LAWS OF ARMED CONFLICT (LOAC)
BASIC

Speaking notes

For the instructor:

This brief has been developed on the basis of customary international law and Iraqi Law including self-defense. International Humanitarian Law (IHL) is also referred to as the Laws of Armed Conflict (LOAC) or the Laws of War.

Iraq is currently involved in a non-international armed conflict (NIAC). Only Common Article III of the Geneva Conventions apply directly, as the rest of the conventions apply to international armed conflicts (IAC). Additional Protocol II, which regulates NIAC, has not been signed by Iraq and therefore does not apply.

The term combatant has been avoided to comply with all Coalition Forces’ interpretations of LOAC applicable in NIAC. Furthermore, the term “prisoner of war” (POW) only apply in IAC. Persons deprived of their liberty are in this briefing referred to as “detainees”.

The intention with this brief is to provide instructors, both LEGADs and non-LEGADs, with speaking notes as well as background information in order to answer questions and conduct discussions with the soldiers. At the left side are slide shows that can be used if you have the technical facilities available in theater. On the right side, speaking notes to the individual slides are provided.

The method strived for has been under each topic to first provide the legal theory, second to provide examples to explain that theory, and third to provide scenarios and questions to be discussed with the soldiers. In this context, the material includes suggestions for interactive questions.
The Laws of Armed Conflict

What:
This set of rules is referred to as the Laws of Armed Conflict (LOAC). The rules have an international character as they apply to all States, which include Iraq, and they apply as national Iraqi law and individuals can be prosecuted by the Iraqi judicial system for violations.

When:
LOAC apply in times of armed conflict. Currently, Iraq is in a non-international armed conflict (NIAC) against Da’esh. Therefore, all Iraqi Soldiers must adhere to LOAC when conducting military operations and use force against Da’esh.

Why:
The intention behind the rules are to
(1) protect civilians and wounded persons against dangers of hostilities
(2) limit destruction to only what is necessary
(3) protect soldiers from unnecessary suffering.

Also, the rules reflect good military practice.

Suggested questions for interaction with soldiers:
• Have you heard of the Laws of Armed Conflict?
• Do you know any of the rules?
Agenda of the briefing

This briefing will go through the topics listed on this slide.

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Why should Iraqi soldiers learn LOAC?

1) **Law of Iraq.** These rules are rules of Iraqi Law. If you violate one or more of them you can be prosecuted by the Iraqi Judicial System and potentially end up with a prison sentence in accordance with the Iraqi Penal Code.

2) **Professional Soldiers vs. Criminals.** Professional soldiers are those belonging to the Armed Forces of Iraq. Soldiers have the right to use force authorized by the Law.

Da’esh are not soldiers. Da’esh are criminals who do not have the right to fight and can be prosecuted for the crimes committed. If you do not follow the LOAC, you are a criminal too. Therefore, you must follow these rules to be a professional soldier and not a criminal like Da’esh.

A professional soldier follows the law and not his feelings. You must detach your emotions – that is how a professional soldier acts.

3) **Honor and Pride.** Adhering to Iraqi Law gives you honor and pride. Do you want to be an honorable and professional soldier, and make your family proud? Then you must follow the rules. Controlled use of force shows honor, professionalism and discipline. Disobedience of the rules dishonors both you and your army.

4) **Military Efficiency.** By only using the force necessary to defeat the enemy, you save resources and you will have ammunition for the next attack.

5) **Support from Coalition.** The Coalition cannot support an army that does not follow the LOAC. Therefore, the Coalition can only support you with air strikes, equipment, or training if you follow the rules as professional soldiers.

6) Facilitates restoration of peace. If Da’esh know that you follow the LOAC they will be more willing to surrender and give up the fight. On the other hand, if they know that they will be tortured and treated badly, they might as well fight to the last bullet. This will lead to more ISF deaths and injuries. So, follow the rules and get back to your families faster.
Use of Force in Self-Defense

Under Iraqi and human rights law every human being has the right to life.

Iraqi Law allows you to defend that right through self-defense which means use of force to defend (1) yourself; (2) other ISF; (3) civilians, against an attack or imminent threat to life or serious injury, when:

You have a reasonably belief that there is an attack on life or likely to cause serious injury, or that there is an imminent threat that will cause loss of life or serious injury.

This is based on what you assess on the ground at the time, however, you must be able to justify why you made that assessment after the fact.

If using force in self-defense, you can use only the force necessary to stop the attack or threat.

You must assess the situation based on the intent and capability of the person attacking or threatening you, i.e. does the person have the capability to take your life. If he has a gun, the answer would be yes. However, if you are being attacked by a person who is smaller than you and has no weapon, the answer is likely to be no, and then it would not be necessary to answer the threat with lethal force.

Escalation of force

As an indication of how to react only with necessary force, you are to use the escalation of force scale when appropriate – if the situation allows.

(1) Show presence
(2) Shout
(3) Shove
(4) Non-lethal force
(5) Shoot
Example – interaction with soldiers:
You are guarding a security checkpoint. You spot a man 300m away coming towards you. He walks quickly. You now see that he is wearing something that looks like a suicide vest. What do you do?

You have the situation under control. There is not yet an imminent threat to life or serious injury. You use the escalation of force to keep the situation under control and avoid the situation to escalate unnecessarily.

You yell at him to stop. He keeps walking and is now running towards you. What do you do? (Raise weapon)

He continues to run at you. You have now warned him, you have shown your weapons, what could you do next?

To instructor:
You might get the question: “What if the person wearing the suicide vest is a child?” Legally it does not change the situation, if there is an imminent threat to life you can use the force necessary to stop the threat. Use only deadly force when absolutely necessary. When possible, follow the scale of escalation of force.

Example – interact with soldiers:
You are still at the checkpoint. Suddenly, a person in civilian clothes starts shooting at you.
How do you react?

You do not have time to follow the escalation of force. You are being attacked on life and you can shoot back with necessary force to stop the attack.
The Four Main Principles of LOAC

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The four main principles of LOAC. (1) Distinction; (2) Military Necessity; (3) Humanity; and (4) Proportionality, are the foundation of LOAC.

These principles are very important. All soldiers must know them!

It is the duty of every commander and every soldier to act in accordance with these principles.

All military decisions (above the individual soldier’s level) may be examined in light of the four core concepts which are closely intertwined. The examination based on these principles will often indicate whether LOAC is being complied with.

This briefing will keep referring to these principles.
The principle of distinction

The core of principle of distinction is the requirement for soldiers to distinguish between

1. enemy fighters and civilians; and
2. military objects and civilian objects.

Soldiers only target enemy fighters and military objects. Soldiers do not target civilians or civilian objects.

It is important to note that the principle of distinction only regulates the direct attack against civilians. It does not relate to the situation where civilians accidently get hurt in an attack against the enemy. How much civilian death and injury (also referred to as collateral damage) is acceptable is regulated by the principle of proportionality, which we will discuss later on.

Enemy fighters are:

1. Members of Da’esh
   
   Members of organized armed groups can be targeted in armed conflict. Members of the organized armed group of Da’esh can be targeted.

2. Persons who are taking a direct part in hostilities.
   
   Persons participate directly in hostilities when they carry out acts, which aim to support a party to the conflict by directly causing harm to another party – either by directly inflicting death, injury or destruction, or by directly harming the enemy’s military operations or capacity.

Examples – interaction with soldiers:

When a person fires a weapon against ISF then he directly inflicts injury or death, and that is taking direct part in hostilities.

What about:
- Burying IED’s? (Yes)
- Guarding facilities or buildings against attack from ISF? (Yes)
- The wife who cooks food when the fighter comes home at night? (No, she is not taking a DIRECT part in hostilities)
For the instructor: children taking direct part in hostilities are not protected by LOAC. The same rules apply as for adults. However, there can be moral or ethical considerations concerning children.

Interaction with soldiers:

What if you are in doubt? The person is not showing signs of Da’esh membership, and he is not taking part in hostilities at the moment?

If you are in doubt, the person must be considered a civilian and you cannot attack. You can keep watching him and once he takes part in the fighting you can attack.

It is not enough that you think he is a “bad guy”. There must be either identification of membership or the person must show by his acts that he take direct part in the fight.

Civilians are persons who are not members of Da’esh or taking a direct part in the conflict. These people must be protected from the dangers of the fighting.

Hors de combat is a term that covers persons who are no longer engaged in hostilities (out of fighting) – wounded, sick, surrendered and detained enemies.

These must be protected in the same way as civilians and must not be attacked.

A person can only be hors de combat if he stops all hostile activities (fighting).

Example: A wounded person who is still fighting is not hors de combat and can be attacked until he gives up fighting.

Example – interaction with soldiers:

An enemy fighter is badly wounded from fragments from a mortar grenade. He cannot walk and lost his weapon under the explosion. He is calling another enemy fighter to let him know about the attack and to warn. Is he hors de combat?
Answer: He is warning his fellow fighters, which is direct participation. The fighter is therefore not abstaining from hostile activity and is not protected as *hors de combat*.

A **military object** is something that by nature, location, purpose or use makes an effective contribution to military action and whose partial or total destruction offers a definite military advantage.

Examples of military objectives are: tanks, weapons factory, ammunition, etc.

Civilian objects, such as a house or a car, can become a military object if enemy fighters make use of it. For example, a car used to transport enemy fighters or a car used as an IED.

Soldiers are required to separate themselves from civilians and civilian objects. This is for example done by wearing uniforms. That allows for civilians to be protected as the enemy will know who is taking part in the fighting.

**Example – interact with soldiers:**

You and your unit are clearing a city when suddenly you are being shot at and you need to take cover. On your right hand is an empty house. On your left hand is a house with a family.

Can you go into these houses and use them as protection? Yes, there is a military necessity. You can use civilian houses for military purposes. The house then loses its protection and becomes a military target. You must do your best to avoid using civilian object for military purposes.

Which house would you go into? The empty one. That way the family in the other house will not be placed in danger or the risk of becoming collateral damage in an attack.
The principle of military necessity

Soldiers must only use force when it is necessary to complete the mission. This includes only destroying property when it is necessary to complete the mission.

The principle requires that destruction of a military objective must provide some type of advantage in weakening the enemy’s fight, and therefore the use of force must have a valid military purpose.

The principle of military necessity does not allow soldiers to violate the other principles. This is very important! Every attack has to be in line with all four principles of LOAC. In practice, this means that you cannot argue military necessity to justify e.g. murder, torture or inhumane treatment, as that will violate the principle of humanity, which we will discuss next.

What is the mission? – defeat Da’esh. So you must only destroy what is necessary to destroy Da’esh, which also includes making allowances for fighters to surrender.

Example:

In a situation where the enemy has taken control over a city, it will violate the principle of military necessity to destroy the entire city, which includes many civilian homes, shops, infrastructure and extensive civilian deaths.

Example – interaction with soldiers:

Your unit is part of an operation to liberate a city from enemy control. Your unit has been given the task to clear a small urban street with civilian houses and shops. You have intelligence indicating that the enemy is using one of the houses as a small HQ. Your unit has mortars, artillery, hand grenades, light machineguns and rifles.

Would it be in accordance with the principle of military necessity to use artillery and destroy all the houses on the street?

How else could you complete the military mission of clearing the street?
The principle of humanity

The principle of humanity is also referred to as the prohibition against unnecessary suffering.

Soldiers must not inflict harm, pain, or destruction that is not necessary for the completion of the military mission. Unnecessary suffering is thus prohibited.

This has caused the prohibition under both international and Iraqi law regarding the use of certain weapons, such as expanding bullets and poisoned weapons.

You must treat all persons humanely. You must never torture or kill a captured enemy fighter, and you must give aid to all wounded, whether friend or foe.

Example:

Humane treatment would be:

- providing water and shade for captured enemies,
- evacuate wounded persons for medical aid.

Example - interaction with soldiers:

An enemy fighter has been captured. A soldier in your unit is holding the captured person while dragging him on the ground on the way to your commander.

Is this acceptable treatment of a captured enemy?

Answer: No, it is not humane treatment of a captured person. The principle of humanity requires that you treat all persons humanely. This is therefore a violation of the principle of humanity.
The principle of proportionality

This principle of proportionality is used to create a balance between what is necessary in the mission (military necessity) and using limited force, directed against the enemy to achieve that aim (distinction and humanity).

When planning and carrying out an attack or military operation you must think about how your actions might cause civilian death, injury and property damage.

The civilian people and civilian property that you accidently injure or damage, when attacking, the enemy is called collateral damage.

If the collateral damage is excessive to the military advantage that you will gain from the use of force you are not to carry out the attack.

The principle of proportionality is putting the four principles of LOAC together. First, you must establish that your target is a lawful military target. Second, you must consider whether it is militarily necessary to use force against the target. Third, you must consider whether you can mitigate unintentional damage caused to civilians and civilian property. And then, forth, you must apply the principle of proportionality by assessing whether the anticipated collateral damage will be excessive to the direct military advantage gained.

Collateral damage is usually linked to the means (weapon) or method used. Therefore, by choosing a different means or method you might be able to mitigate the collateral damage and thereby make your attack proportionate.

Example – interact with soldiers:

A soldier from your unit has been wounded by an enemy sniper who is hiding in a building close to your unit. You have been given the task to eliminate the sniper.

- Is the sniper a military target, i.e. is the principle of distinction fulfilled?
- Will you gain a military advantage from removing him from the fight, i.e. is military necessity fulfilled?
What weapon will you use? Can you mitigate the damage by waiting until nighttime? Can you do other things to mitigate collateral damage?

What is your assessment of collateral damage and the military value of removing the sniper? Is the attack proportionate to carry out?

Example – interaction with soldiers:

A Da’esh member, not of high ranking, is having lunch with some of his family members at a restaurant in the city. His family is not members of Da’esh. Your commander wants you to “destroy” him.

Apply the 4 principles of LOAC:

1. Is he a lawful military target – why?
   (Yes, he is a member of Da’esh and therefore an enemy fighter and lawful military target)

2. Will an attack offer a concrete military advantage?
   (Yes. An attack on an enemy fighter will offer a military advantage.)

3. You are far from the restaurant and are not able to mitigate the damage as you will only be able to attack the member with mortar grenades.

4. What collateral damage do you anticipate? Is the military advantage high or low? Will the attack be proportionate?
   (Mortar is not a proportionate weapon for urban fighting. It will likely damage the café and surrounding buildings, and it will likely cause death or injury to civilians at the café. The member is not of high ranking and the military advantage is therefore low. The anticipated collateral damage is high and the advantage low, the attack is therefore not proportionate.)

Example – interaction with soldiers:

Continued from previous example.

The Da’esh member is now taking his car and driving out of the city. Will it be proportionate to attack the member with mortars when he is driving on a road outside the city surrounded by desert?

Is the car a target or will the car be collateral damage? (used to transport an enemy fighter, it becomes a military object)
The 10 Soldier’s Rules

The 10 Soldier’s Rules:

The 10 soldier’s rules have been developed to apply the main principles to how you fight.

These rules should make you understand better what in practice is meant by the four main principles and make it easier to comply with LOAC.

1. **Soldiers fight only enemy fighters that take part in the fighting**
2. **Soldiers do not harm enemies who surrender. Disarm them and turn them over to your superior.**
3. **Soldiers do not kill or torture personnel in their custody.**
4. **Soldiers collect and care for the wounded, whether friend or foe.**
5. **Soldiers do not attack civilians and civilian objects.**
6. **Soldiers use no more force than the mission requires.**
7. **Soldiers treat all persons humanely.**
8. **Soldiers do not steal. Soldiers respect private property and possessions.**
9. **Soldiers should do their best to prevent violations of LOAC.**
10. **Soldiers report all violations of LOAC to their superiors.**

We will now talk about each rule.
Rule no. 1: Fight only enemy fighters that take part in the fighting


Have the soldiers repeat the content of distinction. (Soldiers must distinguish between enemy fighters and civilians, and between military objects and civilian objects. Soldiers must only attack enemy fighters and military objects.)

Repeat: How do you know if someone is taking a direct part in hostilities? (Actions in support of a party which directly inflict (or will inflict) death, injury or destruction, or by directly harming the enemy’s military operations or capacity)

Examples – are these persons taking direct part in the fighting?:
- Driving a truck with an anti-aircraft-weapon installed on the back? (Yes)
- A person has a rifle and is running to a defensive position? (Yes)
Rule no. 2: Soldiers do not harm enemies who surrender. Disarm them and turn them over to your superior.

**Interact with soldiers:**
Which of the four principles does this rule reflect? Answer: The principle of humanity.

Repeat the principle: You must treat all persons humane, including enemy fighters who surrender.

If an enemy is indicating that he wants to surrender he is becoming hors de combat and you cannot attack him. You are responsible for the treatment of an enemy who surrenders to you.

You must (as a minimum):
1. Disarm the person (to provide security for you and your unit)
2. If the person is wounded you must provide medical care if possible
3. Ensure that the person gets water and food (depending on the time the surrendered person will remain in your custody before you can hand him over to appropriate people for detention)
4. Provide protection for the surrendered person. You are not to pose him to danger of the fighting. It is a violation of LOAC to use hors de combat as human shields.
5. Do not use violence or insult the person. This includes that you must not take pictures of them to put on the social media. Detained persons must be protected from public curiosity. You must only take photos for the purpose of identification.

**Example – interact with soldiers:**
An enemy fighter has surrendered to you. You are therefore responsible for his treatment. The enemy is dressed as a woman. A friend from your unit is filming the surrendered enemy – he wants to post the video on his twitter account to humiliate the enemy fighter.

What do you do?

Answer: You let your friend know that the enemy fighter is now hors de combat and must be protected against public curiosity. You therefore ask your friend not to take photos or make recordings for public use.
The white flag:
Under LOAC the white flag is a symbol that is used to indicate that a person wants to communicate or negotiate with the other side, or that someone wants to surrender. You must know this symbol.

However, this symbol does not allow a person to continue to take part in hostilities. If they display this symbol and continue to do things that support the fight, then they lose protection. For example, Da’esh might be misusing the flag with the purpose of gaining protection from attack, which they do not have if they are still participating in hostilities.

Example 1 – interaction with soldiers:
An enemy fighter is holding up his hands with a white piece of fabric in his one hand. He has laid down his rifle. Can he be attacked?

Answer: No. He is clearly indicating that he wants to surrender. He is abstaining from hostile activity. He must be considered *hors de combat* (out of fighting) and must be protected.

Example 2 – interact with soldiers:
You see a person with a rifle. On his rifle is a white flag hanging down. He starts shooting at you. Can you attack him?

Answer: Yes. He is attacking you on life and you can use necessary and proportionate force in self-defense to stop the attack. Also, he is misusing the symbol and does not enjoy protection from attack.

2 Soldiers do not harm enemies who surrender. Disarm them and turn them over to your superior. 
لا يقوم الجنود بقتل الأعداء الذين يستسلمون. عنا قدوم أي دائم أن يفرحوا بatures العدو من الأسلحة وتسليمهم إلى قاعدتهم.

The white flag (Arabic)
Rule no. 3: Soldiers do not kill or torture personnel in their custody.

Interact with soldiers:
Which of the four principles does this rule reflect? Answer: the principle of humanity and military necessity.

As a professional soldier, you must not kill or use torture against a person who is hors de combat (out of fighting). As discussed, a detained person is hors de combat and must be protected.

You are responsible for the treatment of detained persons in your custody.

What is torture?
Torture is any act that intentionally inflicts severe pain or suffering for the purposes of obtaining information, getting a confession or for any reason based on discrimination.

The prohibition also includes mental torture. This means that it is illegal to threaten someone for the purposes of obtaining information, getting a confession or just terrorizing the person.

Any kind of torture is illegal no matter the circumstances.

Examples of torture could be:
- Violence
- Stress positions
- Long interviews with no sleep, food or toilet visits

Example 1 - interact with soldiers:
Is it lawful to threaten to kill a person or his family to pressure him to give information?

Answer: No, it is unlawful to threaten with unlawful acts, and it is a violation of Iraqi law to kill either him or his family.

Unless you are trained and approved to conduct interrogations, you should not be conducting interrogations of detained persons. You should leave that to people who have the appropriate training to do so.

To instructor – helpful information to engage in “why”-discussion:
- All studies show that a person being tortured will tell you whatever you want him to say. Therefore, you cannot rely on information gained through torture.
- Information will typically be outdated
- Humane treatment of detainees encourage enemy fighters to surrender and leave the battlefield

For instructor:
You might get the question: “What if I capture a Da’esh suicide bomber who asks me to kill him because he wants to go to paradise. Can I kill him if he asks me to?
Answer: No. He is hors de combat and must be protected. It is unlawful for you to kill him even though he asks you to do it.”
Rule No. 4: Soldiers collect and care for the wounded, whether friend or foe.

Interact with soldiers:
Which of the four principles does this rule reflect? (The principle of humanity)

Wounded and sick persons who abstain from hostile activities are *hors de combat* and must be protected and cared for.

A wounded person is a person who has a need for medical treatment and abstains from any hostile activity.

You must care for and if possible provide medical treatment for wounded persons no matter race, sex, nationality, religion, political etc.

You must only discriminate based on medical grounds, which allows you to prioritize based on medical need.

It is important to note that the law does not require you to endanger yourself to provide aid for wounded. Also, from an operational point of view it would be a disadvantage to your unit if you risk your life to help a wounded person.

Example:
A civilian woman has been accidentally hit by a bullet in a fight between your unit and Da’esh fighters. The woman is bleeding from her leg and needs medical treatment. You are not able to get to her without risking being shot by Da’esh. In this situation you should wait until the fighting pauses, and then the law obliges you to care for the wounded woman.

Example – interact with soldiers:
Imagine that you are engaged in fighting with the enemy. A soldier from your unit gets hit by a fragment on his arm, he is bleeding and in pain. A Da’esh member is shot in the stomach, he is breathing but unconscious and bleeding. What do you do?

Answer: First, you keep fighting until the fighting pauses – you are not to endanger and risk your own life or the mission to care for wounded.

When fighting stops, LOAC obliges you to care for the Da’esh member first, because he needs medical treatment the most. The soldier from your unit also needs medical treatment, but not as urgently.
For the instructor:
You might get the question: “What if the soldier from my unit is also unconscious and needs medical treatment right away?”
Answer: If your friend needs medical treatment as much as the enemy you can prioritize your friend before the enemy fighter. In this situation you are not discriminating on grounds that the law does not allow. The important thing is that you prioritize based on medical grounds. If one needs instant care more than the other, you treat the most needing.
Rule no. 5: Soldiers do not attack civilians or civilian objects.

Interaction with soldiers:

Which of the four principles does this rule reflect? (The principle of distinction)

Civilian objects are those that are not military by their nature, purpose, location or use. This is for example a residential building, shops, schools, cars etc.

If a civilian object is used by the enemy, it loses its protection for the time that it is being used by the enemy to advance their military aims.

Wherever possible, civilian objects should be avoided from use for military purposes. It means that soldiers are obliged to do their best to protect civilians and civilian property.

Also, as mentioned earlier, civilians may accidently get hurt in an attack directed against the enemy, which is not unlawful as long as you do your best to avoid civilians getting hurt and the attack is carried out in accordance with the principle of proportionality.

For example:

In a fight taking place in a city your commander orders you to go into a civilian house and take up a position as a sniper. You are then using the civilian house for military purposes and the house becomes a military object. In that context, you must try to protect the civilians living in that house by e.g. evacuating them out of the back entrance so they will not be present when fighting starts taking place.

For example:

You’re clearing a town, and you see a school up ahead. Is this a civilian object? Yes

Is it still a civilian object if it is school holidays? Yes

What happens if you start receiving heavy machine gun fire from the school? Is it still protected? No.

What happens if you clear the school of the people firing the machine gun? It returns to its protected status.
Medical personnel and objects enjoy protection as civilians.

These symbols indicate that persons wearing them are protected personnel who provide medical services and first aid to victims of the conflict. You may also see the emblems on buildings or cars.

Example:

You may have seen the symbols on hospitals or ambulances.

This means that the object is used to facilitate the service provided by the protected personnel and must therefore be protected.

Medical personnel are allowed to carry weapon for their own self-defense and to protect their patients.

If they use their weapons beyond self-defense they lose their protection and can be attacked.

Persons from international organizations providing humanitarian aid must also be protected and not attacked – e.g. personnel from the International Committee of the Red Cross (ICRC) and United Nations (UN).

Example – interact with soldiers:

A sniper shoots at your unit from a hospital. Can you respond the fire?

Answer:

(1) Military target? – the hospital loses its protection when enemy fighters make use of it for military purposes.
(2) Military necessity? – removing the sniper from the fight will be a military advantage.
(3) Humanity – what kinds of weapons can you use? Which weapon will cause least damage to the hospital and the civilians inside? Can you target at a different time, or wait for the sniper to come out?
(4) Proportionality – assess the collateral damage from the weapon and method planned to apply. What is the value of the military target, will it be of high or low military value? Will it be proportionate to carry out an attack against the sniper in the hospital?
Example (perfidy) – interact with soldiers:

Is it lawful to use the emblems as a soldier to indicate that you must be protected from attack?

Answer: No. It is unlawful to wear the symbols if you are not a medic. Misuse of protected symbols to gain a military advantage is called perfidy and is violation of LOAC.
Rule no. 6: Soldiers destroy no more than the mission requires.

Which of the four principles does this rule reflect? (Military necessity and humanity)

Interaction with soldiers:
Why should soldiers only destroy what is necessary to defeat the enemy?
There is a life after the conflict. If everything is destroyed, people will be suffering and it will take much more time and money to rebuild society again.

How can you mitigate destruction?
Be disciplined and controlled in the use of force. Consider means and methods. Can you use a less damaging weapon and still achieve the same effect. E.g. can you shot only the enemy fighter without destroying the house he in.

Artillery and mortar grenades for example should be avoided in build-up areas because they are likely to cause a lot of destruction.

Consider whether you can carry out the attack at a different time. Consider whether the collateral damage will be less if you attack at night compared to the day, or if you can wait until the enemy fighter is at a different location.

For example
You are attacking an enemy fighter who is trying to unlawfully hide behind civilians. You do not want to use an automatic machinegun or mortar grenades as those weapons might cause damage and injury to civilians. Instead you would want to use a rifle so that you can aim every single fire directly against the enemy fighter.
Rule no. 7: Soldiers treat all persons humanely.

Interaction with soldiers:

Which of the four principles does this rule reflect?
(Humanity)

You are responsible for persons in your custody. You must do your best to provide basic needs for those persons.

Basic needs would include: medical care, food, water, shelter, basic hygiene care, clothing, protection from danger, torture and cruel treatment, respect for person and honor.

Female and children should be treated accordingly. History shows that women are more vulnerable during an armed conflict and women, more often than men, become subject to humiliating treatment and sexual violence. Therefore, you must protect them against dangers.

For example

Show respect for women when searching. You can for example have other females search where possible. Or use a metal detector. You can also make sure that women are not being put in a humiliating situation in view of the public by shielding.

Interact with students: Can you think of other situations, where you would treat women differently to protect them?

When detained, women should be respected and should be kept separate from men in sleeping and sanitary arrangements, where possible.
Rule no. 8: Soldiers do not steal. Soldiers respect private property and possessions.

Interact with soldiers: Which of the four principles does this rule reflect? (Military necessity and humanity)

This rule is simple. Soldiers are not thieves. Theft is punishable under the Iraqi Penal Code. You do not take anything that belongs to someone else and is not yours.

This includes dead persons. You must protect the dead against looting.

Example – interact with soldiers:

You and your unit have been engaged in liberating a city from the enemy. The liberation has taken 4 weeks and it is a great victory for your unit. In the city was a small HQ which you finally cleared this morning. In the enemy commanders office is a Gold-Plated AK-47. You commander wants to take it with him as a symbol of the victory. What do you tell your commander?

Soldiers do not steal. And taking war trophies is stealing. You therefore tell your commander that the weapon is not his to take and taking it would be a violation of LOAC and Iraqi Law.
Rule no. 9: Soldiers should do their best to prevent violations of LOAC.

Rule no. 10: Soldiers report all violations of LOAC to their superiors.

If possible, you must try to prevent violations of LOAC. You are not required to put yourself at risk when doing so.

Interaction with soldiers: What would be a violation of LOAC – name one? What principle would that be violating?

Not knowing that your actions violate LOAC or “just following orders” is not a valid defense and you will be held accountable for your actions.

Example - Interact with soldiers: Your commander orders you to use torture to get information from a detained enemy? What do you do?

Answer: You refuse to follow the order as it is a manifestly unlawful order which you are not obliged to follow. Torture is never lawful! If you follow the order you will be individual liable for violating the law.
Sum up.

1. What are the main four principles of LOAC?
   (Have the soldiers explain)

2. What do they require of you as soldiers?
   Always to act accordingly. To assess whether the principles are complied with before, during and after every attack and operation. To do your best to prevent violations and to report the violations if you become aware of any.

3. Why do you need to follow the LOAC?

Questions?

QUESTIONS?
هل لديكم استفسار؟
**Detention Card**

**How to handle a captured or surrendered person:**

1) Disarm (items posing a safety risk)
2) Restriction of liberty (minimum use of force)
3) Protection from danger and harm
4) Inform about reasons for detention
5) Medical Aid
6) Identification number
7) Record and receipt seized items
8) Report to higher command
9) Transfer to appropriate authorities
10) Humane treatment (water, food, hygiene, etc.)
11) Log book

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**Detention Card**

Fill out this form for every person you detain.

Person’s name and unit: ____________________________

Date, time and place for capture: ____________________________

Reason for detention: ____________________________

Statement from detainee: ____________________________

_________________________________________________________________________________

Injuries: ____________________________________________

Medical aid provided and when: ____________________________

_________________________________________________________________________________

Identification number of captured: ____________________________

Seized items: ____________________________________________

_________________________________________________________________________________

Date and time for report to higher command: ____________________________

Reported to commander (name/unit): ____________________________

Provided water, food, etc.: ____________________________________________

_________________________________________________________________________________

Other remarks: ____________________________________________

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For Training Purposes Only

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For Training Purposes Only
بطاقة اعتقال

كيفية التعامل مع شخص ألقى القبض عليه أو سلم نفسه

1) نزع السلاح (المواد التي تشكل خطراً على السلامة)
2) تقيد الحريات (استخدام الحد الأدنى من القوة)
3) الحماية من الخطر والأخرين
4) الإبلاغ عن سبب الإعتقال

1) الاستمارة
2) السائح
3) الوقوف
4) الإصبارات

5) المساعدات الطبية المقدمة، ونتيجتها:
6) رقم الهوية
7) تسجيل وإستلام المواد المصادرية
8) إبلاغ القيادة العليا
9) التحويل إلى السلطات المختصة
10) المعاملات الإسنانية (الماء والغذاء، النطاق، وما إلى ذلك)
11) دفتر السجلات

لأغراض التدريب فقط
BASIC LAW OF ARMED CONFLICT APPLICABLE TO TARGETING

- The Law of Armed Conflict (LOAC) applies to indirect fires and close air support (targeting).
- The aim of the LOAC is to ensure that only the enemy is targeted and that civilians and civilian property, and non-combatants, are protected.
- There are three basic LOAC rules that apply to targeting:
  - Distinction
  - Precautions in Attack
  - Proportionality
- In this lesson we will discuss how these rules apply to the different steps of targeting, and the questions and considerations that you should think about when applying them.

DISTINCTION:
The LOAC requires that the target be a military objective. It cannot be a civilian or civilian object. It cannot be a non-combatant (such as surrendered enemy). It cannot be a protected person (such as medical personnel) or a protected object (such as a hospital).

PRECAUTIONS IN ATTACK
The LOAC requires that you take feasible precautions to minimize collateral effects on civilians and civilian property.

PROPORTIONALITY
The LOAC requires that any incidental effects on civilians or civilian property caused by the attack on the military objective must not be excessive in relation to the anticipated military advantage. This is often described as ‘proportionality’.
TARGETING PROCESS

1. Positively identify the target
2. Weaponer the target
3. Decision to engage the target
Is the target a military objective?

Will there be effects on civilians or civilian property near the target?

If so, what can I do to minimize these effects?

Does the military advantage outweigh these effects?

DISTINCTION

FEASIBLE PRECAUTIONS IN ATTACK

PROPORTIONALITY

DECISION TO ENGAGE THE TARGET

POSITIVELY IDENTIFY THE TARGET

WEAPONER THE TARGET

LOAC QUESTIONS

LOAC

TARGETING PROCESS
1

**TARGETING PROCESS**

**POSITIVELY IDENTIFY THE TARGET**

**LOAC**

**DISTINCTION**

**LOAC QUESTIONS**

Is the target a military objective?

---

The first step in targeting is to ensure that you are able to identify and locate the target to a standard of reasonable certainty.

The LOAC requires that the target be a military objective. It cannot be a civilian or civilian object. It cannot be a non-combatant (such as surrendered enemy). It cannot be a protected person (such as medical personnel) or a protected object (such as a hospital).

You must have reasonable certainty that the target is Daesh fighters, their military equipment or their military facilities or positions. If they are located in a civilian building, you must have reasonable certainty that they are using it for a military purpose.
After positively identifying the target select the weapon system that will generate the necessary effect on the target.

The LOAC requires that you take feasible precautions to minimize collateral effects on civilians and civilian property.

Select the weapon system to achieve the necessary effect on the target. Consider whether there are any civilians or any civilian property within the weapon effect area. If so, consider whether an alternative weapon system is available that will achieve the necessary effect on the target with less collateral effects. Consider whether there is a way of using the weapon system to minimize collateral effects.

Will there be effects on civilians or civilian property near the target?

If so, what can I do to minimize these effects?

WEAPONEER THE TARGET

FEASIBLE PRECAUTIONS IN ATTACK
The final step is to decide to engage the target.

The LOAC requires that any incidental effects on civilians or civilian property caused by the attack on the military objective must not be excessive in relation to the anticipated military advantage. This is often described as 'proportionality'.

If the weapon system you have decided to employ to generate the necessary effect on the target will cause any collateral effects on civilians or their property, you can only proceed with the attack if the anticipated military advantage in conducting the attack outweighs these incidental collateral effects.

TARGETING PROCESS

DECISION TO ENGAGE THE TARGET

LOAC

PROPORTIONALITY

LOAC QUESTIONS

Does the military advantage outweigh these effects?
SCENARIO 1

You are a forward observer located on the rooftop of a residential building in a city. From this position you can observe a road known to be used by the enemy to resupply their fighters with reinforcements, ammunition and equipment.

You identify a truck loaded with what he assesses to be ammunition boxes. Two men are driving the vehicle, both wearing tactical vests, and one of them is carrying an AK47.

The truck drives down the road towards enemy positions, before driving under some tarpaulins that have been drawn between two civilian apartment buildings. You cannot observe what is occurring under the tarpaulins.

No civilians have been observed in the area for 3 days.

Can you call for fire on the enemy truck?

Discussion:

1. PID / DISTINCTION / Is the target a military objective?

2. WEAPONEER / PRECAUTIONS IN ATTACK / Will there be effects on civilians or civilian property near the target? If so, what can I do to minimize these effects?

3. DECISION TO ENGAGE / PROPORTIONALITY / Does the military advantage outweigh these effects?

1. Distinction: The truck is a legitimate target - enemy soldiers and ammunition.

2. Feasible Precautions in Attack: What will be the collateral effect of directing fire onto the truck? Will civilian property be destroyed or damaged and will civilians be possibly injured or killed? If so, are there measures that can be taken to minimize this. Are civilians likely to be affected – no CIVPOL and none observed, but can’t see under tarpaulins to be sure. Effect on nearby houses. Do we need to consider secondary effects?

3. Is the military advantage of striking the truck proportionate to the risk to civilians or civilian houses? Uncertainty caused by tarpaulin and obscured view. No CIVPOL apparent / only property.
SCENARIO 2

The enemy is using a school building to hide military equipment and to sleep in. Multiple information sources have indicated that tonight, a group of senior enemy military leaders will meet in the building. The building is adjacent to civilian houses where families are known to live and sleep.

Can this building be targeted tonight?

Discussion:

1. PID / DISTINCTION / Is the target a military objective?

2. WEAPONER / PRECAUTIONS IN ATTACK / Will there be effects on civilians or civilian property near the target? If so, what can I do to minimize those effects?

3. DECISION TO ENGAGE / PROPORTIONALITY / Does the military advantage outweigh these effects?

1. Senior enemy military leaders and military equipment are legitimate targets. The information indicates a meeting - how can you be sure that these people are actually in the building? More broadly, the building itself may be considered a legitimate military objective as it used by the enemy to conduct coordination, command and control. Can you find a position to verify the possible target from, for example by being outside the building and see who enters?

2. Consider the effect of different weapon systems on nearby civilian houses. Which weapon will have the desired effect while minimizing effects on civilians and civilian property. If there will be more civilians in the houses at night, is night the best time to attack. The information that the building is a school should also be taken into account: is it still being used, and if so, is it only used as a school in the daytime, or is there a risk that kids could be present as well?

3. How valuable a target are the leaders – will the effects on civilians and civilian property be excessive in relation to the military advantage.
**SCENARIO 3**

The enemy is using VBIEDs to attack military forces and Police. Your UAV has detected an enemy VBIED is on its way towards a Police HQ inside the city.

You are tracking the VBIED with the UAV and you have contact with an aircraft ready to strike. The VBIED makes a stop on a bridge over a river, 800 meters from the Police HQ.

Can you call for fire on VBIED while it is on the bridge?

Discussion:

1. **PID / DISTINCTION / Is the target a military objective?**

2. **WEAPONeer / PREcautions IN ATTACK / Will there be effects on civilians or civilian property near the target? If so, what can I do to minimize these effects?**

3. **DECISION TO ENGAGE / PROPORtioNAlITY / Does the military advantage outweigh these effects?**

1. The VBIED is a legitimate target.

2. Depending on the bomb type, there is certainly a risk of doing damage to the bridge. The question is, should the risk of damaging the bridge be accepted or is it better to wait until the VBIED is off the bridge? How much time/distance is there for the strike, as the distance between the VBIED on the bridge and the Police HQ is 800 meters? So, is it better to risk damage to the bridge when the VBIED is stopped, or to try to hit the VBIED after the bridge, when the VBIED is moving, and potentially not have much time to strike before the VBIED can reach the HQ? Another factor could be the amount of explosives on the VBIED - if the VBIED is destroyed close to the Police HQ, there is a risk of secondary explosions that might endanger also the civilians in the city.

3. If the target is engaged on the bridge, is the potential damage to the bridge acceptable given the military advantage?
SCENARIO 4
The enemy is using trucks to transport weapons to be used to attack military forces and Police. You can observe a truck picking up weapons from an enemy camp and moving towards enemy positions on the frontline. You can also see a child of approximately 10 years of age sitting in the passenger seat.

Can you call for fire on the truck?

Discussion:

1. PID / DISTINCTION / Is the target a military objective?

2. WEAPONER / PRECAUTIONS IN ATTACK / Will there be effects on civilians or civilian property near the target? If so, what can I do to minimize these effects?

3. DECISION TO ENGAGE / PROPORTIONALITY / Does the military advantage outweigh these effects?

1. The truck transporting weapons is a legitimate target as it fulfilling a logistics function.

2. If you direct a strike on the truck it is very likely that the child will be wounded or killed. Sometimes children are used as child soldiers but in this case placing a child in a truck could be in order to shield the driver from attack. Are there other ways of getting the effect you need without putting the child at risk? Maybe striking the road in front of the truck can be considered: that could scare the truck driver to get out of the truck and run away, together with the child, and then the truck could be either bombed, or friendly forces could be alerted to the truck containing weapons.

3. If there is no other way to get the necessary effect on the target without harming the child, the question then becomes one of proportionality.
10 Soldier’s Rules

1. Soldiers fight only enemies that take part in the fighting.
2. Soldiers do not harm enemies who surrender. Disarm them and turn them over to your superior.
3. Soldiers do not kill or torture personnel in their custody.
4. Soldiers treat all persons humanely.
5. Soldiers collect and care for the wounded, whether friend or foe.
6. Soldiers do not attack civilians and civilian objects.
7. Soldiers use no more force than the mission requires.
9. Soldiers should do their best to prevent violations of LOAC.
10. Soldiers report all violations of LOAC to their superiors.

The four main principles of The Laws of Armed Conflict (LOAC)

**Distinction**
Soldiers must distinguish between enemy fighters and civilians, and between military objects and civilian objects. Soldiers must only attack enemy fighters and military objects.

**Military Necessity**
Soldiers must only use force when it is necessary to complete the mission.

**Humanity**
Treat all persons humane. Unnecessary suffering is prohibited.

**Proportionality**
Anticipated civilian death, injury and property damage must not be excessive in relation to the direct military advantage gained.
بطاقة الجندي

10 مبادئ للجندي

1. الجنود يقاتلون فقط الأعداء الذين يقاتلونهم.
2. الجنود لا يذون الأعداء عندما يستسلمون، نزع السلاح منهم وتسليمهم إلى القادة.
3. الجنود لا يقاتلون أو يعذبون الأشخاص الذين في عهدهم.
4. الجنود يعاملون جميع الأشخاص معاملة إنسانية.
5. الجنود يجعلون الجنديين يهتمون بهم سواء كانوا أصدقاء أو أعداء.
6. الجنود لا يهاجمون المدنيين والاستثناءات المدنية.
7. الجنود لا يستعملون القوة أكثر مما هو مشروط في الواجب.
8. الجنود لا يسرقون الجنديين حاصلين الكنية، الشخصية والمتلكات.
9. الجنود يعملون ما في وسعهم لمنع إنتهاك قانون النزاع المسلح.
10. الجنود يخبرون القيادة عن أي انتهاك قانون النزاع المسلح.

للتدريب فقط

الميز

على الجنود التمييز بين المقاتلين الأعداء وبين الحاجات العسكرية والمدنية. على الجنود أن يهاجموا فقط المقاتلين الأعداء وممتلكاتهم.

الضرورة العسكرية

الجنود يستخدمون القوة فقط عند الضرورة لإكمال مهامهم.

الإنسانية

عامل جميع الأشخاص معاملة إنسانية، المعاناة غير الضرورة ممنوعة.

التقاسم

في حالة توقع وفيات بين المدنيين، فإن المصابين والممتلكات المتضررة يجب أن تكون مفرطة بالمقارنة بالمكاسب العسكرية المباشرة.

للتدريب فقط
FOI 267/16/17 Item 6

الجوازات العامة للأعمال البنية التحتية
1. الجوازات العامة للأعمال البنية التحتية
2. التزامات العملاء
3. التزامات العملاء
4. التزامات العملاء
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10. التزامات العملاء

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**TG TAJI - LOAC AND HUMAN RIGHTS LAW TRAINING REGISTER**

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<th>Duration</th>
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**TG TAJI 3**

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6-Sep-16 3rd Bn 76 Bde
6-Sep-16 4th Bn 76 Bde
6-Sep-16 BDE SPT Troops 76 BDE
7-Sep-16 1st Bn 76 Bde
7-Sep-16 2nd Bn 76 Bde
8-Sep-16 2nd Bn 76 Bde
1-Oct-16 Ranger BN (Thunder)

Audience was generally inattentive and disinterested (better behaved once the PL SGTs were present to observe their responses).
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**TG TAJI - LOAC AND HUMAN RIGHTS LAW TRAINING REGISTER**

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LAWS OF ARMED CONFLICT (LOAC)

JUNIOR LEADERS COURSE

Speaking notes

For the instructor:

This brief has been developed on the basis of customary international law and Iraqi Law including self-defense. International Humanitarian Law (IHL) is also referred to as the Laws of Armed Conflict (LOAC) or the Laws of War.

Iraq is currently involved in a non-international armed conflict (NIAC). Only Common Article III of the Geneva Conventions apply directly, as the rest of the conventions apply to international armed conflicts (IAC). Additional Protocol II, which regulates NIAC, has not been signed by Iraq, but the principles of the protocol apply as customary international law.

The term combatant has been avoided to comply with all Coalition Forces’ interpretations of LOAC applicable in NIAC. Furthermore, the term “prisoner of war” (POW) only apply in IAC. Persons deprived of their liberty are in this briefing referred to as “detainees”.

The intention of this brief is to provide instructors, both LEGADs and non-LEGADs, with speaking notes as well as background information in order to answer questions and conduct discussions with the soldiers. At the left side are slide shows that can be used if you have the technical facilities available in theater. These will be provided separately. On the right side, speaking notes to the individual slides are provided.

The method strived for has been under each topic to first provide the legal theory, second to provide examples to explain that theory, and third to provide scenarios and questions to be discussed with the soldiers. In this context, the material includes suggestions for interactive questions.
The Laws of Armed Conflict

What:
This set of rules is referred to as the Laws of Armed Conflict (LOAC). The rules have an international character as they apply to all States, which include Iraq, and they apply as national Iraqi law and individuals can be prosecuted by the Iraqi judicial system for violations.

When:
LOAC apply in times of armed conflict. Currently, Iraq is in a non-international armed conflict (NIAC) against Da’esh (the enemy). Therefore, all Iraqi Soldiers must adhere to LOAC when conducting military operations and use force against Da’esh.

Why:
The intention behind the rules are to
(1) protect civilians and wounded persons against dangers of hostilities
(2) limit destruction to only what is necessary
(3) protect soldiers from unnecessary suffering.

Also, the rules reflect good military practice.

Suggested questions for interaction with soldiers:
- Have you heard of the Laws of Armed Conflict?
- Do you know any of the rules?
Agenda of the briefing

This briefing will go through the topics listed on this slide.

Agenda

• Why should you learn?
• Individual self-defense
• Four main principles of LOAC
  1. Distinction
  2. Military Necessity
  3. Humanity
  4. Proportionality
• 10 Soldier’s Rules
• Command Responsibility
• Sum up

(Arabic)
**Why should Iraqi soldiers learn LOAC?**

Interaction with soldiers: Why do you need to learn the law of armed conflict?

To instructor:

1) **Law of Iraq.** These rules are rules of Iraqi Law. If you violate one or more of them you can be prosecuted by the Iraqi Judicial System and potentially end up with a prison sentence in accordance with the Iraqi Penal Code.

2) **Professional Soldiers vs. Criminals.** Professional soldiers are those belonging to the Armed Forces of Iraq. Soldiers have the right to use force authorized by the Law.

Da’esh fighters are not soldiers. Da’esh fighters are criminals who do not have the right to fight and can be prosecuted for the crimes committed. If you do not follow the LOAC, you are a criminal too. Therefore, you must follow these rules to be a professional soldier and not a criminal like Da’esh.

A professional soldier follows the law and not his feelings. You must detach your emotions – that is how a professional soldier acts.

3) **Honor and Pride.** Adhering to Iraqi Law gives you honor and pride. Do you want to be an honorable and professional soldier, and make your family proud? Then you must follow the rules. Controlled use of force shows honor, professionalism and discipline. Disobedience of the rules dishonors both you and your army.

4) **Military Efficiency.** By only using the force necessary to defeat the enemy, you save resources and you will have ammunition for the next attack.

5) **Support from Coalition.** The Coalition cannot support an army that does not follow the LOAC. Therefore, the Coalition can only support you with air strikes, equipment, or training if you follow the rules as professional soldiers.

6) **Facilitates restoration of peace.** If the enemy fighters know that you follow the LOAC they will be more willing to surrender and give up the fight. On the other hand, if they know that they will be tortured and treated badly, they might as well fight to the last bullet. This will lead to more ISF deaths and injuries. So, follow the rules and get back to your families faster.
Use of Force in Self-Defense

Under Iraqi and human rights law every human being has the right to life.

Iraqi Law allows you to defend that right through self-defense which means use of force to defend (1) yourself; (2); other ISF; (3) civilians, against an attack or imminent threat to life or serious injury, when:

You have a reasonably belief that there is an attack on life or likely to cause serious injury, or that there is an imminent threat that will cause loss of life or serious injury.

This is based on what you assess on the ground at the time, however, you must be able to justify why you made that assessment after the fact.

If using force in self-defense, you can use only the force necessary to stop the attack or threat.

You must assess the situation based on the intent and capability of the person attacking or threatening you, i.e. does the person have the capability to take your life. If he has a gun, the answer would be yes. However, if you are being attacked by a person who is smaller than you and has no weapon, the answer is likely to be no, and then it would not be necessary to answer the threat with lethal force.

Escalation of force

As an indication of how to react only with necessary force, you are to use the escalation of force scale when appropriate – if the situation allows.

(1) Show presence
(2) Shout
(3) Shove
(4) Non-lethal force
(5) Shoot
Scenario 1 – interact with soldiers:
You are guarding a security checkpoint. You spot a man 300m away coming towards you. He walks quickly. You now see that he is wearing something that looks like a suicide vest. What do you do?

Answer: You have the situation under control. There is not yet an imminent threat to life or serious injury, yet. You use the escalation of force to keep the situation under control and avoid the situation to escalate unnecessarily.

Scenario 1a – continued:
You yell at him to stop. He keeps walking and is now running towards you. What do you do?

Answer: Raise your weapon and yell at him to stop.

Scenario 1b – continued:
He continues to run at you. He is now about 200 m away. What do you do?

Answer: There is not yet an imminent threat to life. You yell at him again warning that you will shoot if he does not stop. “Stop or I will shoot”

Scenario 1c – continued:
He keeps running and is now so close that you fear fragments hitting you if a suicide bomb is detonated. What do you do?

Answer: Use of lethal force must only be applied when absolutely necessary. The threat is now imminent and you have warned him. It is absolutely necessary to use lethal force to stop him. You are therefore authorized to use lethal force (shoot) to stop him.

To instructor:

You might get the question: “What if the person wearing the suicide vest is a child?”

Answer: Legally it does not change the situation, if there is an imminent threat to life you can use the force necessary to stop the threat. Use only deadly force when absolutely necessary. When possible, follow the scale of escalation of force.
Scenario 2 – interact with soldiers:

You are still at the checkpoint. Suddenly, a person in civilian clothes starts shooting at you. How do you react?

Answer: You do not have time to follow the escalation of force. You are being attacked and your life is at risk. It is absolutely necessary for you to use lethal force to stop the attack. You can shoot back.
The Four Main Principles of LOAC

The four main principles of LOAC. (1) Distinction; (2) Military Necessity; (3) Humanity; and (4) Proportionality, are the foundation of LOAC.

These principles are very important. All soldiers must know them!

It is the duty of every commander and every soldier to act in accordance with these principles. And you as a commander must make sure that your subordinate soldiers obey the rules.

All military decisions (above the individual soldier’s level) may be examined in light of the four core concepts which are closely intertwined. The examination based on these principles will often indicate whether LOAC is being complied with.

This briefing will keep referring to these principles.
The principle of distinction

The core of principle of distinction is the requirement for soldiers to distinguish between

1. enemy fighters and civilians;
2. military objects and civilian objects.

Soldiers only target enemy fighters and military objects. Soldiers do not target civilians or civilian objects.

It is important to note that the principle of distinction only regulates the direct attack against civilians. It does not relate to the situation where civilians accidentally get hurt in an attack against the enemy. How much civilian death and injury (also referred to as collateral damage) is acceptable is regulated by the principle of proportionality, which we will discuss later on.

Enemy fighters are:

1. Members of Da’esh
   - Members of organized armed groups can be targeted in armed conflict. Members of the organized armed group of Da’esh can be targeted.

2. Persons who are taking a direct part in hostilities.
   - Persons participate directly in hostilities when they carry out acts, which aim to support a party to the conflict by directly causing harm to another party – either by directly inflicting death, injury or destruction, or by directly harming the enemy’s military operations or capacity.

Examples – interaction with soldiers:
When a person fires a weapon against ISF then he directly inflicts injury or death, and that is taking direct part in hostilities.

What about:
- Burying IED’s? (Yes)
- Guarding facilities or buildings against attack from ISF? (Yes)
- The wife who cooks food when the fighter comes home at night? (No, she is not taking a DIRECT part in hostilities)
To instructor:

Children taking direct part in hostilities are not protected by LOAC. The same rules apply as for adults. However, there can be moral or ethical considerations concerning children.

Scenario 1 - Interact with soldiers:

What if you are in doubt? The person is not showing signs of Da’esh membership, and he is not taking part in hostilities at the moment?

Answer: If you are in doubt, the person must be considered a civilian and you cannot attack. You can keep watching him and once he takes part in the fighting you can attack.

It is not enough that you think he is a “bad guy”. There must be either identification of membership or the person must show by his acts that he take direct part in the fight.

Civilians are persons who are not members of Da’esh or taking a direct part in the conflict. These people must be protected from the dangers of the fighting.

_Hors de combat_ is a term that covers persons who are no longer engaged in hostilities (out of fighting) – wounded, sick, surrendered and detained enemies.

These must be protected in the same way as civilians and must not be attacked.

A person can only be _hors de combat_ if he stops all hostile activities (fighting).

Example:

A wounded person who is still fighting is not hors de combat and can be attacked until he gives up fighting.

Scenario 1 – interact with soldiers:

An enemy fighter is badly wounded from fragments from a mortar grenade. He cannot walk and lost his weapon under the explosion. He is calling another enemy fighter to let him know about the attack and to warn. Is he _hors de combat_?

Answer: He is warning his fellow fighters, which is direct participation. The fighter is therefore not abstaining hostile activity and is not protected as _hors de combat_.

Distinction

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Who cannot be targeted?

1) Persons not members of Da’esh or taking a direct part in hostilities

2) _Hors de combat_ (out of fighting)
   - Sick, wounded, surrendered and detained
   - Have abstained from hostile activity
A **military object** is something that by nature, location, purpose or use makes an effective contribution to military action and whose partial or total destruction offers a definite military advantage.

**Examples** of military objectives are: tanks, weapons factory, ammunition, etc.

Civilian objects, such as a house or a car, can become a military object if enemy fighters make use of it. For example a car used to transport enemy fighters or a car used as an IED.

Soldiers are required to separate themselves from civilians and civilian objects. This is for example done by wearing uniforms. That allows for civilians to be protected as the enemy will know who is taking part in the fighting.

**Scenario 2 – interact with soldiers:**

You and your unit are clearing a city when suddenly you are being shot at and you need to take cover. On your right hand is an empty house. On your left hand is a house with a family.

Can you go into these houses and use them as protection? Yes, there is a military necessity. You can use civilian houses for military purposes. The house then loses its protection and becomes a military target. You must do your best to avoid using civilian object for military purposes.

Which house would you go into? The empty one. That way the family in the other house will not be placed in danger or the risk of becoming collateral damage in an attack.
The principle of military necessity

Soldiers must only use force when it is necessary to complete the mission. This includes only destroying property when it is necessary to complete the mission.

What is the mission? – defeat the enemy. So you must only destroy what is necessary to destroy the enemy, which also includes making allowances for fighters to surrender.

The principle of military necessity requires that destruction of a military objective must provide some type of advantage in weakening the enemy’s fight, and therefore the use of force must have a valid military purpose. Before carrying out an attack, you should ask yourself:

- is there a military advantage?
- is there military necessity?

Example – complying with the principle:

The destruction of a weapons system, for example a mortar launcher. The military advantage of destroying the system would be that the enemy cannot use the system against you and that will weaken the enemy’s fight. If you know that the weapons system is fully functional and that the enemy could use it against you, there would be military necessity to destroy that system.

Example – violation of the principle:

In a situation where the enemy has taken control over a city, it will violate the principle of military necessity to destroy the entire city, which includes many civilian homes, shops, infrastructure and extensive civilian deaths.

Scenario 1 – interact with soldiers:

Your unit is part of an operation to liberate a city from enemy control. Your unit has been given the task to clear a small urban street with civilian houses and shops. You have intelligence indicating that the enemy is using one of the houses as a small HQ. Your unit has mortars, artillery, hand grenades, light machineguns and rifles.

Would it be in accordance with the principle of military necessity to use artillery and destroy all the houses on the street? (No)

How else could you complete the military mission of clearing the street?
The principle of humanity

The principle of humanity is also referred to as the prohibition against unnecessary suffering.

Unnecessary suffering is thus prohibited. Soldiers must not inflict harm, pain, or destruction that is not necessary for the completion of the military mission. Therefore, you must try to mitigate your attack to be the least harmful as possible. This can be done by being careful in the selection of means and methods used to carry out each attack and operation.

The principle of humanity has caused the prohibition under both international and Iraqi law regarding the use of certain weapons, such as expanding bullets and poisoned weapons.

You must treat all persons humanely, and this also include bodies of dead enemies. You must never torture or kill a captured enemy fighter, and you must give aid to all wounded, whether friend or foe.

Example – complying with the principle:

Humane treatment would be:
- providing water and shade for captured enemies,
- evacuate wounded persons for medical aid.

Scenario 1 - interact with soldiers:

One of your subordinate soldiers captures an enemy fighter. The soldiers know that he must turn over the enemy to you, his superior. On the way the soldier is holding the enemy in one arm and one foot dragging the enemy on the ground.

Is that humane treatment?

Answer: No, it is not humane treatment of a captured person. The principle of humanity requires that you treat all persons humanely. This is therefore a violation of the principle of humanity.

Scenario 1a – continued:

Would it make a difference if the enemy fighter was dead?

Answer: No. The dead enjoy protection as well and must be treated humanely.

How do you tell your soldiers to escort the surrendered enemy instead?
The principle of proportionality

This principle of proportionality is used to create a balance between what is necessary in the mission (military necessity) and using limited force, directed against the enemy to achieve that aim (distinction and humanity).

When planning and carrying out an attack or military operation you must think about how your actions might cause civilian death, injury and property damage.

The civilian people and civilian property that you accidentally injure or damage, when attacking, the enemy is called collateral damage.

If the collateral damage is excessive to the military advantage that you will gain from the use of force you are not to carry out the attack.

The principle of proportionality is putting the four principles of LOAC together.
- First, you must establish that your target is a lawful military target.
- Second, you must consider whether it is militarily necessary to use force against the target.
- Third, you must consider whether you can mitigate unintentional damage caused to civilians and civilian property.
- And then, forth, you must apply the principle of proportionality by assessing whether the anticipated collateral damage will be excessive to the direct military advantage gained.

Collateral damage is usually linked to the means (weapon) or method used. Therefore, by choosing a different means or method you might be able to mitigate the collateral damage and thereby make your attack proportionate.

Scenario 1 – interact with soldiers:

A soldier from your unit has been wounded by an enemy sniper who is hiding in a building close to your unit. You have been given the task to eliminate the sniper.

Apply the four principles of LOAC:
- Is the sniper a military target, i.e. is the principle of distinction fulfilled?
- Will you gain a military advantage from removing him from the fight, i.e. is military necessity fulfilled?
• What weapon will you use? Can you mitigate the damage by waiting until nighttime? Can you do other things to mitigate collateral damage?

• What is your assessment of collateral damage and the military value of removing the sniper? Is the attack proportionate to carry out?

Scenario 2 – interact with soldiers:

An enemy fighter, not of high ranking, is having lunch with some of his family members at a restaurant in the city. His family is not members of the enemy. You want to eliminate him. What do you order your soldiers to do? Can they attack the enemy and how?

Apply the 4 principles of LOAC:

(1) Is he a lawful military target i.e. fulfilling the principle of distinction – why?
   (Yes, he is an enemy fighter and therefore a lawful military target)

(2) Will an attack offer a concrete military advantage, i.e. fulfilling the requirement of military necessity?
   (Yes. An attack on an enemy fighter will offer a definite military advantage.)

(3) You consider the principle of humanity. However, you conclude that you are far from the restaurant and are not able to mitigate the damage as you will only be able to attack the member with mortar grenades.

(4) What collateral damage do you anticipate?
   Is the military advantage high or low?
   Will the attack be proportionate?
   (Mortar is not a proportionate weapon for urban fighting. It will likely damage the café and surrounding buildings, and it will likely cause death or injury to civilians at the café. The member is not of high ranking and the military advantage is therefore low. The anticipated collateral damage is high and the advantage low, the attack is therefore not proportionate.)

Scenario 2a – continued:

The enemy fighter is now taking his car and driving out of the city. Will it be proportionate to attack the member with mortars when he is driving on a road outside the city surrounded by desert?

You must again consider compliance of each of the principles.
The 10 Soldier’s Rules:

The 10 soldier’s rules have been developed apply the main principles to how you fight.

These rules should make you understand better what in practice is meant by the four main principles and make it easier to comply with LOAC.

1. Soldiers fight only enemy fighters that take part in the fighting.
2. Soldiers do not harm enemies who surrender. Disarm them and turn them over to your superior.
3. Soldiers do not kill or torture personnel in their custody.
4. Soldiers treat all persons humanely.
5. Soldiers collect and care for the wounded, whether friend or foe.
6. Soldiers do not attack civilians and civilian objects.
7. Soldiers use no more force than the mission requires.
9. Soldiers should do their best to prevent violations of LOAC.
10. Soldiers report all violations of LOAC to their superiors.

We will now talk about each rule.
Rule no. 1: Fight only enemy fighters that take part in the fighting

Interact with soldiers: What principle does this rule reflect?
Answer: The principle of distinction.

Have the soldiers repeat the content of distinction.
(Soldiers must distinguish between enemy fighters and civilians, and between military objects and civilian objects. Soldiers must only attack enemy fighters and military objects.)

Repeat: How do you know if someone is taking a direct part in hostilities? (Actions in support of a party which directly inflict (or will inflict) death, injury or destruction, or by directly harming the enemy’s military operations or capacity)

Examples – interact with soldiers:
Are these persons taking direct part in the fighting?
- Driving a truck with an anti-aircraft-weapon installed on the back? (Yes)
- A person has a rifle and is running to a defensive position? (Yes)
Rule no. 2: Soldiers do not harm enemies who surrender. Disarm them and turn them over to your superior.

Interact with soldiers:

Which of the four principles does this rule reflect? Answer: The principle of humanity.

Repeat the principle: You must treat all persons humane, including enemy fighters who surrender.

You must allow for enemies to surrender. If an enemy is indicating that he wants to surrender he is becoming hors de combat and you cannot attack him. You are responsible for the treatment of an enemy who surrenders to you.

You as a commander must ensure that your subordinate soldiers know how to treat surrendered enemies in accordance with LOAC. Your subordinate soldiers must report any capturing of enemies to you.

Detention

How do you detain a person – when you for example capture an enemy fighter or he surrenders to you?

1) Disarm.

Seize weapons, ammunition and other dangerous items. Also, you can seize intelligence items, such as maps, orders documents, CDs or radios.

You may not take personal items, such as watches and sunglasses, provided they pose no risk to safety.

2) Restriction of liberty.

You need to ensure that he is no longer able to move freely around the place. You do not necessarily have to use much force to achieve this. If you tell him to sit on the ground with his legs crossed and his hands on his head or back and he does this, then you have no need to use more force.

If he does not do as directed? You may use non-lethal force, such as enforcement by hand power, however, this does not include use of violence as such. For example, you are not to kick the person. Use a minimum of force to achieve the purpose.
3) **Protection from danger and harm**
   You are not to expose the detainee to danger from the fighting. It is a violation of LOAC to use *hors de combat* as human shields (hiding behind captured persons).

   Also, you must not harm or insult the person. This includes that you must not take pictures of them to put on social media. Detained persons must be protected from public curiosity. You must only take photos for the purpose of identification.

4) **Inform about reason for detention.**
   You need to inform him of the reason you are detaining him – this requires you to say, for example:
   - ‘you are interfering with the ISF mission so you are being detained’; or
   - ‘you are suspected of committing a serious crime/murder, etc. so we are detaining you’.

5) **Medical aid**
   If the person is injured, you provide first aid or medical treatment if possible to the person.

6) **Identification number**
   Give the person an individual number so that the person can be tracked throughout the system – so that he can be identified when moving to other authorities. This number can for example be written on his hand.

7) **Record and receipt seized items**
   Any items you have taken from the detainee you must record and receipt. Give the detainee a receipt of the seized items. These items must follow the captured person to where ever he is moved.

   The detainee is allowed to keep items which are designed for his personal safety, such as body armor and helmets, or items for religious worship, such as prayer beads. This rule applies only if the item do not cause a risk of harm to you or to the detainee.

8) **Report to higher command**
   You must, as soon as possible, report up the chain of command informing about the capture. If necessary, you must request support for arrangements to transfer the detainee. This is good practice so you can hand off the detainee and get back to your mission.

9) **Transfer to appropriate authorities**
   It is your responsibility that the detained person gets moved to appropriate authorities as soon as possible for
his detention and judicial procedures to be handled according to the procedures set out by Iraqi Law.

10) Humane treatment

If the detainee cannot be transferred to appropriate authorities right away, you must provide for human basic needs such as food, water, hygiene, clothes, a place to sleep etc.

11) Create a log book

This Book (collection of paper) will document the treatment of the detained person and show that you have fulfilled the requirements under LOAC.

- This would to include:
  - Details of time and place for capture,
  - Reason for detention,
  - Any details of information the captured person has given in response to the reasons,
  - Any injuries of the captured person and any treatment given to them,
  - Any time the captured person asks for anything and what was given to them as a result,
  - Who was looking after him and during what time frame,
  - Details of when the person was given food and/or water (or when they refused to eat it).
  - Recording observations of the person every 15 minutes.
  - Details of what was handed over with the captured person when handed over to a person from another unit.

Detention of persons is not difficult. You just need to take detention into consideration when you plan an operation. That is your responsibility as a commander. And when you have a captured person, you follow the steps on the “Detention Card”.

Scenario 1 – interact with soldiers:

(Use the Detention Card – please find the English version in Annex 1 to this document.)

After a battle with the enemy, you have one captured enemy.

The enemy was captured after he was shot in his leg when he was trying to move to a different position. He is in great pain and is not resisting the capture. His rifle is laying 10 meters from him as he dropped it when being shot. In the right pocket of his pants is a knife and a lighter. In his left pocket are 10 dollars, the Koran and a photo of his wife.
How do you handle his detention and what do you write on your Detention Card (if you cannot write, in a real situation you make someone do it for you, right now you can just listen or look at a person next to you):

1) Disarm
   Take his rifle and ammunition

2) Restriction of liberty
   He is not resisting, so you do not need to use any force. Keep him under surveillance. Only use handcuffs (or similar) if necessary.

3) Protection from danger and harm
   There is no more fighting, so this is easy. Make sure no one is applying unnecessary force to him.

4) Inform about reasons for detention
   “You are suspected of having committed crimes against ISF and interfering with ISF mission, you are therefore being detained”

5) Medical Aid
   He is injured from the shot in the leg, you must provide first aid (stop the bleeding).

6) Identification number
   You must give him a number on which you can identify him later on.

7) Record and receipt seized items
   You have taken his rifle, and you can confiscate the knife and the lighter for security reasons, and the money as well. He can keep the picture of his wife as it is a personal item that serves no security risk. Also, you must not take the Koran, as his religion must be respected and he must be allowed to practice it. You can check that there is nothing dangerous hidden inside it.

8) Record to higher command
   You must report the capture to higher command and arrange transfer. Note time and person spoken to.

9) Transfer to appropriate authorities
   Note time for transfer, note that items have been handed over as well, to what unit, represented by what person.

10) Humane treatment
Make sure that you during the process take care of the person if he needs water, food, toilet visits, etc.

   Note all circumstances and interaction with the detainee.

Scenario 2 – interact with soldiers:

Your unit have captured a person who is now in the custody. Suddenly, the captured person try to escape by attacking one of the soldiers handling the security. Another security soldier uses the back of his rifle to hit him, using non-lethal force against the escaping person.

Is that lawful enforcement of restriction of liberty or harmful treatment of the detainee?

Answer: This is lawful enforcement of the restriction of liberty. The soldier uses necessary and proportionate force against an escaping person.

Scenario 3 – interact with soldiers:

Subordinate soldiers from your unit have captured an enemy fighter who has surrendered. The surrendered enemy is dressed as a female. You have ordered a subordinate soldier to care for the detained person until it is possible to evacuate him from the position to appropriate authorities. You hear that the subordinate soldier is looking for a phone to film the detained person for entertainment. What do you do?

Answer: You find the subordinate soldier to let him know that the enemy fighter is now hors de combat and must be protected. This include protection against public curiosity and humiliation. Therefore, you order your soldier not to take photos or recordings of the detainee for public use.

The white flag

Under LOAC the white flag is a symbol that is used to indicate that a person wants to communicate or negotiate with the other side, or that someone wants to surrender. You must know this symbol.

However, this symbol does not allow a person to continue to take part in hostilities. If they display this symbol and continue to do things that support the fight, then they lose protection. For example, Da’esh might be misusing the flag with the purpose of gaining protection from attack, which they do not have if they are still participating in hostilities.
Scenario 4 – interact with soldiers:

An enemy fighter is holding up his hands with a white piece of fabric in his one hand. He has laid down his rifle. Can he be attacked?

Answer: No. He is clearly indicating that he wants to surrender. He is abstaining from hostile activity. He must be considered *hors de combat* (out of fighting) and must be protected.

Scenario 5 – interact with soldiers:

You see a person with a rifle. On his rifle is a white flag hanging down. He starts shooting at you. Can you attack him?

Answer: Yes. He is attacking you on life and you can use necessary and proportionate force in self-defense to stop the attack. Also, he is misusing the symbol and does not enjoy protection from attack.
Rule no. 3: Soldiers do not kill or torture personnel in their custody.

Interact with soldiers:
Which of the four principles does this rule reflect? Answer: the principle of humanity and military necessity.

As a professional soldier, you must not kill or use torture against a person who is hors de combat (out of fighting). As discussed, a detained person is hors de combat and must be protected.

You are responsible for the treatment of detained persons in your custody.

What is torture?
Torture is any act that intentionally inflicts severe pain or suffering for the purposes of obtaining information, getting a confession or for any reason based on discrimination.

The prohibition also includes mental torture. This means that it is illegal to threaten someone for the purposes of obtaining information, getting a confession or just terrorizing the person.

Unless you are trained and approved to conduct interrogations, you should not be conducting interrogations of detained persons. You should leave that to people who have the appropriate training to do so.

Any kind of torture is illegal no matter the circumstances.

Examples of torture could be:
- Violence
- Stress positions
- Long interviews with no sleep, food or toilet visits

Scenario 1 - interact with soldiers:
Is it lawful to threaten to kill a person or his family to pressure him to give information?

Answer: No, it is unlawful to threaten with unlawful acts, and it is a violation of Iraqi law to kill either him or his family.

Scenario 2 – interact with soldiers:
One of your subordinate soldiers report to you that an enemy fighter has surrendered to your unit. You order two of the soldiers to take care of the detained person until you can make arrangement to have him transported to appropriate authorities. You now hear that the enemy fighter has killed an
uncle to one of the soldiers you have ordered to take care of the prisoner. Does that give you reason to act?

Answer: Yes, you should not let a soldier who is emotionally involved handle a detained person.

Scenario 2a – continued:
The new soldier you have ordered to protect and care for the detainee ask you for permission to hang the detainee up in his arms. The soldier is convinced that interrogations will be easier that way. What do you say?

Answer: You order the soldier not to interrogate. You let your soldier know that hanging a person in his arms is harming the detainee and is a violation of LOAC. Detainees must be treated humanely and interrogation should only be done by trained and certified persons, not by soldiers.

To instructor – helpful information to engage in “why”-discussion:
- All studies show that a person being tortured will tell you whatever you want him to say. Therefore, you cannot rely on information gained through torture.
- Information will typically be outdated
- Humane treatment of detainees encourage enemy fighters to surrender and leave the battlefield

To instructor:
You might get the question: “What if I capture a Da’esh suicide bomber who asks me to kill him because he wants to go to paradise. Can I kill him if he asks me to?
Answer: No. He is hors de combat and must be protected. It is unlawful for you to kill him even though he asks you to do it.”
Rule no. 4: Soldiers treat all persons humanely.

Interaction with soldiers: Which of the four principles does this rule reflect? (Humanity)

You are responsible for persons in your custody. This includes all persons hors de combat (i.e., people who are out of fighting such as surrendered persons and persons you have captured or arrested). You must do your best to provide basic needs for those persons.

A minimum standard of treatment as providing for basic needs would include: protection from danger, medical care, food, water, basic hygiene care, clothing, respect for person, religion, and honor.

This treatment is not meant to be permanent and it does therefore not have to be as high as if the detainees were to be there permanently or for a longer period of time. However, you must make a standard that provides for maintenance of life. If you can, you should provide the same standard as you and your unit have. For example, if your unit gets three meals and 6 liters of water a day, you should strive to give the same to the captured persons. But if you and your unit only get two meals and 3 liters a day, then that would be the standard you should meet for the detainees as well.

Female and children should be given extra attention.

History shows that women are more vulnerable during an armed conflict and women, more often than men, become subject to humiliating treatment and sexual violence. Therefore, you must protect them against such violations.

For example

Show respect for women when searching. You can for example have other females search where possible. Or use a metal detector. You can also make sure that women are not being put in a humiliating situation in view of the public by shielding.

Interact with students: Can you think of other situations, where you would treat women differently to protect them?

Answer: When detained, women should be respected and should be kept separate from men in sleeping and sanitary arrangements, where possible.
Scenario 1 – interact with soldiers:
In today’s operation you captured five enemy fighters. You evacuated them from the area of fighting, and they are now detained in your camp. The other units in your battalion also captured enemies. So you now have 60 detainees at 50 m², which only contain mattresses for every 10 person. There are 5 women, 54 men and a 12-year-old child. The detainees do not have access to clean water and only have limited access to sanitary. It is very hot in the room because the ventilation is limited. You have been told by the battalion commander that it is not possible to have the detainees transferred during the next 5 days.

Do these facilities fulfill the requirements under LOAC for humane treatment?

Answer: No. The treatment does not meet the minimum standard for treatment of detainees for a period of 5 or more days.

Which facts would you want to change to make it humane?

- Try to find a bigger location, e.g. set up tents
- Try to separate men and women
- Try to have mattresses or other sleeping arrangements for all the detainees
- Provide clean drinking water
- Make sure that the detainees have access to toilets or other sanitary facilities, if possible, have the facilitated for men and women separated
- Try to create a humane environment in the room (or tent), e.g. make sure fresh air comes in, or provide the detainees with daily access to fresh air and sunlight.
- Special protection for the child: Try to reunite the child with his parents – if the parents (or just one of them) is among the detainees, you should bring the family together. If the parents come to the camp, you should try to arrange for them to see and speak with the child. Protect the child against violations.

(Do the best you can according to circumstances.)
Rule No. 5: Soldiers collect and care for the wounded, whether friend or foe.

You must prioritise based on medical need.

You must not discriminate on race, sex, nationality, religion or political reasons.

Interact with soldiers:
Which of the four principles does this rule reflect? (The principle of humanity)

Wounded and sick persons who abstain from hostile activities are hors de combat and must be protected and cared for.

A wounded person is a person who has a need for medical treatment and abstains from any hostile activity.

You must care for and if possible provide medical treatment for wounded persons no matter race, sex, nationality, religion, political etc.

You must only discriminate based on medical grounds, which allows you to prioritize based on medical need.

It is important to note that the law does not require you to endanger yourself to provide aid for wounded. Also, from an operational point of view it would be a disadvantage to your unit if you risk your life to help a wounded person.

Example:
A civilian woman has been accidentally hit by a bullet in a fight between your unit and Da’esh fighters. The woman is bleeding from her leg and needs medical treatment. You are not able to get to her without risking being shot by Da’esh. In this situation you should wait until the fighting pauses, and then the law obliges you to care for the wounded woman.

Scenario 1 – interact with soldiers:
Imagine that you are engaged in fighting with the enemy. A soldier from your unit gets hit by a fragment on his arm, he is bleeding and in pain. A Da’esh member is shot in the stomach, he is breathing but unconscious and bleeding. What do you do?

Answer: First, you keep fighting until the fighting pauses – you are not to endanger and risk your own life or the mission to care for wounded.

When fighting stops, LOAC obligates you to care for the Da’esh member first, because he needs medical treatment the most. The soldier from your unit also needs medical treatment, but not as urgently.
To instructor:
You might get the question: “What if the soldier from my unit is also unconscious and needs medical treatment right away?”

Answer: If your friend needs medical treatment as much as the enemy you can prioritize your friend before the enemy fighter. In this situation you are not discriminating on grounds that the law does not allow. The important thing is that you prioritize based on medical grounds. If one needs instant care more than the other, you treat the most needing.
Rule no. 6: Soldiers do not attack civilians or civilian objects.

Interaction with soldiers:

Which of the four principles does this rule reflect? (The principle of distinction)

Civilian objects are those that are not military by their nature, purpose, location or use. This is for example a residential building, shops, schools, cars etc.

If a civilian object is used by the enemy, it loses its protection for the time that it is being used by the enemy to advance their military aims.

Wherever possible, civilian objects should be avoided from use for military purposes. It means that soldiers are obliged to do their best to protect civilians and civilian property.

Also, as mentioned earlier, civilians may accidently get hurt in an attack directed against the enemy, which is not unlawful as long as you do your best to avoid civilians getting hurt and the attack is carried out in accordance with the principle of proportionality.

Example:

In a fight taking place in a city your commander orders you to go into a civilian house and take up a position as a sniper. You are then using the civilian house for military purposes and the house becomes a military object. In that context, you must try to protect the civilians living in that house by e.g. evacuating them out of the back entrance so they will not be present when fighting starts taking place.

Scenario 1 – interact with soldiers:

Your unit has been tasked to clean a town, and you are commanding the operation. You see a school up ahead. This that a civilian object? (Yes)

Is it still a civilian object if it is school holidays? (Yes)

What happens if you start receiving heavy machine gun fire from the school? Is it still protected? (No, a civilian object loses its protection when used for military purposes.)

What happens to the status of the school after you have cleared it from the people firing the machine gun? (It returns to its protected status as a civilian object.)
Medical personnel and objects enjoy protection as civilians. These symbols indicate that persons wearing them are protected personnel who provide medical services and first aid to victims of the conflict. You may also see the emblems on buildings or cars.

Example:

You may have seen the symbols on hospitals or ambulances. This means that the object is used to facilitate the service provided by the protected personnel and must therefore be protected.

Medical personnel are allowed to carry weapon for their own self-defense and to protect their patients.

If they use their weapons beyond self-defense they lose their protection and can be attacked.

Persons from international organizations providing humanitarian aid must also be protected and not attacked – e.g. personnel from the International Committee of the Red Cross (ICRC) and United Nations (UN).

Scenario 2 – interact with soldiers:

Can you transport ammunition in an ambulance?

Answer: No. The ambulance is protected by the emblem and cannot be used for military purposes. An ambulance can only be used to transport medical personnel and wounded or sick persons.

Scenario 3 – interact with soldiers:

A sniper shoots at your unit from a hospital. Can you respond to the fire?

Answer – consider the four principles of LOAC:

1. Is the hospital a military target? – the hospital loses its protection when enemy fighters make use of it for military purposes.
2. Is it military necessity to respond the fire? – removing the sniper from the fight will be a military advantage.
3. Humanity – what kinds of weapons can you use? Which weapon will cause least damage to the hospital and the
civilians inside? Can you target at a different time, or wait for the sniper to come out?

(4) Proportionality – assess the collateral damage from the weapon and method planned to apply. What is the value of the military target, will it be of high or low military value? Will it be proportionate to carry out an attack against the sniper in the hospital? (choose an example of using e.g. artillery. Will cause a lot of damage to building and civilians inside, and will have low military value, as the sniper is only one fighter and not of high importance of the mission in general. Therefore, not proportionate to use artillery.)

Scenario 4 (perfidy) – interact with soldiers:

Is it lawful to use the emblems (e.g. red cross) as a soldier to indicate that you must be protected from attack?

Answer: No. It is unlawful to wear the symbols if you are not a medic. Misuse of protected symbols to gain a military advantage is called perfidy and is violation of LOAC.
Rule no. 7: Soldiers destroy no more than the mission requires.

Interact with soldiers: Which of the four principles does this rule reflect? (Military necessity and humanity)

Interact with soldiers: Why should soldiers only destroy what is necessary to defeat the enemy?

There is a life after the conflict. If everything is destroyed, people will be suffering and it will take much more time and money to rebuild society again.

How can you mitigate destruction?

Be disciplined and controlled in the use of force. Before approving an attack that will cause damage or injury to civilians or civilian objects you should consider whether you can carry out the attack differently with less damage and still achieve the same effect (death or injury of the enemy, or destruction of military objects).

You can consider:

- A different choice of weapon
- A different method
- Attacking at a different time
- Attacking when the enemy has moved to a different area
- Evacuating civilians
- Etc.

For example

Artillery and mortar grenades for example should be avoided in build-up areas because they are likely to cause a lot of destruction.

Can you shoot only the enemy fighter without destroying the house he in?

You are attacking an enemy fighter who is trying to unlawfully hide behind civilians. You do not want to use an automatic machinegun or mortar grenades as those weapons might cause damage and injury to civilians. Instead you would want to use a rifle so that you can aim every single fire directly against the enemy fighter.

Scenario 1 – interact with soldiers:

A car with enemy fighters is moving through an area with many civilians. You want to strike the car and eliminate the
fighters. You have considered the car and the enemies to be a lawful target fulfilling the principle of distinction, and you consider the strike to fulfill the requirement for military necessity. You have mortars ready to be fired.

How can you apply the principle of humanity and mitigate the damage of the strike?

Answer: You wait until the car has driven out of the area.
Rule no. 8: Soldiers do not steal. Soldiers respect private property and possessions.

Interact with soldiers: Which of the four principles does this rule reflect? (Military necessity and humanity)

This rule is simple. Soldiers are not thieves. Theft is punishable under the Iraqi Penal Code. You do not take anything that belongs to someone else and is not yours.

This includes dead persons. You must protect the dead against looting.

Scenario 1 – interact with soldiers:

You and your unit have been engaged in liberating a city from the enemy. The liberation has taken 4 weeks and it is a great victory for your unit. In the city was a small HQ which you finally cleared this morning. In the enemy commanders office is a Gold-Plated AK-47. You want the weapon as a symbol of your great victory. Can you take the weapon?

Answer: No Soldiers do not steal. And taking war trophies is stealing. You therefore tell your commander that the weapon is not his to take and taking it would be a violation of LOAC and Iraqi Law.
Rule no. 9: Soldiers should do their best to prevent violations of LOAC.

Rule no. 10: Soldiers report all violations of LOAC to their superiors.

If possible, you must try to prevent violations of LOAC.

You are not required to put yourself at risk when doing so.

Interaction with soldiers: What would be a violation of LOAC – name one? What principle would that be violating?

Not knowing that your actions violate LOAC or “just following orders” is not a valid defense and you will be held accountable for your actions.

Scenario 1 - Interact with soldiers:

You are ordered by higher command use torture to get information from a detained enemy? What do you do?

Answer: You refuse to follow the order as it is a manifestly unlawful order which you are not obliged to follow. Torture is never lawful! If you follow the order you will be individual liable for violating the law.

Scenario 2 – interact with soldiers:

You are conducting a partnered patrol with PMF, and the PMF soldiers take four captured persons. A short time after capturing the captured persons, two PMF soldiers start hitting and kicking a captured person. The other PMF soldiers stand around and observe the behavior, without intervening.

Is the PMF behavior a violation of LOAC? Which principle?

What do you do?

Answer: You must do your best to stop the behavior, without endangering yourself, and without using force. Tell them to stop, and if they do not, you should go to their commander and your own commander to notify and report about the incident.
Command Responsibility

Commanders at all levels are responsible for ensuring respect for LOAC.

Prevent, punish and report LOAC violations
As a commander you must take all necessary and responsible measures in your power to unlawful actions if you know or have reasons to know that your subordinates

1. are about to commit; or
2. are committing crimes,
If you do not you can be held criminally liable for the violations as well as your subordinates who committed the crimes.

If the crimes have already happened, you must

1. make sure that the event is properly investigated,
2. report to higher command to make sure that the individuals are properly punished in a criminal judicial system, and
3. if appropriate, consider disciplinary measures.

When should you have known?
- If you hear rumors
- If you receive plans
- If you receive other types of indications, you must react and look into the case.

Example – good practice:
You hear rumors that one of your soldiers captured a surrendered enemy fighter. But instead of disarming the surrendered enemy and turning him over to you as the superior, the soldier killed him.

Instead of ignoring those rumors you must investigate to find out if there is any truth to it, and if so, you must report to higher command and take into account appropriate disciplinary measures, which could be more supervision, relocation, more training, etc.

Scenarios 1 – interact with soldiers:
You are a platoon commander. In the cafeteria you overhear soldiers from a subordinate unit talk about how they dragged bodies of enemy fighters behind a vehicle and that they had laughed at it with the unit commander.

Is dragging bodies of enemy fighters behind a vehicle a violation of LOAC? (Yes)
Which principle does it violate? (Humanity)

What do you do in this situation?

Answer: It is every commander’s responsibility to prevent, punish and report violations of LOAC up the chain of command. The unit commander is violating the law by not reporting or punishing the soldiers, and you as a higher commander must not ignore that. It does not matter that he did not see the violation himself, he knows it took place. You must exercise good discipline; stop the conduct and report up the chain of command.

What disciplinary measures would you consider to apply to the unit commander:
- more supervision
- allocation of the commander to another position, where he is not leading soldiers in combat situations
- extra training

Give lawful orders
As a commander you are also responsible to give lawful orders. This means that you must only give orders that adhere to the LOAC principles.

If you give a manifestly unlawful order, the subordinate soldier will not be obliged to carry out the act, both the soldier and you will be criminally liable for the unlawful acts.

Scenario 2 – interact with soldiers:

A unit commander is preparing his subordinate soldiers for an operation. In that context he says: “There must be no survivors.”

Is this a lawful order? Why not?

Answer: The order can be misunderstood as to meaning “kill everyone”. Soldiers must not target or kill civilians or enemies hors de combat (out of fighting). Soldiers must allow the enemy to surrender.

Therefore, be sure that you give clear and unambiguous orders to your subordinates!
Teach your soldiers LOAC

It is your responsibility that your soldiers know LOAC and know how to apply LOAC on the battlefield. This must be done in general, and a professional commander will also make sure that his subordinates know the specific rules according to an operation before the operation starts.

A good way to do training could be to go over the cards, which you have been given, with your soldiers and talk about the principles of LOAC.

Example – good practice:

You are planning an operation through an area where you expect to fight many enemy fighters. You expect that this operation will result in many dead enemy fighters and some enemies who surrender. As a responsible commander you brief your unit before the operation on the topics of LOAC that you expect to be of special importance in this operation. You therefore remind them to allow for enemies to surrender, and to treat all persons humane including dead persons.

Do good planning

It is not enough to know the rules, you must also do good planning in order to foresee and deal with the operating on the battlefield according to LOAC.

You must take LOAC into consideration when planning your operations. This includes that you need to plan for potential captured persons that you need to provide for, for example allocate personnel to handle them, find out who to contact at higher command for reporting, and how you arrange the transfer. Also, you should make sure you have enough water and food to provide for them.

As a commander you must apply LOAC before, during and after an operation.
Sum up

1. What are the main four principles of LOAC?
   (Have the soldiers explain)

2. What do they require of you as soldiers?
   (Always to act accordingly. To assess whether the principles are
   complied with before, during and after every attack and operation.
   To do your best to prevent violations and to report the violations if
   you become aware of any.)

3. Why do you need to follow the LOAC?

4. What were the requirements for commanders under
   command responsibility?
   (Prevent, punish and report violations of LOAC through chain of
   command. Teach your subordinates LOAC, give lawful orders, do
   good planning.)

Questions?
Annex 1 – Detention Card (English)

Detention Card

How to handle a captured or surrendered person:

1) Disarm (items posing a safety risk)
2) Restriction of liberty (minimum use of force)
3) Protection from danger and harm
4) Inform about reasons for detention
5) Medical Aid
6) Identification number
7) Record and receipt seized items
8) Report to higher command
9) Transfer to appropriate authorities
10) Humane treatment (water, food, hygiene, etc.)
11) Log book

For Training Purposes Only

Detention Card

Fill out this form for every person you detain:

Person's name and unit:

Date, time and place of capture:

Reason for detention:

Statement from detainee:

Injury:

Medical aid provided and when:

Identification number of captured:

Seized items:

Date and time for report to higher command:

Reported to commander (name/Unit):

Provided water, food, etc:

Other remarks:

For Training Purposes Only