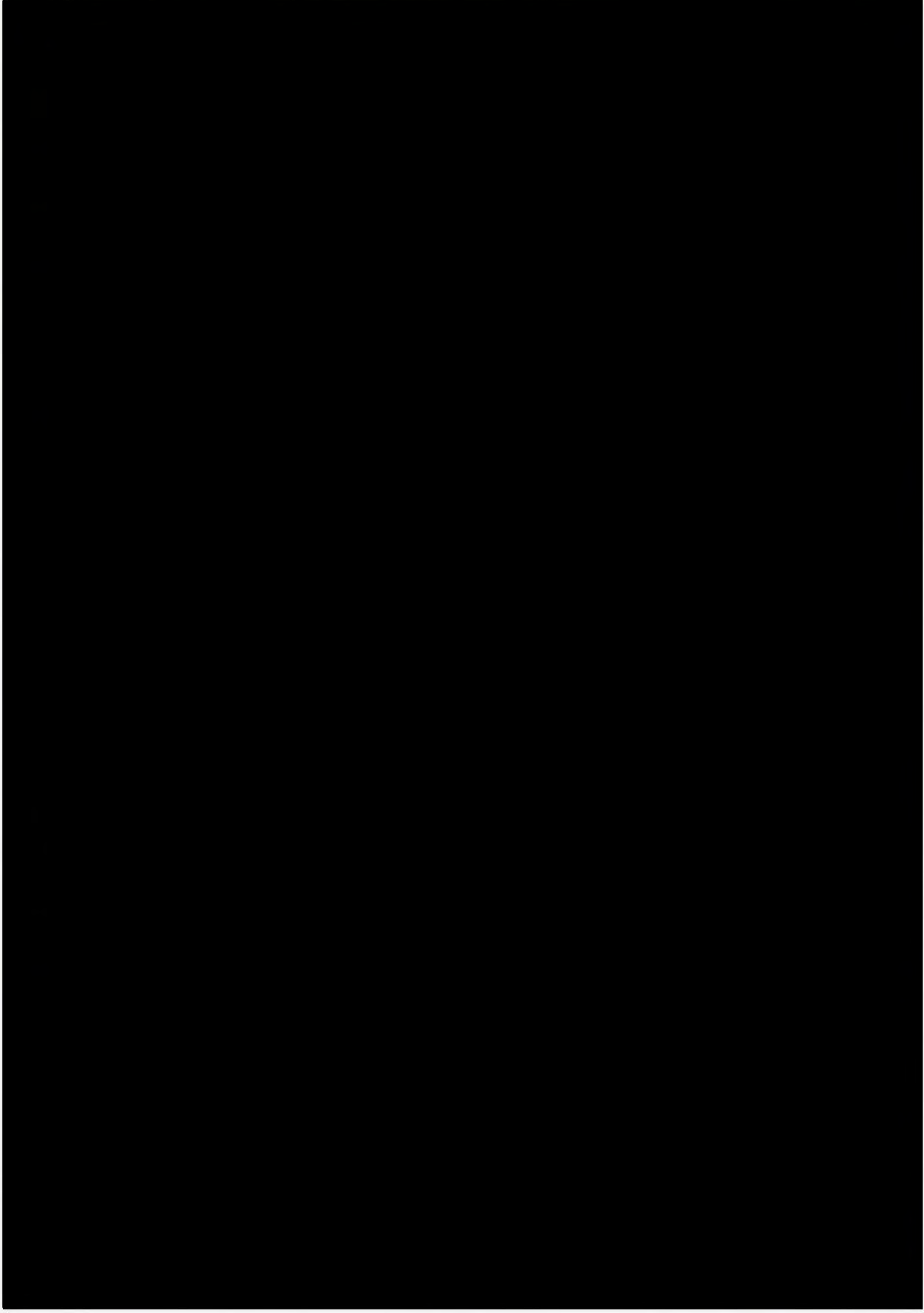


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SIX EIGHTY BRAVO (ONE)

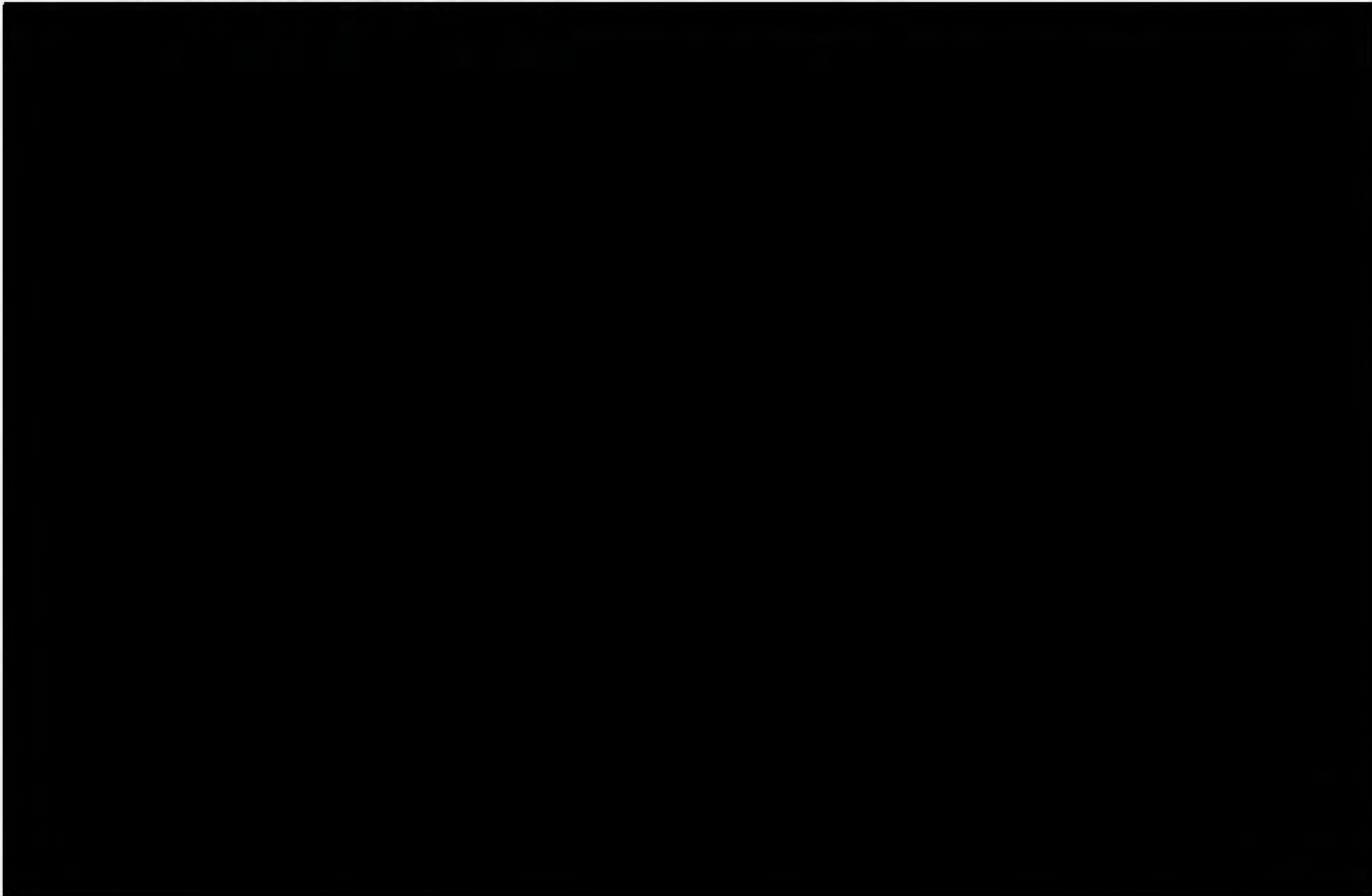
Temporary detention of persons posing a threat to Coalition forces or elements under UK protection or otherwise interfering with or threatening the Coalition mission is permitted.

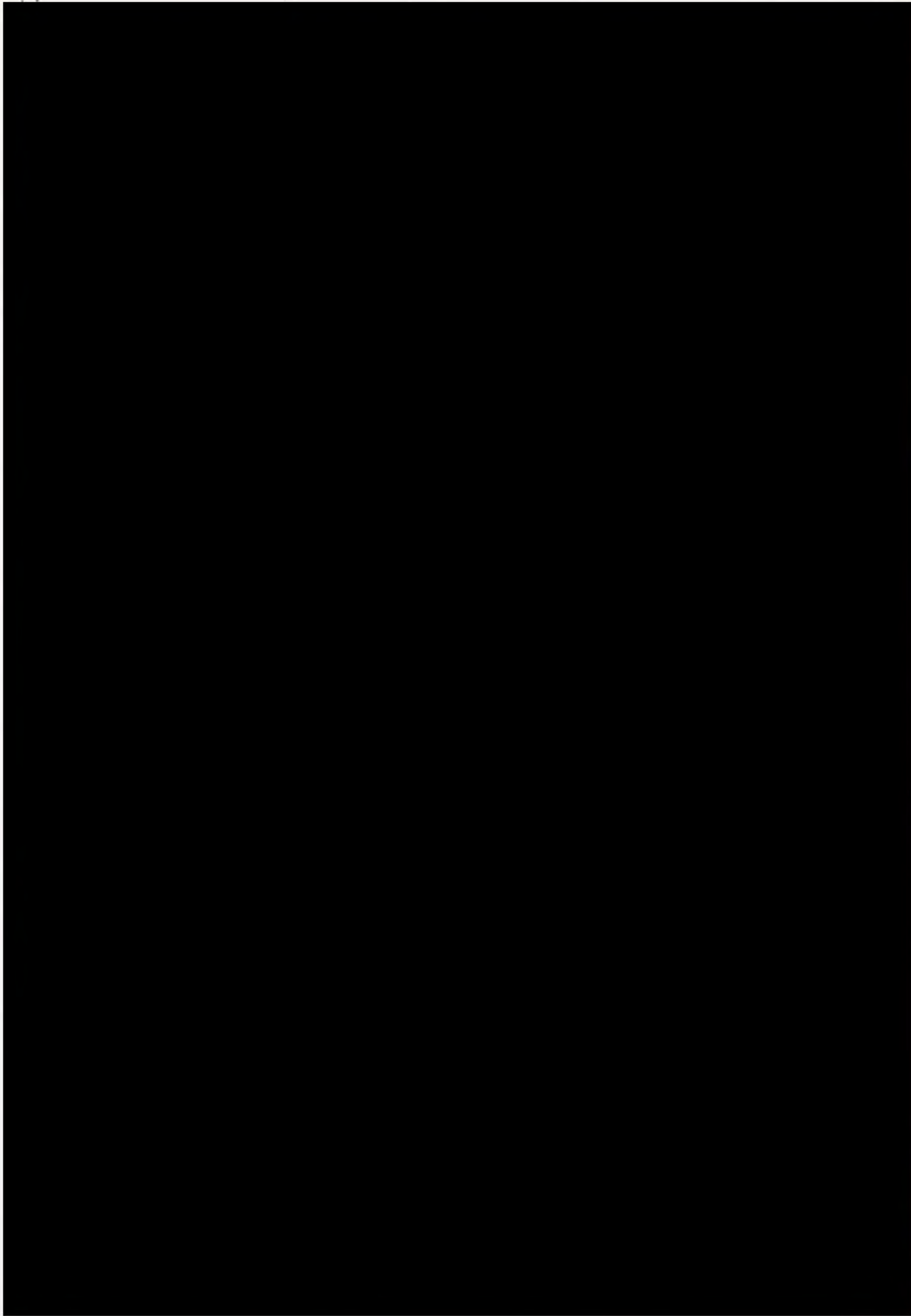
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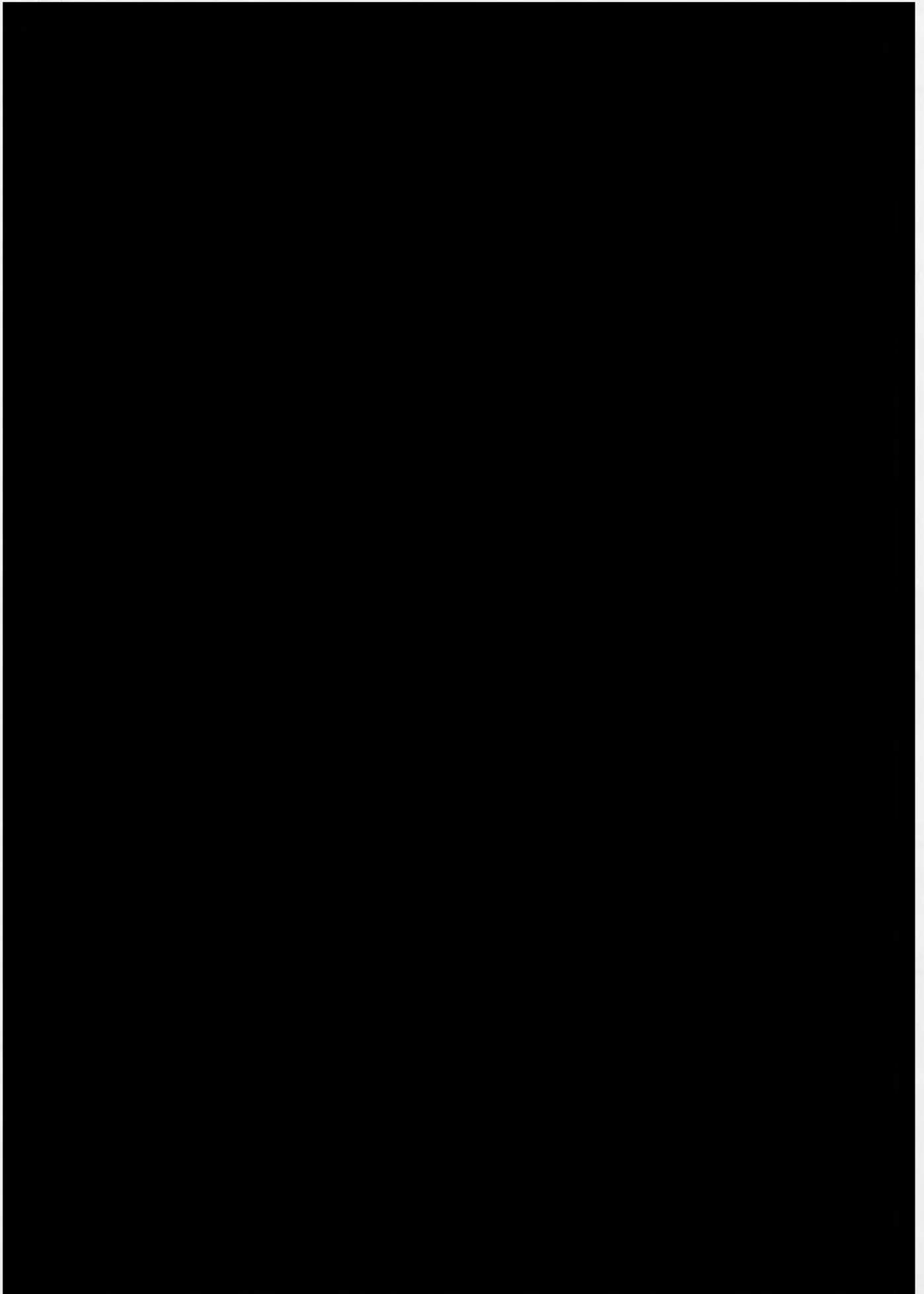
1. This rule only applies to those individuals not otherwise classified as Prisoners of War
2. PJHQ Legal Adviser and PJHQ J2X are to be informed immediately of detained persons who are assessed as being of high value intelligence (HVI) interest or suspected of involvement in terrorism. Such persons may not be released or transferred to a non-UK holding facility, or a UK facility outside of Zone 1, without PJHQ approval.
3. PJHQ Legal Adviser and PJHQ J2X are to be informed immediately of detained persons who are assessed as of high value intelligence interest or terrorists for instructions prior to release.

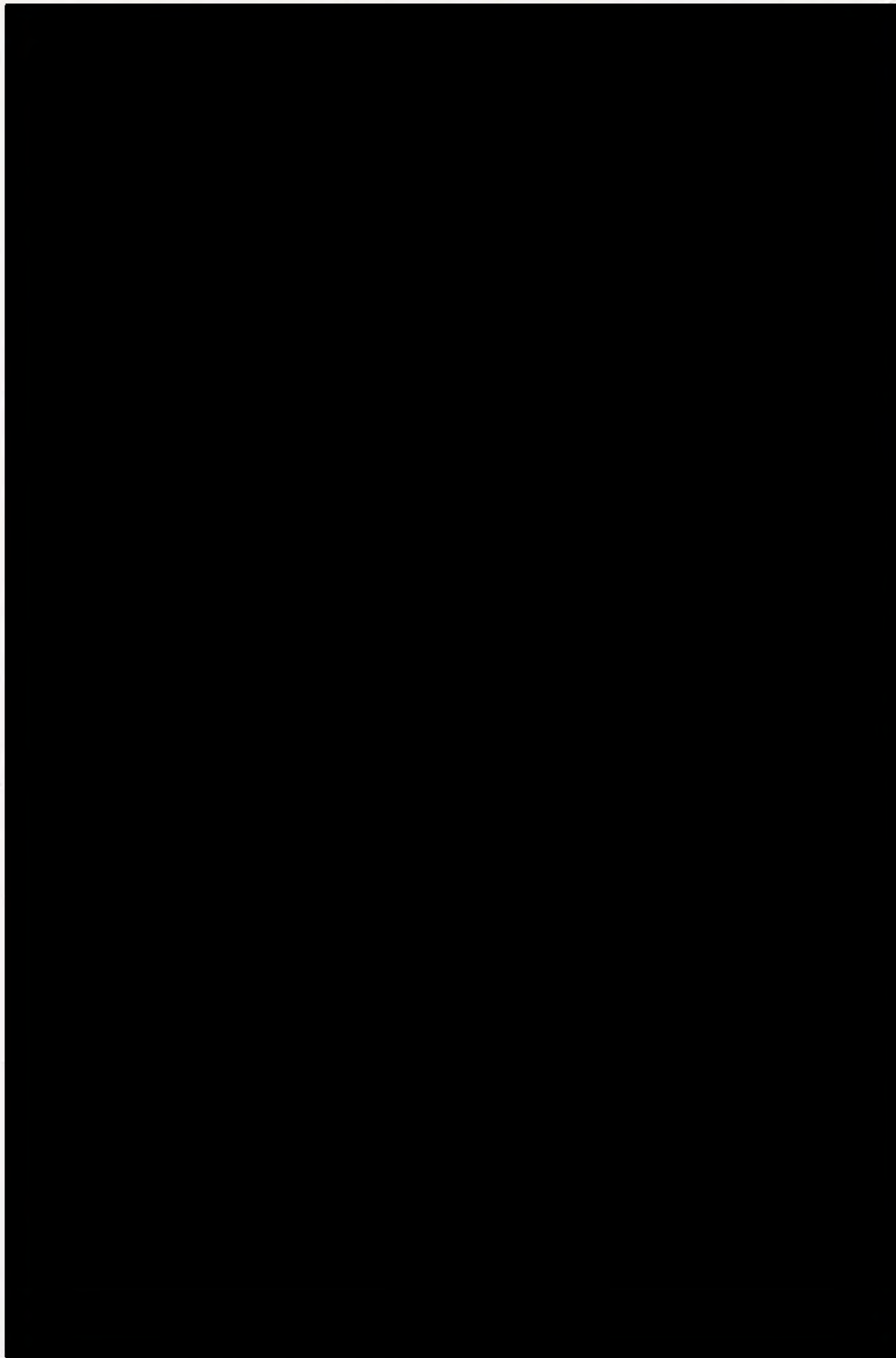
SIX EIGHTY BRAVO (TWO)(MARITIME INTERCEPTION OPERATIONS)

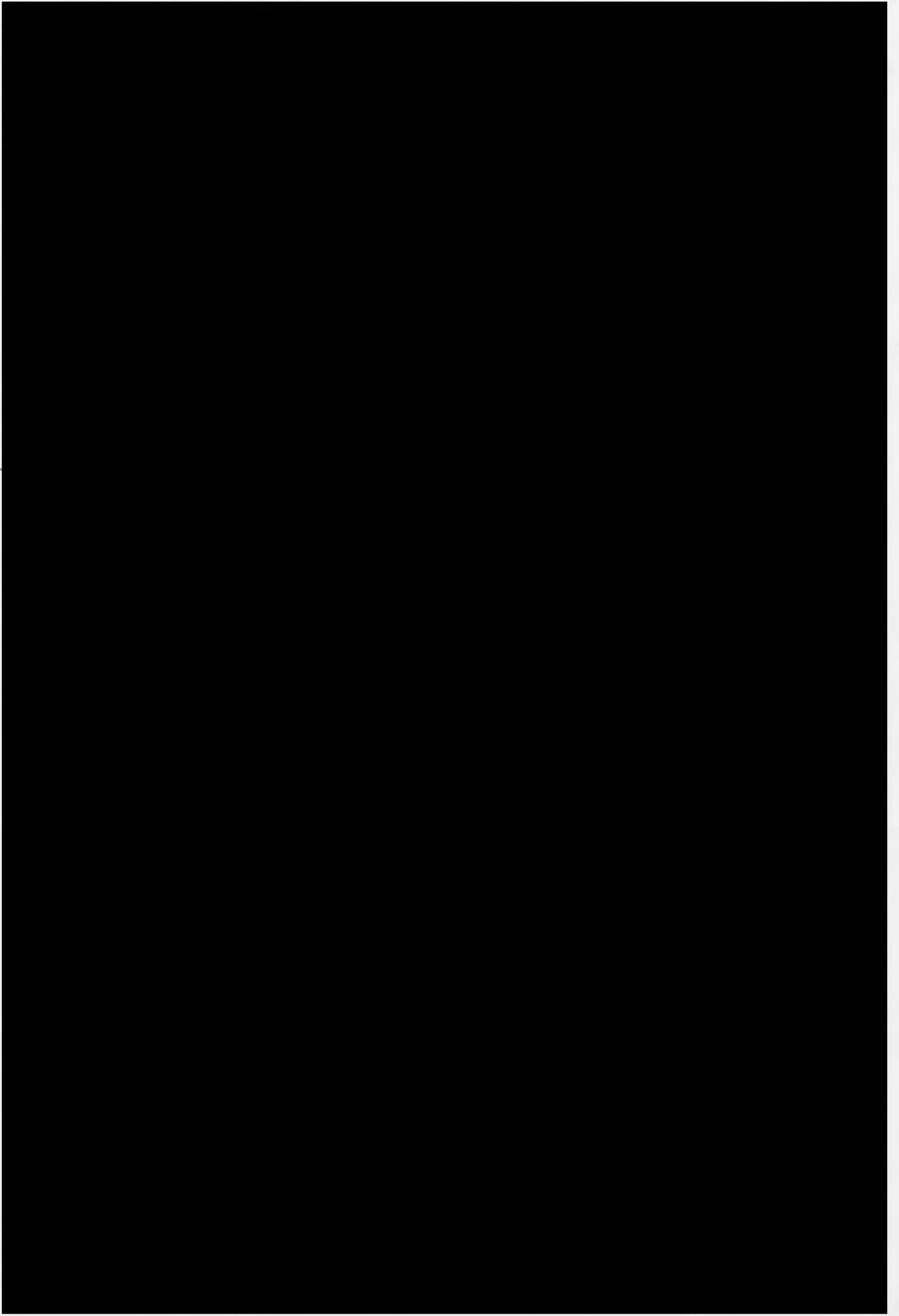
Temporary detention of UNSCR 661/665 sanction breaking merchant vessels and their crews bound to or from Iraq is permitted.

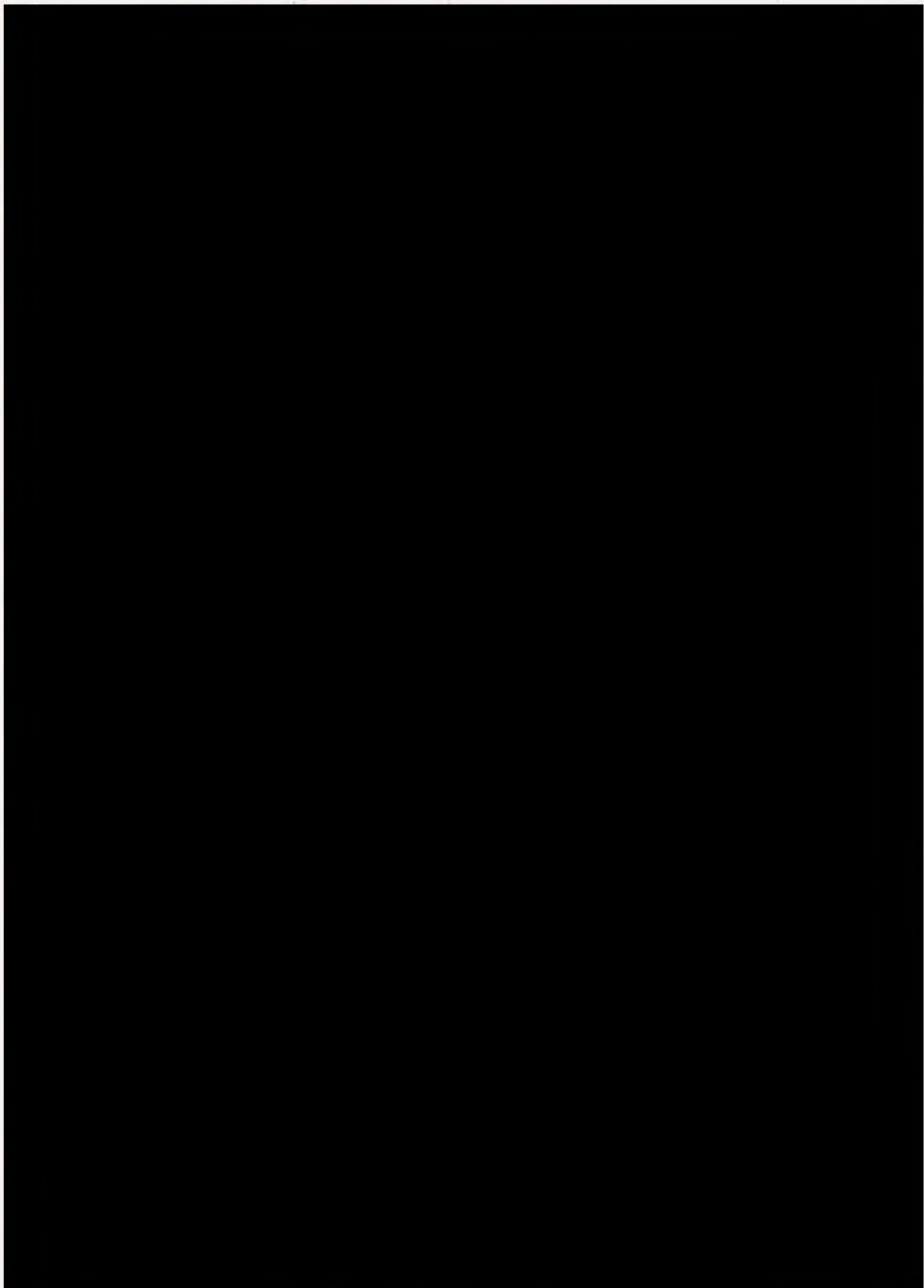


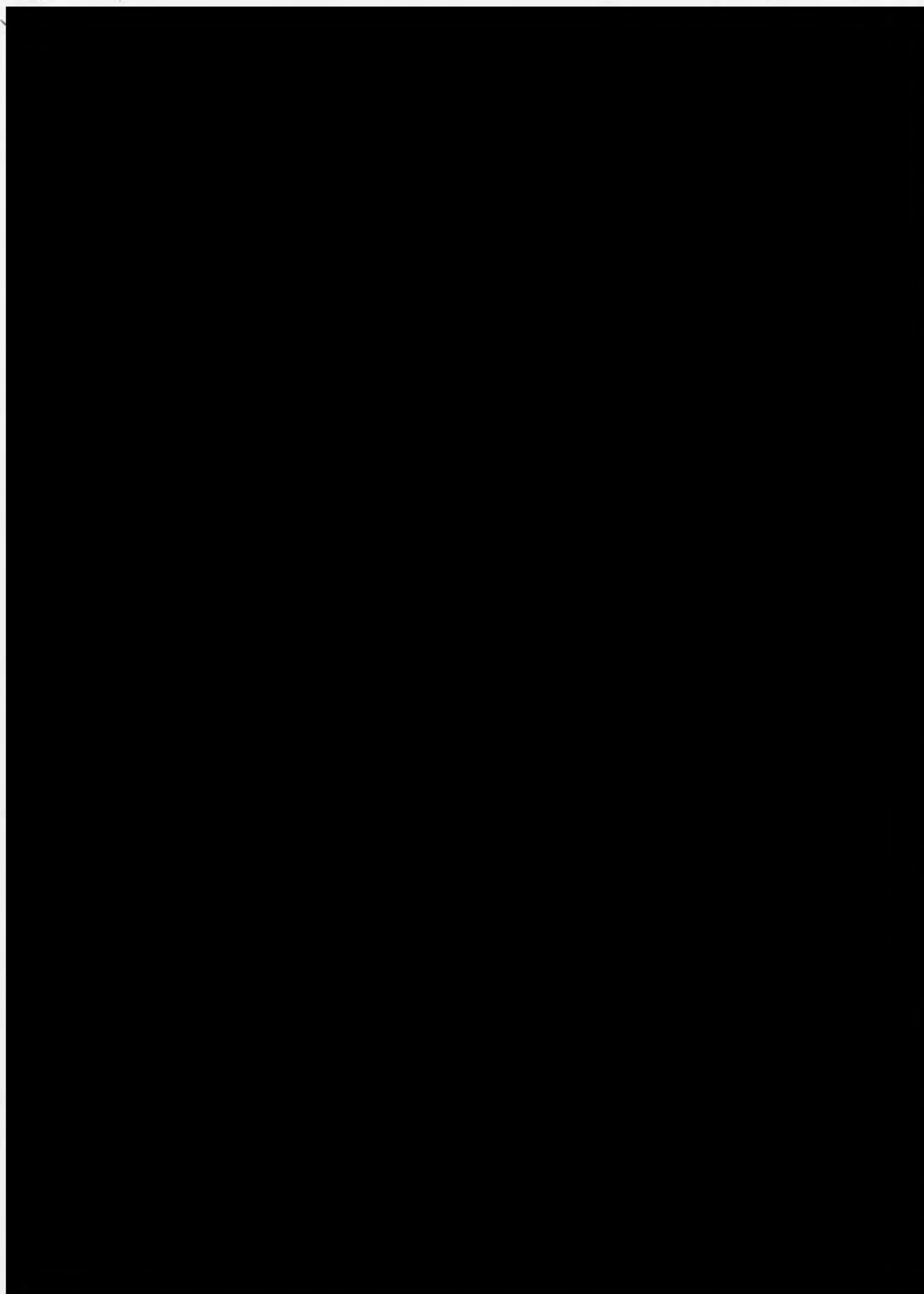


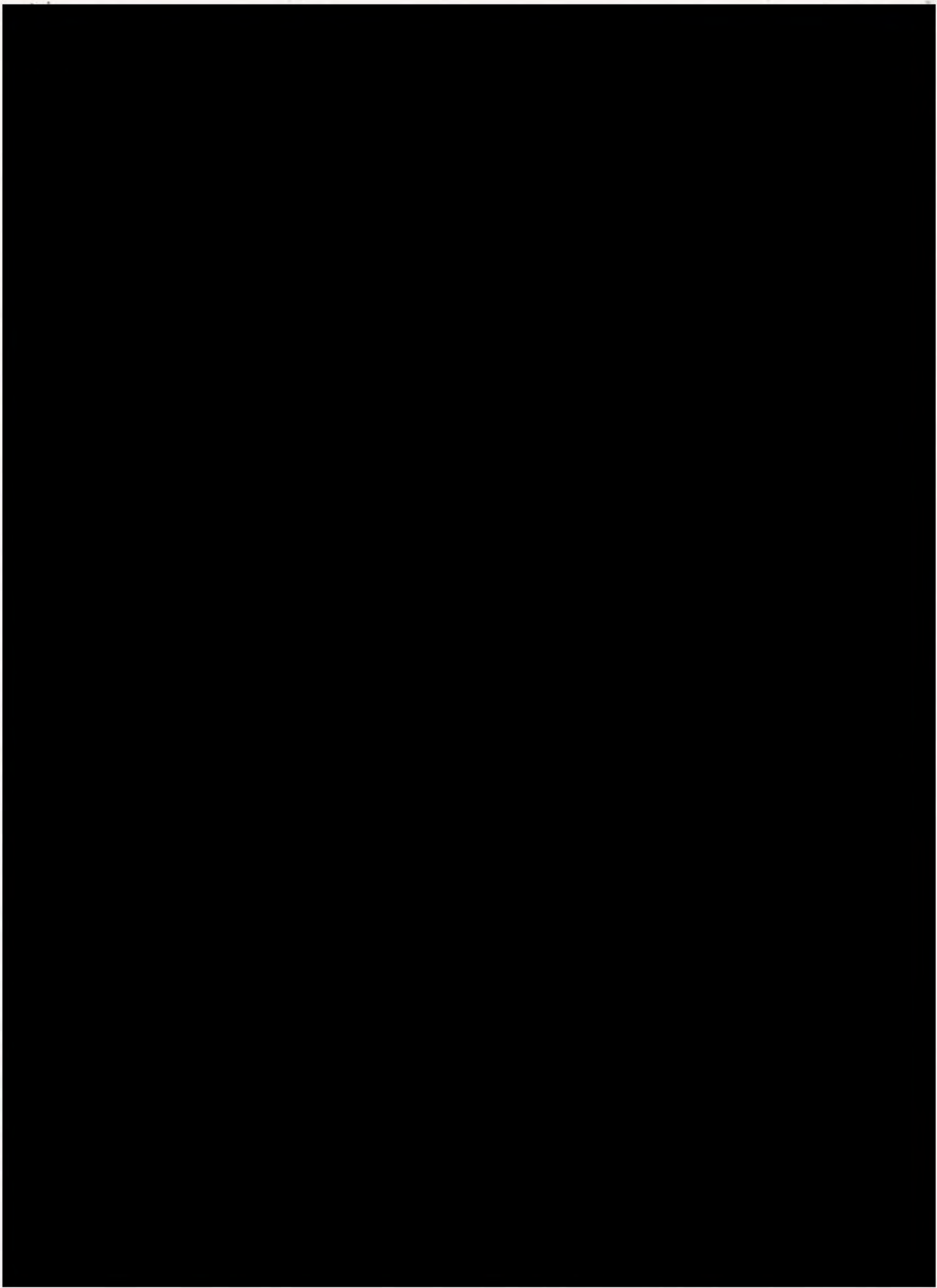












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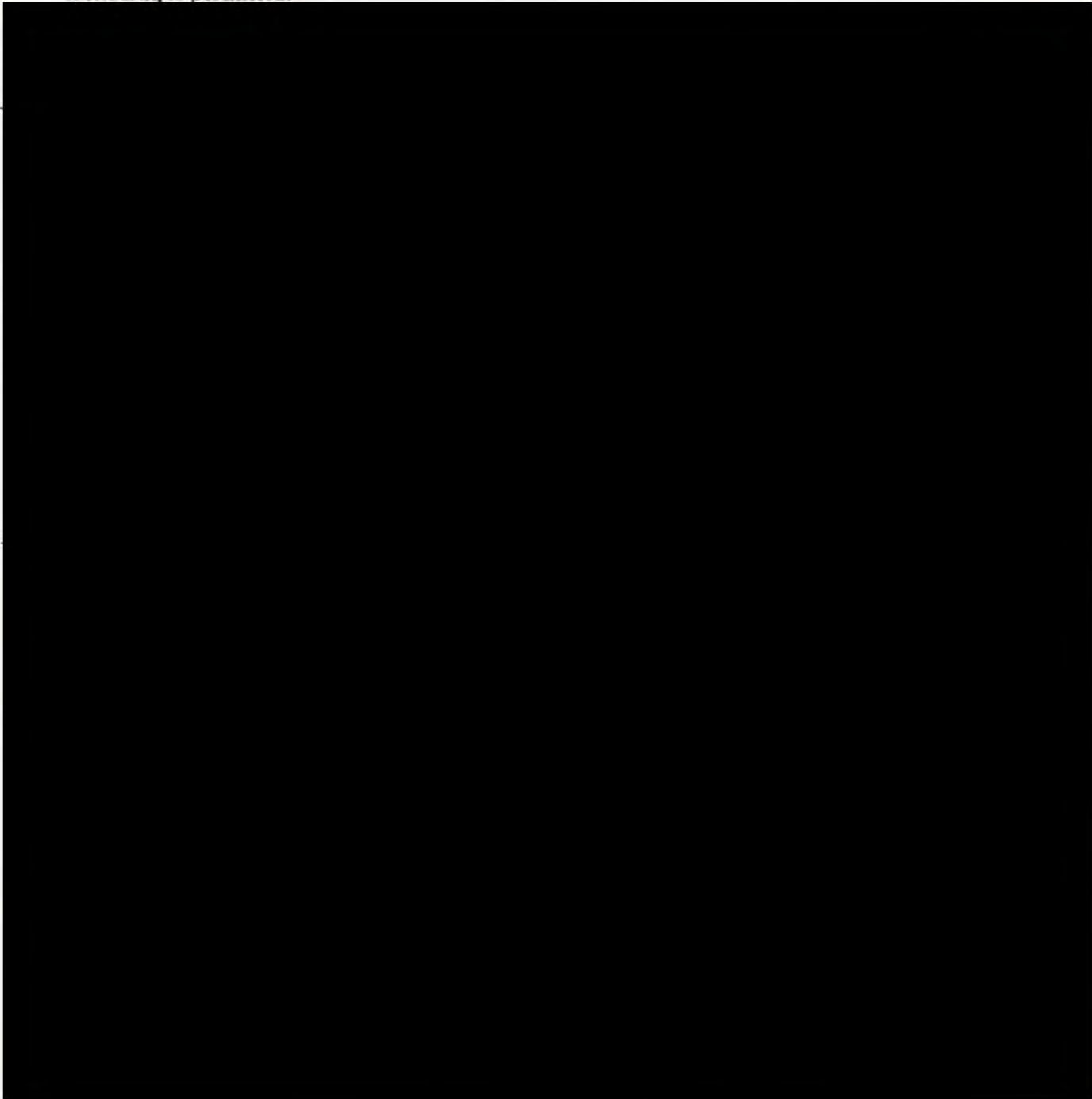
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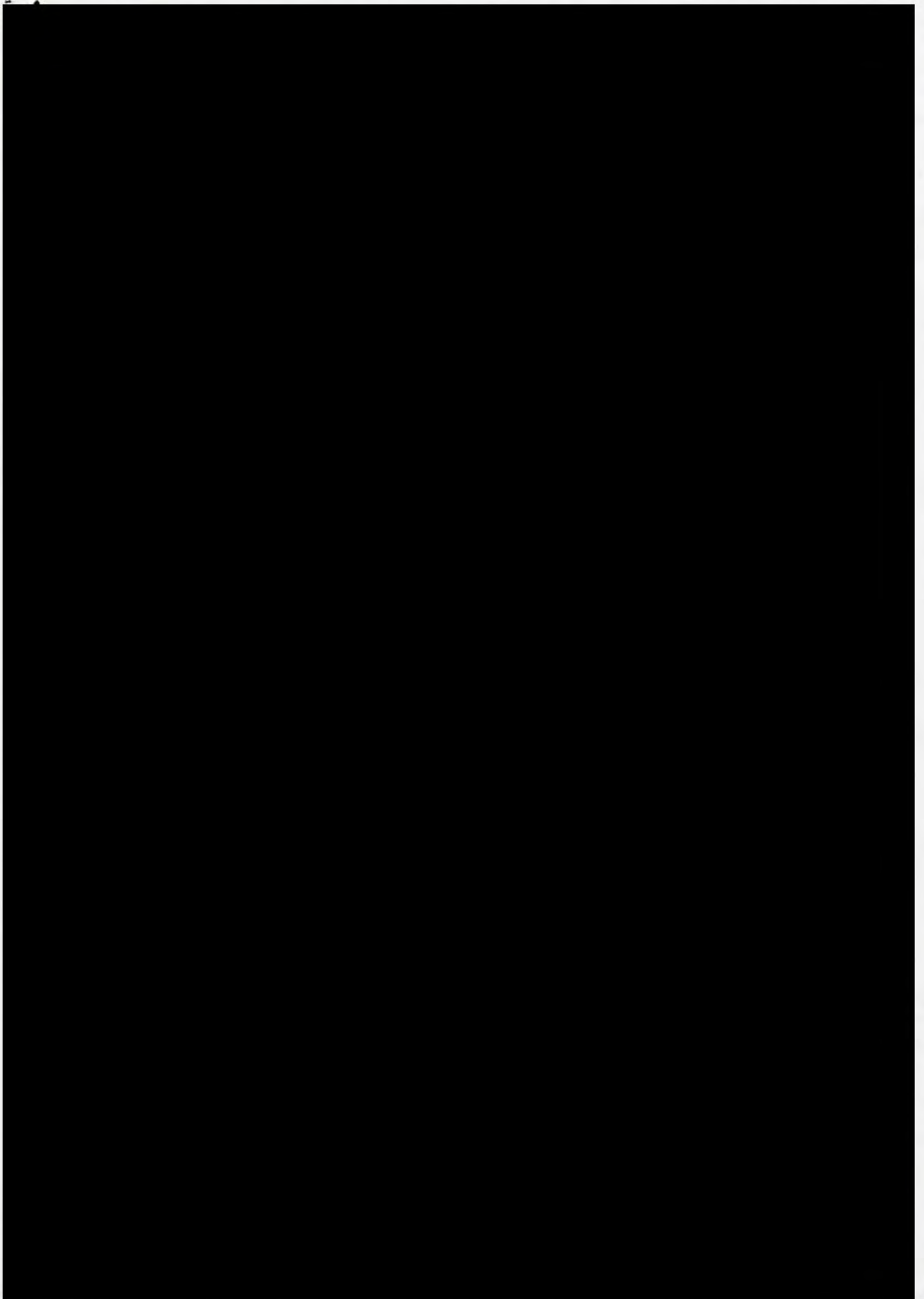
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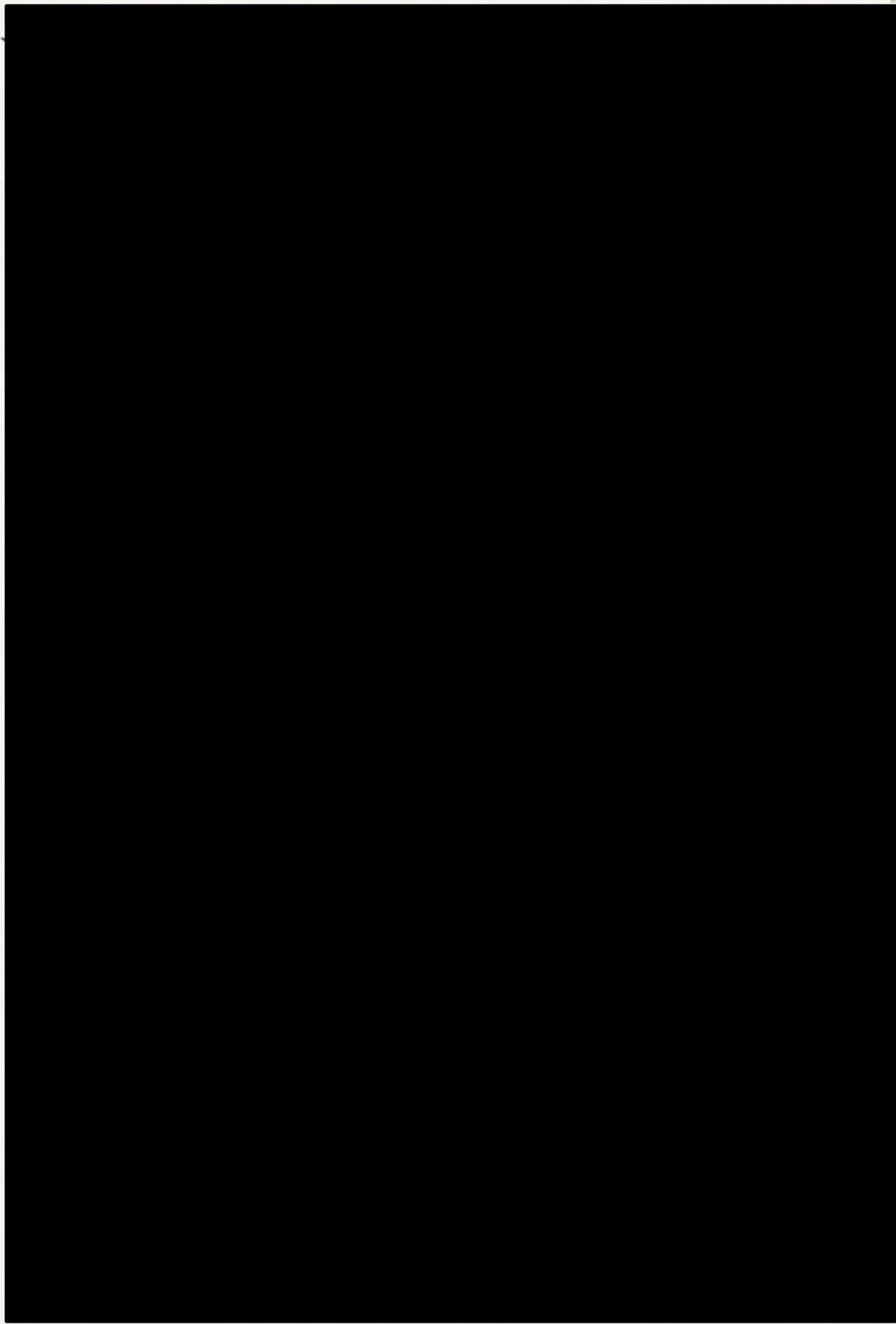
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4. Detention may be for temporary purposes, such as following the arrest of persons trying to break into UK bases or to impede UK operations. In this case persons should be held for the minimum period necessary and, at the earliest opportunity, should be released or handed over to host state civilian authorities.

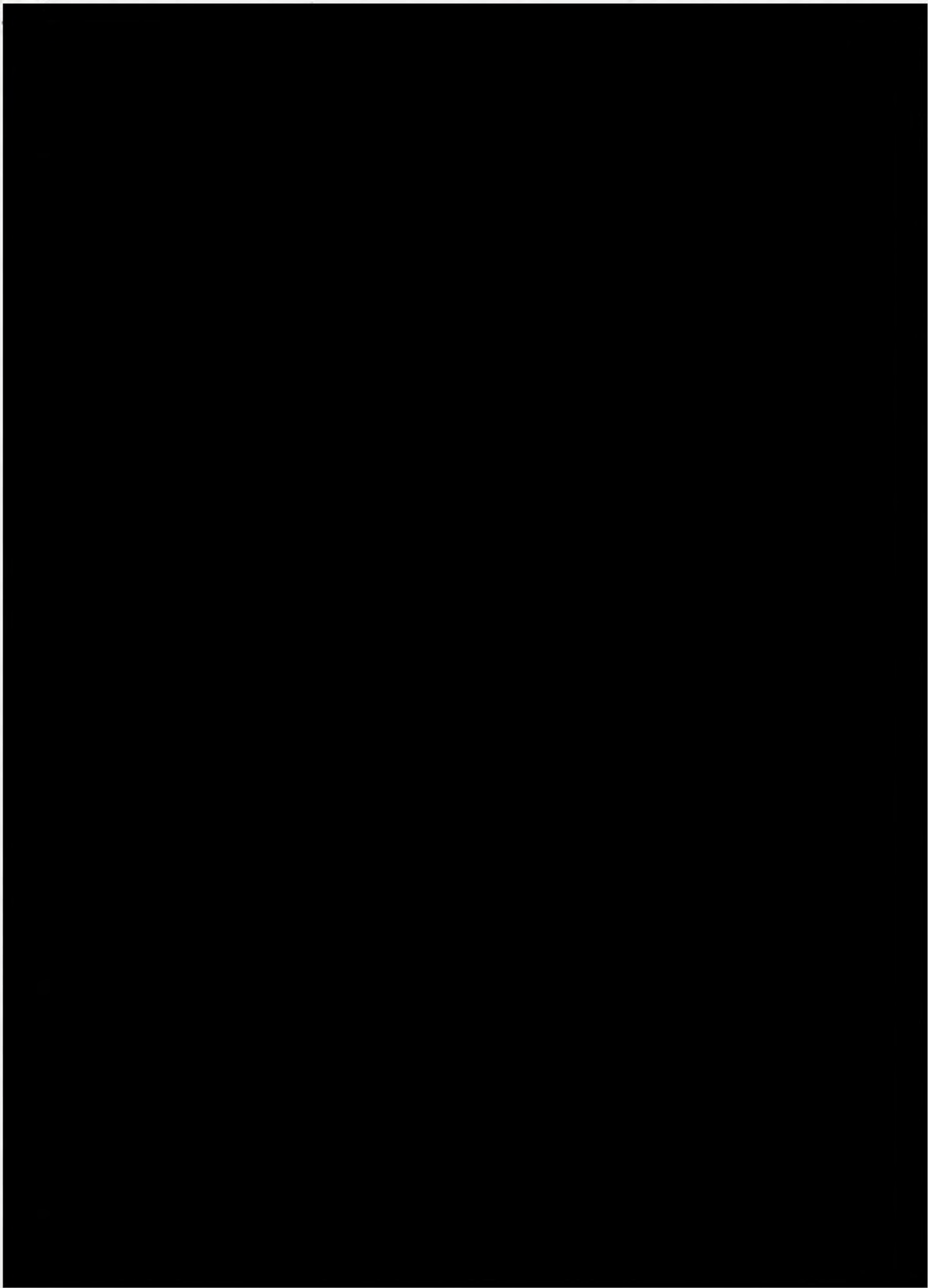
SIX EIGHTY BRAVO (TWO) (MARITIME INTERCEPTION OPERATIONS)

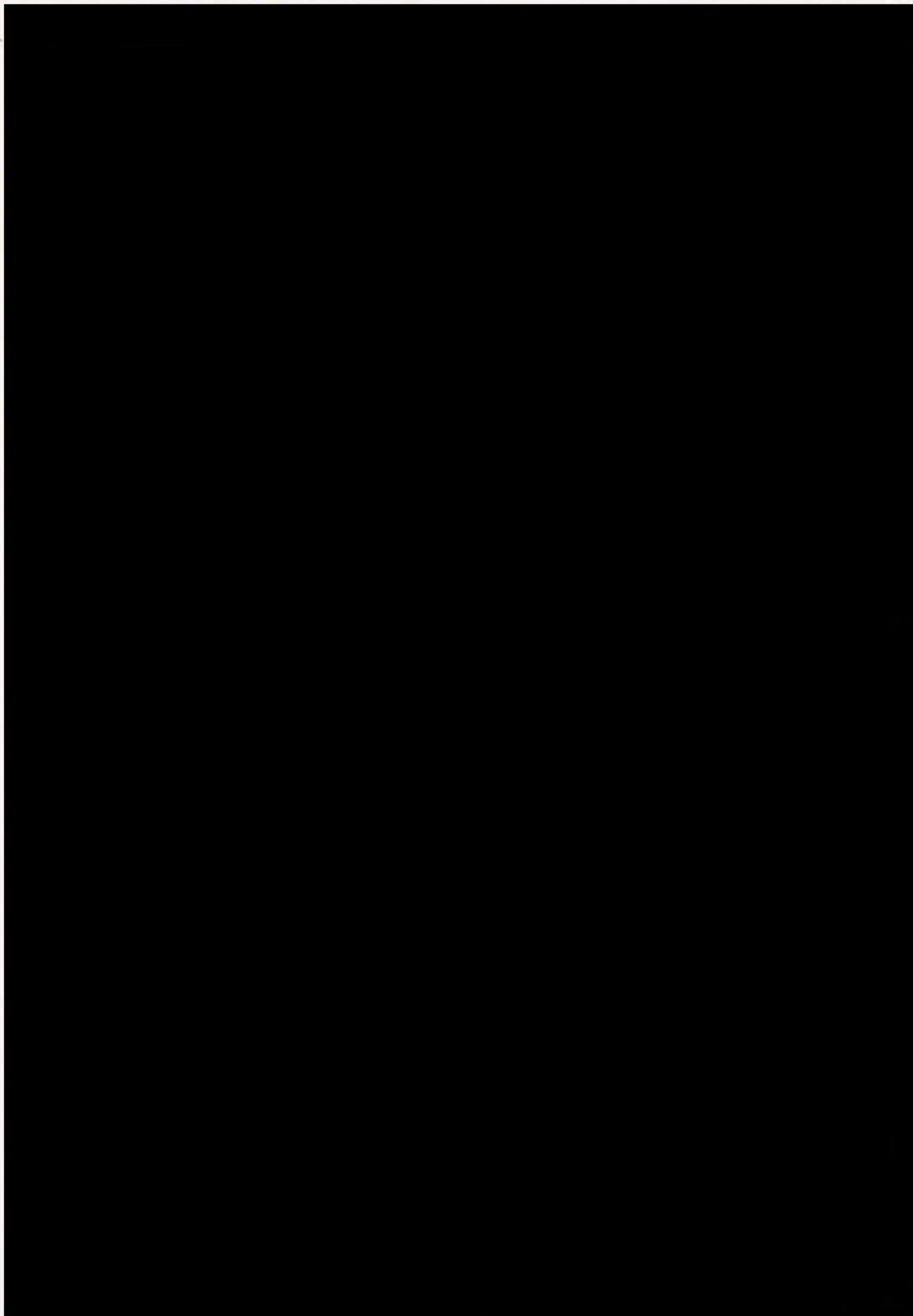
Temporary detention of UNSCR 661/665 sanction breaking merchant vessels bound to or from Iraq is permitted.











SIX EIGHTY BRAVO (ONE)

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Temporary detention of UNSCR 661/665 and breaking merchant vessels bound to or from Iraq is permitted.

