

IX. Serious Violations of Iraqi Weapons Laws:

US Forces may confiscate **military-style** weapons found in the possession of civilians. Military-style weapons **do not include** regular rifles or AK-47's. Examples of military-style weapons: RPG's, sniper rifles, grenades, crew served weapons. A weapons permit is not required for weapons INSIDE a house or business. Mere possession of a non-military weapon is not a hostile act. The following rules apply to **civilians**.

Inside Baghdad

- Pistols are not allowed
- 1 rifle per household/place of business w/50 rounds
- Mosques: 5 rifles(50 rounds each) allowed
- Security forces/recognized militia may carry weapons in public. ISF may confiscate weapons from SOI

Outside Baghdad

- 1 firearm per adult (25 yrs. +) w/50 rounds each, to be kept in household/place of business
- Weapon card required to carry weapon in public
- Civilians are not authorized to carry concealed weapons

X. CLAIMS CARDS

- Without military necessity, US Forces should never willfully destroy Iraqi property, private or public
- US Forces may compensate civilians for damage caused by US activities
- If US Forces cause damage to property or life, offer a **Claims Card** to the victim or their kin. Do not make any promises of payment. Write down details of the incident on the claims card and report the incident through the chain of command
- US Forces will not pay for damage caused by ISF
- Help avoid claims by respecting Iraqi traffic laws

Claims Card - For copies contact your local legal office or go to the MNC-I Internet Portal at

<https://corps.intranet.iraq.centcom.mil/Pages/Default.aspx/>

ALWAYS ALLOW ISF TO TAKE THE LEAD WHEN THEY ARE CAPABLE

XI. OFFENSES UNDER IRAQI LAW

- **Terrorist Acts:** Anti-Terrorism Law of 2005
2005 قانون مكافحة الارهاب لسنة 2005
- **Murder:** 1969 Iraqi Penal Code (IPC) Art. 405, 406 and Anti-Terrorism Law of 2005
- **القتل:** قانون العقوبات العراقي (ق ع ع) لسنة 1969 فقرة 405، 406، وقانون مكافحة الارهاب لسنة 2005
- **Rape and sexual assault:** IPC Art. 393 and CPA Order 31
الاغتصاب والاعتداء الجنسي: ق ع ع فقرة 393 وأمر سلطة الائتلاف المؤقتة رقم 31
- **Assault and battery:** IPC Art. 30-32, 412-415
الاغتداء والايذاء: ق ع ع فقرة 30-32، 412-415
- **Kidnapping:** IPC Art. 421-425, CPA Order 31, Anti-Terrorism Law of 2005
- **الاختطاف:** ق ع ع فقرة 421-425، أمر سلطة الائتلاف المؤقتة رقم 31، قانون مكافحة الارهاب لسنة 2005
- **Arson and explosives:** IPC Art. 342-348, CPA Order 3, Anti-Terrorism Law of 2005, Weapons Law of 1992 and 2000
الحريق والمتفجرات: ق ع ع فقرة 342-348، أمر سلطة الائتلاف المؤقتة رقم 3، قانون مكافحة الارهاب لسنة 2005، قانون الاسلحة لسنة 1992 و 2000
- **Damage to Public Property:** IPC, Anti-Terrorism Law of 2005
الاضرار بالملكية العامة: ق ع ع، قانون مكافحة الارهاب لسنة 2005
- **Illegal Border Crossing and Smuggling:** CPA Orders 16, 26, 54 and 70, Iraqi Customs Law No. 23 of 1984
العبور الغير الشرعي للحدود والتهرب: اوامر سلطة الائتلاف المؤقتة المرقم 16، 26، 54، و 70، قانون الكمارك العراقي المرقم 23 لسنة 1984
- **Weapons Laws:** Weapons Law of 1992 and 2000, CPA Order 3, Baghdad Operations Command Weapons Policy
قوانين الاسلحة: قوانين الاسلحة لسنة 1992 و 2000، اوامر سلطة الائتلاف المؤقتة رقم 3، سياسة قيادة عمليات بغداد للاسلحة

Below you will find examples of weapons cards required to carry a weapon in public. Note that many Iraqis only have temporary weapons cards.



MOD-issued permit given to MOD and some VIPs



MOI-weapons cards to be issued to all legitimate Iraqis requiring a weapons license



NSA/MSNSA/INIS Permits issued to Judges of SDs



LEADERS' GUIDE TO THE SECURITY AGREEMENT

The Security Agreement (SA) (effective 1 JAN 09) between the US and Iraq replaces the UN Security Council Resolution 1790 as the US forces' legal authority to conduct operations in Iraq. Under the SA, US Forces' presence and activities are at the invitation of the Government of Iraq for the purposes of supporting Iraq in maintaining security and stability.

Though our mission remains unchanged, leaders at all levels need to understand the SA and the aspects of Iraqi law that affect operations. This pamphlet informs leaders how the SA and existing Iraqi laws impact the planning and execution of their mission in the Iraqi Theater of Operations. US Forces should:

- Conduct operations **by, with and through** the Iraqi Security Forces (ISF)
- Respect Iraqi customs, traditions, and culture, especially in regards to the treatment and not touching of women and respect for elders

I. SELF DEFENSE

Nothing in the SA limits US Forces' inherent right to self-defense. Hostile act and hostile intent remain sufficient grounds to engage the threat with proportional force including deadly force. (See MNC-I 09-01 ROE Card).

Update EOF techniques based on current threats and AO. For instance, whenever possible obey traffic laws and share the road with Iraqi citizens. (See MNC-I 09-01 EOF TTPs or contact your local legal office for more information)

II. DETENTION OPERATIONS

Two legal bases for detentions:

1) Arrest warrant issued by an Iraqi Judge

- If US obtained, execute per TTPs, by/with/through ISF
- If ISF request assistance, ok to assume they are properly following Iraqi law.

2) Crimes or combat activity observed first-hand:

- **ISF have the lead in law enforcement.** But, exercise detention authority when the observed offense is a serious threat to life or security. See sections VI and VIII.

Post-Detention:

US Forces may detain individuals for **24 hours** before turning the individual over to a competent Iraqi Authority.

III. DETAINEE ABUSE

Respect ISF authority to detain individuals. Detainee abuse is illegal under US, Iraqi and International Law. Report observed, suspected or alleged detainee abuse.

If you discover detainee abuse you should:

- Report the abuse to ISF Commander and US chain of command
- Give medical treatment if necessary
- Document the abuse (statements and photos)

If you witness acts by ISF that are likely to cause **death or serious bodily harm** to a detainee, you should:

- Protect all detainees from further abuse
- Attempt to defuse any confrontation with ISF
- Attempt to remove the detainee from a dangerous situation with ISF permission and without using force
- Take all reasonable action up to and including the use of deadly force to protect the detainee from serious harm
- Only use deadly force as a matter of last resort
- Take and hold the detainee in US custody until further directed by US chain of command

When a detainee in ISF custody is **not** facing death or serious bodily harm, US Forces will not remove the detainee from ISF custody without prior approval of the BCT Commander.

IV. WORKING BY/WITH/THROUGH THE ISF

ISF are the principal enforcers of security and stability in Iraq. These forces include the Iraqi Army, National Iraqi Police, Border Enforcement Police, Local Iraqi Police, and Facility Protection Services.

- Mentor ISF to enforce Iraqi Law
- Mentor ISF before illegal conduct escalates
- Mentor ISF to avoid serious corruption and sectarianism
- Allow ISF to take the lead when possible
- Don't enforce minor criminal laws

V. IF ISF CONFRONT OR ATTEMPT TO DETAIN US FORCES

US Forces always maintain their inherent right to self defense. ISF do not have authority to detain US Forces beyond 24 hours. If ISF attempt to detain US Forces you should:

- Attempt to defuse the situation, without allowing ISF to detain a US Soldier
- Provide the ISF with the US Forces **Emergency Card**
- Tell ISF that you are on duty and that you may not be detained under the Security Agreement
- Immediately inform your Chain of Command

VI. Preventing ISF Misconduct

If the ISF fail to follow Iraqi Laws or LOAC, take action to correct deficiencies. All ISF have disciplinary codes under which they operate similar to the US UCMJ. If you observe ISF violating Iraqi law, US Forces may intervene.

When observing illegal acts by ISF always:

- Report incident up through Iraqi chain of command
- Report incident up through US chain of command
- Attempt to defuse situation peacefully and without incident
- Intervene with necessary and proportional force to stop abuse likely to lead to death or serious injury

When to immediately intervene to prevent illegal ISF activities:

- Abuse of detainees
- Genocide
- Cruelty and Maltreatment
- Murder

When to only report ISF activities to appropriate chain of command:

- AWOL / desertion
- Sectarianism
- Failure to obey and disrespect
- Looting

VII. DURING US OPERATIONS: WHEN NOT TO INTERVENE

ISF are in the lead for law enforcement. When minor crimes are observed, report to ISF. Do not enforce minor Iraqi laws to the detriment of your primary mission. However, a seemingly minor crime, such as a curfew violation, may be evidence of a more serious crime and require assessment. Use judgment and discretion and work **by/with/through the ISF**. Crimes where, absent exceptional circumstances, US Forces should not intervene:

Crimes When there is NO Risk of Imminent HARM:

- Pick pocketing
- Burglary/robbery
- Squatting
- Trespassing
- Fraud and bribery
- Drunk and disorderly
- Minor altercations
- Traffic violations
- between LNs

VIII. DURING US ONLY OPERATIONS: WHEN TO INTERVENE

US Forces' responsibility to intervene is now limited by Iraq's sovereignty. In the limited circumstances when US Forces are not operating alongside ISF, the following are examples of crimes where leaders **SHOULD** intervene:

Terrorism Crimes might include:

- Possession or emplacement of explosives/IED materials
- Torture
- IDF Participation
- Kidnapping
- Inciting, financing or planning terrorist acts
- Curfew violations depending on security environment
- Fake ID Cards
- Possession of unauthorized weapons

Crimes Threatening Death or Grievous Bodily Harm might include:

- Murder
- Battery
- Rape and sexual assault
- Kidnapping
- Assault
- Arson

Crimes Threatening Public Properties and Utilities might include:

- Causing damage to infrastructure or critical public utilities
- Stealing or causing serious damage to public property
- Riotous looting

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