I will use Google before asking dumb questions. I will use Google before asking dumb questions. I will use Google before asking dumb questions. I will use Google before asking dumb questions. I will use Google before asking dumb questions. I will use Google before asking dumb questions. I will use Google before asking dumb questions. I will use Google before asking dumb questions. I will use Google before asking dumb questions. I will use Google before asking dumb questions. I will use Google before asking dumb questions. I will use Google before asking dumb questions. I will use Google before asking dumb questions. I will use Google before asking dumb questions. I will use Google before asking dumb questions. I will use Google before asking dumb questions. I will use Google before asking dumb questions. I will use Google before asking dumb questions.
“[o]nce an army is involved in war, there is a beast in every fighting man which begins tugging at its chains, and a good officer must learn early on how to keep the beast under control, both in his men and himself”
Human Rights
Default
Jus in
Bello
Norms
Sovereign
Survival

Legal & Policy Issues in Modern Warfare

Introduction / Overview of Applicable Precepts

- Targeting & The Problem of Human Shields
- Human Rights v. Laws & Customs of War - how has this debate changed the way we fight?
- Drone Law and Policy
- Concerns over Coalition Warfare [Rules of Engagement issues, ISIS, Afghanistan]
- Accountability Mechanisms / Grab-bag
➢ Apply the Legal & Policy Precepts Correctly

➢ Understand Media Accounts at a Deeper Level

➢ Appreciate the Range of Operational Options
Law is founded on the conjunction between authority and compliance.
What’s George go to do with it?
LAW OF ARMED CONFLICT

- **JUS AD BELLUM**
  - Regulation Of Resort To War

- **JUS IN BELLO**
  - Regulation Of The Conduct Of Warfare
PROPORTIONALITY:
May not cause suffering, injury or destruction to noncombatants or civilian objects which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated.
Notice
You must be as Tall as this sign to attack the city
Transnational collaboration for a changed security environment
the situation in Iraq
Mount Sinjar / Shingal in Kurdish
Mosques used as Fighting Positions

As of 20 Nov
The CIA has intercepted a cell phone conversation indicating that man named Omar ben Salaad is coordinating the strategy to destabilize the AOR through a campaign of spreading atrocities and terrorist act to exacerbate ethnic tensions. The white car arrived just 17 minutes ago. – should we divert aircraft to strike this target?
BASIC PRINCIPLES

• MILITARY NECESSITY ➔ STRATEGY ➔ MISSION STATEMENT ➔ ROE & EVALUATIVE STANDARDS

• UNNECESSARY SUFFERING

• DISTINCTION
    Civilian-Combatant 8(2)(b)(1) & (e)(1) ➔ ISIS CANNOT GENERATE COMBATANT STATUS IN ITS OWN RIGHT

• PROPORTIONALITY
    Objective Test Applied Using Subjective Criteria ➔ Military Advantage ANTICIPATED
All combatants and objects which by their nature, location, purpose, or use make an effective contribution to military action, and whose total or partial destruction, capture, or neutralization offers a definite military advantage.
“In order to ensure respect for and protection of the civilian population and civilian objects, the parties to the conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly shall direct their operations only against military objectives.”
Smoke venting from emergency exits. Indicates compromise of bunker.
Targets in Baghdad engaged by MLRS

Targets in Baghdad not engaged due to location in city
Charlie Company Task Force 1-64 of the 3rd ID rolls into downtown Baghdad on Monday morning.

Brant Sanderlin
Atlanta Journal-Constitution
Published April 7, 2003

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Hadithah Dam

THREE HUMVEES

FOUR HUMVEES

NAME: AL HADITHAH DAM ON EUPHRATES RIVER, IZ
AL FIRDUS BUNKER

- Constructed as Civilian Air Raid Shelter
- Modified Into Command Bunker
- Struck 13 February 1991
BASIC PRINCIPLES

- MILITARY NECESSITY ➔
  STRATEGY ➔ MISSION
  STATEMENT ➔ ROE &
  EVALUATIVE STANDARDS

- UNNECESSARY SUFFERING

- DISTINCTION
  Civilian-Combatant 8(2)(b)(1) &
  (e)(1) ➔ ISIS CANNOT
  GENERATE COMBATANT STATUS IN
  ITS OWN RIGHT

- PROPORTIONALITY
  Objective Test Applied Using Subjective
  Criteria ➔ Military Advantage
  ANTICIPATED
U.S. Army Sgt. Jose Rivera from A Company, 3rd Battalion, 7th Infantry Regiment numbers Iraqi prisoners at a temporary detention center at a bomb-damaged presidential palace in Baghdad.

John Moore
Associated Press
Published April 7, 2003
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OPERATION IRAQI FREEDOM

EPW Operations:

[Images of EPW operations and identification bracelet]
OPERATION IRAQI FREEDOM

EPW Operations: Tattoos of Irregular Combatants
An Iraqi unlocks the door to his home as U.S. Marines with India Company of the 1st Marine Division check each residence east of Baghdad for weapons on Monday.

Ozier Muhammad
New York Times
Published April 7, 2003

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HOW DOES THIS BENEFIT WARFIGHTERS?

- Combat DISCIPLINE Essential
- Violations Detract From Mission Accomplishment
- Violations May Prolong Conflict and Increase Friendly Casualties
- COMPLIANCE = “COMBAT MULTIPLIER”
WHY OBEY?

The defendants at the International Military Tribunal sit in the dock: front row, left to right: Streicher, Jodl, Lippert.  "I was just following orders." -Hans Frank.
LEGAL (and ethical) RESPONSIBILITIES

✓ 1. PREVENT
✓ REPORT
✓ OBEY LAWFUL ORDERS
U.S. Army soldiers from A Company, 3rd Battalion, 7th Infantry Regiment approach one of Saddam's presidential palaces after entering the Iraqi capital in force at dawn. In the lead is Lt. Lars Nadig.

John Moore/Associated Press
Published April 7, 2003
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IRAQI SIGINT AMBULANCE:
CAPTURED AT ONLY FUNCTIONING MOSUL HOSPITAL (38S LF 305 253)
ON 18 APR 03
CLEARED BY EOD AND MOVED TO MOSUL AIRPORT

CAPABLE OF INTERCEPTING AND DIRECTION-FINDING HF, VHF AND UHF SINGLE-CHANNEL UNENCRYPTED SIGNALS
PORTABLE RADIO DIRECTION FINDING SUITE

NOTE SLIDING TABLES, DRAWERS, AND SEAT LAYOUT; INDICATES DELIBERATE CONSTRUCTION. EQUIPMENT APPEARS CLEAN AND VERY WELL MAINTAINED.
IED Hidden in Plaster made to look like concrete block on side of road under debris

Garage Door opener detonation device (Notice Wire)
Daisy-Chain
(Parallel Series)
IED / INCENDIARY
16 June 03 – Ad Dawr

Choice of a new generation PEPSI w/an Explosive Twist

- Incendiary Device
- Min Safe Distance 50m
- Pepsi Can with Fuse secured with tar
- Fuel Source: Propellant / black powder
- Ignition: Time Fuse
IED Booby Trap 11 MAY 03

- Booby trapped Poster Of Saddam Hussein
- Min Safe Distance 150m
- RG-42 AP Grenade
- Ignition: Pull-Release
IED / INCENDIARY 21 MAY 03

- Incendiary Device
- Min Safe Distance: 50m
- Fuel Source: Black Powder
- Ignition: Electrical Leads

- Initially wrapped in foil
- OD Green in color
- Wrapped in Twine
- Clusters of 2 left in open
- 7.62 Casing stuck in hole as blasting cap