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FROM: MAIN HQ 1 (UK) Armd Div, AL MUFRASH, IRAQ

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PRECEDENCE: ROUTINE

DTG: 031800ZAPR03

FRAGO 079 - 1 (UK) ARMD DIV DAILY MISCELLANEOUS FRAGO

Ref:

A. HQ 1 (UK) ARMD DIV OpO 001/03, Edn 3 DTG 152300MAR03

Time Zone Used Throughout the Order: ZULU.

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G3

1. Boundary Changes.

a. 16 Air Asslt Bde AOR. The following amendment to the AO given over to 'TF Yankee' by 16 Air Asslt Bde should now follow the following grids: 38RPU435970 - PU660970 - PU660773 - PU440773.

b. 7 Armd Bde / 3 Cdo Bde. The following amendment to the inter Bde boundary will come into effect as at 032359ZAPR 03. The complete boundary is as follows: 38RQU613560 - QU689629 - QU673673 - QU717701 - QU716737 - QU719741 (NW-SE running road exclusive to 3 Cdo Bde) - QU704753 - QU723774 - QU737785 (Bridge 5 incl to 7 Armd Bde).

Legal

2. Law & Order. See Annex A. Attached is a guide for Brigades on their legal powers in enforcing law and order in their Brigade AOs for Phases 3B and 4. This direction will evolve to meet requirements and changing circumstances, and any questions should be directed to the Legal Branch at Div Main.

Ack:

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Annexes:

Annex A: Law & Order.

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ANNEX A TO  
HQ 1 (UK) ARMD DIV FRAGO 079  
DTG 031800ZAPR 03

OP TELIC PHASE 3B/4 – “Public Order and Safety”

INTRODUCTION

1. Phase 3B/4 of OP TELIC has already commenced in some parts of the UK AO in S IRAQ, and UK and Coalition Forces are now clearly in occupation or transitioning to this state of some parts of the country.
2. Once UK or Coalition Forces are in occupation of either the whole or parts of Iraq then, as the Occupying Power, they assume responsibility for “public order and safety” (Hague Regulations IV Article 43).
3. The purpose of this paper is to provide guidance as to how the UK, as an Occupying Power, will discharge its responsibility for “public order and safety” in its AO.
4. The procedure is designed to be simple and easily understood so that it can be implemented without confusion. It will also evolve as circumstances change on the ground. At the current time it is assessed that such powers may be appropriate, in particular, in Umm Qasr, Safwan and Az Zubayr

A. BRIGADE POWERS

STOP/SEARCH/TEMPORARILY DETAIN

5. The powers to stop search and temporarily detain are the principle powers which will be required by the Brigades in the discharge of their responsibilities for “public order and safety”.
6. Under the ROE, all soldiers have the power to stop, search and temporarily detain.  
680 BRAVO (ONE). Permits the temporary detention of persons posing a threat to Coalition forces or elements under UK protection or otherwise interfering with or threatening the Coalition mission.



7. It should be noted that the power to stop search and temporarily detain can be used either if a person is a threat to force security or where someone has committed a criminal offences. Both are regarded as “interfering with or threatening the Coalition mission”.

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8. Reasonable force may be used to effect a search. However, male personnel are not to physically search any females or children under the age of 14 unless an immediate search is imperative for reasons of force security, in which case, authority should be obtained from an officer of at least field rank.

9. All searches are to be properly recorded and search proformas are to be completed once a search has taken place. The search proformas will be provided by the RMP.

10. Once, a person has been temporarily detained, he should either be released or handed over to the Royal Military Police (or equivalent) as soon as practicable and, in any event, within six hours. The detainee should always be handed over to the Royal Military Police where threat to force security or where has committed a specified arrestable offence (see schedule 2).

**RIOT CONTROL**

11. As well as the power to stop, search and temporarily detain Brigades may also deal with law and order through the use of riot control equipment. Under the ROE,



12. Reasonable force may be used in riot control and further powers of riot control are expected.

**ENTRY AND SEARCH OF PREMISES**

12. The current ROE do not include powers to enter and search premises. However the power to enter and search premises is permitted under the Law of Armed Conflict and, at the present time, it should be assumed that this power is extant. (This has been raised with the NCC)

13. Again, where a search is effected, a record of search should be made on proformas provided by the RMP (or equivalent).

**DOGS**

14. There is no specific power to use dogs under the ROE but the use of Dogs would be permitted under the Law of Armed Conflict. Dogs may therefore be used and card D does not apply as there is still a threat to force security. (This has been raised with the NCC)

**RMP (or equivalent) POWERS**

15. Once the Royal Military Police have attended the scene and the temporary detainee has been handed over or delivered to a Police Station then the Military Police may arrest the temporary detainee

**ARREST**

**D. GENERAL****LAW OF ARMED CONFLICT**

25. Even though the Occupying Power is responsible for "public order and safety", at the same time, the Law of Armed Conflict still applies and, under the ROE, positively identified Iraqi Forces may be attacked.

**E. CONCLUSION**

26. The guidance provided above will evolve and further clarification will be provided and in due course. However, the powers set out above are considered sufficient for both Phase 3B/4 but clearly it is impossible to anticipate all scenarios. In the meantime, any comments in respect of this policy should be forwarded, in the first instance, to Legal Branch, HQ 1 (UK) Armd Div.

N J Mercer  
Lt Col  
Comd Legal

**Schedules:**

1. Commanders Guide
2. Specified Arrestable Offences.
3. DIMU

**COMMANDERS GUIDE****LAW AND ORDER/PHASE 3B/4****Introduction**

At the current time, UK Forces are involved in both war fighting and restoring law and order as UK Forces begin to transition to Phase IV. Under the Law of Armed Conflict there is an obligation to restore law and order once fighting is over and when we are in occupation. The purpose of this guide is to make sure Commanders are aware of their various powers in restoring law and order and yet balancing this with the possible continued need for offensive military action.