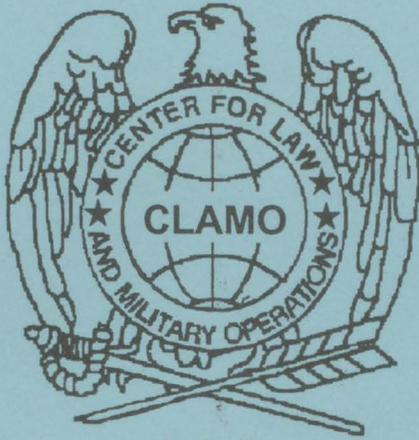


**LAW AND  
MILITARY  
OPERATIONS  
IN  
THE BALKANS  
1995-1998**



**LESSONS  
LEARNED  
FOR  
JUDGE  
ADVOCATES**

**Center for Law and Military Operations (CLAMO)  
The Judge Advocate General's School  
United States Army  
Charlottesville, Virginia**

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**LAW AND MILITARY OPERATIONS  
IN THE BALKANS, 1995-98**

**LESSONS LEARNED FOR JUDGE  
ADVOCATES**

**CENTER FOR LAW AND MILITARY OPERATIONS**

**13 NOVEMBER 1998**

## Summary

*With this report, the Center for Law and Military Operations identifies lessons learned for judge advocates from United States military operations in Bosnia from 1995 to 1998. The report focuses on providing guidance and practical considerations for judge advocates that will be or are responsible for those who will deploy. The Center prepared the report based on after action reports submitted by judge advocate sections involved in the operation, materials gathered during a three-day conference attended by participants, materials gathered by judge advocates participating with the Center for Army Lessons Learned Combined Arms Assessment Teams, interviews of individual judge advocates who deployed, and other sources.*

*The Center finds that the Corps delivered legal services well in every functional area, and that doctrine for legal operations, while changing in many ways, is mostly sound. The JAGC must continually train, educate, and resource its young judge advocates to support battalion and brigade-sized task forces while physically apart from the main SJA office. These "all purpose" judge advocates must deliver the entire range of operational law advice to commanders while continuing to execute the critical military justice and client services functions. Among other suggestions, the Center recommends that judge advocates prepare for difficulties inherent in multinational operations, help develop situational training and conduct continuous refresher training on the rules of engagement, develop a baseline of expertise in fiscal law—JAGC-wide, work seamlessly with the Reserve Component, keep detailed logs of all significant actions, and be ready to deploy.*

*Lessons learned materials, to include this report, would not be possible without the detailed logs, notebooks, computer files, and reams of data forwarded to the Center by dedicated judge advocates, legal administrators, non-commissioned officers, legal specialists, and civilians. To maintain the JAGC's posture as a learning organization, the Center asks you to record, gather, and submit to the Center all materials that concern legal support to military operations.*

**LAW AND MILITARY OPERATIONS IN  
THE BALKANS, 1995-1998:  
LESSONS LEARNED FOR THE JUDGE ADVOCATE**

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**\*Unless otherwise indicated in the text of the report, IFOR and SFOR are interchangeable terms. The Implementation Force (IFOR) was the NATO-led multinational force in Bosnia from December 20, 1995 to December 20, 1996. Since December 20, 1996, it has been known as the Stabilization Force (SFOR).**

** -- On the footnotes that follow, this symbol means the cited reference is available on Lotus Notes through local judge advocate office servers or through the Internet at the JAGC's home page. To ask about access to these restricted databases, contact the Center for Law and Military Operations (see front cover).**

**LAW AND MILITARY OPERATIONS IN  
THE BALKANS, 1995-1998:  
LESSONS LEARNED FOR JUDGE ADVOCATES**

*“Last night, my son and I [both Croats] were having supper together when a Serbian patrol entered the house and shot and killed my son. He was a schoolteacher who never did anything to anyone. I went next door. Here lived my neighbor of 50 years, who was eating supper with his family. He is a Serb. I shot and killed all of them.”<sup>1</sup>*

## **I. Introduction**

To the Western observer, such ruthless, violent, and seemingly irrational ethnic hatred is beyond comprehension. Yet, from 1991 to 1995, the seething cauldron of what the world once knew as Yugoslavia erupted into a conflict of annihilation<sup>2</sup> pitting former friends, neighbors, and even family members against each other along ethnic lines--Bosnian Serbs, Bosnian Muslims (Bosniacs), and Bosnian Croats. Today, we call these three groups the Entity Armed Forces (EAFs), formerly known as the Former Warring Factions (FWFs) and hereinafter known as EAFs.<sup>3</sup> Nearly four years of unchecked violence shocked the international communities' conscience and the results were staggering:

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<sup>1</sup> IVO J. LEDERER, NATIONALISM AND THE YUGOSLAVS, NATIONALISM IN EASTERN EUROPE 396-397 (Lederer et. al., eds.) (University of Washington Press 1969).

<sup>2</sup> Perhaps not in the classical sense of annihilating an enemy's army, but an entire ethnic class from a geographical area. At the very least, each EAF perceives that the other seeks to annihilate it. Allegations of ethnic cleansing on all sides of the conflict have likely strengthened this perception. See App. B, *The Former Warring Factions and Their Competing Strategic Goals*.

<sup>3</sup> For a great historical account, see ANDRAS RIEDLMAYER, A BRIEF HISTORY OF BOSNIA-HERZEGOVINA (Harvard University Summer 1993). See also CLAMO databases and country studies.  See page 14 for an explanation of this symbol.

- Over 200,000 dead men, women, and children<sup>4</sup>
- Approximately 2 million people displaced from their homes<sup>5</sup>
- Over 1 million refugees spread across 25 countries<sup>6</sup>
- About 500,000 homes destroyed/damaged<sup>7</sup>
- Allegations by all sides to the conflict of genocide, crimes against humanity, and other war crimes
- Creation of the International Criminal Tribunal for the Former Yugoslavia (ICTY)<sup>8</sup> with 26 indicted war criminals in custody<sup>9</sup>

Despite a Herculean diplomatic effort—thirty-six failed cease-fires,<sup>10</sup> at least sixty-one United Nations' Security Council Resolutions,<sup>11</sup> and 36,000 U.N. troops<sup>12</sup> on the ground in Croatia and Bosnia-Herzegovina—the fighting continued unabated. On November 21, 1995, the parties initialed the Dayton Peace Accord and on December 14, 1995, formally signed the General Framework Agreement

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<sup>4</sup> Numbers vary.

<sup>5</sup> Figures for displaced persons vary widely. Most reports, however, agree that about one-half of Bosnia's prewar population of 4.3 million was displaced either with Bosnia-Herzegovina or externally displaced. See INTERNATIONAL CRISIS GROUP BOSNIA: REFUGEES AND INTERNALLY DISPLACED PERSONS IN B-H (30 Apr. 1997). See also UNHCR COUNTRY PROFILES - BOSNIA-HERZEGOVINA at 1 (Mar. 1997) <<http://www.unhcr.ch/unhcr/world/euro/bosnia.htm>>.

<sup>6</sup> Id. at 1.

<sup>7</sup> Id. at n. 5.

<sup>8</sup> See S.C. Res. 827, U.N. SCOR, 48th Sess., 3607 mtg., U.N. Doc. S/Res/827 (25 May 1993). See also U.N. STATUTE OF THE INTERNATIONAL TRIBUNAL <<http://www.un.org/icty/i-b-en.htm>>.

<sup>9</sup> At least 58 EAFs are currently indicted. Details of the ICTY, the indictments, and prosecutions are summarized on the ICTY homepage at <[www.un.org/icty/glance/fact.htm](http://www.un.org/icty/glance/fact.htm)>.

<sup>10</sup> Changing of the Mandate Ceremony from IFOR to SFOR at xi (20 Dec. 1996). Available at <[gopher://marvin.nc3a.nato.int/00/yugo/IF2012.96%09%09%09%2B](http://marvin.nc3a.nato.int/00/yugo/IF2012.96%09%09%09%2B)>.

<sup>11</sup> 25 Jan. 1993 through the transfer of authority from UNPROFOR to IFOR on 20 Dec. 1995. The range of United Nations Security Council Resolutions (UNSCRs) includes 802-1031 (addendum), not inclusive (some of the UNSCRs in the group do not deal with the BTO).

<sup>12</sup> S.C. Res. 743, U.N. SCOR, 47th Sess., 3055 mtg., U.N. Doc. S/Res/743 (21 Feb. 1992) (establishing the United Nations Protection Force (UNPROFOR)). OPERATION JOINT ENDEAVOR: USAREUR HEADQUARTERS AFTER ACTION REPORT, Volume I at 27 (May 1997) [hereinafter USAREUR AAR]. ☉ See App. E(4) for summary of U.N.S.C. Resolutions.

for Peace (GFAP) in Paris.<sup>13</sup> On December 15, 1995, the U.N. authorized the creation of a multinational implementation force (IFOR)<sup>14</sup> and gave the North Atlantic Treaty Organization (NATO) the mandate to implement the military aspects of the Peace Agreement. On December 16, 1995, the IFOR's main body of 60,000 troops began its deployment into Bosnia-Herzegovina, hereinafter known as BiH.<sup>15</sup> The IFOR accepted the Transfer of Authority<sup>16</sup> from the United Nations Protection Force (UNPROFOR) on December 20, 1995—D-Day. Finally, the wanton destruction of human life and property stopped.<sup>17</sup>

United States military operations in the Balkans from 1995 through the present represented military and legal challenges of unprecedented scope and complexity. Even now, more than two years after U.S. forces first arrived in the region, the future of US military

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<sup>13</sup> Bosnia-Herzegovina, Croatia, and the Former Republic of Yugoslavia were the parties that initialed the Dayton Peace Accords on 21 Nov. 1995. They formally signed in Paris, France, on 14 Dec. 1995 (signed by Bosnia-Herzegovina President Izetbegovic, Croatian President Tudjman, and Federal Republic of Yugoslavia President Milosevic). The base document is known as the General Framework Agreement for Peace in Bosnia-Herzegovina [hereinafter GFAP]. For text of the base document and Annex 1-A (Agreement on Military Aspects of the Peace Settlement) *see* Appendix E(5). The GFAP contains Articles I-XI and 11 Annexes. The Entity Armed Forces (EAFs) include the forces of the Bosnian Serbs, Bosnian Muslims, and Croatian National factions.

<sup>14</sup> S.C. Res. 1031, U.N. SCOR, 50th Sess., 3607 mtg. at para. 14, U.N. Doc. S/Res/1031 (15 Dec. 1995). Acting under Chapter VII of the U.N. Charter, the U.N. Security Council adopted U.N.S.C. Res. 1031 authorizing member states to establish a multinational implementation force (IFOR), under unified command and control and composed of ground, air, and maritime units from NATO and non-NATO nations, and to ensure compliance with the relevant portions of the GFAP. U.N.S.C. Res. 1031 authorized member states, amongst other things, to take all necessary measures to effect the implementation of and to ensure compliance with the military aspects of the GFAP, ensure compliance with the IFOR-established rules and procedures governing command and control over Bosnian airspace, and to defend itself from attack or threat of attack. *See* Appendix E(3).

<sup>15</sup> On 15 Dec. 1995, the North Atlantic Council (NAC) approved SHAPE OPLAN 10405 and OPORD. On 16 Dec. 1995, SACEUR issued Activate Order and CJCS and USEUCOM issued Execute Orders for the main body.

<sup>16</sup> S.C. Res. 1031, U.N. SCOR, 50th Sess., 3607 mtg., 14, U.N. Doc. S/Res/1031 (15 Dec. 1995). *See* Appendix E(3).

<sup>17</sup> The 5 Oct. 1995 cease-fire, the 37th cease-fire, went into effect on 12 Oct. 1995. Some point to that day as the end of the bloodletting in Bosnia. Others may say the Advance Enabling Force of 2,600 soldiers that began to deploy on 2 Dec. 1995, marked the end of the conflict.

involvement in, and the stability of, the region remain in delicate balance.<sup>18</sup> Though we cannot predict the future of operations in the theater, one thing remains certain and constant: judge advocates continue to perform superbly in an operation more legally intense than we have seen.

The role of U.S. forces as part of NATO's<sup>19</sup> first ever land component, out-of-area, and joint Partnership for Peace (PFP) operation<sup>20</sup> was unprecedented. This groundbreaking operation demonstrated a successful application of the rule of law in a decidedly uncertain, devastated, and potentially hostile environment. For various political and military reasons, commanders, staffs, and soldiers simultaneously planned, trained, deployed, and began to implement the terms of the GFAP. The sheer number of Troop Contributing Nations (TCN) to IFOR<sup>21</sup> thrust additional burdens upon U.S. commanders in this difficult and unique mission. The multiple, complex international treaties<sup>22</sup> and the hundreds of non-governmental organizations (NGO) and private organizations (PVO) assisting in Bosnia intensified this potentially crushing burden. Judge advocates played a pivotal role in helping commanders overcome these challenges and accomplish the

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<sup>18</sup> On 12-13 Sep. 1998, Bosnian voters stayed true to their ethnic divisions. Bosnian Serb hard-liner Nikola Poplasen defeated moderate Biljana Plavsic for the Presidency of the RS. Also, fighting in Kosovo between Serbian forces and ethnic Albanian rebels left hundreds dead and up to 250,000 displaced persons. L.A. Times and the Associated Press.

<sup>19</sup> NATO signatories include Belgium, Canada, Denmark, France, Germany, Greece, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Turkey, the United Kingdom, and the United States.

<sup>20</sup> PFP contributing nations to IFOR included Albania, Austria, Bulgaria, the Czech Republic, Estonia, Finland, Hungary, Latvia, Lithuania, Poland, Romania, the Russia Federation, Sweden, and Ukraine. Other non-NATO, non-PFP contributing nations included Egypt, Jordan, Malaysia, and Morocco, and Slovakia (civilian personnel). See NATO's Role in Bringing Peace to the Former Yugoslavia, NATO Basic Fact Sheet No. 4 at 12, and IFOR fact sheet at 3 <gopher://marvin.nc3a.nato.int//00/yugo/iffa2510.96%09%09%2B>.

<sup>21</sup> *Id.* at 21.

<sup>22</sup> See generally GFAP and its 11 appendices, Transit Agreements, SOFAs, and technical arrangements. *Supra* note 13. See Appendix E(5) for text of the GFAP main body and its Appendix 1-A (Military Aspects of the Peace Settlement).

mission. At all echelons of command,<sup>23</sup> judge advocates interpreted and advised commanders on multinational Rules of Engagement (ROE), the 500-page GFAP, at least four applicable Status of Forces Agreements, multiple United Nations Security Council resolutions, and TCN support issues.

Similar to events leading up to Operation Uphold Democracy in Haiti from 1994-1995, many Americans watched a region spiral into lawlessness, followed by the international community demanding measures for stabilization. Similar to Haiti, a large combat force then entered the region peacefully on terms negotiated just prior to deploying. In this case, the region was the Bosnia Theater of Operations (BTO).<sup>24</sup> It is here where the similarities in these two operations diverge. The history, geography, topography, command and control, size of deployed forces, presence of the GFAP, and lengths of these two operations varies drastically. This is not to say, however, that many of the lessons learned from Haiti are irrelevant to the Bosnia deployment. In fact, many are the same. Judge advocates that deployed to Bosnia cited the Center's *Law and Military Operations in Haiti, 1994-1995* and The Judge Advocate General's School's *Operational Law Handbook* as the two best predeployment operational law resources. This publication seeks to amplify those lessons learned and clarify issues that are of first impression or of a relatively unique nature.

Perhaps the greatest tribute to our soldiers, sailors, airmen, and marines of OJE is the exemplary and even-handed manner<sup>25</sup> in which these Americans performed their duty in applying the rule of law in this complex environment. While standing firmly between three large and

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<sup>23</sup> JCS, DOD, DA, USAR, NATO, EUCOM, USASOC, USAREUR, 21st TAACOM, V Corps, SETAF, 1AD, 1ID, 1CD, etc.

<sup>24</sup> In Haiti, U.S. forces entered Haiti peacefully at the 11th hour by duly empowered civilian representatives of the United States. In Bosnia, the timetable had a higher degree of stability as the GFAP was initialed weeks before the deployment began.

<sup>25</sup> The IFOR Mission was to "In an evenhanded manner, monitor and enforce compliance with the military aspects of the Dayton Peace Agreement." See Appendix F.

war-hardened armies, eighteen-year old Americans were well trained to protect themselves, their fellow soldiers, and their units. At the same time, they balanced initiative and restraint under the rules of engagement while facing the constant possibility that the wrong decision could undermine the GFAP and even re-ignite hostilities.

Making proper decisions under the ROE occupied only a small portion of our service members' time in relation to their daily tasks—all in accordance with U.S. law and policy, operational directives, and a host of international agreements. Infantrymen helped establish a Zone of Separation (ZOS) between the EAFs as established by the GFAP and other negotiated agreements. Artillerymen quickly and precisely demonstrated their resolve and their combat capabilities yet identified any maneuver damage caused by the demonstrations. Supply, maintenance, and POL (petroleum, oils, and lubricants) personnel provided support to other troop contributing nations strictly in accordance with specific Acquisition and Cross-Servicing Agreements and other appropriations laws. Soldiers on patrols and at checkpoints strictly enforced the military aspects of the GFAP, yet treated the flood of displaced persons with dignity and respect. Commanders and their legal advisors applied the lessons learned from Haiti in detaining members of the EAFs in accordance with law and policy. Civil affairs personnel assisted in administering the Foreign Claims Act by acting as investigating officers and providing logistics support for the theater maneuver damage program. Soldiers, sailors, airmen, and marines remained undistracted by personal concerns as judge advocates provided legal assistance throughout the Bosnian Theater of Operations. As seen in operation after operation,<sup>26</sup> America's men and women in uniform are disciplined and follow orders given by their chain of command,

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<sup>26</sup> Operation Just Cause, Operation Uphold Democracy, Desert Shield/Desert Storm, Somalia, and now Operations Joint Endeavor and Guard all reflect lower discipline rates.

“justifying a disciplinary system acknowledged by Congress and the courts to be essential to mission accomplishment.”<sup>27</sup>

This report reflects experiences of judge advocates that participated in military operations in Bosnia—whether they were at the NATO level, supporting rear detachments, or advising brigade and battalion commanders in the ZOS. Like the Haiti AAR, this report should be a valuable training tool for judge advocates deploying to Bosnia or other future operations in support of our nation’s security interests.<sup>28</sup> This report is a living document that builds on past AARs and prepares future deploying attorneys and soldiers in an effort to minimize mistakes of the past.<sup>29</sup> While nothing can replace solid home station training programs, Combat Training Center experiences, or just old-fashioned personal experience, this report seeks to “allow the organization to develop and improve and leave something for the next group of people that come in behind and follow on and continue to improve.”<sup>30</sup> As General Franks noted when describing the AAR as one

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<sup>27</sup> LAW AND MILITARY OPERATIONS IN HAITI 1994-1995: LESSONS LEARNED FOR THE JUDGE ADVOCATE at 2 (The Center for Law and Military Operations Dec. 1995) [HEREINAFTER HAITI AAR]. ☹

<sup>28</sup> Particularly if the operation is a peace operation. For a definition, *see* FM 100-23.

<sup>29</sup> HAITI AAR at 8.

<sup>30</sup> *See* TAJAG’s remarks *in* OPERATION JOINT ENDEAVOR, AFTER-ACTION REVIEW (Heidelberg, Germany 24-26 Apr.1997) (An After Action Review conference of judge advocates held in Heidelberg, Germany. The transcript was reduced to writing in three volumes and is available on Lotus Notes and JAG.net. Cited page numbers may vary slightly from electronic versions.) [hereinafter OJE-AAR] ☹:

In terms of creating systems and implanting systems, and structures, that allow the organization to develop and improve and leave something for the next group of people that come in behind and follow on and continue to improve.

The team of judge advocates that reviewed legal support provided during Operations Desert Shield and Desert Storm stated the need for capturing lessons learned in strong terms:

If [Desert Storm and this report] teach anything to the Army legal community, let it be to confirm the need for a continuing system of gathering, analyzing, and storing in retrievable form, the activities, accomplishments, shortcomings, and lessons learned of the JAGC in peace and throughout the operational continuum.

of the greatest innovations in leadership, "It allows us to learn, to be bold without arrogance....Many failures come from arrogance or failure to listen."<sup>31</sup> That is what this report is about.

As with any lessons learned publication designed for broad audiences, much of what follows will seem over simplified. For many inexperienced judge advocates and legal specialists, however, these lessons are cases of first impression. Other sections address issues of significant breadth, complexity, and of first impression for even seasoned judge advocates.<sup>32</sup> This report cannot, however, answer or address fully every aspect of the hundreds of legal issues that arose, and, continue to develop during this ongoing operation.<sup>33</sup> The Center has developed an information system (discussed in the next paragraph) that seeks to make available to judge advocates around the world the vast majority of legal issues and concerns that arise in operations. In pursuing the approach of *Law and Military Operations in Haiti, 1994-1995*,<sup>34</sup> the *Desert Storm Assessment Team Report*,<sup>35</sup> and *The Army*

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See UNITED STATES ARMY LEGAL SERVICES AGENCY, DESERT STORM ASSESSMENT TEAM'S REPORT TO THE JUDGE ADVOCATE GENERAL OF THE ARMY at Intro-4 (22 Apr. 1992) (☺) [hereinafter DSAT REPORT]; see also *id.* at Oral History Program-4 ("TJAG should establish, with quality resources, a JAGC version of the Center for Army Lessons Learned (CALL) to capture lessons learned."). (☺)

<sup>31</sup> General Frederick M. Franks, Jr. (Ret.), *Soldiering: Today and Tomorrow*, 4th Hugh J. Clausen Lecture on Leadership at The Judge Advocate General's School (Mar. 23 1998) (to be published in the THE ARMY LAWYER (Spring 1999), transcript available at the Legal Research and Communications Department, The Judge Advocate General's School).

<sup>32</sup> For example, determining the application of the provisions of the General Framework Agreement for Peace that concern the Inter-entity Boundary Line and the Zone of Separation.

<sup>33</sup> See the CLAMO-OJG database on Lotus Notes or through the Internet (JAGC.NET) for an updated compilation of legal documents from the Balkans. (☺)

<sup>34</sup> HAITI AAR. (☺)

<sup>35</sup> References to the DSAT REPORT are not intended to imply that the Persian Gulf conflict is ideal as a model for the types of military operations judge advocates are likely to see. It is not. These references merely acknowledge that many aspects of legal support are constant throughout the operational continuum and that the last comprehensive collection and examination of lessons learned dealt with that conflict.

*Lessons Learned Program*,<sup>36</sup> this report restates basic principles, but does not propose final solutions in each instance.

The Center for Law and Military Operations,<sup>37</sup> together with the automation wizards at the Pentagon and The Judge Advocate General's School, has pushed forward in its goal of developing automated databases of operational law materials and making them available to judge advocates, world-wide. To date, CLAMO has made available to active and reserve component judge advocates, via Lotus Notes<sup>38</sup> or the Internet (JAGC.NET), ten distinct operationally oriented databases. Some of these databases include SOFA agreements, Reserve Component-oriented After Action Reports, United Nation Security Council Resolutions, Government Accounting Office reports, opinions, memoranda, standard operating procedures, declassified operations plan annexes, and other useful forms, cards, and training aids. These databases allow judge advocates to design and tailor deployment packages and give them direct access to valuable resources. Perhaps most important is the near real-time access judge advocates have to the lessons learned of other judge advocates. As this report was in progress, the judge advocates of the 1st Cavalry Division, who were preparing for deployment to Bosnia, had access to over 1000 documents, including numerous judge advocate interviews and AARs, either used by or prepared by those that had gone before them as part of the Implementation Force (hereinafter IFOR)<sup>39</sup> or the Stabilization Force

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<sup>36</sup> See U.S. DEP'T OF ARMY, REG. 11-33, ARMY LESSONS LEARNED PROGRAM: SYSTEM DEVELOPMENT AND APPLICATION (10 Oct. 1989).

<sup>37</sup> Hereinafter referred to in text and notes as either "CLAMO" or "the Center."

<sup>38</sup> See generally Lieutenant Colonel Robert Van Hooser, *Regimental Technology Plan*, in THE JUDGE ADVOCATE GENERAL'S SCHOOL DESKBOOK FOR PLENARY SESSIONS OF THE 1995 JAG CLE at Sec. IX 105, 113 (1-6 Oct. 1995) (describing the plan for work product retrieval (WPR) within the Judge Advocate General's Corps Wide Area Network (JAGC WAN)).

<sup>39</sup> IFOR was the name for the U.N.S.C. Res. and NATO-authorized operation until the Transfer of Authority (TOA) on 20 Dec. 1996. IFOR concerned the 1st Armored Division and the 1st Infantry Division's Covering Force for one month.

(hereinafter SFOR).<sup>40</sup> Access to such information does not replace the need for judge advocates to analyze every issue on its own merit and to ensure that their opinions are based on thorough research and current data. However, these databases provide raw data and legal information regarding virtually every functional area of the law in a deployed environment.

Because of the size, complexity, and ongoing nature of operations in the Balkans, CLAMO's goal with this publication is to summarize useful lessons learned from legal support to operations in the Balkans from 1995 to 1998. Emerging doctrine and evolving organizational structure reflect that the Judge Advocate General's Corps' support to the battlefield commander falls into three distinct areas: command and control,<sup>41</sup> sustainment,<sup>42</sup> and personnel service support.<sup>43</sup> The extended nature of the Bosnia deployment has allowed CLAMO to analyze these discrete areas in the context of providing professional legal services as far forward as possible at all echelons of command throughout the operational continuum.<sup>44</sup>

For operations in the Balkans, the Center finds—through its survey of virtually hundreds of lessons learned—that judge advocates delivered quality legal support in a ground breaking fashion in all

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<sup>40</sup> The Stabilization Force (SFOR) is ongoing. 1st Infantry Division, 1st Armored Division, and now the 1st Cavalry Division participated in SFOR.

<sup>41</sup> Generally, issues directly affecting the commander's decision making process on the battlefield fall within C2. This includes, but is not limited to, interpreting, drafting, disseminating, and training commanders, staffs, and soldiers on the Rules of Engagement, participating in targeting cells, and participating in the military decision making process.

<sup>42</sup> This includes, but is not limited to, negotiating ACSAs and other international agreements, contingency contracting and fiscal law, administering the Foreign Claims Act, environmental law, administrative law, legal assistance for Pre-deployment Preparation (PDP) or Preparation for Overseas Movement (POM).

<sup>43</sup> This includes, but is not limited to, the administration of military justice, traditional legal assistance, and personnel claims.

<sup>44</sup> See U.S. DEP'T OF ARMY, FIELD MANUAL 27-100, para. 1-4 (3 Sep. 1991).

functional areas. Emerging doctrine should reflect the lessons learned from nearly three years in Bosnia.<sup>45</sup>

While CLAMO's lessons learned methodology is straightforward,<sup>46</sup> operations in the Balkans have generated such voluminous reference materials that CLAMO gathered and analyzed resources in an exhaustive yet somewhat limited fashion. The Center:

- Focused on the transcripts from the 1997 AAR hosted by USAREUR and CLAMO<sup>47</sup>
- Gathered AARs from legal offices worldwide—both Active and Reserve Components—that supported the mission
- Personally interviewed judge advocates that participated in the operation
- Gathered a vast array of information through the CALL-sponsored Combined Arms Assessment Team visits to Bosnia<sup>48</sup>
- Examined CALL materials<sup>49</sup>

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<sup>45</sup> With the legally intensive nature and split-based nature of peace operations, judge advocates are often providing legal support at the battalion-level. From an MTOE, TDA, and doctrinal perspective, the JAGC is not structured to provide this level of support. (MTOE is Modified Table of Organization and Equipment; TDA is Table of Distribution and Allowances). During OPERATION JOINT FORGE, base camps in the Task Force Eagle Area of responsibility are commanded by battalion commanders and have a judge advocate in direct support.

<sup>46</sup> See HAITI AAR at 6-7. ☹

<sup>47</sup> See Memorandum, Assistant Judge Advocate General for Military Law and Operations, DAJA-ZD, to Staff Judge Advocate, XVIII Airborne Corps and Fort Bragg and other addressees, subject: After Action Report for Operation Uphold Democracy (2 Feb. 1995) ☹ (directing that the conference take place). The conference was held and videotaped at Charlottesville between 8 and 10 May 1995. This report at several points cites to remarks made at this conference, the videotapes of which are on file with CLAMO.

<sup>48</sup> From 1996 to 1998 LTC Gaylen G. Whatcott and LTC Steve E. Castlen each spent several months preparing and deploying to Bosnia to gather valuable information from IFOR and SFOR.

<sup>49</sup> The Center for Army Lessons Learned (CALL) exists to collect and analyze data from a variety of current and historical sources, including Army operations and training events, and produce information serving as lessons for military commanders, staff, and students. CALL disseminates these lessons and other related research materials via a variety of printed and electronic media, including this web site. Obtain a listing and copies of these products by dialing DSN 552-2255/3035

- Reviewed AARs and other relevant documents produced by the United Nations,<sup>50</sup> IFOR,<sup>51</sup> SFOR,<sup>52</sup> USAREUR,<sup>53</sup> the U.S. Army Peacekeeping Institute,<sup>54</sup> and the Joint Uniform Lessons Learned System<sup>55</sup>

This list reflects CLAMO's primary Balkan resources, but it is not exhaustive.

This is a report of key lessons and not a history of judge advocate participation in the Bosnia deployment. Because of the nature of this peace operation—coalition forces putting themselves between three EAFs in a highly charged environment—a full appreciation of any legal or practical issue requires judge advocates to understand the historical setting which gave rise to the operation. In fact, understanding the historical backdrop of the Balkans, and trying to understand what occurred prior to the deployment, is lesson learned number one. Events leading to the explosive conflict in Bosnia combined with the experiences of the EAFs throughout the conflict shed light on the EAFs' intent, desired endstate, and ability to compromise over a given issue. Part II of this report provides a window into the Balkan past. It describes various organizations' (e.g., U.N., NATO) actions during the Balkan conflict, recounts the post-conflict situation, discusses how the United States-led Implementation

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or (913) 684-2266/3035, faxing a request to DSN 552-9564 or (913) 684-9564, or visit the website <<http://call.army.mil/call.htm>>.

<sup>50</sup> U.N. Website <<http://www.un.org>>.

<sup>51</sup> CLAMO Lotus Notes, OJE Database. ☺

<sup>52</sup> CLAMO Lotus Notes, OJG Database. ☺

<sup>53</sup> USAREUR AAR. ☺

<sup>54</sup> U.S. DEP'T OF ARMY PEACEKEEPING INSTITUTE, AFTER ACTION REVIEW (BHAAR I) CONFERENCE REPORT (19-23 May 1996) and U.S. DEP'T OF ARMY PEACEKEEPING INSTITUTE, AFTER ACTION REVIEW (BHAAR II) CONFERENCE REPORT (13-17 Apr. 1997). ☺

<sup>55</sup> See DEP'T OF DEFENSE, TRAINING AND PERFORMANCE DATA CENTER, JOINT UNIFORM LESSONS LEARNED SYSTEM (JULLS), VERSION 3.10 USER'S MANUAL (1990). The hard copy of the EUCOM Lessons Learned are available at CLAMO. These lessons learned are focused at the EUCOM level.

and Stabilization Forces executed operations in the Balkans, and concludes with the organization of judge advocate support in the Balkans. Part III summarizes lessons learned.

## II. The Military Operations and Their Context

### A. HISTORY<sup>56</sup>

The Balkan<sup>57</sup> region has been home to some of mankind's most brilliant civilizations. Nevertheless, identity, determined by cultural and religious affiliation, has left a historical schism separating distinct ethnic groups. The Balkans has become a melting pot of shifting populations. Though these separate cultures have often melded cooperatively, much of their history has been marked by strife. Violence is ingrained and distrust runs deep in this 2000-year-old battleground.

By the 7th century, after the fall of the Roman Empire, the Slavs first settled the area of Bosnia-Herzegovina (BiH). By the 9th century, Serbia (southeast of BiH) and Croatia (west of BiH) established themselves as competing kingdoms. By the 12th century, the "Kings of Hungary"<sup>58</sup> took over the Kingdom of Croatia and the area of present-day BiH. By the 13th century, the Kingdom of Bosnia gained and retained its independence for about 250 years by fighting off the Hungarians and Serbs. During this time, the Bosnian population was mostly Roman Catholic (Christian). The Kingdom of Serbia was largely Eastern Orthodox (Christian). See Historical Maps at **Appendix A(1)**.

The 14th century marked the Ottoman Empire's conquest of the Balkan region—introducing Islam into the region. In 1389, the Ottoman Turks defeated the seat of Serbia's Kingdom and their cultural center at that time—Kosovo. The recent bloodbath in Kosovo

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<sup>56</sup> See LEDERER, *supra* note 1. See also WILLIAM T. JOHNSON, *DECIPHERING THE BALKAN ENIGMA*, Strategic Studies Institute (Carlisle Barracks Pa. 1995).

<sup>57</sup> The Balkan countries include Bosnia-Herzegovina, Croatia, the Federal Republic of Yugoslavia (Serbia, Montenegro, and Kosovo), Slovenia, Macedonia, Albania, Bulgaria, Greece, Romania, and Turkey.

<sup>58</sup> See LEDERER, *supra* note 1 at 2.

is rooted in this event that took place over 600 years ago. By 1463, the Kingdom of Bosnia joined Serbia's fate by losing its independence to the Ottoman Empire. The Ottoman Empire consolidated these former Kingdoms into one province called the Eyalet of Bosna.

For the next 415 years (1463-1878), the Ottoman Empire remained in control of the region fostering the spread of the Islamic faith. During this period, the Ottoman Empire provided a somewhat<sup>59</sup> flexible religious environment that allowed converted Bosnians to adapt existing traditions to the new Islamic faith. Further, the Ottoman Empire was tolerant of non-Muslim minorities allowing them to practice religion, to live, and to trade as they chose. From this environment grew a Bosnian Muslim culture that co-existed with Catholicism (primarily Croats) and Orthodoxy (primarily Serbs).

After the Russo-Turkish War of 1877-1878, the Great Powers of Europe met in Berlin and decided the fate of the faltering Ottoman Empire. The Great Powers appointed Austria-Hungary as administrator of Bosnia-Herzegovina and, at the Russian's insistence, granted independence to Serbia, Montenegro, and Bulgaria. As the Ottoman Empire was pushed out of Europe, the Muslim Slav population in BiH increased. Muslims from the northern reaches of the shrinking Ottoman Empire found safe haven in BiH. Meanwhile, the Austrian administrators developed the BiH infrastructure, including parks and schools, which stimulated a building boom. In this relatively prosperous setting, the various ethnic groups again turned their attention toward nationalism and independence. Serb nationalists advocated the consolidation of all non-Muslim Slavs from Serbia, BiH, Croatia, and Slovenia. This consolidated Serb-state would be independent from Austria. On the other hand, many Bosnian Muslims advocated a pluralistic society, content to remain under the control of

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<sup>59</sup> Non-muslims were subject to higher taxes and most civil and military offices were reserved for muslims.

Austria. By 1908, Austria formally annexed BiH, further hardening the Slav nationalists' position.

This Balkan history plays largely into the strife that forms the basis of this report. It is the Balkan Wars of the early twentieth century,<sup>60</sup> however, which have had the most dramatic consequences within the region. In these wars, Serbia played a large role in expelling the Turks from the region and regaining lands lost throughout history. In 1914, ethnic frictions flared and Gavrilo Princip, a Serb nationalist, assassinated Archduke Franz Ferdinand, the heir to the Austro-Hungarian throne, in Sarajevo, BiH. This led to the Third Balkan War (World War I), pitting the Bulgarians, Turks, Germans, Croats, and others against the Serbs, Greeks, the U.S. and other Allies. During the war, the Croats collected Serbs and Muslims into several concentration camps where thousands died.<sup>61</sup> By the end of the war, millions were dead across Europe including half of Serbia's military age male population.<sup>62</sup> World War I left approximately two and one-half million displaced persons in the Balkans, a result repeated in the disintegration of Bosnia in the 1990s.

The Paris Peace Conference of 1919 created the Kingdoms of the Serbs, Croats, and Slovenes, and only filled the void left by the collapse of the Austro-Hungarian Empire. It did not address the Muslim Slavs. The region was plunged into dictatorship and renamed the Kingdom of Yugoslavia.<sup>63</sup> As we still see, today, the mere establishment of a single state did little to smooth fundamental differences among its twelve million inhabitants. Ethnic hatreds and tensions continued to plague the country. The Serb-dominated Yugoslav government soon alienated the Croat population. In 1928, a Serb politician killed a popular Croat on the floor of parliament in

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<sup>60</sup> 1912 First Balkan War, 1913 Second Balkan War, 1914 Third Balkan War (World War I).

<sup>61</sup> See LEDERER, *supra* note 1.

<sup>62</sup> See LEDERER, *supra* note 1 at 1.

<sup>63</sup> "Jug" in Cyrillic means South. Thus, Yugoslavia means kingdom of the South Slavs.

Belgrade.<sup>64</sup> The following year, a coup led to the dissolution of parliament and the re-drawing of internal borders to account for Bosnia and Croatia. Discontent continued, however, as hard-line Serbs ruled the provinces with an iron fist, spawning anti-Serb extremist individuals and organizations that would surface, in earnest, during World War II. The Yugoslav regime further tightened their rule of the provinces after an anti-Serb assassinated the King of Yugoslavia.

With Hitler's march across Europe in World War II, Nazi forces overran Yugoslavia and Greece in 1941. The Axis Powers occupied and partitioned Yugoslavia. The war years saw Yugoslavia become a killing ground where, in addition to German occupation forces, four distinct groups engaged in ruthless campaigns of ethnic cleansing. The **Ustasi** led the German puppet Croat-state and engaged in the cleansing of Serbs, political opponents, and Jews. Some Bosnian Muslims joined in with the Ustasi.<sup>65</sup> The German controlled regime in Serbia, led by a Serb, engaged in the cleansing of non-Serbs, political opponents, and Jews. The **Chetniks**, a guerrilla army led by a Serb army officer,<sup>66</sup> broke away from the German-controlled regime in Serbia. They fought the Germans and retaliated against the Ustasi by cleansing Croats and Muslims in Bosnia. The **Partisans**, a multi-ethnic guerrilla army led by Josip Tito, fought ruthlessly against the Germans, the German-controlled regime in Serbia, the Chetniks, and the Ustasi. With their ability to tie down the Axis Powers, and the subsequent backing of the Allies, Tito's communist Partisans emerged from World War II as the undisputed leaders of Yugoslavia. After eliminating his opposition,<sup>67</sup> the now self-declared Prime Minister Tito declared the country the Federal People's Republic of Yugoslavia. Six

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<sup>64</sup> See LEDERER, *supra* note 1 at 3.

<sup>65</sup> See LEDERER, *supra* note 1 at 4.

<sup>66</sup> COL Drazha Mihailovic, <[http://www.xs4all.nl/frankti/warhistory/war\\_hist.html](http://www.xs4all.nl/frankti/warhistory/war_hist.html)>. See also LEDERER, *supra* note 1.

<sup>67</sup> See LEDERER *supra* note 1 at 5 (after the fall of the Axis Powers, the Partisans kill thousands of the Ustasi (Croats and Slovenes)).

republics were created, based largely upon geography and historical precedent: Serbia, Croatia, Slovenia, Bosnia and Herzegovina, Montenegro, and Macedonia. Strictly administrative delineations, these lines did not reflect natural boundaries of the different groups and they did little to soothe tensions. Prime Minister Tito held together this confederation of provinces by repressing any ethnic divisiveness. Most ethnic infighting took a forty-year hiatus.

Prime Minister Tito's death in 1980 began, again, the disintegration of this region. By the late 1980's, deteriorating economic conditions, the fall of the Soviet Union, and demands for political reforms exacerbated tensions. Serb nationalism, fueled by Serbian President Slobodan Milosevic's<sup>68</sup> calls for a Greater Serbia, once again reared its head. In 1989, Slobodan Milosevic sent a tremor through non-Serb Yugoslavia by cracking down on the ethnic Albanians that make up ninety percent of the population of Serbia's autonomous province of Kosovo. He stripped the autonomous status of all non-Serbian minority regions—to include Kosovo. This severely restricted the educational, political, and economic rights of the ethnic Albanians.

## **B. THE BALKAN CONFLICT, 1991-1995**

### *1. 1991 – The Fighting Resumes*

Against this ominous backdrop, Slovenia, a country without a Serb minority, declared its independence in June 1991. Though the mostly Serbian Yugoslav National Army (JNA) resisted temporarily, the well-armed and well-prepared Slovenians fended off the skirmishes. The JNA elected not to become heavily involved and withdrew to neighboring Croatia. See Historical Maps at **Appendix A(1)**.

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<sup>68</sup> President of the Serbian Republic.

Croatia likewise declared independence, but did not fare as well. Croatia was not prepared militarily and had a large Serb population within its borders. A protracted conflict resulted. Croatian Serb nationalists, with apparent backing from the JNA out of BiH and Serbia, seized about thirty percent of Croatia and proclaimed the independent Republic of Serb Krajina. Savage fighting, to include the near destruction of historical Dubrovnik, Vukovar,<sup>69</sup> and other civilian population centers, allegations of targeting civilians, and ethnic cleansing<sup>70</sup> set the tone for the next three and one-half years of conflict in the Balkans.<sup>71</sup> On September 25, 1991, the U.N. stepped formally into the Balkan conflict by imposing a weapons and military equipment embargo on all of the former Yugoslavia.<sup>72</sup> Then, pursuant to a U.N.-sponsored cease-fire between Croatia and the rebel Serbs, the JNA withdrew at the end of 1991 with control of roughly one-third of Croatia. See Summary of United Nations Security Council Resolutions at **Appendix E(4)**.

## 2. 1992 – U.N. Forces Step In

The U.N. established the United Nations Protection Force (UNPROFOR)<sup>73</sup> after recognizing that the cease-fire would not hold. See Summary of UN/NATO Air, Land and Sea Operations at **Appendix C**. After international recognition<sup>74</sup> of Croatian, Slovenian, and Macedonian secession from Yugoslavia, BiH held a referendum on

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<sup>69</sup> Both Croatian cultural landmarks. Dubrovnik is a medieval port city and Vukovar is an old city with Baroque architecture.

<sup>70</sup> Forcibly displacing an entire ethnic group from a particular area.

<sup>71</sup> At the same time, Serbian authorities tightened further their grip on Kosovo. This led the ethnic Albanians to unofficially declare independence. See LEDERER *supra* note 1 at 8.

<sup>72</sup> S.C. Res. 713, U.N. SCOR, 46th Sess., 3009 mtg. at 14, U.N. Doc. S/Res/713 (25 Sep. 1991).

<sup>73</sup> S.C. Res. 743, U.N. SCOR, 47th Sess., 3055 mtg. at 14, U.N. Doc. S/Res/743 (21 Feb. 1992).

<sup>74</sup> In Jan. 1992, the then EC (now EU) recognized Croatian and Slovenian independence. Department of State Fact Sheet, subject: Chronology of the Balkan Conflict (6 Dec. 1995). Macedonia would later receive formal recognition as the Former Yugoslav Republic of Macedonia, hereinafter FYROM.

independence. Despite threats of violence from Bosnian Serb nationalists, Bosnian Croats and Muslims voted for independence. Most Bosnian Serbs boycotted the referendum. On April 5, 1992, people from all three Bosnian ethnic groups—Croats, Muslims, and Serbs—demonstrated in Sarajevo calling for peace. JNA-backed Serb nationalist snipers opened fire into the crowd. The next day, April 6, 1992, the war in Bosnia began in earnest between Bosnian government forces and Bosnian Serbs. The JNA, with artillery positioned on the high ground around Sarajevo, laid siege to the city. On April 7, 1992, the U.N. authorized the full deployment of UNPROFOR, sending approximately 15,000 peacekeeping troops into Croatia, and later into BiH and the Former Yugoslav Republic of Macedonia, hereinafter FYROM. On May 22, 1992, the U.N. admitted the country of Bosnia-Herzegovina<sup>75</sup> as a full member. With the backing of the JNA, however, the militarily superior Bosnian Serbs controlled roughly sixty percent of BiH by the end of May. Because of the continued Serb aggression, the U.N., at the end of May, imposed economic sanctions against Serbia.<sup>76</sup>

As the conflict in BiH continued unabated, and the rest of the world was flooded with images of emaciated captives in prison camps around the region, the U.N. took steps to contain the conflict. At the request of the President of the Former Yugoslav Republic of Macedonia (FYROM), the U.N., on December 11, 1992, expanded UNPROFOR's mandate to include monitoring the border between FYROM and the Federal Republic of Yugoslavia—Serbia and Montenegro (FRY).<sup>77</sup> Other U.N. actions included expanding the

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<sup>75</sup> S.C. Res. 755, U.N. SCOR, 47th Sess., 3079 mtg., 14, U.N. Doc. S/Res/755 (20 May 1992) (recommended to the General Assembly that the BiH be admitted to membership in the United Nations).

<sup>76</sup> S.C. Res. 757, U.N. SCOR, 47th Sess., 3082 mtg., 14, U.N. Doc. S/Res/757 (30 May 1992).

<sup>77</sup> S.C. Res. 795, U.N. SCOR, 47th Sess., 3147 mtg., 14, U.N. Doc. S/Res/795 (11 Dec. 1992).

troop numbers for UNPROFOR, establishing a no-fly zone over BiH,<sup>78</sup> strengthening the existing embargo,<sup>79</sup> and negotiating largely ineffective cease-fire agreements.

The year 1992 ended with unabated fighting and continued ethnic cleansing. Allegations of systematic rape, torture, and murder of civilians permeated the news. Estimates reflect a total of 2.5 million displaced persons from the former Yugoslavia—1.8 million refugees within the former Yugoslav republics (i.e., uprooted ethnic groups).<sup>80</sup>

### *3. 1993 – The War Continues With Increased U.N. Involvement*

While heavy fighting and the siege of Sarajevo continued, Croatian forces pushed into the Serb-held region of Krajina, just before the expiration of UNPROFOR's initial mandate, to regain lost territory and set a new cease-fire line. At the same time, Serb forces seized U.N. weapons from various U.N. depots. In BiH, the heretofore two-sided conflict—BiH government forces against Bosnian Serbs forces—expanded dramatically as warfare broke out between the Bosnian Croats and Bosnian Muslims. The U.N. strengthened the no-fly zone by authorizing participating NATO forces to shoot down violators.<sup>81</sup> In June 1993, NATO authorized, at the request of the U.N., close air support for UNPROFOR troops. On April 12, 1993, NATO began combat patrols to enforce the U.N. no-fly zone—Operation Deny Flight.<sup>82</sup> On February 28, 1994, NATO aircraft shot down four warplanes that violated the no-fly zone. Despite NATO's long and

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<sup>78</sup> S.C. Res. 781, U.N. SCOR, 47th Sess., 3122 mtg., 14, U.N. Doc. S/Res/781 (9 Oct. 1992). This ban worked after the United States stepped in and said that it would participate in enforcing the no-fly zone.

<sup>79</sup> S.C. Res. 787, U.N. SCOR, 47th Sess., 3137 mtg., 14, U.N. Doc. S/Res/787 (16 Nov. 1992).

<sup>80</sup> UNHCR and RC committees.

<sup>81</sup> S.C. Res. 816, U.N. SCOR, 48th Sess., U.N. Doc. S/Res/816 (31 Mar. 1993).

<sup>82</sup> OPERATION DENY FLIGHT eventually involved 200 Alliance aircraft and over 100,000 Sorties. See SUMMARY OF U.N./NATO OPERATIONS IN THE BALKANS App. C.

successful lifespan, this act was the organization's *first* military engagement. See **Appendix C**.

After Bosnian-Serb forces declared control of seventy percent of BiH, the U.N., in June 1993, authorized<sup>83</sup> increased troop strength and the use of force to protect six Muslim enclaves (safe areas) under siege by Bosnian Serb forces: Bihac, Gorazde, Sarajevo, Srebrenica, Tuzla, and Zepa. NATO's decision in August 1993 to use air power to protect these safe areas provided Sarajevo some temporary relief from the year-long siege. This relief was short-lived. The war, now involving all three ethnic groups in BiH, intensified. Atrocities committed by all parties to the conflict continued, including the destruction of Serb-majority villages in Croatia.<sup>84</sup> As these developments plunged further the region into darkness, the United States committed several hundred troops to the UNPROFOR mission in FYROM<sup>85</sup> to help contain the conflict.

Several diplomatic initiatives in 1993, while short-term failures, provided the first real hope for peace and laid the groundwork for the agreement that would ultimately end the war—the General Framework Agreement for Peace (GFAP).<sup>86</sup> Lord Owen of Britain and envoy Cyrus Vance of the United States proposed the Vance-Owen plan that included a Bosnia with ten ethnically divided provinces/divisions, all having significant autonomy.<sup>87</sup> These ten provinces would share one

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<sup>83</sup> S.C. Res. 836, U.N. SCOR, 48th Sess., 3228 mtg., U.N. Doc. S/Res/836 (4 Jun. 1993).

<sup>84</sup> Remarks by Commander, UNPROFOR, Zabreb, Croatia (Operation Joint Endeavor, Able Sentry – Balkans, 1993-1996, Center for Army Lessons Learned (CALL) database).

<sup>85</sup> S.C. Res. 842, U.N. SCOR, 48th Sess., 3239 mtg., U.N. Doc. S/Res/842 (18 Jun. 1993). The U.S. Force included 300 soldiers from USAREUR.

<sup>86</sup> See Appendix E(5). Other names include the Dayton Accord, Paris Peace Agreement, and Paris Agreement.

<sup>87</sup> See Operation Joint Endeavor, Able Sentry – Balkans, 1993-1996, CALL database. Lord Owen and the Hon Cyrus Vance put forth a plan that divided Bosnia-Herzegovina into 10 provinces, established corridors for safe passage of aid and civilians, established constitutional principals giving the provinces autonomy with decentralized state, and set forth cease-fire and demilitarization arrangements.

central government, with limited authority, and a rotating presidency. In May 1993, the Bosnian Serb Parliament rejected this plan. In June 1993, Croatian and Serbian leaders reached agreement on partitioning BiH into a confederation of three provinces—Serb, Croat, and Muslim. Initially, the Bosnian Muslim leaders refused to participate until the Serbs lifted the siege of Sarajevo. This plan evolved into the next failed proposal—the Owen-Stoltenberg plan. This plan called for an ethnically based, three-way split of territory.<sup>88</sup> Various rigid conditions,<sup>89</sup> not accepted by all warring factions, led the Bosnian Parliament to reject the Owen-Stoltenberg Plan in September 1993.

Despite these political efforts to end the war, 1993 ended in much the same fashion as 1992—except now, all three factions were at war with one another.

#### ***4. 1994 – NATO Employs Air Strikes; Muslim-Croats Make Peace***

On February 6, 1994, an artillery shell detonated in the middle of a Sarajevo marketplace killing sixty-eight civilians and maiming scores of others. This attack in Sarajevo and the continued siege of the previously declared safe-areas led NATO, at the request of the U.N., to step up involvement in Bosnia. See United Nations Security Council Resolutions at **Appendix E(4)** and **Appendix C**.

At the request of the U.N., the North Atlantic Council (NAC) reacted to the Sarajevo incident by authorizing NATO air strikes against artillery and mortar positions around Sarajevo on February 9, 1994. Also, any heavy weapons not under UNPROFOR control and found within a twenty-kilometer exclusion zone around Sarajevo would be subject to NATO air strikes. In April, the safe haven of

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<sup>88</sup> 30% Bosnian Muslim; 18% Bosnian Croat; 52% Bosnian Serb. See CNBC History of the Balkans.

<sup>89</sup> The Bosnian leaders demanded restitution from the Bosnian Serbs for the territory they gained over the last eighteen months of conflict.

Gorazde was under Bosnian Serb attack. On April 10 and 11, 1994, NATO aircraft provided close air support to protect UNPROFOR troops in Gorazde by employing its first air strikes against Bosnian Serbs. As the attack on Gorazde continued, the North Atlantic Council, at the U.N.'s request, authorized air strikes against any Bosnian Serb heavy weapons within a twenty-kilometer exclusion zone around the previously declared safe haven of Gorazde. Up to this point, these largely Muslim cities were "safe havens" in name only and were under constant attack. Further, the NAC authorized air strikes against any heavy weapons that attacked, from any range, any of the six safe havens.

With the above authority, and at the request of the U.N., NATO aircraft struck again, this time within the exclusion zone around Sarajevo. One attack was in response to the Bosnian Serbs seizing weapons from an UNPROFOR collection site and the other was in response to a Bosnian Serb attack on an UNPROFOR vehicle. In November 1994, in response to new fighting between the Bosnian Government and Bosnian Serbs near Bihac, BiH, NATO extended<sup>90</sup> air strikes into Serb-held territory of Croatia.<sup>91</sup>

A second development in 1994 (the first being stepped-up NATO involvement) that eventually led to a shift in the balance of power in BiH away from the Bosnian Serbs was the United States-brokered Muslim-Croat federation,<sup>92</sup> ending hostilities between these two warring factions. This federation did two things. First, it set the conditions for a direct role for the Croatian army in support of the Bosnian Muslims against the Bosnian Serbs that later, in 1995, tipped the military balance against the Bosnian Serbs. Second, the GFAP

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<sup>90</sup> S.C. Res. 958, U.N. SCOR, 49th Sess., 3461 mtg., U.N. Doc. S/Res/958 (19 Nov. 1994).

<sup>91</sup> On 21 Nov. 1994, NATO attacked the Udbina airfield in response to recent attacks launched from that airfield into BiH. On 23 Nov. 1994, NATO attacked air defense radars in Otoka after Serbs fired surface-to-air missiles at NATO aircraft.

<sup>92</sup> Agreed to by the Bosnian Government, Bosnian Croats, and Croatian Government.

would ultimately reflect this Muslim-Croat federation. This development did not, however, lead to a quick political or military solution. The countries that made up the Contact Group<sup>93</sup> offered another peace plan, this one giving fifty-one percent of BiH to the Muslim-Croat federation leaving forty-nine percent to the Bosnian Serbs. The Bosnian Serbs rejected this plan.

The year 1994 ended with intensified NATO involvement through the use of airpower, two sides at conflict instead of three (the Muslim-Croat federation against the Bosnian Serbs), and a new cease-fire. Former United States President Jimmy Carter negotiated this cease-fire and all parties to conflict agreed with its terms. This cease-fire held—for four months.

### *5. 1995 – The Conflict Ends*

At the end of the four-month cease-fire, the fighting resumed. It included violations of the exclusion zones and the shelling of the declared safe areas—two of which were the tortured cities of Sarajevo and Srebrenica. NATO reacted with air strikes against Bosnian Serb ammunition depots in Pale, BiH, in May 1995. The Bosnian Serbs responded by taking captive 370 UNPROFOR troops and using them as human shields at potential NATO air strike targets. Television cameras beamed images of U.N. troops tied to bridge supports around the globe. The government of Serbia helped negotiate the release of these hostages. The U.N. strongly condemned the mistreatment of U.N. troops, the increased level of hostilities, and the June 2 shooting down of a United State Air Force plane. As a consequence, the U.N. withdrew all UNPROFOR forces that were isolated at weapons collection sites around Sarajevo. In June 1995, the NAC approved

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<sup>93</sup> United States, Russia, France, Germany, and Great Britain. The Contact Group's goal was to broker an agreement between the new Muslim-Croat federation and the Bosnian Serbs.

plans for a NATO-led operation to support the withdrawal of UNPROFOR from BiH and Croatia.<sup>94</sup> The war appeared far from over.

Against this ominous backdrop, the “tides of war turned dramatically.”<sup>95</sup> First, the newly fortified, combined armies of the Muslim-Croat federation, attacked and gobbled up chunks of territory in the northwest. Second, the fall of the safe areas Srebrenica and Zepa to the Bosnian Serbs and the renewed Bosnian Serb artillery shelling of Sarajevo finally galvanized NATO into acting decisively with a month-long bombing campaign. Operation Deliberate Force, a joint U.N.-NATO air campaign, successfully damaged the military capabilities of the Bosnian Serbs. This operation succeeded in reducing the threat to the Sarajevo safe area, deterring further attacks on all safe areas, enforcing the twenty-kilometer weapons-free exclusion zone around Sarajevo, providing unrestricted use of the Sarajevo airport, and in securing freedom of movement for UNPROFOR and non-governmental organizations. With the threat of resumed air strikes, Operation Deliberate Force concluded in September 1995.<sup>96</sup> Third, the newly weakened Bosnian Serb military gave more ground to the fast moving Muslim-Croat offensive of September 1995. By November 1995, the Bosnian-Serbs controlled just fifty percent of BiH.

With NATO’s newfound resolve and the new territorial parity, diplomatic efforts increased dramatically. For the first time, the military focus shifted from extracting UNPROFOR under hostile

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<sup>94</sup> AFSOUTH OPLAN 40104 provided for the extraction of UNPROFOR under hostile conditions. At the direction of USAREUR, SETAF developed OPLAN Daring Lion. In Jun. 1993, SETAF participated in Mountain Shield at the Grafenwoeher Training Area to develop and validate OPLAN Daring Lion. In anticipation of conducting the UNPROFOR extraction, EUCOM issued a warning order to SETAF for OPLAN Daring Lion and CINCSOUTH released OPLAN 40104. As the Bosnia Peace Plan and the 5 Oct. 1995 cease-fire held, NATO decided not to use OPLAN Daring Lion. See USAREUR AAR, *supra* note 12, at 19-30.

<sup>95</sup> See CNBC History of the Balkans.

<sup>96</sup> This did not, however, end NATO air strikes. OPERATION DENY FLIGHT was a continuing operation, and, on 4 Oct. 1995, when Bosnian Serb anti-aircraft radar locked onto NATO aircraft, NATO attacked two different radar sites.

conditions to conducting a peace operation. A United States-led mediation produced an October 5, 1995, cease-fire and brought the parties to the conflict to Dayton, Ohio, to work on a peace settlement.<sup>97</sup>

Representatives from Serbia (Bosnian Serb leader Radovan Karadzic was already indicted by the International Criminal Tribunal for Former Yugoslavia (ICTY) and did not attend), Croatia, and the Bosnian Government all attended the conference. On November 21, 1995, the presidents of Croatia, Serbia, and Bosnia initialed the Dayton Peace Accord (DPA).<sup>98</sup> The DPA, which is still in effect, is a wide-ranging peace agreement that gave birth to a single Bosnian state with the Bosnian Serbs, later named the Republika of Serpska (RS), controlling forty-nine percent and the Muslim-Croat Federation controlling fifty-one percent of the territory. Federal elections would occur within nine months of the formal signing of the agreement. With the initialing of the Dayton Peace Accord, NATO expedited planning for a multi-national Implementation Force (IFOR) to implement the military aspects of the DPA.<sup>99</sup> On December 5, 1995, NATO endorsed OPLAN 10405—Operation Joint Endeavor—the military plan for IFOR. This act set the stage for the largest military operation in NATO history.<sup>100</sup> Then, on December 14, 1995, the parties<sup>101</sup> signed the official Balkan peace plan, the General Framework Agreement for Peace, in Paris, France (hereinafter GFAP). The following day, the U.N. passed Security Council Resolution 1031, giving NATO the peace enforcement mandate, under Chapter VII of the U.N. Charter,<sup>102</sup> to

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<sup>97</sup> On 1 Nov. 1995, the peace talks opened at Wright-Patterson Air Force Base, near Dayton, Ohio.

<sup>98</sup> The basic agreement and the military annex are at Appendix E(5). The text of the entire agreement is available on CLAMO's Lotus Notes database, or through JAGC.NET on the Internet.



<sup>99</sup> Three days after the 5 Oct. 1995 cease-fire, SACEUR invited the Partner for Peace nations to participate in the Implementation Force.

<sup>100</sup> Department of State Fact Sheet, subject: NATO Involvement in the Balkan Crisis (Bureau of European and Canadian Affairs 8 May 1997).

<sup>101</sup> President Franjo Trudjman, Croatia; President Alija Izetbegovic, Bosnia; President Slobodan Milosevic, Serbia.

<sup>102</sup> U.N. CHARTER, chapter VII (See Appendix E(2)).

implement the military aspects of the Peace Agreement. On December 16, 1995, the NATO-led IFOR began Operation Joint Endeavor—the deployment of what would be, by February 1996, a 60,000 member multinational force with troop contributing nations from all 16 NATO allies and 18 non-NATO countries, including Russia.

### C. OPERATION JOINT ENDEAVOR (OJE)

#### 1. *IFOR Tasks & Milestones*

Recalling that the Entity Armed Forces (EAFs) voluntarily agreed to the terms of the GFAP, the IFOR's role was to *assist*, in an even-handed manner, the EAFs to implement the peace agreement. See Sample Mission Statements at **Appendix F**. Under the terms of Annex 1-A to the GFAP,<sup>103</sup> the military annex, the Implementation Force successfully enforced the cease-fire, ensured the withdrawal of forces and the movement of heavy weapons to designated storage sites, supervised the marking of boundaries and the zone of separation between the EAFs, provided for the safe withdrawal of UNPROFOR forces not participating in IFOR, and controlled the airspace over BiH. Finally, IFOR provided a secure environment for the multitude of other organizations responsible for implementing the civilian aspects of the GFAP. IFOR's success in carrying out the military aspects of the GFAP was pivotal in Bosnia's transition to peace in the first year after the signing of the GFAP.

December 2, 1995, began the deployment to Croatia, Hungary, and Bosnia of the IFOR Enabling Force of 2600 troops, who prepared for the 60,000 strong IFOR main body deployment. On December 20, 1995, D-Day, the UNPROFOR Commander transferred authority to Commander, IFOR, of all NATO and non-NATO forces participating in IFOR. The next day, the first ever Joint Military Commission met in Sarajevo. On January 19, 1996, D+30, the EAFs withdrew their forces

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<sup>103</sup> See GFAP *supra* note 13.

from the Zone of Separation on both sides of the agreed cease-fire line (ACFL). On February 3, 1996, D+45, the EAFs withdrew their forces from those areas to be transferred to another EAF. By March 19, 1996, D+90, the transfer of agreed-upon territory between the EAFs was completed, the cease-fire line was replaced with the inter-entity boundary line (IEBL), and the new ZOS was established around the IEBL. See Map at **Appendix A(2)**. The last major milestone in implementing the military aspects of the GFAP concerned demobilizing designated forces by moving them and all heavy weapons into designated cantonment areas. As the EAFs were unable to meet the initial April 18, 1996, (D+120) deadline, SACEUR pushed the deadline to June 27, 1996, (D+180). The EAFs met this deadline.

## ***2. Command and Control***<sup>104</sup>

The NATO-led OJE was under the political direction and control of the North Atlantic Council (NAC). Military control of IFOR, the military force of OJE, included a unified command structure that began with NATO's Supreme Allied Commander, Europe (SACEUR), General George Joulwan. Also, General Joulwan was the Commander-in-Chief, European Command (CINCEUCOM). SACEUR designated NATO's Commander-in-Chief, Southern Command (CINCSOUTH), Admiral Leighton Smith, as the first Commander of the Implementation Force (COMIFOR). COMIFOR, in turn, commanded the three multi-national divisions<sup>105</sup> through NATO's Allied Rapid Reaction Corps (ARRC). See Organization Charts at **Appendix D(1)&(2)**.

## ***3. IFOR Support to Civilian Implementation of the GFAP***

IFOR's success in implementing the military aspects of the GFAP created a relatively secure environment for the 400-plus

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<sup>104</sup> See NATO Task Force Organization, Appendix D(1).

<sup>105</sup> U.S.-led MND-N, French-led MND-SE, and British-led MND-SW.

international and non-governmental organizations responsible for implementing the civilian aspects of the peace agreement.<sup>106</sup> The December 8-9, 1995 Peace Implementation Conference named Carl Bildt as the High Representative (Office of the High Representative or OHR) in charge of monitoring and coordinating all aspects of the civilian implementation of the GFAP. IFOR provided support to the civilian implementation of the peace process at the request of the OHR and consistent with IFOR's mandate and available resources.

IFOR worked closely with and provided significant logistical support<sup>107</sup> to the OHR, the International Police Task Force (IPTF), the International Committee for the Red Cross (ICRC), the U.N. High Commissioner for Refugees (UNHCR), the International Criminal Tribunal for the Former Yugoslavia (ICTY), and the Organisation for Security and Cooperation in Europe (OSCE). Significantly, IFOR assisted the OHR and the OSCE as they successfully prepared, supervised, and monitored the September 14, 1995 elections.

IFOR stood up a Civil-Military Cooperation team (CIMIC) which rendered technical advice and expertise to the various international and non-governmental organizations, IFOR units, various commissions, the EAFs, and local authorities. The 350-person CIMIC included IFOR personnel, attorneys, educators, public transportation specialists, engineers, agriculture experts, economists, public health officials, veterinarians, communication experts, and other experts.

#### *4. U.S. Military Role*

While organizations all over the Department of Defense played a role in the success of IFOR, U.S. forces directly supported the operation in four primary locations. First, the U.S.-led Multi-National

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<sup>106</sup> NATO Fact Sheet, subject: NATO's Role in Bringing Peace to the Former Yugoslavia (Mar. 97).

<sup>107</sup> Some of the support included transportation, medical treatment and evacuation, vehicle recovery and repair, and security information.

Division, North (MND-N), Task Force Eagle (TFE), was and continues to be responsible for the northeast one-third of BiH. This area of operations includes Tuzla, the Posavina Corridor, Doboje, Zvornik, and the highly charged city of Brcko. See Organization Chart at **Appendix D(3)**. During IFOR, TFE represented the largest concentration of U.S. forces, numbering about 22,000. Second, U.S. commanders and personnel supported the multi-national headquarters in Sarajevo. Third, USAREUR and V Corps personnel supported TFE from the Intermediate Staging Base (ISB) in Hungary and from locations in Croatia. Fourth, U.S. forces continued to support the UNPREDEP (formerly UNPROFOR) mission in FYROM.<sup>108</sup>

On December 20, 1995, UNPROFOR transferred authority to the Commander of TFE, the Commanding General of the First Armored Division (now the Commander of IFOR's Multinational Division-North). Despite the extremely harsh conditions that accompanied the worst winter in 40 years, V Corps and 1st AD engineers, many from Hanau, Germany, successfully bridged the Sava River on December 31, 1995. 1st AD soldiers, augmented with V Corps personnel, immediately crossed the bridge into Bosnia becoming part of the most powerful organization in IFOR—Task Force Eagle. Forces from Estonia, Latvia, Finland, Poland, Denmark, Lithuania, Norway, Iceland, Sweden, Russia, and Turkey joined TFE adding 3 additional brigades to TFE—the Nordic-Polish, Russian, and Turkish Brigades. TFE now had 6 brigades (plus), fully armed and prepared for any contingency, hoping not to fire one round in anger.

Amidst the highly charged and extremely volatile situation amongst the EAFs after 4 years of brutal conflict, TFE, with firm resolve, successfully implemented every military objective in the GFAP in an even-handed manner. After nine months on the ground, TFE supported the OSCE in the country's first democratic national elections.

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<sup>108</sup> The U.S. contribution to UNPREDEP in FYROM is called Task Force Able Sentry.

### 5. Judge Advocate Support

Like operations in Haiti, Operation Joint Endeavor and the continuing operations in the Balkans profit from heavy judge advocate support.<sup>109</sup> Judge advocates, legal administrators, noncommissioned officers, and legal specialists, from the active and reserve components, deployed in support of OJE and the continuing operations. Reserve Component judge advocates and legal personnel distinguished themselves by their seamless integration into existing organizations in Bosnia, the ISB in Hungary, and backfilling legal centers in Germany. Initially, fifteen judge advocates, one warrant officer, and twenty-three 71Ds deployed in support of TFE. Five judge advocates and six 71Ds deployed with 21st TAACOM(F) to the ISB in Hungary. Also with the ISB in Hungary, four judge advocates and four 71Ds deployed as part of USAREUR(F). Finally, one U.S. judge advocate augmented the U.K. and Dutch attorneys at the Allied Rapid Reaction Corps. See Judge Advocate Disposition at **Appendix D(4)**.

TFE judge advocates provided full legal support to two brigade combat teams, an aviation brigade, a corps support group, a military police brigade, the division artillery staff, the Division Main in Tuzla, and the Division Rear.

Judge advocates at every level—from NATO to the soldier on the ground—impacted on these operations. They:

- Helped craft the GFAP
- Assisted commanders at every level—from the coalition level to the base camp in the Zone of Separation—with every aspect of the Rules of Engagement
- Helped negotiate, write, and interpret the crucial Status of Forces Agreements, Transit Agreements, Implementing and

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<sup>109</sup> See HAITI AAR at 25. (S)

### Technical Arrangements, and Acquisition and Cross-Servicing Agreements

- Provided contract and fiscal law support
- Established responsive foreign claims procedures
- Assisted in the proper and effective administration of justice—of equal importance forward and in the rear detachments
- Supported soldiers and families both forward and in the rear detachments
- Developed expertise and procedures while participating in critical Joint Military Commission and bi-lateral meetings

The day-to-day advice judge advocates provided to commanders in Bosnia proved crucial. Judge advocates serving in isolated base camps performed every aspect of legal support to operations.

## D. OPERATION JOINT GUARD (OJG)

### 1. SFOR Tasks & Milestones

As IFOR's mandate—to *implement* peace—drew to a close, the North Atlantic Council (NAC) concluded that a reduced<sup>110</sup> military presence—a Stabilization Force (SFOR)—was required to *stabilize* the peace and to allow continued work on the implementation of the civilian aspects of the GFAP. See Sample Mission Statements at **Appendix F**. On December 12, 1996, the U.N. authorized<sup>111</sup> SFOR to succeed IFOR with the same authority to implement the military aspects of the GFAP. SFOR accomplished its primary mission of contributing to a secure environment necessary for the consolidation of peace.

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<sup>110</sup> From 60,000 to about 31,000 in Bosnia-Herzegovina.

<sup>111</sup> S.C. Res. 1088, U.N. SCOR, 51st Sess., 3723 mtg., U.N. Doc. S/Res/1088 (12 Dec. 1996).

SFOR successfully deterred and prevented the resumption of hostilities, monitored and enforced compliance with the military aspects of the GFAP, ensured force protection at all times, operated Joint Military Commissions, enforced and controlled the military and civilian airspace, and within its capabilities, provided selective support to civilian organizations.

## *2. Command and Control*<sup>112</sup>

Like IFOR, SFOR remained under the political direction and control of the North Atlantic Council (NAC). Military control of SFOR, a unified command structure, remained with NATO's SACEUR, General Joulwan. With SFOR, the SACEUR made two significant changes in the command and control structure. First, SACEUR appointed the Commander of Land Forces Central Europe (CINCLANDCENT) as the Commander, SFOR (CINCSOUTH was the Commander of IFOR). Second, the SACEUR removed the Allied Rapid Reaction Corps from the chain of command. Now, the COMSFOR directly commanded the three multi-national divisions. The three divisions now included troops from all 16 NATO allies plus 20 non-NATO troop-contributing nations.<sup>113</sup>

## *3. SFOR Support to Civilian Implementation of the GFAP*

With the continued stabilization of the military situation by SFOR, all eyes turned to the need for success in implementing the civilian aspects of the GFAP. SFOR worked with the OSCE on elections, playing a critical role in ensuring a free and fair environment for elections to take place in the Republik of Serpska.<sup>114</sup> SFOR

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<sup>112</sup> See NATO Task Force Organization, Appendix D(1).

<sup>113</sup> The 14 Partner for Peace troop-contributing nations are: Albania, Austria, Bulgaria, Czech Republic, Estonia, Finland, Hungary, Latvia, Lithuania, Poland, Romania, Russia, Sweden, and Ukraine. The remaining six non-PFP troop-contributing nations are: Egypt, Jordan, Ireland, Malaysia, Morocco, and Slovenia.

<sup>114</sup> This is discussed later in the ROE section.

supported the UNHCR as it continued to struggle with the return of refugees and displaced persons, assisting, for example, to prevent the return of unauthorized weapons to the ZOS. SFOR continued to assist the IPTF in its mandate to promote local law and order and restore confidence in the rule of law, played an expanded role in assisting the ICTY, provided security and logistics support to ICTY investigative teams, and participated in the apprehension of alleged war criminals. Finally, SFOR continued to use the expertise of the Civil-Military Information Center.

#### *4. U.S. Military Role*

United States forces supported SFOR through the Intermediate Staging Base (ISB) in Hungary and Croatia, SFOR Headquarters in Sarajevo, and Task Force Eagle in the Multi-National Division-North. Also, U.S. forces continued to support the UNPREDEP mission in Former Yugoslav Republic of Macedonia (FYROM).

Initially, 1st Infantry Division (1ID) deployed a covering force to Bosnia to secure 1st Armored Division's return to Germany. Two days after the transfer of authority, the 1ID immediately intervened and defused two separate, potentially explosive demonstrations between the EAFs in the villages of Celic and Gajevi. On November 10, 1996, the 1st Armored Division transferred authority—command and control—to the 1st Infantry Division from Wuerzburg, Germany (U.S. military calls this SFOR1). The Commander, 1st Infantry Division, deployed 1st Infantry Division (Fwd) to TFE while maintaining the Division "flag" at Wuerzburg, Germany. On December 20, 1996, COMIFOR transferred authority to COMSFOR, ending Operation Joint Endeavor and beginning Operation Joint Guard. The 1st Infantry Division stayed in place as part of the new Stabilization Force (SFOR1) in command of Task Force Eagle. Together with the other nations making up the MND-N sector, the soldiers of the 1st Infantry Division kept the peace in Bosnia and provided a stable climate in sector.

On October 22, 1997—less than one year after spear-heading Operation Joint Endeavor, the 1st Armored Division(Fwd) returned to Bosnia, relieved in place the 1st Infantry Division, and assumed command, again, of Task Force Eagle (SFOR2). The 2d Armored Cavalry Regiment (ACR) from Fort Polk, Louisiana, deployed two battalion task forces to support 1st Armored Division (Fwd). Unlike their deployment with TFE as part of IFOR, the Commander, 1st Armored Division, now maintained the division “flag” at Bad Kreuznach, Germany. The soldiers of the 1st Armored Division and the 2d ACR continued to keep the peace and provided that secure environment for the hard work that continued on the civilian aspects of the GFAP.

### *5. Judge Advocate Support*

As OJE ended and OJG began, the 60,000 troops of the IFOR gave way to the 35,000 SFOR troops in theater. Likewise, force levels of TFE dropped from a Division (plus) to a Brigade (plus). For judge advocates, this new manning level carried great significance. See Judge Advocate Disposition at **Appendix D(4)**. Instead of judge advocate support to brigade combat teams, judge advocates now provided full-time support to three, later four, *battalion task forces* in U.S. sector base camps. 1st Armored Division, 1st Infantry Division, and 2d ACR judge advocates provided full legal support to these battalion task forces, the brigade headquarters, an aviation brigade, and the Division Forward in Tuzla. These “all purpose”<sup>115</sup> judge advocates continued to show the value that judge advocates bring to the commander in the decision making process and to supporting soldiers, both forward and in the rear detachments.

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<sup>115</sup> Base camp judge advocates provided legal support to commanders, staffs, and soldiers in virtually every area of the law. For a Base Camp Judge Advocate’s description of duties, see Interview of CPT Wells. ☺

## **E. OPERATION JOINT FORGE (OJF)**

This operation will not change the name of the NATO-led force, SFOR. On June 20, 1998, the NATO-led coalition transitioned to a smaller follow-on force. Also, Operation Joint Guard ended and Operation Joint Forge began. "OJF will continue to build on the successes of Operation Joint Guard and Endeavor."<sup>116</sup> No timeline exists for OJF.

### ***1. SFOR Tasks & Milestones***

SFOR will continue to deter the resumption of hostilities, stabilize the peace, contribute to a secure environment by providing a continued military presence, target and coordinate SFOR support to key areas and primary civilian implementation organizations, and further peace efforts until a NATO-led force is no longer needed in BiH.

### ***2. Command and Control***

No change in the NATO command and control structure from OJG to OJF.

### ***3. SFOR Support to Civilian Implementation of the GFAP***

The same objectives continue from OJG to OJF. SFOR will target and coordinate support in the: rule of law; return and resettlement of displaced persons and refugees; democratization process; and in the improvement of public security, economic recovery, reconstruction of infra-structure, and media reform. Support will continue to key organizations to include the OHR, OSCE, ICTY, ICRC, UNHCR, and CIMIC.

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<sup>116</sup> History of Task Force Eagle. Task Force Eagle Homepage at <<http://www.tfeagle.army.mil/TaskForceEagle.htm>>.

#### *4. U.S. Military Role*

United States forces will continue to support the SFOR at the ISB in Hungary and Croatia, SFOR Headquarters in Sarajevo, and Task Force Eagle in MND-N. U.S. forces will continue to support the UNPREDEP mission in FYROM.

As SFOR transitioned to a smaller follow-on force, the U.S. has agreed to contribute roughly 6900 personnel.<sup>117</sup> Beginning August 26, 1998, the 1st Cavalry Division became the first continental U.S. division to deploy to the Balkans. The 1st Armored Division transferred authority—command and control—of TFE to the 1st Cavalry Division on October 7, 1998 (SFOR3). Two of the 1st Cavalry Division's brigades, deploying in sequence for six months each, will provide support to the maneuver elements. SFOR 4 begins when the second of the two 1st Cavalry Division brigades deploy.

#### *5. Judge Advocate Support*

Like their predecessors, 1st Cavalry Division judge advocates will continue the trend of providing full-time legal support to battalion task forces located in four base camps in the U.S. sector. Also, judge advocates will provide full legal support to the Brigade Headquarters, an Aviation Brigade; and the Division Headquarters (Eagle Base) in Tuzla. See Judge Advocate Disposition at **Appendix D(4)**.

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<sup>117</sup> *Id.*

### III. Lessons Learned

#### A. INTRODUCTION TO LESSONS LEARNED

##### *1. Command and control issues initially dominated legal support to operations in the Balkans.*

As stated in the Introduction, legal support to operations (the Judge Advocate General's Corps' support to the battlefield commander) can be viewed in three discrete areas: command and control,<sup>118</sup> sustainment,<sup>119</sup> and personnel support.<sup>120</sup> Command and control issues dominated the beginning of Operation Joint Endeavor starting in December 1995—meting out the Rules of Engagement (ROE), drafting and reviewing plans and orders, and interpreting and applying the GFAP and other international agreements to facilitate movement of people and equipment into country. Once IFOR established its presence, command and control issues centered on interpreting and applying the GFAP's provisions pertaining to the Former Warring Factions—gaining control of the Zone of Separation, monitoring and controlling weapons, facilitating freedom of movement, facilitating elections, etc.

##### *2. As the theater matured, sustainment issues quickly dominated legal support to operations, particularly regarding contract and fiscal law.*

Sustainment issues grew and eventually dominated legal support to the operation. Fiscal and contract law issues predominated. Issues included occupation and lease of real estate; construction and

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<sup>118</sup> Including but not limited to interpreting, drafting, disseminating, and training commanders, staffs, and soldiers on the Rules of Engagement, participating in targeting cells, participating in the military decision making process, and dealing with the Law of Armed Conflict (LOAC). Generally, issues directly affecting the commander's decision making process on the battlefield fall within C2.

<sup>119</sup> Including but not limited to negotiating ACSAs and other agreements, contracting, and administering the Foreign Claims Act.

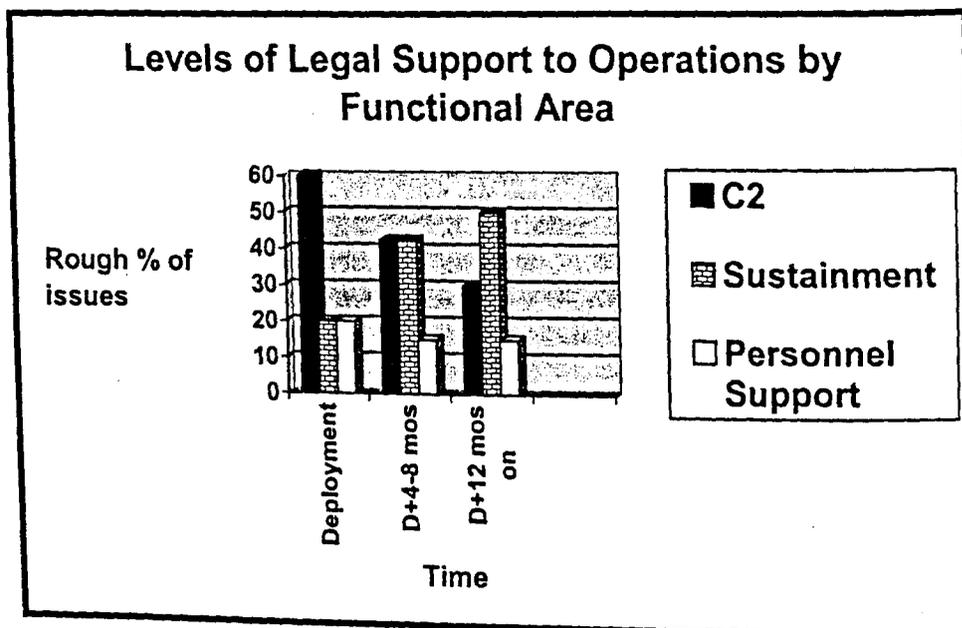
<sup>120</sup> Including but not limited to the administration of military justice, legal assistance services, and basic soldier-related claims issues.

maintenance of base camps, roads, and bridges; the Logistics Civil Augmentation Program (LOGCAP—all the support required to move, house, feed our divisions); and support to our civilians, the host nation, the local populace, other contributing nations' forces, and non-governmental organizations (NGOs). Foreign claims were also a large part of the legal support provided within the sustainment arena.

***3. Legal support within the personnel service and support function remained critical and relatively constant.***

Issues of military justice, legal assistance, and personnel claims were ever present and critically important to supporting the command and the troops. Their volume remained somewhat constant throughout the various operations.

If one were able to diagram these three functions or areas of legal support to military operations and their relative volumes (in terms of number of issues raised and man-hours spent) through the Balkan operations, it might look something like this:



This pattern would likely be similar for other operations at the stability (e.g., peacekeeping, peacemaking, peace enforcement, etc.) end of the spectrum of military operations. For high intensity operations, command and control issues likely become the main effort during battlefield operations. Sustainment issues tend to predominate before and after battlefield operations, while personnel service support legal issues remain ever-present and relatively constant.

**B. RULES OF ENGAGEMENT (ROE).**

*“The aggressiveness that is important in wartime operations must be tempered with restraint in the ambiguous environment of peace operations.”<sup>121</sup>*

**Aggressiveness**

Anyone – anyone – who takes on our troops will suffer the consequences. We will fight fire with fire – and then some.<sup>122</sup>

But you will also have very clear rules of engagement...: If you're are threatened with attack, you may respond immediately and with decisive force.<sup>123</sup>

**Restraint**

We had a concept called strategic soldiers. We...were aware that that operation could have been totally messed up by one soldier—by one soldier from any one of 36 different nations doing something which was contrary to his rules of engagement.<sup>124</sup>

- Our Mission is to Implement the Peace Plan<sup>125</sup>
- We Are Not at War<sup>126</sup>

<sup>121</sup> See JOINT WARFIGHTING CENTER, JOINT TASK FORCE COMMANDER'S HANDBOOK FOR PEACE Operations, I-17, (16 Jun. 1997) [hereinafter JTF COMMANDER'S HANDBOOK ]. ☹

<sup>122</sup> President William J. Clinton, Statement to the nation (27 Nov. 1995) (transcript available at <<http://www.defenselink.mil/speeches/1995/di10101.html>>). See *Bosnia: A Call to Peace*, DEFENSE ISSUES, Vol. 10, No. 101.

<sup>123</sup> President William J. Clinton, Remarks to solders of Task Force Eagle at Smith Barracks, Baumholder, Germany (2 Dec. 1995). >). See *Bosnia: A Call to Peace*, DEFENSE ISSUES, Vol. 10, No. 103.

<sup>124</sup> LTC Reddin, ARRC Legal Advisor for IFOR, in USAREUR AAR Vol. II. ☹

<sup>125</sup> Powerpoint Presentation, CONUS Replacement Center, Fort Benning, Georgia (copy on file with CLAMO).

<sup>126</sup> *Id.*

These contrasting and seemingly conflicting quotations drive home the immense challenge facing land component forces on how to apply the use of force<sup>127</sup> in peace operations.<sup>128</sup> The quotes above reflect well the delicate balance of applying initiative and restraint—a tension that soldiers and marines face everyday in peace operations. The legal framework of operations in the Balkans—to include Chapter VII of the U.N. Charter,<sup>129</sup> UNSCR 1031,<sup>130</sup> the GFAP, and the ROE<sup>131</sup>—clearly provides for the use of necessary force, to include the use of deadly force. The robust nature of these peace enforcement ROE provided for decisive action, when appropriate, by Task Force Eagle (TFE) personnel.<sup>132</sup> On the other hand, military operations in the Balkans were undertaken with a cease-fire in place and with the consent of the Entity Armed Forces (EAF). To maintain the very fragile peace in Bosnia, TFE personnel had to maintain their impartiality—both actual and perceived. The ill-advised use of force could eliminate this perception of impartiality and re-ignite the conflict. Against this backdrop of potentially conflicting messages, judge advocates successfully advised commanders and trained soldiers on “who can shoot at what, with which weapons, when, and where.”<sup>133</sup>

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<sup>127</sup>THE JOINT CHIEFS OF STAFF, JOINT PUB. 1-02, DEP'T OF DEFENSE DICTIONARY OF MILITARY AND ASSOCIATED TERMS (1989) [hereinafter JOINT PUB. 1-02]. ROE are directives issued by competent authority to delineate the circumstances and limitations under which its own naval, ground, and air forces will initiate and/or continue combat engagement with other forces encountered. They are the means by which the National Command Authority (NCA) and operational commanders regulate the use of armed force in the context of applicable political and military policy and domestic and international law.

<sup>128</sup> *Id.*

<sup>129</sup> See Chapter VII of the United Nations Charter, Appendix E(2).

<sup>130</sup> S.C. Res. 1031, U.N. SCOR, 50th Sess., 3607 mtg., U.N. Doc. S/Res/1031 (15 Dec. 1995) (Text at Appendix E(3)).

<sup>131</sup> For IFOR, the ROE chain was as follows: SACEUR OPLAN 10405, Annex E, Rules of Engagement; CINCSOUTH OPLAN 40105, Annex E, Rules of Engagement; ARRC OPLAN 60405, Annex P, Rules of Engagement; TFE OPLAN 95-425, Annex T, Rules of Engagement.

<sup>132</sup> *Id.*

<sup>133</sup> Colonel Fred Green, Address to the American Society of International Law, Implementing Limitations on the Use of Force: The Doctrine of Proportionality and Necessity (1992) (reprinted in 86 AM. SOC'Y INT'L L. PROC. 39, 62-67 (1992)) (using this informal definition of ROE); see also

The ROE were multinational in character because OJE/OJG were NATO-led operations. The North Atlantic Council (NAC) reached a multinational consensus on the ROE (hereinafter NATO ROE). Based on the U.N. and GFAP mandates for the IFOR to use necessary force to accomplish the mission, the U.S. National Command Authorities—the President and Secretary of Defense—approved the NAC’s ROE concept. From this, SACEUR, CINCAFSOUTH, COMIFOR, COMARRC, and COMEAGLE issued their respective OPLANs with ROE annexes.<sup>134</sup> See SFOR Headquarters Structure at **Appendix D(2)**. In turn, each of the troop contributing nations could issue more restrictive ROE for their own forces (based on host nation law). For U.S. forces under the operational control (OPCON) of COMIFOR/COMSFOR, the CJCS Standing Rules of Engagement<sup>135</sup> were NOT in effect.<sup>136</sup> This meant that most<sup>137</sup> U.S. forces had to train on and apply the use of force under the NATO ROE.

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DEP'T OF ARMY, SUBJECT SCHEDULE 27-1, THE GENEVA CONVENTIONS OF 1949 AND THE HAGUE CONVENTION NO. IV OF 1907, para. 3a (29 Aug. 1975) (using this definition of ROE). Formally, ROE are “directives issued by competent authority that delineate the circumstances and limitations under which United States forces will initiate and/or continue combat engagement with other forces encountered. JOINT PUB. 1-02 at 317.

<sup>134</sup> SACEUR – Supreme Allied Commander, Europe; CINCAFSOUTH – Command in Chief, Armed Forces, South; COMIFOR – Commander, Implementation Force; COMARRC – Commander, Allied Rapid Reaction Corps; COMEAGLE – Commander, Task Force Eagle.

<sup>135</sup> See Chairman of the Joint Chiefs of Staff Instruction 3121.01, subject: Standing Rules of Engagement for U.S. Forces (1 Oct. 1994) (classified SECRET but including an unclassified portion, Enclosure A, intended for wide distribution). The 1994 SROE are currently undergoing a five-year review and may change significantly in the near future.

<sup>136</sup> The SROE apply to U.S. forces in operations with limited exceptions for multinational force (MNF), civil disturbance and disaster relief operations. Enclosure A of the SROE, *id.*, directs that U.S. forces assigned to the operational control (OPCON) of a multinational force will follow the ROE of the multinational force, unless the National Command Authority (NCA) directs otherwise. Because Bosnia was a multi-national operation and the NCA did not direct otherwise, the SROE did not apply to those soldiers under the OPCON of IFOR/SFOR.

<sup>137</sup> U.S. Forces under the OPCON of the U.S. and located outside of BiH, followed the SROE. This is discussed later in the text.

Judge advocate participation in interpreting, drafting, disseminating, and training ROE peaks in multinational peace operations. ROE are a commander's tool to control the use of force and operators (i.e., S3/G3/J3) are and must remain responsible for the development of the ROE.<sup>138</sup> Nevertheless, commanders involved in preparing for and executing operations in the Balkans turned to their judge advocates to take the lead in interpreting, drafting, and training the ROE.<sup>139</sup> Within TFE, judge advocates—captains, majors, and lieutenant colonels—understood the legal, policy, and military<sup>140</sup> underpinnings of the ROE when advising commanders on the use force to accomplish the mission. Operations in the Balkans validated this critical function where soldier-lawyers, at all levels, provided advice that expanded or limited a commander's options to accomplish the mission.

### *1. Expect difficulties with ROE in coalition operations.*

Operations in Bosnia involved 32 to 36 Troop Contributing Nations (TCN). All multinational forces in Bosnia were under the direction and political control of the North Atlantic Council (NAC). The sixteen nations that make up NATO reached a consensus on the ROE. Further, the non-NATO TCNs agreed to abide by the NATO ROE but could restrict further the application of the ROE based on TCN requirements. Judge advocates, at every level of command, had to work closely with each other in order to make the ROE a multinational success.

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<sup>138</sup> JTF COMMANDERS HANDBOOK at I-13 - I-19.

<sup>139</sup> See OJE-AAR, *supra* note 30, vol. I. (♻️) When asked whether ROE were perceived as judge advocate functions or operator functions, judge advocates from TFE, IFOR, the ARRC, AFSOUTH, and NATO all agreed that action officers and commanders alike viewed the ROE as a judge advocate function.

<sup>140</sup> See U.S. Navy Captain Ashley Roach, *Rules of Engagement*, NAVAL WAR COL. REV. 46, 48 (1983) (for a discussion of the underpinnings of ROE).

***a. Expect to train and deploy without the ROE; expect challenges in the first set of ROE .***

The complexity inherent in large-scale multinational operations will likely result in last minute approval of the ROE. Fast paced events on the ground, the extraordinarily difficult negotiation process in getting multiple nations to agree on the ROE,<sup>141</sup> and varying political requirements virtually assure a similar result in future large scale multinational operations. That is “simply the way it is.”<sup>142</sup> Further, once the ROE are approved, the various OPLANs in multinational operations may result in inconsistent terms, imprecise terminology (for example, ill-defined acronyms), vague decision making authority (for example, senior commander verses senior soldier on the ground), and complicated weapons release matrices.<sup>143</sup> For the Implementation Force (IFOR), the Commander, Allied Rapid Reaction Corps (ARRC), used a detailed ROE matrix. The ARRC used the matrix to achieve unity of effort across the three multinational divisions. Generally, judge advocates and staffs liked the matrices. The Task Force Eagle Staff Judge Advocate also employed a ROE matrix. Despite the complexity of translating ROE annexes into matrices, operators and judge advocates alike thought that they worked well.<sup>144</sup>

***b. Identify troop contributing nation counterparts and liaisons early.***

In Bosnia, the MND-N included troops from 12 nations: The U.S., Estonia, Latvia, Finland, Poland, Denmark, Lithuania, Norway, Iceland, Sweden, Russia, and Turkey. TFE established liaison points

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<sup>141</sup> See remarks by EUCOM Legal Advisor in OJE-AAR, *supra* note 30, vol. I. ☹

<sup>142</sup> IAD Staff Judge Advocate in OJE-AAR *supra* note 30. ☹ See also agreement by all participants in the OJE-AAR, *supra* note 30, vol. I.

<sup>143</sup> CDR Mike McGregor, EUCOM/ECLA, Joint Universal Lesson Learned, subject: SHAPE Dissemination and Publication of ROE.

<sup>144</sup> Interview with COL Maher, former Staff Judge Advocate, 1st Armored Division and Task Force Eagle. See also Allied Rapid Reaction Corps Legal Advisor comments in OJE-AAR, *supra* note 30, vol. I. ☹

of contact with each of these troop contributing nations (TCNs). TCNs may deploy with outdated or inaccurate translations of the ROE or may deploy without ROE cards for their soldiers.<sup>145</sup> Other TCNs may have little or no training in the use of force in peace operations. Judge advocates must make early contact with TCN liaisons to identify and fix these potentially dangerous shortfalls. In one instance, a U.S. judge advocate provided classroom and situational training exercises (STX) for Russian soldiers in the TFE area of operations.<sup>146</sup>

*c. Account for troop contributing nations' (TCN) domestic law and sensitivities in mission planning.*

Commanders must assign missions in multinational operations with an understanding of the TCNs operational capabilities, national/political interests, and domestic legal constraints. TCN's may lack the necessary ROE training to adequately deal with a difficult enforcement situation. Multinational partners may have domestic limitations more restrictive than the ROE or may have a culture of applying force in peacekeeping operations. A multinational partner may have historical stigmas that may cause hesitation in the use of force.<sup>147</sup> For example, a TCN may have policy or legal restrictions on the use of Riot Control Agents (RCA).<sup>148</sup> Still other TCNs may not agree with the U.S.'s view on particular definitions such as what constitutes hostile intent. By working closely with their TCN

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<sup>145</sup> Interview with MAJ Mike Isaaco (11 May 1998) ☹. 1ST ARMORED DIVISION OFFICE OF THE STAFF JUDGE ADVOCATE AFTER-ACTION REPORT, SEPTEMBER 1995 – DECEMBER 1996 at 16 (1st Armored Division Office of The Staff Judge Advocate 1997) [hereinafter 1AD-AAR]. ☹

<sup>146</sup> This was CPT Krauss. See Interview with LTC Denise K. Vowell, Staff Judge Advocate, 1st Infantry Division (Fwd), in Germany (27 Jan. 1998 and 22 Feb. 1998) [hereinafter Interview with LTC Vowell]. ☹

<sup>147</sup> Interview with LTC Vowell, *id.* ☹

<sup>148</sup> Some examples of RCA include pepper spray and CS/tear gas. See LTC Reddin, comments *in* OJE-AAR, *supra* note 30, vol. I. ☹ Interview with COL Gerard A. St. Amand, former V Corps Staff Judge Advocate, at the Judge Advocate General's School, Charlottesville, Virginia (2 Oct. 1998) (host nation law in Britain stems from the situation in Ireland and limits the range of options for British soldiers dealing with civilians).

counterparts, judge advocates were a force multiplier for commanders in working through such challenges.

*d. Work with the operators and other staff sections to ensure all troop contributing nations (TCNs) have accurate, translated ROE and soldier cards.*

First, TFE judge advocates helped the G3 determine which TCNs, particularly their subordinate units, had the current ROE and whether they had ROE soldier cards available for their soldiers in the relevant language.<sup>149</sup> Many TCNs did not have the current ROE and did not have ROE soldier cards. The various ROE soldier cards are at **Appendix G**. In addition to interpreting, drafting, and training ROE, judge advocates ended up producing, laminating, and distributing ROE cards. Judge advocates should take steps to ensure that operators take the lead in developing the ROE, information managers produce and laminate ROE cards, and public affairs officers (PAO) coordinate all media release of the ROE.

The second issue concerned the initial ROE classification as NATO Confidential. This classification kept the ROE out of the hands of non-NATO TCNs until they were in Bosnia for some time. Later, a FRAGO fixed this by classifying the ROE as NATO Confidential-Releasable IFOR.<sup>150</sup> This must be done at the earliest opportunity. The initial classification also hindered public affairs operations. Public affairs has a significant role in today's complex, operational environment and requires clear guidance on what can be released and when. While the ROE had a public dissemination annex, it failed to state a release authority. Judge advocates should work closely with the PAO to ensure relevant information is available for release in a timely fashion.

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<sup>149</sup> 1AD-AAR, *supra* note 145 at 16. (T)

<sup>150</sup> *Id.*

***2. Situational Training Exercises (STX) and mission-oriented refresher training best prepare soldiers to deal with peace operations.***

Units must conduct training from the commander level down, and include class and practical training, with the main effort on STX. STX, or Situational Training Exercises, focus on one or a few tasks within a particular mission scenario and require soldiers to practice until the tasks are executed to standard.<sup>151</sup> As noted previously, TFE soldiers deployed without the ROE. This is not to say that USAREUR units waited until they had the ROE to train. In fact, V Corps, Southern Europe Task Force (SETAF), and 1st Armored Division commanders and judge advocates focused on Bosnia up to two years before the deployment. Senior commanders<sup>152</sup> planned and soldiers trained continuously for the uncertain future.

***a. Judge advocates must have situational awareness (Bosnia) and understand pre-deployment contingency planning.***

Judge Advocates helped develop pre-deployment training for 1st AD and other V Corps units that might be tasked to deploy to Bosnia. To develop this training, judge advocates had to understand the situation in Bosnia and the mission. Judge advocates read country studies, Civil Affairs Area Assessments, historical documents, and press reports to gain insight into what soldiers would face in Bosnia. Judge advocates also had to be integrated members of the staff to gain access to and understand the various contingency plans that the National Command Authority (NCA) might have asked U.S. forces to implement. From this understanding, judge advocates helped design home station STXs centered around the basic principals of self-defense, the invaluable STXs used by V Corps in Mountain Eagles I &

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<sup>151</sup> These scenario-based exercises are also called "lane training" because they confront the soldier with a controlled event and observe the response.

<sup>152</sup> Interview with COL Gerard A. St. Amand, former V Corps Staff Judge Advocate, at the Judge Advocate General's School, Charlottesville, Virginia (26 Sep.1998) (where he related that the V Corps Commander focused on preparing the Corps for Bosnia well before anyone knew what the mission would be).

II<sup>153</sup> (Bosnia preparatory field exercises), and Individual Readiness Training at Hohenfels, Germany.<sup>154</sup>

*b. Use Situational Training Exercises (STX).*

This lesson learned is found in the Haiti AAR. It is a lesson, however, that bears repeating. Many<sup>155</sup> judge advocates, commanders, and soldiers who deployed to Bosnia agree that soldiers were better prepared for the Bosnia missions because of the STX training.

To conduct STX's on ROE, a commander, judge advocate, or other trainer places a soldier in a particular simulated METT-T<sup>156</sup> and then confronts him with an event, such as the crashing of a traffic checkpoint barrier by a speeding vehicle. The trainer evaluates the soldier's response, and afterward discusses alternative responses available within the ROE. The STX brings to life abstract rules on the ROE card, giving the soldier concrete terms of reference within which to determine his response. In this way, the soldier achieves the balance between

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<sup>153</sup> MAJ Ron Miller, V Corps, helped design 30-50 scenarios for STX training focused on individual and collective tasks—dealing with potential scenarios in Bosnia—for Mountain Eagle I and II. See also 1AD-AAR, *supra* note 145 at 13. ☹

<sup>154</sup> See USAREUR AAR; LTC Maher and Interview with LTC Vowell, *supra* note 146. ☹

<sup>155</sup> We inserted the word “many” because we certainly did not talk to all who deployed. From our sampling of interviews, 100% agreed that situational training exercise (STX) training, particularly in peace operations, better prepared them for what they saw in Bosnia.

<sup>156</sup> See, e.g., U.S. DEP'T OF ARMY, SOLDIER TRAINING PUBLICATION NO. 21-II-MQS, MILITARY QUALIFICATION STANDARDS II: MANUAL OF COMMON TASKS FOR LIEUTENANTS AND CAPTAINS 3-86 (31 Jan. 1991) (Task 04-3303.02-0014, Prepare Platoon or Company Combat Orders) (describing the factors of “mission, enemy, terrain, troops, and time available”).

initiative and restraint so important to success in operations other than war.<sup>157</sup>

For Bosnia, various trainers used the widely known mnemonic, RAMP,<sup>158</sup> as an effective training tool in preparing soldiers for deployment to Bosnia. In its generic form, RAMP training seeks to provide soldiers a baseline understanding of the application of the use of force—those rules articulated in the SROE—that follow soldiers in all operations. Then, when faced with a specific mission, those same soldiers are better equipped to deal with the mission-specific ROE. Deployment training at Fort Benning, Georgia,<sup>159</sup> Hohenfels, Germany,<sup>160</sup> the 10th Mountain Division,<sup>161</sup> at home station in Germany, and in Bosnia successfully used RAMP as a training tool for deploying soldiers. Training soldiers on the principles that underlie ROE, and on the specific ROE that apply, prepare them to handle most situations appropriately.<sup>162</sup>

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<sup>157</sup> See generally Major Mark S. Martins, *Rules of Engagement for Land Forces: A Matter of Training, Not Lawyering*, 143 MIL L. REV. 1, n.274 at 90-92 (1994) (extolling the virtues of scenario training). ☹

<sup>158</sup> See *id.* at n. 274. ☹ RAMP is an acronym summarizing the basic principles a soldier must know to legally and rightfully use force. It is part of a Rules of Engagement training and development mechanism developed by MAJ Mark S. Martins. It stands for:

Return fire with aimed fire.

Anticipate attack.

Measure the force you use (graduated response if able).

Protect only yourself, your unit and those persons and property designated by your commander with deadly force.

<sup>159</sup> Fort Benning is the CONUS Replacement Center for troops deploying to Bosnia from the Continental United States.

<sup>160</sup> Hohenfels is the Individual Readiness Training center where all Europe-based soldiers prepare to deploy to Bosnia.

<sup>161</sup> The 10th Mountain Division was responsible for deploying a rifle company to protect designated special property in Bosnia—a bridge. The Staff Judge Advocate noted that they supplemented the “P” in RAMP by instructing soldiers and training them on the use of minimum force, to include deadly force if necessary, to protect the bridge. The feedback from the soldiers and leaders to the Staff Judge Advocate was extremely positive.

<sup>162</sup> See Interview of LTC Vowell, *supra* note 146. ☹

Examples of how well the soldier on the ground and in the air knew and applied the ROE abound.<sup>163</sup> But several judge advocates cautioned that peace operations can cause greater, sometimes dangerous, reluctance on the part of soldiers to employ force when authorized and even perhaps, advisable.<sup>164</sup>

*c. Conduct continuous ROE mission and refresher training.*

Before executing specific missions, judge advocates briefed soldiers and units on the ROE. For example, judge advocates briefed artillery units on the use of position defense,<sup>165</sup> aviators prior to specific show of force missions,<sup>166</sup> and various convoy operations including claims convoys.<sup>167</sup> Judge advocates agreed that continual ROE refresher training, based on a review and “analysis of events occurring throughout the area of operations,”<sup>168</sup> is a vital link in maintaining our soldiers’ edge in the use of force. Judge advocates continually drafted training scenarios based on recurring events in

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<sup>163</sup> See 1AD-AAR, *supra* note 145 at 14-15. ☹

<sup>164</sup> See, e.g., Interview with LTC Steven T. Salata and MAJ Kevan J. Jacobson, 1st Armored Division (Fwd), at Eagle base, Tuzla (2-23 Feb. 1998) [hereinafter Interview of LTC Salata and MAJ Jacobson] (reference incidents occurring at the riots in Brcko). ☹ See also Interview of COL Vowell, *supra* note 146. ☹

<sup>165</sup> The NATO ROE provide for position defense meaning, friendly forces are not required to withdraw or surrender their position, personnel, or equipment in order to merely avoid the authorized and legitimate use of force. See PowerPoint Brief, subject: SFOR Legal Update (Feb. 1998). ☹

<sup>166</sup> Commanders used attack aviation assets to demonstrate TFE resolve in various situations. The aviation assets would often photograph violations of the GFAP—such as a tank out of a specified cantonment area—for the commander’s use in resolving the situation.

<sup>167</sup> See, e.g., 1AD-AAR, *supra* note 145 at 13-16 and Interview of LTC Vowell, *supra* note 146 (discussion of aviation assets). ☹

<sup>168</sup> Interview of LTC Vowell, *supra* note 146, and 1AD-AAR, *supra* note 145. ☹

Bosnia. Finally, judge advocates must conduct or closely monitor all ROE training.<sup>169</sup>

**3. Staff integration is essential for judge advocates to be a combat multiplier in ROE issues.**

One of the first things I did with big OP LAW payoffs was to make friends with the planner in the S-3 shop.... I'd monitor the actions of the patrols and keep tabs with the battle captains.... It was the friendships and early preparation ... that made the difference. It ... forged a relationship of trust that made them want to include me ... after we got here.<sup>170</sup>

Every deployed judge advocate emphasized the importance of being an integral part of the commander's staff. Routine participation in targeting cells,<sup>171</sup> ROE planning cells, and other planning groups keep judge advocates in the information loop<sup>172</sup> and position judge advocates to be problem solvers before things break. See Assault Command Post Layout (FOR) at **Appendix D(5)**. Initially, judge advocates were not "active members"<sup>173</sup> of targeting cells. By not

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<sup>169</sup> In several interviews with the Center for law and Military operations (CLAMO), judge advocates noted that individual readiness training taught by non-legal NCOs fell short of what soldiers needed.

<sup>170</sup> Interview with CPT Warren L. Wells, 2/2 ACR base camp judge advocate at Camp Dobol, Bosnia (5 Mar. 1998). ☹

<sup>171</sup> See generally CPT Ramsey's comments in 1AD-AAR, *supra* note 145, and in OPERATION JOINT ENDEAVOR, AFTER-ACTION REVIEW (Heidelberg, Germany 24-26 Apr.1997) (An After Action Review conference of judge advocates held in Heidelberg, Germany. The transcript was reduced to writing in three volumes and is available on Lotus Notes and JAG.net. Cited page numbers may vary slightly from electronic versions.) [hereinafter OJE-AAR]. ☹ See also Powerpoint Brief, Subject: Less Than Lethal Munitions, Development and Training of the Rules of Engagement During Operation Joint Endeavor Train-up, and Use of Judge Advocates in Targeting Cells (25 Apr. 1997). ☹

<sup>172</sup> 1AD-AAR, *supra* note 145 at 117. ☹

<sup>173</sup> See *supra* note 30.

actively participating in the development of targeting folders/lists, judge advocates become naysayers instead of combat multipliers. Early participation in the targeting planning process helps commanders and staffs develop courses of action supportable by the ROE. If the ROE are unclear for a particular mission, early planning allows time to obtain command guidance, necessary FRAGOs on the ROE, or even requests for changes in the ROE.

Staff integration<sup>174</sup> is particularly critical in the Bosnia base camp environment. Since the end of 1996, judge advocates have served as base camp judge advocates to battalion task force commanders. For the most part, battalion commanders and staffs are unaccustomed to having judge advocates on their team. It is imperative for these base camp judge advocates—usually captains—to begin the team building process at the first opportunity. The base camp judge advocates handled many complex, sensitive, and potentially explosive use of force issues<sup>175</sup> and they attribute their success, in part, to being part of the command team. One of the most important things that a judge advocate can do is train the battle staff to identify issues early and resolve them with the judge advocate.

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<sup>174</sup> Staff integration really begins at home station. This lesson is not new. Attending Combat Training Center Seminars/Leader Training Programs, deploying to the Combat Training Centers, participating in FTXs and CPXs, attending staff calls and functions, conducting aggressive leader development programs at home station, and developing tactical expertise at every opportunity, all make judge advocates better staff officers.

<sup>175</sup> Interview with CPT Wells, *supra* note 170. ☹ See also 1AD-AAR, *supra* note 145, and Interview with LTC Vowell. ☹ Base camp judge advocates dealt with the entire spectrum of ROE issues: RCA, targeting, checkpoints, detention, weapons confiscation, etc.

**4. Establish straightforward standards for deployment and employment of Riot Control Means (RCM),<sup>176</sup> to include Riot Control Agents (RCA).<sup>177</sup>**

To minimize the need to adjust tactics, training, and ROE in midstream to meet a crisis, commanders and judge advocates should plan for the use of RCM at the earliest opportunity (may include batons, tear gas, pepper spray, rubber bullets, and even water cannons). The riots that occurred in Brcko in 1997 magnified the need for such planning and preparation.<sup>178</sup> Widely varying Troop Contributing Nation (TCN) laws and policies will affect this planning for the employment and deployment of RCM. Because the NATO ROE were not available until TFE deployed into Bosnia, little advanced planning could take place.

In peace operations, commanders will want something other than deadly force available.<sup>179</sup> The tenuous situation of Bosnia called for U.S. forces to get between three Entity Armed Forces (EAFs), enforce the peace, and assist in the civilian implementation of the GFAP.<sup>180</sup> Consequently, U.S. commanders sought the use of RCM—to include Riot Control Agents (primarily cayenne pepper spray and CS/tear gas).

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<sup>176</sup> RCM equates to what some call Less Than Lethal Means (LTLM). RCA is a subset of RCM. RCA includes pepper spray and tear gas. RCM includes RCA and police clubs, rubber bullets, water cannons, riot control formations, etc. See PowerPoint Brief, subject: SFOR Legal Update (Feb. 1998) (provides a detailed look at RCM). ☹ Also, a 1AD briefing provides an excellent timeline on these RCA issues. ☹

<sup>177</sup> Chairman, Joint Chiefs of Staff Instruction 3110.07 (3 Jul. 1995) (document classified SECRET) (outlines U.S. policy for using RCA during peacetime, in armed conflict, or peace operations).

<sup>178</sup> The Brcko riots presented our soldiers with old women wielding two-by-fours, teenagers throwing rocks, etc. Nonlethal weapons to include riot shields, batons, sponge grenades, plastic beehive M203 grenade rounds, and dye grenades were later brought in and required additional, reactionary training of soldiers. Interview of Captain David E. Dauenhimer, Squadron judge advocate, Camp McGovern, Bosnia (23 Feb. 1998) [hereinafter Interview of CPT Dauenhimer], and his Memorandum, Captain David E. Dauenhimer, Squadron judge advocate, Camp McGovern, Bosnia, subject: AAR (23 Feb. 1998). ☹

<sup>179</sup> *Id.*

<sup>180</sup> Support the OSCE in the election process.

The Supreme Allied Commander, Europe (SACEUR), delegated to the Commander, Implementation Force (COMIFOR) (and later to the Commander, Stabilization Force) the release authority decision for the use of RCA. Consistent with the SACEUR OPLAN, COMIFOR delegated RCA release authority to the Commander, Allied Rapid Reaction Corps (COMARRC). See NATO Task Force Organization at **Appendix D(1)**.

This meant the Commander of Task Force Eagle needed COMARRC approval to employ RCA. Although this seemed simple, it was not. Executive Order 11850 required U.S. Presidential approval for U.S. servicemembers to use RCA. A further complication was the ongoing process concerning the ratification of the Chemical Weapons Convention.<sup>181</sup> Yet the NCA approved the NATO ROE for IFOR which provided for the use of RCA. The question became whether NCA approval of the NATO ROE equated to Presidential approval of the use of RCA under Executive Order 11850. This question was left unresolved through most of Operation Joint Endeavor. Ultimately, TFE commanders, with specific approval from the Commander of SFOR, could utilize RCA.

A second issue concerned the difference between *employing* (actual use) RCA and *deploying* (obtain, train, and issue) RCA. While the question of employment was debated, TFE sought to deploy RCA. The U.S. chain of command told TFE to first get authority to use (not authority to get, train, or issue) RCA from Commander, Implementation Force (COMIFOR). The COMIFOR legal advisor responded by telling TFE that release authority was unnecessary. After going back through U.S. channels, TFE received approval to obtain and issue RCA.

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<sup>181</sup> Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, 13 Jan. 1993, 32 I.L.M. 800.

Judge advocates must recognize these issues and seek immediate, clear answers through judge advocate technical channels, and through command channels when appropriate. All levels of command and judge advocate technical channels must provide prompt, explicit, written guidance in this difficult area. Even though IFOR and later SFOR did not restrict the types of RCM procured, trained, or carried by TCN troops, judge advocates and commanders must plan for TCN host nation law and policy to affect the use of RCA.

### ***5. Maintain a constantly updated ROE battlebook.***

Judge advocates should expect broad, sweeping mandates in peace operations. In Bosnia, the U.N. and the GFAP provided such language in its “silver bullet”<sup>182</sup> clause where IFOR could take appropriate action to enforce the peace agreement. The constantly changing situation on the ground caused constant analysis of the ROE and demanded further guidance. Accordingly, judge advocates maintained up-to-date UNSCRs, applicable international agreements (Vienna Convention), official versions of the GFAP, OPLANs, FRAGOs, command policy guidance letters, command standard operating procedures, technical channel legal opinions, and any other command messages or memorandums clarifying the command’s position on the use of force in various battlebooks. The one publication that puts together much of this guidance is the mission essential<sup>183</sup> *Joint Military Commission, Policy and Planning Guidance Handbook*, now in its 6th edition (January 1998). From the beginning, judge advocates played a critical role in putting this handbook

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<sup>182</sup> The oft-cited silver bullet language comes from U.N.S.C. Res. 1031 and the GFAP and gave IFOR the authority to do what is necessary to enforce the peace. See Appendices E(3) and E(5).

<sup>183</sup> This Handbook is recognized, Army-wide, as a tactic, technique, and procedure for operations in Bosnia. III Corps used it to help develop training scenarios for the Mission readiness Exercise (MRE) for the 1st Cavalry Division. The Battle Command Training Program (BCTP) and the Joint readiness Training Center (JRTC) use the Handbook to help their O/Cs coach, teach, and mentor the training units preparing for Bosnia.

together. One judge advocate noted that it could be called the “SFOR ROE Handbook.”<sup>184</sup> See Extract of the JMC Handbook at Appendix K.

***6. At the outset, seek ROE that allow soldiers to use deadly force against persons committing serious criminal acts.***

ROE should allow members of the multinational force to use deadly force, if necessary, to stop civilian-on-civilian violence that endangers life or is about to cause serious bodily harm (for example, murder, rape, serious assault). Today, this provision is part of the SFOR ROE.<sup>185</sup> For IFOR, however, this provision was missing and to some judge advocates left ambiguity in the ROE.<sup>186</sup> As the fall elections neared in 1996, COMARRC issued a message<sup>187</sup> that seemed

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<sup>184</sup> E-mail message, 05/27/98 11:34am, from CPT Patrick Sullivan, 1<sup>st</sup> Cavalry Division judge advocate, to Major John W. Miller, Center for Law and Military operations, subject: Pegasus Forge 98-04 (SFOR3).

<sup>185</sup> “You may use minimum force, including opening fire, against an individual who unlawfully commits, or is about to commit, an act which endangers Life, or is likely to cause serious bodily harm, in circumstances where there is no other way to prevent the act.” See SFOR ROE Card at Appendix G.

<sup>186</sup> One judge advocate explained that his unit conducted ROE training to stop such serious acts of civilian on civilian violence.

<sup>187</sup> The following is a TFE point paper on COMARRC’s 282047Z Aug. 1996 message, concerning rules of engagement (ROE): (📎)

**BACKGROUND:** On 282047Z Aug. 1996, COMARRC issued the following message: “You may use appropriate force (including opening fire) in order to prevent a person you witness committing or threatening to commit a serious crime or any other act that could kill or cause serious bodily harm.”

**KEY POINTS:**

a. The ROE have not changed as a result of the message from COMARRC.

b. The purpose of COMARRC’s message is to relay his interpretation of our authority to use deadly force in the protection of persons without designated special status. This interpretation is that TFE soldiers may use force, including deadly force, to prevent the commission of a serious crimes on persons with or without designated special status.

to allow the use of deadly force to stop serious civilian-on-civilian violence. Yet, the ROE had not changed. This same issue arose in Operation Uphold Democracy, and ended with a similar change in those ROE.<sup>188</sup>

A related issue that judge advocates can expect to see is the ability of soldiers to use deadly force to stop the destruction of civilian property. For example, the current SFOR ROE does not permit SFOR soldiers to use deadly force in this manner.<sup>189</sup>

In Bosnia, rogue factions hindered the return of displaced persons and refugees (DPREs) through arson and physical violence, thereby frustrating civilian implementation of the GFAP. Judge advocates should expect issues regarding protection of civilians and property in similar operations.

### ***7. Expect U.S. servicemembers to fall under multiple ROE when operations use an Intermediate Stage Base (ISB).***

In peace operations, the U.S. will likely use an ISB as a deployment, redeployment, and logistical support platform. As long as

c. Any change to the ROE must be authorized by NATO. COMARRC's message stated that this message does not amount to a change in the ROE. This message is an interpretation within COMARRC's authority to apply "conditions to the application of certain rules." ROE, para. 1. There are no time limits associated with this message.

#### **STATUS:**

a. COMARRC has instructed the MND's that the new ROE cards are not to be distributed below brigade level "until clarification is received from the NAC that nations are content with the revised wording." ARRC Message, Revised ROE Card, DTG 032000Z Aug. 1996.

b. This issue is currently being reviewed by NATO.

<sup>188</sup> See discussion in HAITI AAR at 37-39. (f)

<sup>189</sup> LTC Vowell discusses this in some detail in her interview. (f)

the country hosting the ISB is a neutral party or participating member of the multinational force, the threat level should be minimal, calling for something other than robust ROE. This was the case for the ISB in Hungary. EUCOM<sup>190</sup> and USAREUR agreed that the CJSC Standing Rules of Engagement<sup>191</sup> (SROE) were appropriate for soldiers under the operational control of the U.S. and working in Hungary.

Depending on whose operational control U.S. servicemembers fell under (U.S. or NATO), U.S. soldiers were subject to different ROE. This caused two issues to immediately surface.

The first issue concerned the ROE for a U.S. soldier under the operational control (OPCON) of the U.S. (SROE apply) but traveling to and from Bosnia. For example, a fuel carrier (U.S. soldier) delivers fuel to TFE by driving from the ISB in Hungary, through Croatia, to Bosnia, and then returns to the ISB in Hungary. By requiring this soldier to comply with the SROE only, two U.S. soldiers, standing side-by-side (one is the fuel carrier; the other is a TFE soldier) in Bosnia, would use different ROE. Recognizing this dilemma, the European Command (EUCOM) issued a message on December 21, 1996, setting up a geographic ROE concept where all U.S. soldiers, upon crossing the border in Croatia and regardless of any OPCON relationship, were subject to the NATO ROE.<sup>192</sup>

The second issue stemmed from the first. Once the geographic rule went into effect, legal advisors at USAREUR (Fwd) and 21st TAACOM(Fwd) in Hungary had soldiers that needed ROE cards and training on two very different sets of ROE—the SROE and the NATO ROE. This is a continuing training challenge for commanders, soldiers, and judge advocates but one that has caused few problems.

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<sup>190</sup> See comments by Commander MacGregor, Legal Advisor, EUCOM in OJE-AAR, *supra* note 30.



<sup>191</sup> See *supra* note 135.

<sup>192</sup> *Id.*

### C. INTERNATIONAL LAW

Operations in Africa, Haiti, Northern Iraq, and Bosnia—military operations other than war<sup>193</sup>—continually defy the traditional application of international law. Most judge advocates understand that peace operations rarely fit neatly under the legal framework of the Law of War<sup>194</sup> or any other legal architecture. In the Balkans, the three Entity Armed Forces (EAFs) laid down their arms in October 1995 and the parties<sup>195</sup> signed the General Framework Agreement for Peace, agreeing to cooperate “with all entities involved in the implementation of the peace settlement”<sup>196</sup> as detailed in 11 separate annexes. See **Appendix E(5)** for the text of the GFAP and its Military Annex.

Thirty-six nations contributed military forces or logistical support to this peace enforcement action, authorized by a Security Council resolution that expressly invoked Chapter VII of the United Nations Charter.<sup>197</sup> See **Appendix E(2)** for text of U.N. Charter, Chapter VII. Acting under this U.N. mandate, NATO, in its first-ever out of area deployment, led 60,000 multinational forces into Bosnia to enforce the peace. Never before had so many nations participated in a

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<sup>193</sup> Operations that encompass the use of military capabilities across the range of military operations short of war. These military actions can be applied to complement any combination of the other instruments of national power and occur before, during, and after war. Also called Military Operations Other Than War (MOOTW). See THE JOINT CHIEFS OF STAFF, JOINT PUB. 1-02, DEPARTMENT OF DEFENSE DICTIONARY OF MILITARY AND ASSOCIATED TERMS (23 Mar. 1994).

<sup>194</sup> For a good discussion of the Law of War and peace operations, see INTERNATIONAL AND OPERATIONAL LAW DEPARTMENT, THE JUDGE ADVOCATE GENERAL’S SCHOOL, U.S. ARMY, OPERATIONAL LAW HANDBOOK, JA 422 11-1, 11-2 (1998) (Published and updated annually by the International and Operational Law Department, The Judge Advocate General’s School, Charlottesville, Virginia. Available at several internet sites, to include the Air Force’s Web Flite homepage and the Army JAGC web page). [hereinafter OP. LAW HANDBOOK] 

<sup>195</sup> The Republic of Bosnia and Herzegovina, the Republic of Croatia, and the Federal Republic of Yugoslavia (made up of Serbia and Montenegro).

<sup>196</sup> GFAP, *supra* note 13, Art. IX. See Appendix E(5).

<sup>197</sup> S.C. Res. 1031, U.N. SCOR, 50th Sess., 3607 mtg., U.N. Doc. S/Res/1031 (15 Dec. 1995) (Text at Appendix E(3)).

multinational operation based entirely on a newly created international agreement—the GFAP.

***1. Know the international legal basis for the mission and for the use of force.***

Various international agreements and operational documents broadly defined the scope of the mission and how soldiers could use force. Commanders at all levels looked to judge advocates for innovative solutions to very complex problems. Judge advocates must have a firm understanding of all legal documents and how they fit together. For Bosnia, judge advocates must understand Chapter VII of the U.N. Charter, all applicable U.N. Security Council Resolutions, the GFAP and all relevant annexes, all OPLANs and ROE annexes, and applicable U.S. policy on the application of the Law of War in peace operations.<sup>198</sup>

***2. Consent-based peace agreements will affect every facet of the operation.***

The GFAP, and its military annex, defined the roles and responsibilities of the EAFs and the multinational force and included the following among its comprehensive provisions:

- Broad justification for the use of force
- Specific timelines for action
- New terms of art such as Zone of Separation (ZOS) and Inter-Entity Boundary Line (IEBL)
- Status of various police forces and other organizations
- Rules on the withdrawal, demobilization, and control of forces and weapons
- Instructions on freedom of movement for IFOR

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<sup>198</sup> U.S. DEP'T OF DEFENSE, DIR. 5100.77, DOD LAW OF WAR PROGRAM paras. D.1. & E.1.a.(3) (10 Jul. 1979).

- The mandate for Joint Military Commissions
- Directives on the release of prisoners
- Status of Forces Agreements between NATO and Croatia and NATO and Bosnia

Judge advocates provided advice on every aspect of the GFAP. While the agreement contains many details, the language is sufficiently broad to allow commanders flexibility in enforcing the peace. The often-cited “silver bullet clauses”<sup>199</sup> in UNSCR 1031 and the GFAP were a stroke of genius and should be included in future peace enforcement mandates.

...[T]o authorize the IFOR to take such actions as required, including the use of necessary force, to ensure compliance with this Annex, and to ensure its own protection....<sup>200</sup> [B]oth [the Federation and the RS] shall be equally subject to such enforcement action by the IFOR as may be necessary to ensure implementation of this Annex and the protection of IFOR.<sup>201</sup> ...The Parties understand and agree that the IFOR Commander shall have the authority, without interference or permission of any Party, to do all that the Commander judges necessary and proper, including the use of military force, to protect the IFOR and to carry out the responsibilities listed above..., and they shall comply in all respects with the IFOR requirements.<sup>202</sup>

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<sup>199</sup> See OJE-AAR, *supra* note 30, Vol. II at 21-22. ☹

<sup>200</sup> GFAP, *supra* note 13, Annex 1-A, para.2 (b) (*see* Appendix E(5) for text).

<sup>201</sup> *Id.* at paragraph 3.

<sup>202</sup> *Id.* at para. 5.

### ***3. International agreements directly impact a commander's options in operations.***

Status of Forces Agreements (See **Appendices E(5)** and **E(8)** for examples), Transit Agreements (TA) (See **Appendix E(9)** for an example), Technical Arrangements, and Acquisition and Cross-Servicing Agreements (ACSA) define a commander's ability to sustain the force, to include:

- Deploy across international boundaries (TA)
- Secure privileges and immunities for the force (e.g., criminal jurisdiction; taxes on incomes, goods, and services; civil liability; hiring practices, customs paperwork, etc.) (SOFA)
- Provide goods and services, on a reimbursable basis, to multinational partners (ACSA)
- Purchase and move logistics supplies without import/export fees (SOFA and TA)
- Operate independent mail and telephone systems (SOFA)
- Use government-owned facilities for free (SOFA)
- Improve infrastructure (SOFA)
- Hire local national personnel (SOFA)

#### ***a. Account for LOGCAP personnel in all agreements.***

Whether LOGCAP personnel were covered by the various SOFAs remained in doubt for much of the operation. While LOGCAP issues are covered later in this report, it is worth mentioning here that the status of LOGCAP personnel, as a subset of civilians on the battlefield, is an issue of much debate at the Department of the Army levels. Judge advocates should watch for doctrinal guidance in the future.

***b. Expect difficulties with information flow on international agreements.***

Well-crafted agreements mean little if the lower level government employees do not get the word. For example, a TA allowing U.S. forces to move through Austria does not mean much to the uninformed customs official or border guard.<sup>203</sup> Judge advocates should have copies of all necessary agreements for all key advance party personnel. This is particularly true since planning, deployment, and mission execution will likely occur simultaneously.

***c. Understand a host nation's legal and military cultures.***

Language barriers, definition of terms, and differing government and legal systems cause difficulty in implementing already concluded agreements. Judge advocates must educate themselves on these host nation practices. This is particularly true for the emerging Partnership For Peace (PFP) countries that have little experience in implementing SOFA or TAs.<sup>204</sup> One example concerns claims. The PFP SOFA requires the host nation to investigate, adjudicate, and settle claims under their own laws. Judge advocates in Hungary, with little familiarity of the Hungarian legal system, had to quickly learn the system.

***d. Conduct SOFA training with PFP countries.***<sup>205</sup>

Many PFP countries, just now emerging from the stifling bureaucracy of Soviet control, are unfamiliar with how a SOFA works (e.g., terms, conditions, responsibilities). These countries have very little experience in dealing with these complex issues. For example, taxes are a very politically sensitive issue in Hungary as they have only

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<sup>203</sup> See the European Command Legal Advisor's comments in OJE-AAR, *supra* note 30, vol. I. (f)

<sup>204</sup> See LTC Pribble, remarks in OJE-AAR, *supra* note 30, vol. I. (f)

<sup>205</sup> *Id.*

dealt with taxes within the last seven years—since the end of the Soviet regime. For Operation Joint Endeavor, Hungary was the first PFP country to deal with thousands of deployed troops and civilians within its borders and the application of a SOFA to that situation. Lack of detailed U.S. knowledge about the way the Hungarian system operated made the situation more challenging. To reduce future problems, U.S. commands should train PFP countries on the terms and conditions of the PFP (NATO) SOFA and their respective responsibilities. This training would benefit the U.S. as well—judge advocates can learn about the various PFP government and legal architectures.<sup>206</sup>

#### D. JOINT MILITARY COMMISSIONS (JMCs)

*The most important lesson learned on JMC [Joint Military Commissions]. . . is the fact that we now know what a JMC is, and we have a fairly good idea on how to make a JMC work. . .*<sup>207</sup>

##### *1. JMCs are critical to mission success in peace operations.*

A Joint Military Commission (JMC) is an assembly of a commander, his or her chosen staff, and the military leaders with whom they are organized to interact. It is the commander's liaison mechanism to deal with military and political factions, i.e. the Entity Armed Forces in Bosnia. The JMC is a body of commanders and staffs who work through meetings, liaison officers, and correspondence to coordinate military planning and operations, and to ensure compliance with relevant international agreements. In Bosnia, the JMC was a forum for military authorities to coordinate implementation of the military aspects of the GFAP. JMCs can be likened to the "team

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<sup>206</sup> LTC Pribble and LTC Thompson, remarks in OJE-AAR, *supra* note 30, vols. I and II. ☹

<sup>207</sup> COL David E. Graham, remarks in OJE-AAR, *supra* note 30, Vol. II at 173. ☹ Prior to operation joint Endeavor, there was no doctrine or guidance on how to organize and utilize Joint Military Commissions. OJE-AAR, *supra* note 30, Vol. II at 159. ☹

village” concept at the Joint Readiness Training Center.<sup>208</sup> However, the JMC role and scope of operations is narrower, focusing on military and government leaders, organizations, and activities.

The JMC was the key liaison and control mechanism for compelling compliance with treaty tasks<sup>209</sup>—the Task Force Eagle commander’s “key non-lethal peace enforcement tool”<sup>210</sup> and Task Force Eagle’s focal point for compliance.<sup>211</sup> It was a forum for military factions to coordinate their operations, a mechanism for IFOR to issue instructions and guidance to its own forces and to factions, and an arbitrator of entity disputes.<sup>212</sup> See *The Former Warring Factions and Their Competing Strategic Goals at Appendix B.*

*a. JMC organization and structure.*

Operation Joint Endeavor saw JMCs organized at each command level from division through battalion. In 1996, the Center For Army Lessons Learned published a detailed guide on the initial setup of JMCs.<sup>213</sup> At each level the local IFOR commander served as the chairman. The commander chose his JMC staff separately or from existing staff. Local commanders from the three different Entity Armed Forces (EAFs) served as JMC members to represent the Army of the Republic of Bosnia and Herzegovina (BiH), the Federation of Bosnia and Herzegovina or Bosnian Croat Defense Council (HVO), and the Republika Srpska (RS).

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<sup>208</sup> See CENTER FOR LAW AND MILITARY OPERATIONS, THE JUDGE ADVOCATE GENERAL’S SCHOOL, U.S. ARMY, TACKLING THE CONTINGENCY DEPLOYMENT: A JUDGE ADVOCATE’S GUIDE TO THE JOINT READINESS TRAINING CENTER, 243-248 (24 Dec. 1996). ☹

<sup>209</sup> CENTER FOR ARMY LESSONS LEARNED, JOINT MILITARY COMMISSIONS: LESSONS LEARNED FROM OPERATION JOINT ENDEAVOR, 4 (May 1996) [hereinafter CALL-JMC].

<sup>210</sup> 1AD-AAR, *supra* note 145 at 45. ☹

<sup>211</sup> 1AD-AAR, *supra* note 145 at 47. ☹

<sup>212</sup> CALL-JMC, *supra* note 209 at 4.

<sup>213</sup> See *supra* note 209.

(1) *Theater/Corps.* The Allied Command Europe Rapid Reaction Corps (ARRC) was the land component command for IFOR. The ARRC did not establish a completely separate JMC staff. It used existing staff sections and members, to include the ARRC commander, G3 Plans, a political advisor (a British civil servant), the legal branch, the media operations branch, a faction liaison (a Brigadier General, one field grade officer, and two interpreters), and a specially appointed JMC Secretariat. Unlike Multinational Division North (MND-N, discussed below) SFOR did not have an attorney assigned full time to the JMC.<sup>214</sup>

(2) *Division.* Task Force Eagle's JMC section was comprised of a former Brigade commander, majors and captains from the G-2, G-3 and SJA sections, and foreign area officers (FAOs). It was organized into a Chief of the JMC, a noncommissioned officer in charge (NCOIC), an operations and administrative section, and a faction LNO. There were also desks and liaison officers (LNOs) for each subordinate IFOR brigade and a desk and group of Joint Commission Observers (JCOs).<sup>215</sup> The JMC mission in Joint Endeavor subsumed a full time judge advocate.<sup>216</sup> The JMC personnel did not

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<sup>214</sup> Interview with MAJ Kurt Mieth, SFOR Legal Advisor's Office, at Sarajevo (2-23 Feb. 1998) [hereinafter Interview of MAJ Mieth]. ☹

<sup>215</sup> Joint Commission Observers (JCOs) were UK Special Air Service (SAS) troops and Royal Dutch Marines conducting direct liaison with the EAFs. They were a carryover organization from the United Nations Protective Forces (UNPROFOR). JMCs used them as LNOs to the EAFs. See CALL-JMC, *supra* note 209 at 23.

<sup>216</sup> 1st Armored Division's JMC JA member was Major Kevin Govern. He spent his entire 11-month tour working in the Task Force Eagle JMC. While some of his duties in the JMC were non-legal and perhaps attributable to "mission creep," his permanent presence in the JMC appears to have been both desirable and necessary. See OJE-AAR, *supra* note 30, Vol. I at 30-172. ☹ Future missions may or may not require such heavy judge advocate involvement in the JMC. Also, as time has passed and mission functions have grown routine, the judge advocate's role in the JMC has diminished. By Jan. 1998, CPT Carrier, the MND-N JMC Legal Advisor, was able to summarize his duties in 6 bullets:

- Advise the JMC staff on Dayton, Vienna and Florence agreements
- Keep current on events by reading intelligence summaries and reports
- Monitor weapons seizures, destruction and returns
- Help draft and review JMC correspondence

operate in a vacuum. Primary staffs (G-1 through G-6) and Personal/Special Staffs provided political and operational analysis and other support during JMC operations.<sup>217</sup>

**(3) Brigade and battalion.** The brigade and battalion commanders served as chairmen of their respective JMCs, selecting those members of their staff appropriate for JMC work. Entity Armed Forces (EAFs) sent commanders from the next higher level of command. In other words, IFOR *battalion* level JMCs had EAF *brigade* commanders as their counterparts, and IFOR *brigade* level JMCs had EAF *division* commanders as their counterparts.<sup>218</sup>

**b. JMC tasks, functions, and duties.**

The role of the JMC is mission dependent. In Bosnia, where the peace enforcement mission called for dealing with numerous armed and political factions, JMCs were critical to mission success. Their functions and duties included:

- Treaty expertise
- Develop and disseminate policy
- Compliance (with military aspects of peace agreement)
  - Track compliance
    - Process EAF movement and training requests and monitor movement and training
    - Document and record breaches of Peace Agreement

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- Address enforcement and compliance issue
  - Help update JMC Policy and Planning Guidance Handbook

<sup>217</sup> IAD-AAR, *supra* note 145 at 45. (f)

<sup>218</sup> See Memorandum, LTC Jimmy M. Rabone, Chief, Joint Military Commission, subject: Joint Military Commission (JMC) Standing Operating Procedures (SOP) (3 Sep. 1996). (f)

- Develop and advise commanders on specific courses of action to ensure compliance
- Coordinate operations; integrate IFOR and faction operations
- Develop and track measures of mission success
- Handle complaints (military complaints, complaints against IFOR troops)
- Coordinate civil/military actions where appropriate (e.g. assist elections)
- Develop confidence-building measures between parties
- Monitor and communicate with lower, report higher

The JMCs,' hence the commanders,' primary methods of carrying out these functions and duties were meetings, correspondence, and liaisons. Note that force is not listed as a mode. This is because the JMCs were so effective at using the other tools of enforcement that demonstrations of force were not often needed. The judge advocate was intimately involved at all levels. Judge advocates organized meetings with EAF leaders.<sup>219</sup> Judge advocates drafted or reviewed virtually every piece of correspondence that went to EAFs with commanders' signatures. They also personally conducted briefings to the EAFs in English and in their dialects, to explain compliance requirements and other issues.<sup>220</sup>

## ***2. Empower the JMC.***

To effectively carry out the functions and tasks listed above, JMCs must be empowered by the command.

***a. Creation of Joint Endeavor's JMCs.*** The creation of JMCs can be a specified or an implied task. The JMCs in Bosnia were a result of the General Framework Agreement for Peace (GFAP).

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<sup>219</sup> IAD-AAR, *supra* note 145 at 46. ☹

<sup>220</sup> *Id.* at 47.

Annex 1A of the GFAP defined the Parties' agreed-upon military responsibilities, set forth NATO's Implementation Force (IFOR) mandate rights and roles, formally created the JMC process as a forum for factions to coordinate operations, and defined the mechanism for issuing instructions and arbitrating entity disputes.<sup>221</sup> On December 15, 1995, Admiral Smith, the Commander, Implementation Forces (COMIFOR), issued a Statement of Procedures (SOP) that further defined the implied military tasks and the JMC process. The SOP established the JMC as the central body for EAF commander coordination and problem resolution. The COMIFOR delegated routine JMC chairmanship to COMARRC. The COMARRC issued instructions to ensure the Parties' compliance with the GFAP's military aspects. Below the COMARRC level, the multi-national divisions (MNDs) and their subordinate brigades and battalions conducted "subordinate military commissions."<sup>222</sup>

**b. Empowerment of the JMCs.** The creation of the JMCs did not guarantee success. They were effective because they had direct access to the commanders, had commanders chairing them and the meetings they hosted, and had an authority comparative to a chief of staff for performing factional liaison functions.<sup>223</sup> They became institutions of knowledge, expertise, and authority to which subordinate units, multi-national brigade liaisons, and EAFs looked to for guidance and assistance.<sup>224</sup> At meetings commanders were the final arbitrators, not simply mediators.<sup>225</sup> Task Force Eagle empowered brigade and battalion JMCs with broad authority. This worked so well that the ARRC and Task Force Eagle JMCs had to meet less frequently.<sup>226</sup>

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<sup>221</sup> GFAP, *supra* note 13, Annex 1A, Art. VIII (*see* Appendix E(5) for text).

<sup>222</sup> CALL-JMC, *supra* note 209 at 4.

<sup>223</sup> 1AD-AAR, *supra* note 145 at 46. ☹

<sup>224</sup> CALL-JMC, *supra* note 209 at 21.

<sup>225</sup> MAJ Kevin Govern, Remarks in OJE-AAR, *supra* note 30, Vol. I at 158. ☹

<sup>226</sup> *See Id.* at 164. ☹

### 3. *Train to do the JMC mission.*

JMC members, including the judge advocate, must train and rehearse. This training must be mission-focused and give examples of what personnel will actually be doing. Inevitably judge advocates will be drawn into doing more than textbook legal analysis, and should be so prepared.<sup>227</sup>

*a. Area Familiarization.* Key to effective JMC functioning at all levels was having persons with detailed knowledge of the people, the area, and their history—someone who knows the culture and the personalities well enough to personally liaison and to manage other LNOs. At Theater/Corps level, this person was called the Factions Liaison.<sup>228</sup> Task Force Eagle (Division level) used foreign area officers and already-in-place Joint Commission Observers as area experts and liaisons. The judge advocate and other JMC members must be familiar with the operational setting as well—the geography, peoples, key leader personalities, cultures, language, and history.<sup>229</sup> Without such knowledge, it is impossible to make effective use of meetings, correspondence, and LNOs.

*b. JMC Tool #1: Meetings.* During its tenure alone, Task Force Eagle, 1st Armored Division, held 11 large JMC Meetings (meetings between the commander and all three factions), 103 Bilateral meetings (72 meetings between the commander and a faction leader and 31 between the JMC staff or head and one faction leader), and numerous staff coordination meetings.<sup>230</sup> Effective meetings of high level leaders required consideration of meeting location, transportation

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<sup>227</sup> See *Id.* at 157-174 for discussion of the many functions the 1st Armored Division Joint Military Commission judge advocate performed. ☹

<sup>228</sup> OJE-AAR, *supra* note 30, Vol. I at 163-164. ☹

<sup>229</sup> OJE-AAR, *supra* note 30, Vol. I at 162. ☹

<sup>230</sup> MAJ Kevin Govern, Joint Military Commissions: The Task Force Eagle Experience, Remarks at U.S. Army Europe Operational Law Continuing Legal Education seminar (Feb. 1997). ☹

to and from the meeting, site security, the physical facility, seating arrangements, translators, the agenda, media relations and releases, and more. *Joint Military Commissions: Lessons Learned from Operation Joint Endeavor*, by the Center for Army Lessons Learned, May 1996, is an excellent source of tactics, techniques and procedures for the conduct of JMC meetings. Here are just a few of the lessons learned:

(1) US/NATO/ Coalition commanders, from division to company level chaired the JMC meetings.<sup>231</sup> An authoritative presence—the Commander—made JMCs work.

(2) The meeting location must be hospitable to all parties. A “neutral” location in proximity to all parties, i.e. in the Zone of Separation, was viewed as best.<sup>232</sup> For example, the first JMC meeting was held at a bombed out building which had a mural where the eyes of the portrayed people had been scratched out. The problem was the mural portrayed Bosniac-Muslim peasants doing normal things like farming.<sup>233</sup>

(3) The U.S. Commander can bolster his power and authority by physical signs during a meeting. Some techniques used included good security (armored vehicles, foot patrols, escorts), overflights of the meeting site by aircraft, and even a live demonstration of our aerial reconnaissance capabilities.<sup>234</sup>

(4) Reducing the agreed upon points to writing and having the members sign them prior to departing prevented future disputes over the outcome of the meeting. Quick media releases by

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<sup>231</sup> CALL-JMC, *supra* note 209 at 10.

<sup>232</sup> *Id.*

<sup>233</sup> OJE-AAR, *supra* note 30, Vol. I at 162. ☹

<sup>234</sup> OJE-AAR, *supra* note 30, Vol. I at 166. ☹

JMC staff also prevented factions from misrepresenting meeting results.<sup>235</sup>

*c. JMC Tool #2: Liaisons.* Joint Military Commissions relied heavily upon liaisons to the EAFs to track and monitor compliance, handle complaints, communicate with the EAFs, and develop a good rapport. Joint Commission Observers reported through command channels and received liaison and collection taskings from ARRC and Task Force Eagle levels. JMC chiefs “overwatched,” coordinating JCO efforts and ensuring their information was shared among staffs.<sup>236</sup> Joint Commission Observers were a wealth of information for JMCs, knowing with whom, where and how to establish contacts with the EAFs. They also provided valuable political and in-country information on government, local laws, personalities, and more. JCOs and other liaisons monitored and reported activity, especially at critical locations/hot spots. They verified troop activity and reported violations of agreement. Liaison officers and observers were key to peace enforcement. They should be well trained in local language, culture, religions, etc., and must also have detailed political and operational awareness.<sup>237</sup>

*d. JMC Tool #3: Correspondence.*

*(1) To Entity Armed Forces (EAFs).*

Correspondence to faction leaders clarified compliance issues (e.g. to tell them about weapons storage and handling requirements, prior notification of troop movements, etc.), address complaints, and raise compliance violations. Judge advocates were key in writing and reviewing these letters before they were sent to ensure they were in accordance with the GFAP and subsequent agreements. Task Force

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<sup>235</sup> CALL-JMC, *supra* note 209 at 16.

<sup>236</sup> *Id.* at 23.

<sup>237</sup> *Id.*

Eagle issued about 40 admonishments and other letters requiring compliance.<sup>238</sup> A short but illustrative example:

DEPARTMENT OF THE ARMY  
Headquarters, Task Force Eagle  
Tuzla, Bosnia-Herzegovina  
APO AE 09789

Major General  
Commander, Military Region Orasje  
Bosnian Croat Defense Council

Wanted to forward to you a copy of the enclosed letter sent from COMARRC to General Budimir. Please make sure that your commanders, and the civil officials whom you contact, know that IFOR will not authorize the movement and use of weapons outside barracks to support military training in schools.

Let's continue to work together so that everyone in Bosnia-Herzegovina can look forward to peaceful, productive futures. School children should devote their time to activities which contribute to a peaceful future. Combat training is not one of those activities.

Major General, USA  
Commanding

**(2) *Within IFOR/SFOR Channels.*** Along more traditional judge advocate lines, judge advocates developed more than 50 information papers to clarify the GFAP and United Nations Security Resolution 1031. They also helped develop, review, and publish six editions (to date) of the Task Force Eagle JMC Standing Operating Procedures and the Task Force Eagle Policies, Procedures and

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<sup>238</sup> Likened to traffic tickets, though much more serious in nature. OJE-AAR, *supra* note 30, Vol. I at 169. 

Command Guidance Handbook (an approximately 40-70 page document giving the TF Eagle commander's intent and specific guidance on execution of the mission). (See extract of the JMC Handbook at **Appendix K**) The TFE Handbook was an outstanding way of compiling directives, policies and procedures issued to date in a user- friendly format. Any troop could pick up the Handbook, read the half-page section on the applicable topic, and know what to do. It is a model product for future operations, and can be credited for making many aspects of the mission as "routine" as possible in such an environment.<sup>239</sup>

### E. THE ZONE OF SEPARATION (ZOS)

Perhaps the intertwined lessons to be learned from the ZOS are the intricacies of reducing a peace plan to physical geography and the need to develop and widely disseminate clear policies and procedures.<sup>240</sup> The General Framework Agreement for Peace (GFAP) and its signatory Parties expressly created all of the demarcations depicted and discussed below. Refer to the Map at **Appendix A(2)** for a general illustration and **Appendix E(5)** for an extract of the GFAP.

*1. Every operation will create new law derived from its unique circumstances: ZOS v. CFL v. IEBL v. AOT—The commander expects the judge advocate to know it.*

*a. ACFL (Agreed Cease Fire Line).* This is the line where the fighting stopped—"a clear and distinct demarcation between any and all opposing factions" according to the GFAP.<sup>241</sup> The opposing factions (also known as the Former Warring Factions or

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<sup>239</sup> See Interview with CPT Christopher Carrier, JMC Legal Advisor, MND-N, at Tuzla (4 Feb. 1998). ☹

<sup>240</sup> Tactical lessons learned on planning, establishing and controlling the ZOS are well addressed in Center for Army Lessons Learned, *Drawing a Line in the Mud*, Newsletter No. 96-5 (May 1996).

<sup>241</sup> GFAP, *supra* note 13, Annex 1A, Art. IV, para. 2.a. (see Appendix E(5) for text).

Entity Armed Forces, and as the Parties (to the GFAP)) included the Republic of Bosnia-Herzegovina (BiH), the Federation of Bosnia and Herzegovina (or Croat Defense Counsel, HVO), and Republika Srpska (VRS).

**b. IEBL (Inter-Entity Boundary Line).** This is the line the Parties to the GFAP agreed to in Dayton. It approximates the ACFL, but has variances. The Parties literally pulled out a map and drew a line. Variances to this map-drawn line obviously had to be made once on the ground. A specified task of IFOR was to mark the IEBL and the ZOS boundaries. Task Force Eagle Commander had the authority to approve adjustments of 50 meters or less, to preclude splitting homes, utilities and the like. Other requests were forwarded through the Joint Civil Commission for COMIFOR approval. When marking the IEBL, members from both entities (the Federation of Bosnia and Herzegovina and the Republika Srpska) had to be present. The attempts to place a physical boundary between entities and peoples who occupied portions of both sides was often difficult. For example, a binding arbitration proceeding was held to delineate the IEBL vicinity the town of Brcko in the northeast. Republika Srpska viewed Brcko as necessary to them because of its strategic location bisecting their two main regions and its proximity to a major river. At the same time, the Federation of Bosnia and Herzegovina viewed its overwhelming Bosniac population as grounds to draw the line to include Brcko on its side. Multinational divisions and sub-commands made sure their boundaries did not coincide with the Inter-entity boundary line to keep it from becoming a wall in the minds of the EAFs.

**c. AOT (Areas of transfer).** These are the areas where the ACFL and the IEBL differed. The areas enclosed by the two lines were to be turned over to the respective parties on a set schedule. By D+45 (February 3, 1996, where D-day was the day of Transfer of Authority from UNPROFOR to IFOR), the Entities were to have

vacated the AOTs. At D+90 (March 20, 1996), the Entities were allowed to move into the AOTs they were assuming.

*d. ZOS (Zone of Separation).* The ZOS was a zone extending two kilometers to either side of the ACFL at first, and then to either side of the IEBL once the AOT transfers were complete. When IFOR troops marked the ZOS boundaries, only a member from the entity on whose side the marking occurred had to be present. See Map at Appendix A(2).

*e. 10 km Reporting Requirement.* The GFAP imposed a requirement on the EAFs to report the location and status of forces and equipment within 10 kilometers on either side of the Agreed Cease Fire Line to IFOR by D+30 (January 19, 1996).<sup>242</sup> This was not, however, a designated “zone” or demarcation for any other purpose.

**2. New law must consider all the parties involved: people and weapons in the ZOS—Former Warring Factions, Police, Civilians, and IFOR.**

*a. Weapons.* GFAP guidance on weapons within the ZOS was as follows:

No weapons other than those of the IFOR are permitted in this Agreed Cease-Fire Zone of Separation except as provided herein. No individual may retain or possess any military weapons or explosives within this four-kilometer Zone without specific approval of IFOR.<sup>243</sup>

Within the Agreed Cease-Fire Zone of Separation, no individual may retain or possess any weapons

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<sup>242</sup> GFAP, *supra* note 13, Annex 1A, Art. V, para. 2 (*see* Appendix E(5) for text).

<sup>243</sup> *Id.* at para. 2(b).

or explosives, other than a member of the IFOR or the local police exercising official duties as authorized by the IFOR in accordance with Article IV, paragraph 2(b). [above]<sup>244</sup>

The phrasing “military weapons” caused IFOR to question whether the GFAP impliedly created a separate category of ZOS-allowable weapons—civilian weapons. Eventually IFOR allowed the following:

- Civilians could have civilian weapons (bolt, pump and semiautomatic rifles and shotguns and single-shot pistols or revolvers) provided they registered them with the nearest police station and carried a permit. However, soldiers were not allowed to carry weapons in the ZOS, even with permits.
- Civil police could carry sidearms, but had to meet the requirements for civil police operating in the ZOS (addressed below).
- Army officers in the rank of one-star General and above plus up to three bodyguards could carry sidearms while in the ZOS on IFOR business.<sup>245</sup>

IFOR/SFOR troops had authority to confiscate and subsequently destroy all military weapons and civilian weapons found in the ZOS without a valid permit.<sup>246</sup>

***b. Entity Armed Forces (EAFs).*** At D+7 EAFs were to vacate and transfer selected positions along the ACFL. EAFs were to complete withdrawal of all forces from the ZOS by D+30. Task Force Eagle issued very specific guidance on how troops were to deal with

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<sup>244</sup> *Id.* at para. 2(c)(3).

<sup>245</sup> SOP, Allied Rapid Reaction Corps, subject: Amendment #2, Policy Guidance #2, para. 15 (23 Sep. 1996). ☹

<sup>246</sup> *Id.*

unauthorized faction weapons, units or soldiers in the ZOS (specific Rules of Engagement). Detention of EAF military members by task Force Eagle was almost always to verify movement approval at checkpoints and did not exceed a few hours.<sup>247</sup> Any military personnel, active or reserve, who actually had their residence in the ZOS were required to register with the nearest IFOR command post.<sup>248</sup> The GFAP permitted movement of EAFs and their weapons through the ZOS with prior permission from and oversight by IFOR, for example, to allow movement to cantonment areas.

*c. Police.* The GFAP specifically authorized civilian police to operate in the ZOS (see 2.a. above). However, IFOR forces were concerned about soldiers operating in the ZOS under the guise of police. The ARRC therefore issued guidance requiring civilian police operating in the ZOS to wear a distinctive uniform, carry an identification card, carry only a sidearm, and drive clearly marked vehicles. This guidance required IFOR to disarm individuals not meeting this criteria. Also, it required the entities to submit lists of authorized police to local commanders, specifically naming those designated for ZOS duty. The International Police Task Force (IPTF) was supposed to coordinate and monitor joint-entity police patrols for the AOT interim period. Because these were generally lacking and because the IPTF was largely ineffective, Task Force Eagle commanders were directed to gradually allow the AOT-gaining entities to assume police duties in the AOTs.

*d. Civilians.* As previously stated, the ARRC created a civilian weapon exception to allow civilians with permits to carry non-military weapons. However, the infamous “silver bullet” clause<sup>249</sup> allowed IFOR forces to confiscate any weapon if they perceived a threat or potential threat. Additionally, the GFAP mandated that IFOR

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<sup>247</sup> 1AD-AAR, *supra* note 145 at 23. (f)

<sup>248</sup> GFAP, *supra* note 13, Annex 1A, Art. IV, para. 3(b) (*see* Appendix E(5) for text).

<sup>249</sup> *Id.* at para. 6.

disband all “armed civilian groups”<sup>250</sup> (broadly defined as two or more armed civilians) throughout BiH, not just within the ZOS. Otherwise, the GFAP imposed no real restriction on civilian movement through and in the ZOS. In fact, a GFAP stated goal was the resettlement of the ZOS and other areas.

*e. IFOR/SFOR.* IFOR forces enjoyed complete freedom of movement throughout the ZOS. IFOR’s mission was clearly stated in the GFAP—enforce GFAP provisions with regard to the EAFs and entities. This meant patrolling the ZOS to ensure EAF soldiers and unauthorized weapons did not permeate the ZOS, either overtly or under the guise of police or civilians. Annex 6 (Agreement on Human Rights), Article I (Fundamental Rights and Freedoms) of the GFAP expressly stated “The right to liberty of movement and residence.” However, by the GFAP terms, assuring these rights was left up to the Parties, not IFOR. On October 15, 1996, the Office of the High Representative, the United Nations High Commissioner for Refugees, the International Police Task Force, IFOR, and the European Command signed the Procedure for Return and Reconstruction in the Zone of Separation, which set out procedures for resettling the ZOS. It tasked IFOR to “ensure a secure environment” within the ZOS.

### *3. Control of an area means control of the terrain and the people on it.*

#### *a. Marking and clearing the ZOS*

Years of war and scourge left areas in and around the ZOS dangerous and uninhabitable. The GFAP assigned responsibility for removal, dismantling and destruction of mines, equipment, obstacles, unexploded ordnance, demolitions and weapons to the responsible parties, not to IFOR.<sup>251</sup> IFOR monitored these removal, dismantling

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<sup>250</sup> *Id.* at para. 3.

<sup>251</sup> *Id.* at para. 3(a).

and destruction operations. TFE directed the factions to wear orange vests and helmets while clearing mines.

### *b. Checkpoints*

The issue of checkpoints arose within and outside the ZOS. The Bosnia-Herzegovina Constitution, Annex 4, specifically provides for freedom of movement and prohibits the entities from establishing controls at the boundary between the entities. However, IFOR did not have a mandate to enforce the national constitution. Absent any GFAP prohibition on roadblocks, they were allowed outside the ZOS. IFOR called upon the police to follow internationally recognized standards,<sup>252</sup> such as no arbitrary arrests, no levying of tolls or taxes, and no discriminatory right of passage. They also required checkpoints with three or more police to have a permit stating location and duration. Initially no checkpoints were allowed within the ZOS. By October 1996, however, requests by all sides for checkpoints within the ZOS led the International Police Task Force (IPTF) to establish IPTF/Federation (international) police checkpoints.

### *c. Resettlement of the ZOS*

The GFAP provided that “All refugees and displaced persons have the right freely to return to their homes of origin,”<sup>253</sup> and “The parties shall take all necessary steps to prevent activities within their territories which could hinder or impede the safe and voluntary return of refugees and displaced persons.”<sup>254</sup> The Procedure mentioned in paragraph 2.e. above provided that returnees who trespassed or could not establish the right to property under the Procedure (an interesting issue in itself given the prior lack of a clear private property scheme)

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<sup>252</sup> See, e.g., G.A. Res. 217a(III), U.N. GAOR, 2d or 3d Sess., U.N. Doc. A/810 at 71 (1948) (Universal Declaration of Human Rights).

<sup>253</sup> GFAP, *supra* note 13, Annex 7, Art. I, para. 1 (see Appendix E(5) for text).

<sup>254</sup> *Id.* at para. 3.

could be in violation of trespass and other *local* laws. It did not go so far as to say they would be violating the GFAP.

## F. WEAPONS CONFISCATION AND CONTROL ISSUES

Confiscation and control of weapons was one of the most important and imposing challenges that faced IFOR troops on first arriving in Bosnia. The first concern was controlling the military factions and their weapons. The focus then shifted to the police forces, often a guise for active and former military, and later to the civilians. By February 1998, there was still some confiscation and destruction of weapons, but far fewer than before and mostly from civilians without permits. The military and their weapons were under control.<sup>255</sup>

### *1. Determine what weapons control measures are necessary and desirable based on the mission.*

Missions were derived from the General Framework Agreement for Peace. Given the peace enforcement nature of the mission, weapons control was critical.

*a.* Task Force Eagle (TFE) derived specified and implied tasks from the military aspects of the GFAP, which included:

- Enforce a permanent cease fire
- Establish and mark the Zone of Separation (ZOS), Military Boundary Lines, and other specified locations in which the Parties<sup>256</sup> must withdraw their forces

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<sup>255</sup> See Interview of LTC Vowell, *supra* note 146 (🌐); Interview of MAJ Mieth, *supra* note 214 (🌐); and Interview of LTC Salata and MAJ Jacobson *supra* note 164. (🌐)

<sup>256</sup> "The Parties" refers to the three Entity Armed Forces (formerly known as the Former Warring Factions)—the Republic of Bosnia-Herzegovina (BiH or B-H), the Federation of Bosnia and Herzegovina or the Croat Defense Council (HVO), and the Republika Srpska (RS).

- On order, compel removal, withdrawal or relocation of any forces and weapons posing a threat or potential threat to IFOR
- Observe, monitor, and inspect Parties' military forces and facilities. Supervise heavy weapons withdrawal, demobilization and the Parties' removal of obstacles and explosive hazards

*b.* TFE also derived specified and implied tasks for the Parties, which, among others, included:

- Conducting cease fire operations, to include:
  - (1) No positioning forces forward of established Cease Fire Lines (CFLs), the Zone of Separation (ZOS), and other TFE designated areas
  - (2) No firing of weapons or explosives, except per the agreement
  - (3) No additional mine, barrier or protective obstacle emplacement
- Allow TFE to observe, monitor and inspect military forces and facilities
- Conduct TFE and GFAP-directed heavy weapons withdrawal, demobilization and obstacles and explosive hazards removal

*c.* The GFAP had very specific guidance on weapons, especially heavy (to include air defense) weapons.

(1) After D+120 all the Parties were to withdraw all heavy weapons and forces to cantonment/barracks areas or other approved sites, which were subject to IFOR inspection. EAFs had to declare and report weapons and personnel to IFOR. EAFs had to demobilize forces which could not be accommodated in the cantonment/barracks areas. The GFAP did not allow forces with long-barreled or automatic weapons outside the cantonment/barracks areas

except for training approved in advance by IFOR/SFOR or for IFOR/SFOR-approved “special duties.”<sup>257</sup>

(2) “No weapons other than those of IFOR are permitted in this Agreed Cease-Fire Zone of Separation except as provided herein. No individual may retain or possess any military weapons or explosives within this four kilometer Zone without the specific approval of the IFOR.”<sup>258</sup>

(3) The following GFAP language was the key to IFOR’s execution of the mission:

“IFOR has the right and is authorized to compel the removal, withdrawal, or relocation of specific forces and weapons from, and to order the cessation of activities in, any location in Bosnia and Herzegovina whenever the IFOR determines Forces, weapons or activities to constitute a threat or potential threat to either IFOR or its mission, or to another party.”<sup>259</sup>

Often called the “silver bullet” clause, it gave IFOR forces broad powers to act and implement rules and requirements felt necessary by individual units and commanders. The GFAP did not mandate IFOR to confiscate or destroy unauthorized weapons—those not properly stored, reported or open to inspection. This “silver bullet” clause, however, made confiscation and destruction a viable implementation tool for commanders to use. Placing a silver bullet clause in future agreements could be the key to mission success.<sup>260</sup>

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<sup>257</sup> GFAP, *supra* note 13, Annex 1-A (Military Annex), Art. IV, para. 5 (*see* Appendix E(5) for text).

<sup>258</sup> *Id.* at para. 2.

<sup>259</sup> *Id.* at para. 6.

<sup>260</sup> *See* OJE-AAR, *supra* note 30, Vol. II at 21-22. ☹

**2. Consider all possible parties, locations, weapons, and situations when developing guidance on weapons confiscation and control.**

The first two operations, Joint Endeavor and Joint Guard, saw written and verbal guidance given almost daily on weapons control (use, storage, inspection, reporting), confiscation, and disposition (hold, return, destroy).<sup>261</sup> The changing and developing situation, or mission creep/flux, necessitated much of this. While this can never be totally avoided, the judge advocate on future missions can help the commander give more detailed guidance up front. This would help avoid responding to situations as they arise by considering the variety of situations and issues that arose in Joint Endeavor and exercising forethought. In developing guidance on weapons control and confiscation, judge advocates and commanders must consider the types of people, weapons systems, and locations involved. The specifics, below, show how detailed the thought process must be.

**a. Parties involved.** Joint Endeavor saw four types of personnel to consider: military, special police, police, and civilians. Because the GFAP addressed heavy—to include air defense—weapons in detail, most questions arising concerned small arms.

**(1) Military (the Parties).** The GFAP and IFOR recognized the need for EAF military to train to maintain proficiency, and so had to accommodate that need while still fulfilling the peace enforcement mission. COMARRC (Commander, Allied Command Europe Rapid Reaction Corps) Policy Guidance Number 11 addressed individual weapons and EAF training. It prohibited armed individual soldiers or armed military groups outside barracks, except:

(a) Participation in a notified and approved training, exercise or live fire;

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<sup>261</sup> By Feb. 1998, disarmament of EAFs and police was infrequent and most weapons seized were from civilians without permits. Interview of MAJ Kurt Mieth, SFOR Legal Advisor's Office, at \_\_\_\_ (15 Feb. 1998). ☹ Interview of LTC Salata and MAJ Jacobson, *supra* note 164. ☹

- (b) Participation (without live ammunition) in a local ceremony;
- (c) Division commanders and above could carry sidearms and have three bodyguards with sidearms, as long as all were in uniform and on official duty; and,
- (d) Military police could carry sidearms, as long as all were in uniform and on official duty.

To conduct training or an exercise, EAFs had to notify TFE five days in advance, get their approval on a case by case basis, and separate weapons and ammunition while traveling between sites.

**(2) “Special Police” (Military of Interior Police).**

The GFAP considered the Military of Interior Police, or “special police,” to be “Forces” under the GFAP. They therefore were subject to the same terms as the EAF forces—withdrawal to cantonment/barracks areas subject to inspection, weapons and personnel declaration and reporting to IFOR, and no carrying of long-barreled or automatic weapons except for authorized training or IFOR-approved “special duties.” Thus, while performing regular duties, they could only carry sidearms. For the recognized “special duty” of guarding IFOR-approved sensitive government and military installations, special police had to submit to the joint Military Commission (JMC) a list of all locations at which they wanted armed guards and indicate which they wanted to guard with long barreled or automatic weapons. They could patrol only up to 50 meters outside the perimeter. The long barreled and automatic weapons, when approved, had to remain within the perimeter and could not include tripod-mounted heavy machine guns.<sup>262</sup>

**(3) Police.** Control of police weapons was key because police were often a subterfuge for military forces. In addition to the IFOR conventional forces, civilian police had another body to

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<sup>262</sup> Allied Rapid Reaction Corps, SOP 826 addressed “special police” or “MUPs.”

work with—the International Police Task Force (IPTF). The IPTF helped formulate policy for police use of weapons.<sup>263</sup> The COMARRC and IPTF policy authorized police in MND (N) (Task Force Eagle’s sector) to only carry sidearms. Unless approved by IPTF, police on foot, in patrol cars, or at checkpoints could not carry shotguns or automatic rifles. When permitted, IPTF would issue a written permit to the police officer commanding the operation stating the quantity and type of weapons authorized. Otherwise, they were to be kept at police station armories. The police could not use, handle, or store military-type weapons (AK-47s, Skorpion and UZI-type automatic weapons, were examples cited by TFE) in any way.

#### (4) *Civilians*

a. *“Armed civilian groups.”* When the Parties signed the GFAP, they committed to disarming and disbanding all armed civilian groups. The GFAP did not define “armed civilian groups,” but the IFOR Commander’s Statement of Procedures defined them as, “A group of two or more nonmilitary personnel in possession of weapons.” In this sense weapons meant any sort of weapon in a civilian’s hands. This policy applied throughout Bosnia, not just within the ZOS. Policy letters and memorandums during the operation told commanders to exercise discretion in applying this definition. For example, hunting was a permissible activity and two (legitimate) hunters together were not really an “armed civilian group” requiring disarmament.

b. *Individual civilians.* IFOR looked to local BiH law for guidance on possession of arms by individuals. Civilians could keep bolt action, pump, or semi-automatic rifles and shotguns and revolvers or single-shot pistols. All of these privately owned weapons had to be registered at the nearest police station and civilians had to

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<sup>263</sup> See the section on Police issues, which addresses the IPTF and other police concerns, such as the reinfiltrating of armed EAFs under the guise of police officers.

have a permit with them when in possession of a firearm. Military-type weapons were not authorized, even for “hunting.” As in most other aspects of a peace enforcement mission, actions must be tempered by the overall intent and desired end-state. Thus TFE expressly stated that they were not there to disarm Bosnia,<sup>264</sup> and therefore house-to-house searches were not to be done unless operationally necessary.<sup>265</sup>

IFOR did, however, view searches of homes within the Zone of Separation as sometimes necessary. During the resettlement effort, EAFs literally blew up and burned many homes to prevent members of opposing ethnic backgrounds from moving in. Based on informants, IFOR searched homes for explosives and weapons. The NORDPOL Brigade lawyer made good use of preventive law. He used waiver/consent-to-search forms whenever an occupant would sign them. After completing the search, he had the occupant sign a form stating there was no damage nor missing items on the departure of the SFOR troops.<sup>266</sup>

SFOR initiated a major effort to get civilians to voluntarily disarm in 1998. It ran from February 19 through March 26, 1998. It was an amnesty program that SFOR developed and the Entity governments and police implemented.<sup>267</sup>

***c. IFOR and NGO Civilians.*** While more of a force protection issue, control of weapons involved not only weapons in possession of the Entity Armed Forces, or Parties, but also Department of Defense civilian employees and Nongovernmental

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<sup>264</sup> Memorandum, Commander, Task Force Eagle, to Brigade Commanders, subject: (NONE) (28 Apr. 1996). ☹

<sup>265</sup> Brigade commanders were left at their discretion to establish policies as to seizure of weapons from civilians unable to produce a permit.

<sup>266</sup> Interview of LTC Vowell, *supra* note 146. ☹

<sup>267</sup> As of the writing of this work, no data was available as to the disarmament drives' results.

Organization (NGO) personnel. The EUCOM plan and USAREUR Regulation 690-9 provided that the USAREUR commander could authorize the issuance of weapons to DOD civilians deploying to Bosnia.<sup>268</sup> Emergency essential DOD civilian employees were issued government sidearms if they received training in accordance with military regulations and standards (e.g. Field Manual 23-35). NGO personnel normally were not to be armed and, under the GFAP's terms and the Rules of Engagement, were subject to search. IFOR personnel were to inventory and report any confiscated NGO weapons to higher headquarters through military police channels.

*b. Locations.* Just as laws and rules varied depending on who was being addressed, they also varied by location.

*(1) Nonmilitary Installations.* The IFOR issued specific guidance for armed security of nonmilitary installations. The EAFs, police, and other host nation authorities had to notify IFOR of all nonmilitary installations with armed security, to include grid coordinates, description of the site, rationale for needing armed security, phone numbers for emergencies, and requests for long barreled or automatic weapons. They could not use mines, explosive device, booby traps, heavy machine guns, grenade launchers, or anti-tank weapons, or arm civilians.

*(2) The Zone of Separation.* See separate section on the ZOS.

*(3) Manufacture, Importation, and Movement of Weapons.* In addition to accounting for existing weapons, IFOR had to address the issue of new weapons, either manufactured in country or imported. Article III (Regional Confidence- and Security-Building Measures) to Annex 1B (Agreement on Regional Stabilization) to the

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<sup>268</sup> U.S. DEP'T OF DEFENSE AND ARMY MOBILIZATION AND OPERATIONS PLANNING AND EXECUTION SYSTEM (AMOPES), DIR. 1404.10, EMERGENCY ESSENTIAL DOD CITIZEN CIVILIAN EMPLOYEES, APP. 3 (CIVILIAN PERSONNEL) TO ANNEX E (PERSONNEL) (10 Apr. 1992).

GFAP prohibited importing arms, but only for a 90-day period from the entry into force of the annex (until May 30, 1996). It also prohibited importing the following for 180 days from entry into force: heavy weapons or ammunition, mines, military aircraft, and helicopters. One judge advocate opined that movement of arms from one HVO pocket through Croatia into the other pocket was not a violation of the agreement. He noted that this movement did not violate the intent of the agreement, which was to prevent introduction of additional weapons. The GFAP did not prohibit the Parties from manufacturing weapons, ammunition, and explosives. However, a declaration of production facilities had to be turned in to IFOR by July 5, 1996, detailing location, items produced, production capacity, storage capacity, and whether armed guards would be used.

### *c. Weapons Types*

*(1) Air Defense and Heavy Weapons.* Paragraph 5(a) (Phase III) of Article IV (Redeployment of Forces) of the GFAP, required the EAFs to concentrate, secure, and store all “heavy weapons” in approved storage sites by 120 days after the transfer of authority to IFOR. The GFAP defined “heavy weapons” as all tanks and armored vehicles, all artillery 75 mm and above, all mortars 81 mm and above, and all anti-aircraft weapons 20 mm and above. Separate approved sites were set up for Air Defense Artillery (AAA) systems. At one point Task Force Eagle had to clarify this definition because 14.5 mm anti-aircraft guns did not fall within the definition of “heavy weapons,” and could be stored at either approved AAA sites or approved Weapons Storage Sites. As of 18 April 1996, COMARRC guidance was to confiscate all AAA systems not in approved AAA sites, hold them for 30 days while notifying higher, then destroy them. A hard line was not taken on other weapons systems until October 1, 1996.

(2) *Mines.* The GFAP Military Annex required the Parties—not IFOR—to “remove, dismantle or destroy all mines”<sup>269</sup> in the ZOS and areas to be transferred. Judge advocates helped commanders decline local national (other than the EAFs) requests for IFOR assistance in removing mines. However, judge advocates helped commanders develop incentives for the EAFs to do what the GFAP required—clear the minefields. For example, TFE approves or disapproves EAF training and movement requests contingent upon EAF progress in counter mine operations.<sup>270</sup>

(3) *Civilian Explosives.* While it was clear what to do with military weapons and explosives, the unique issue arose of how to handle civilian explosives (e.g. for quarries, construction, etc.). TFE forces stopped five vehicles in April 1996, alone, each carrying about 9.5 tons of explosives. The TFE commander was legitimately concerned about possible wrongful use of these explosives. The judge advocates did their legwork, met with local officials, and discovered a system was already in place for issuing permits and bills of lading and obtaining police escorts for shipments of civilian explosives. They and the commander then worked with local officials to have the system enforced, and notified them that they would seize any explosives shipped in violation of local requirements. This was a good example of trying to work from within the country’s existing system to further restore order in the spirit of the overall mission, while simultaneously ensuring force security.

### ***3. Publish and disseminate clear and concise guidance on weapons confiscation and control.***

While military police channels were responsible for physically handling confiscated weapons, the judge advocates were almost always

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<sup>269</sup> GFAP, *supra* note 13, Annex 1-A, Art. IV, para. 2(d) (*see* Appendix E(5) for text).

<sup>270</sup> TASK FORCE EAGLE, JOINT MILITARY COMMISSION HANDBOOK, CHAPTER 17 (COUNTERMINE OPERATIONS) (6th ed. 12 Jan. 1998).

the ones to answer questions on searches, inspections, and confiscation of weapons.

*a. Determine what law or rules will govern search and seizure.* The possible sources of law and rules governing searches and seizures for missions in other nations are too numerous to name. In the Joint Endeavor/Guard/Forge operations, IFOR/SFOR forces were fortunate. The Former Warring Factions all signed the GFAP, wherein they committed themselves to cooperate fully with and facilitate free and unimpeded access and movement for any international personnel.<sup>271</sup> They also conceded to the IFOR the “unimpeded right to observe, monitor and inspect any Forces, facility or activity in Bosnia or Herzegovina that the IFOR believes may have military capability.”<sup>272</sup> Note that the words “believe” and “may” set very low threshold standards for conducting searches and inspections. The fabled “silver bullet” clause<sup>273</sup> lowered the threshold even more. These two provisions allowed the multinational force to justify the search of just about any persons or activities, as necessary.

*b. Give timely, clear, and specific guidance to ALL parties.*

*(1) Giving Guidance.* The policies on confiscation and control of weapons changed frequently, due to unforeseen or unplanned situations and mission adjustments, or “creep”. It was very important for judge advocates to continually seek clarification and inform the commanders of policy changes. Rapid dissemination up and down the chain was essential. Sometimes the EAFs knew about changes before subordinate elements, creating embarrassing, and potentially volatile, situations.<sup>274</sup> Another problem was keeping track

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<sup>271</sup> GFAP, *supra* note 13, Art. II, para.4 (see Appendix E(5) for text).

<sup>272</sup> *Id.* at para. 6.

<sup>273</sup> *Id.*

<sup>274</sup> See OJE-AAR, *supra* note 30, Vol. II at 95-96. ☹

of all the policies in an easy to use format. Task Force Eagle's Joint Military Commission published an extremely well organized, user friendly Policies, Procedures and Command Guidance Handbook. It summarized the commander's intent and gave very specific instructions on topics such as disbanding armed civilians and detaining personnel, destruction of mines and munitions, destruction of heavy weapons systems in the Zone of Separation, movement of weapons and forces, and many other issues. See **Appendix J** for an extract of the JMC Handbook.

*(2) Disposition of Unauthorized Weapons.* Once it was clear what weapons were authorized, there were questions about what to do with unauthorized weapons. Initially, the Commander, TFE, pushed down the power to make decisions and set policies to brigade and battalion commanders. Gradually, higher headquarters declared set policies in an effort to demonstrate resolve and to make IFOR actions uniform, predictable, and not subject to complaints of unequal treatment by the EAFs.

The Commander, Allied Rapid Reaction Corps' (COMARRC) policy was: any weapons found in the ZOS were to be confiscated and destroyed after 30 days; intentionally concealed weapons were to be confiscated, destruction at lower commander's discretion (except destruction of heavy weapons required COMARRC approval); and unauthorized weapons due merely to poor administration or inefficiency by the factions could be moved to an appropriate site (did not have to be confiscated). In August 1996, the TFE Commander reserved to his level the discretion to return weapons and ammunition to EAFs and the discretion not to confiscate unauthorized weapons and ammunition. Henceforth, TFE commanders had no choice—they had to confiscate unauthorized weapons. Effective October 1, 1996, COMARRC also cracked down requiring IFOR troops to immediately confiscate and destroy weapons and ammunition found at unauthorized sites, with no appeal period.

Tracking confiscated weapons was a problem. Commanders must establish a clear system of inventory, to include weapons destruction certificates, early on. While not exactly in the judge advocate's zone, this duty fell upon the Joint Military Commission (JMC) judge advocate's shoulders.<sup>275</sup>

## G. LAW ENFORCEMENT ISSUES

### *1. Develop clear, mission-oriented standards for detention of civilian personnel.*

Although the GFAP did not specifically give IFOR the authority to detain civilians, IFOR derived such a power from the "silver bullet" clause of the Accords.<sup>276</sup> The very breadth of that clause, however, made specific guidance more vital. Therefore the NATO OPLAN had a legal annex that, among other things, spelled out the rules regarding detention. The plan correctly noted that NATO was not a party to an international armed conflict, and hence detained personnel were not enemy prisoners of war.<sup>277</sup> The plan required IFOR to turn over any detained person to local officials as quickly as practicable, and

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<sup>275</sup> See Memorandum, CPT Christopher Carrier, MND-N JMC Legal Advisor, to Executive Officer, 2d Armored Cavalry Regiment, subject: Resolving Confiscated Weapons Inventories (24 Nov. 1997) and Memorandum, CPT Christopher Carrier, MND-N JMC Legal Advisor, to Executive Officer, 2d Armored Cavalry Regiment, subject: Resolving Confiscated Weapons Inventories, (8 Dec. 1997) (address the problems he faced in getting units to report). ☹

<sup>276</sup> Called the "silver bullet" because it creates an expansive justification. GFAP, Annex 1A, Art. VI, para. 5, reads, "The Parties understand and agree that the IFOR Commander shall have the authority, without interference or permission of any Party, to do all that the Commander judges necessary and proper, including the use of military force, to protect the IFOR and to carry out the responsibilities listed above in paras. 2, 3 and 4, and they shall comply in all respects with the IFOR requirements." (The paragraphs referred to herein set forth the IFOR responsibilities in very broad terms, and even include an open end by acknowledging that the NAC may add more terms.)

<sup>277</sup> See HAITI AAR at 53-56 for discussion of maintaining law and order and handling hostile persons when the law of armed conflict does not strictly apply. ☹

mandated a legal review for anyone who was held for more than 72 hours.<sup>278</sup>

Specific IFOR guidance reminded soldiers that they could detain civilians where those civilians obstructed friendly forces, interfered with the mission, or committed a serious crime in the presence of IFOR. The JMC Handbook defined this last category to include any act or omission “which does or could reasonably be expected to cause serious bodily harm to civilians, non-belligerents or IFOR personnel.”<sup>279</sup> Soldiers were reminded to exhaust other available means before detention, to treat detainees humanely, to turn them over to military police at the earliest opportunity, and that the senior soldier present had the authority to release any detainee.<sup>280</sup>

Counter-surveillance efforts were a common cause of detention of civilians. Soldiers often detained and questioned civilians who were seen sketching, photographing, or videotaping IFOR base camps. Although such activity was generally an innocent act of tourism, commanders appreciated the broad authority to prevent such potentially dangerous activity.<sup>281</sup>

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<sup>278</sup> NATO OPLAN, Operation Balkan Endeavor, Legal Annex, 2.m. (2) and (3). The 72-hour limitation was derived from Western, not Bosnian, law. COL Berger, comments *in* OJE-AAR, *supra* note 30, Vol. II, at 89. See generally MANUAL FOR COURTS-MARTIAL, UNITED STATES, R.C.M. 305(h)(2)(A) (1996); *but cf.* *Riverside County v. McLaughlin*, 500 U.S. 44 (1991) (imposing a 48-hour rule for such reviews of pretrial confinement).

<sup>279</sup> TASK FORCE EAGLE, JOINT MILITARY COMMISSION, POLICIES, PROCEDURES AND COMMAND GUIDANCE HANDBOOK 13 (2d ed. 12 May 1996). ☹

<sup>280</sup> *Id.*

<sup>281</sup> MAJ Zolper, comments *in* OJE-AAR, *supra* note 30, Vol. II at 87. ☹ For examples of the kinds of anti-surveillance detentions which took place, see Memorandum, LTC Christopher Maher, for record, subject: Detention of Civilian Calling Himself Timothy McLaurin (Aug. 1996) ☹ and Memorandum, LTC Christopher Maher, for record, subject: Detention of Two Japanese Males From 1st Brigade AOR (Emerald City) (11 Aug. 1996). ☹

## ***2. Develop clear, mission-oriented standards for detention of military (Entity Armed Forces) personnel.***

Another difficulty in the detention arena was distinguishing civilians from Entity Armed Forces (EAFs) military personnel.<sup>282</sup> For EAF personnel, the most important issue requiring a detention decision was the subject's presence in the Zone of Separation (ZOS) after the redeployment period.<sup>283</sup> The standards for handling military personnel were essentially the same as for civilians: humane treatment, brief detention, and rapid turnover to the military police. The military police would, in turn, hand the detainees over to local authorities.<sup>284</sup>

In addition to the general desirability of military personnel avoiding police duties, the lack of facilities also encouraged only brief detentions. The only detention site available in the Multinational Division North (MND-N) sector was one built by the military police, which could accommodate three persons. In one instance, a group of Bosnian Federation soldiers purporting to be from Croat forces were found well beyond the Zone of Separation (ZOS) and detained at a Tactical Operations Center (TOC).<sup>285</sup>

In one case, the rapid return-to-local- authorities policy proved to be discordant with overall strategic policy. As many have noted, one of the difficulties of a multi-entity federation is that the local authorities may be a hostile force to the detainees.<sup>286</sup> In the most notorious occurrence, seven Bosnian men (the "Zvornik Seven") turned themselves in to IFOR troops in Republika Serpska territory. They were

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<sup>282</sup> MAJ Zolper, comments in OJE-AAR, *supra* note 30, Vol. II at 87. ☹

<sup>283</sup> GFAP, *supra* note 13, Annex 1A, Art. IV (see Appendix E(5) for text).

<sup>284</sup> 1AD-AAR, *supra* note 145 at 22. ☹

<sup>285</sup> *Id.* at 23. ☹ Unlike the case from Zvornik that follows, they were escorted back across the ZOS and returned to their own forces once their true identity was determined.

<sup>286</sup> See, e.g., LTC Fucci and MAJ Zolper, comments in OJE-AAR, *supra* note 30, Vol. II at 87-88.



quickly turned over to the local authorities.<sup>287</sup> Those authorities proceeded to torture confessions from several of them. After a year in prison, they were tried and convicted. Three of the seven ultimately received twenty-year prison sentences.<sup>288</sup>

***3. Beware a nation's police forces—often they are as potent and influential as the military.***

The constitution of Bosnia-Herzegovina, agreed to as part of the GFAP, includes the “right to liberty of movement and residence” as one of the fundamental rights of the people.<sup>289</sup> The GFAP envisioned a multi-ethnic Federation where refugees who had been “ethnically cleansed” from their homes because they were in the minority could return to their historic residences. A critical part of the IFOR mission, then, was to ensure that the dispossessed could return home once the armed groups left or IFOR removed them from the Zone of Separation.

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<sup>287</sup> IAD-AAR, *supra* note 145 at 22. ☹

<sup>288</sup> The men had been residents of Srebrenica, site of a large “ethnic cleansing” of Bosnian Muslims by Bosnian Serb forces in the summer of 1995. See Indictment of Drazen Erdemovic, International Criminal Tribunal for the Former Yugoslavia (22 May 1996). On 10 May 1996, they approached a U.S. artillery platoon, claimed they had been recently fired at, and surrendered. The men were in violation of the Dayton Accords because they were a group that was armed: they carried five knives, two pistols, and a couple of hand grenades among them. Within two hours they had been handed over to Serbska police in Zvornik. Later—they claimed after they were coerced by beatings—three confessed to murdering four missing Serbian woodcutters, and the other four confessed to helping dispose of the bodies. In the intervening time an American patrol had been sent to the police station to retrieve the men, but had been turned back by hostile Serbian crowds. See Tracy Wilkinson, LOS ANGELES TIMES, 24 May 1996. See also Alex Ivanko, Transcript of IFOR Press Briefing, Sarajevo Coalition Press Information Center, 18 May 1996 (confirming IFOR’s view that the men had been beaten, and that they were on the list of those missing from Srebrenica, but finding also some “peculiarities” in their overall level of health and grooming when taken with their story that they had survived for the last ten months in the woods). At the eventual trial the defendants were not permitted to have attorneys from the Federation; during the two-day trial their Serbska attorneys “spoke only briefly.” See Amnesty International News Release, Bosnia-Herzegovina: Amnesty International Condemns Unfair Trial of “Zvornik Seven” (24 Apr. 1997). For an observation that the presence of a judge advocate at the relevant headquarters might have prevented the entire incident, see LTC Christopher Maher, comments in OJE-AAR, *supra* note 30, Vol. I at 59. ☹

<sup>289</sup> GFAP, *supra* note 13, Annex 4, Art. II, para. 3(m).

The immediate difficulty for the refugees in exercising this right was the EAF's use of a system of checkpoints that began during the war as a method to control civilian movement. Local police and the Interior Police, often subterfuge organizations for military members,<sup>290</sup> were the "bullies" behind most of these restrictive checkpoints. However, from the earliest days of the operation, IFOR recognized that there were some legitimate reasons why the entity governing bodies might need to use checkpoints, at least for short periods.<sup>291</sup> For example, local truckers often tried to move through Croatia and Bosnia-Herzegovina under the guise of transporting SFOR freight, thereby illicitly gaining Status of Forces Agreement protection and avoiding legitimate taxes, fees, and inspections. (Efforts would range from simply painting "SFOR" on the side of their vehicles to forging documents.) Thus our forces had to develop a coherent approach to handling the checkpoints. Judge advocates played a key role in resolving this complex situation.

As U.S. forces came across checkpoints, they turned to their attorneys' advice to evaluate their options based on an application of the rules to the particular situation. Sometimes IFOR allowed the checkpoints to remain; sometimes IFOR removed them. The reliance on the judge advocate's advice was the consistent theme among these types of issues.<sup>292</sup> Eventually IFOR issued guidance requiring any checkpoint of two or persons in operation for more than 30 minutes to have documented IFOR approval. IFOR could detain violators and

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<sup>290</sup> See Interview of LTC Vowell, *supra* note 146. ☹

<sup>291</sup> TASK FORCE EAGLE, JOINT MILITARY COMMISSION, POLICIES, PROCEDURES AND COMMAND GUIDANCE HANDBOOK 6 (2d ed. 12 May 1996). ☹ ("Police forces are only authorized to establish checkpoints to control/stop criminal activity or for legitimate purposes". The handbook goes on to list a few of those legitimate purposes, including traffic direction, temporary road closure, and reaction to life threatening emergencies).

<sup>292</sup> See, e.g., Information Paper, CPT Matthew D. Ramsey, Operational Law, First Armored Division, subject: Proposed Language For Frago Allowing Police Checkpoints In The ZOS (20 Oct. 1996) ☹ and Information Paper, CPT Mark Tellitocci, Assault Command Post judge advocate, 1st Armored Division, subject: Check Points By Local Military And Police Personnel (24 Jan. 1996).



seize their weapons and roadblock equipment. Whether IFOR could detain police at illegal roadblocks was a divisive issue. The Joint Military Commission viewed it as dangerous and inflammatory. The command decided to allow detentions necessary for force security or fulfillment of the mission, but no “punitive detentions.”<sup>293</sup>

One high profile situation was the Republika of Srpska (RS) imposed “road tax” over the Brcko Bridge. RS police manned the “toll” station. All parties recognized and agreed that, by terms of the new constitution among other authorities, only the country as a whole—the Federation of Bosnia-Herzegovina (BiH), not the individual entities—could charge transit fees or visas. In response, the RS devised a “road tax.” This so-called “road tax,” however, was remarkably disparate along ethnic lines. It charged nothing for vehicles with RS or Yugoslavian plates, 200 DM for foreign registered cars, 500 DM for foreign trucks, and 50 DM for Slovenian vehicles. Judge advocates and attorneys at all levels—TFE, SFOR, the United Nations Office of the High Representative, and the International Police Task Force—concluded the tax was illegal because it was excessive and discriminatory, violated BiH Constitutional provisions on freedom of movement and equal treatment within BiH, and provisions allowing only the Federation, not individual entities, to establish visa and immigration policy.<sup>294</sup> The High Commissioner’s office told the RS to dismantle the toll station or face action by the IPTF and IFOR to close it down.

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<sup>293</sup> Memorandum, CPT Christopher Carrier, JMC Legal Advisor, subject: Carrier’s Greatest Hits Poland, A Review of Key Documents (20 Jan. 1998). 🌐

<sup>294</sup> This issue developed back in Aug. 1996 and was still unresolved as of 21 Aug. 1997, when Ambassador Gerd Wagner of the Office of the High Representative wrote an ultimatum to Madame Biljana Plavsic, President of the Republika Srpska, and Mr. Gojko Klicovic, the Prime Minister. Because there was some question whether the RS tax may have been legal under Chapter VI of the Law on the Roads of Republika Srpska (1995) entitled “Road Toll and Roads Financing,” attorneys at all levels examined the issue and reached agreement before acting. There are numerous materials in the CLAMO OJG-AAR database addressing this issue. 🌐

#### ***4. Reforming a nation's police force is essential to reestablishing a sound peace.***

Part of the peace process for Bosnia-Herzegovina was the creation of an International Police Task Force (IPTF) under U.N. auspices. The IPTF did not have a mission to be the nation's police force: rather, they were to serve as observers and advisors to the governments of the entities as they established their own effective police forces.<sup>295</sup>

As with all other international organizations, the resolution of the IPTF requests for support required resolution by judge advocates. IFOR judge advocates and other soldier-lawyers in the theater helped the IPTF with its organization of local police units and with determinations of lawful possession of weapons. Judge advocates also helped determine what logistics and personal support, such as access to pontoon bridges and base camp Army & Air Force Exchange Services, that IFOR would provide to the IPTF.<sup>296</sup>

One additional and critical piece of support for the IPTF was part of the basic IFOR mission: the ability to regulate the size of the local police forces.<sup>297</sup> Two disquieting facts motivated the IFOR

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<sup>295</sup> Information Paper, CPT Tellitocci, subject: International Police Task Force (19 Jan. 1996). ☹

<sup>296</sup> 1AD-AAR, *supra* note 145 at 28. ☹ Memorandum, MAJ Maggioncalda, for Chief, Joint Military Commission, subject: 1BCT Input to FWF Weapons-Carrying Police (31 May 1996) (describing the position advocated by 1BCT judge advocates) ☹; Memorandum, BG James P. O'Neal, Headquarters, to Hannu Juvonen, Regional Commander Task Force Eagle, subject: Reply, UNIPTF TUZLA, Re: Priority U.N. IPTF Zupanija Bridge (16 Feb. 1996), ☹; Memorandum, CPT Eric Jensen, for Commander Task Force Eagle, subject: IPTF Use Of AAFES. ☹

<sup>297</sup> Memorandum, CPT Tellitocci, for ADC (M), subject: Controls of Civilian Police in the ZOS (23 Jan. 1996) (noting that, although there was no specific authorization in the Dayton Accords to limit police size, "this authority is inherent in our mission.... Primarily it comes from our authority to order the cessation of activities that pose a threat to our mission, IFOR, or to another party"). ☹ *See also* Information Paper, LTC Christopher Maher, subject: Regulation of Civilian Police (26 Jan. 1996) (observing that the Military Annex to the Dayton Accords prohibited weapons, and armed groups, in the ZOS unless they had IFOR approval, and this allowed Task Force Eagle to establish rules prior to granting such approval). ☹

interest in the formation of these forces. The first was the concern that many of the demobilized military personnel of the entities would simply be reclassified as police and used to carry on the war at a lower level.<sup>298</sup> The second was the way in which the police forces had themselves become an instrument of lawbreaking, especially by mistreating members of minority ethnic groups in their region.<sup>299</sup> In order to make the local police an agency of progress toward peace rather than a hindrance, IFOR delegated authority to the brigades to limit local police size and to register them by name.<sup>300</sup>

## H. WAR CRIMES

### *1. Anticipate war crimes to pervade many of today's conflicts.*

The conflict in the Former Yugoslavia has been and remains a political, military, and legal quagmire. No issue has combined all three factors in a manner that interested the general public more than war crimes. Violations of the law of war occurred on all sides of the conflict. The nature of the barbaric acts alleged subjected military and political leaders to extensive media scrutiny and, therefore, intense public interest. Ethnic hatred-based conflicts are ripe for war crimes.

In June 1991 conflict broke out between forces loyal to the Muslim-led government and forces loyal to the concept of a Bosnia Serb Republic. These Serb forces were comprised of former Yugoslav

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<sup>298</sup> Memorandum, CPT Tellitocci, for ADC(M), subject: Controls of Civilian Police in the ZOS (23 Jan. 1996). ☺

<sup>299</sup> See U.N. Sec. Gen., *Letter to the President of the Security Council, subj: Implementation Force Operations (Second Report, High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina)* Appendix II, U.N. Doc. S/1996/542 (10 Jul. 1996) ("Human rights monitors, including the IPTF receive regular reports of brutality by police and other security forces in violation of international human rights standards. The most common incidents reported are beatings of detainees while in police custody. A large percentage of these reports involve ethnic minority returnees who are detained by police upon arrival.")

<sup>300</sup> TASK FORCE EAGLE, JOINT MILITARY COMMISSION, POLICIES, PROCEDURES AND COMMAND GUIDANCE HANDBOOK (2d ed. 12 May 1996). ☺

military forces, militias, paramilitary groups, and special forces—all under the attenuated, but clear command of General Radtko Mladic who had served in the Yugoslav People's Army and subsequently took control of the Bosnian Serb Army.<sup>301</sup>

Though months of intense fighting ensued, the incidents which brought the subject of war crimes into the international spotlight did not occur until late May, 1992, when Serbian military units re-took control of Prejidor, a small town in northwestern Bosnia. The large-scale attack, conducted with armored forces and small arms, followed an uprising by a group of about 150 non-Serbs that had wrested control from the Serbs. In re-taking control of Prejidor, Serb forces advanced street-by-street, ejecting non-Serbs from their homes, mistreating them and, in most cases, killing them. Serb forces herded most that were not killed, especially surviving men who were able to escape the onslaught, into deplorable conditions in concentration camps at Keratem and Omarska, where most eventually were tortured and killed.

On July 13, 1992, the Security Council adopted Resolution 764, which reaffirmed that all parties to the Yugoslav conflict must comply with international humanitarian law, particularly the 1949 Geneva Conventions. It also stated that all persons who commit or order the commission of grave breaches of those conventions are individually responsible for war crimes.<sup>302</sup> This had no practical effect and continued allegations of widespread torture and killing prompted the United Nations Security Council on October 6, 1992 to ask the Secretary General to establish a Commission of Experts to investigate the alleged war crimes.<sup>303</sup> The Secretary General established a five member Commission that began investigating allegations in November 1992.

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<sup>301</sup> UNITED NATIONS FINAL REPORT OF THE COMMISSION OF EXPERTS ESTABLISHED PURSUANT TO SECURITY COUNCIL RESOLUTION 780, to the President of the Security Council 29-33, U.N. Doc. S/1994/674(24 May 1994).

<sup>302</sup> S.C. Res. 764, U.N. SCOR, 47th Sess., 3093 mtg., U.N. Doc. S/Res/764 (13 Jul. 1992).

<sup>303</sup> S.C. Res. 780, U.N. SCOR, 47th Sess., 3119 mtg., U.N. Doc. S/Res/780 (6 Oct. 1992).

In an interim report published within four months of the date of its establishment, the Commission concluded that grave breaches—such as willful killing, “ethnic cleansing,” mass killings, torture, rape—and other crimes had been committed in the Former Yugoslavia. In response, the Security Council on February 22, 1993, decided to establish an international tribunal to prosecute the offenders,<sup>304</sup> called the International Criminal Tribunal for Former Yugoslavia (ICTY).

On May 25, 1993, the Security Council, acting pursuant to Chapter VII of the U.N. Charter, formally established the tribunal and enacted the tribunal’s constitutive statute.<sup>305</sup> On February 11, 1994, pursuant to Article 15 of the statute, the eleven appointed judges of the newly established Tribunal adopted rules of procedure and evidence.<sup>306</sup>

For the world, the GFAP held the promise of progress toward resolution of four years of intense fighting and senseless killing. For international lawyers, the establishment of the ad hoc tribunal signaled the potential for the first international war crimes trials since those that followed World War II. Two fundamental questions remained, however. The first question was purely a legal one—whether this court actually had jurisdiction over the alleged offenses. The larger question revolved around how this tribunal, without an international police force or its own enforcement powers, might bring war criminals to justice.

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<sup>304</sup> S.C. Res. 808, U.N. SCOR, 48th Sess., 3175 mtg., U.N. Doc. S/Res/808 (22 Feb. 1993). The report was submitted to the Security Council. Letter from the U.N. Secretary General (9 Feb. 1993) (U.N. Doc. S/25274).

<sup>305</sup> S.C. Res. 827, U.N. SCOR, 48th Sess., 3217 mtg., U.N. Doc. S/Res/827 (25 May 1993).

<sup>306</sup> INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1991: RULES OF PROCEDURE AND EVIDENCE, U.N. Doc. IT 32 (adopted 11 Feb. 1994, entered into force 14 Mar. 1994) (reprinted in 33 I.L.M. 484-554 (1994)).

***2. Seek the specific legal authorities that address war crimes and jurisdiction over the war criminals.***

The rules of international law that apply in conflict vary depending on whether the conflict is international or internal in nature. While this distinction is important in several respects, it is most important in terms of this discussion because the concept of individual responsibility for grave breaches of humanitarian law does not extend to internal armed conflict. While a general duty exists among the parties to suppress violations of humanitarian law, no specific duty exists to punish individuals responsible for the commission of such violations.<sup>307</sup>

Stated simply, in order for the tribunal to acquire jurisdiction to try individuals for “grave breaches” such as willful killing, torture, or willfully causing great suffering, it would first have to make a determination that the conflict was international and not internal in nature. While space precludes this report from examining each aspect of this question, the Commission of Experts concluded that “the character and complexity of the armed conflicts concerned, combined with the web of agreements on humanitarian issues the parties have concluded among themselves, justify an approach whereby [the Commission] applied the law applicable to international armed conflicts to the entirety of the armed conflicts in the territory of the former Yugoslavia.”<sup>308</sup>

In reaching this conclusion, the Commission placed great emphasis on a series of agreements entered into by the principle parties to the conflicts. The United Nations admitted these parties to membership in the United Nations by resolutions adopted in May

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<sup>307</sup> See generally preliminary remarks of the International Committee of the Red Cross to U.N.S.C. Res. 808, at 2. Page 54 of ICTY Paper, The International Criminal Tribunal for the Former Yugoslavia (text available from CLAMO).

<sup>308</sup> U.N. Doc. S/25274 at 14. ICTY Paper, *supra* note 307, at 54.

1992.<sup>309</sup> The Republic of Slovenia, the Republic of Bosnia and Herzegovina, and the Republic of Croatia, entered into a series of agreements brokered by the ICRC. In the Croatian conflict for example, the parties agreed to apply the Geneva Conventions and Additional Protocol I in their entirety.<sup>310</sup> Included in this agreement were provisions concerning individual criminal responsibility for grave breaches. Agreements concerning conflicts in Bosnia-Herzegovina, however, were less extensive and, while they provided for punishment of violations, they excluded the concept of individual criminal responsibility.<sup>311</sup>

Despite the determination of the Commission, the applicability and enforceability of these agreements remains in doubt. The few decisions rendered by the Tribunal have failed to shed much light on the issue of the enforceability of the agreements. Neither, unfortunately, has the Tribunal resolved the question of jurisdiction as it relates to the nature of the conflict. In its August 1995 decision on defense motions contesting the jurisdiction of the court in the case versus Dusan Tadic, the Tribunal made no finding regarding the nature of the armed conflict in question. Rather, the Tribunal took a much narrower approach, holding that the requirement of international armed conflict does not appear on the face of Article 2, which confers subject matter jurisdiction to prosecute grave breaches of the Geneva Conventions.<sup>312</sup>

The foregoing does not assert that judge advocates need to know the nuances of the international justice system or the intricacies of

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<sup>309</sup> G.A. Res. 236, 237 and 238, U.N. GAOR, 46th Sess., U.N. Docs. A/Res/236,237,238 (adopted 22 May 1992).

<sup>310</sup> Addendum (23 May 1992) to the Memorandum of Understanding (27 Nov. 1991), ICTY Paper, *supra* note 307, at 54.

<sup>311</sup> Letter from Canada to the U.N. pursuant to U.N.S.C. Res. 771 (1992) and 780 (1992) concerning Human Rights Violations in Yugoslavia, U.N. Doc. S/25392, at 30 (9 Mar. 1993).

<sup>312</sup> U.N. International Criminal Tribunal for the Former Yugoslavia, Prosecutor Against Dusko Tadic, Case No. IT-94-I-T, Decision on the Defense Motion on the Jurisdiction of the Tribunal.

international law as it relates to the inner-workings of such a tribunal. It does illustrate that topics such as the Law of War and the Geneva Conventions, which many believe are inapplicable or outdated, remain as important as ever—even in peace operations.

***3. Guidance on handling persons indicted for war crimes (PIFWCs) must be specific and tied in with the Rules of Engagement.***

By using the Security Council to establish the Tribunal, the U.S. and other participating U.N. members agreed that “war crimes” were a direct violation of international law, and the Tribunal could try these cases. The parties to the Dayton Peace Accords agreed to “cooperate in the investigation and prosecution of war crimes and other violations of international humanitarian law.”<sup>313</sup> What qualifies as “cooperation” is subject to debate.

The Tribunal issued its first indictments in November 1995. Initial guidance with respect to TFE’s policy on detention of war criminals came in the form of an information paper issued by the Office of the Staff Judge Advocate, TFE, on February 6, 1996.<sup>314</sup> This information paper summarized IFOR guidance dated January 10, 1996. It also contained information distributed by the tribunal itself, as well as that given by the Allied Rapid Reaction Corps.

The Task Force Eagle Staff Judge Advocate and legal staff received copies of the original indictment and made arrangements with the Tribunal to receive all forthcoming indictments. Of immediate concern to TFE legal personnel were requests from local civilian officials to receive copies of the indictments. Though the indictments were technically matters of public record and had been distributed, media outlets were damaged greatly by the conflict and news simply

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<sup>313</sup> GFAP, *supra* note 13, Art. IX (*see* Appendix E(5) for text).

<sup>314</sup> Information Paper, Staff Judge Advocate, Task Force Eagle, subject: Policy Guidance on Detention of War Criminals (6 Feb. 1996). (f)

was not getting out. Citing policy reasons, TFE legal personnel, in a memorandum to the Commander, TFE, recommended against distributing copies of Tribunal materials to local officials. Their rationale was simple: the Tribunal is a civilian organization, and enforcement and liaison should be a civilian police concern.<sup>315</sup>

This memorandum further explained who had been indicted for what and clarified Allied Rapid Reaction Corps (ARRC) Rules of Engagement (ROE) relating to indicted war criminals. The ARRC ROE provided the following guidance with respect to indicted war criminals:

Detention of persons indicted by the International Tribunal for the Former Yugoslavia with whom IFOR comes into contact in the execution of their assigned tasks is permitted. It is emphasized that the UNSCR does not task either the detention of or search of such persons indicted for war crimes [by the Tribunal]. IFOR should detain indicted persons, but only if they come into contact with such individuals in the execution of assigned tasks and the situation permits detention.<sup>316</sup>

Initial TFE guidance echoed this position. Essentially, TFE personnel were authorized to detain indicted war criminals (but only those indicted by the Tribunal) and would do so only in accord with an ROE matrix which provided authority levels for such detention. While authority for detention was unrestricted, the policy dictated that

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<sup>315</sup> Memorandum, Staff Judge Advocate, Task Force Eagle, to Commander, Task Force Eagle, subject: Indicted War Criminals (no date). (S)

<sup>316</sup> Allied Rapid Reaction Corps Rules of Engagement, Fragmentary Orders 5 and 6. (S) In reality, SFOR forces were proactive in securing some PIFWCS, such as the former Chief of Police in Prijedor.

“reasonable efforts should be made to coordinate with TFE Main prior to detention.”<sup>317</sup>

Other guidance included the use of “common sense and prudent judgment when assessing the appropriateness of detaining an IWC [indicted war criminal],” and the proviso that PIFWCs would be detained only when encountered by TFE personnel in the “regular course of duty.” Only minimal force could be applied to affect a detention or prevent escape. Deadly force was authorized only if the PIFWC committed a “life threatening hostile act or demonstrate[d] life threatening hostile intent.”<sup>318</sup>

Further provisions were made for interrogation, rights warnings, reporting to TFE and higher headquarters after detention, and coordination with the Joint Military Commission. Judge advocates should direct legal determinations of appropriate support to the International Tribunal, the policy advised, to SHAPE HQ via HQ IFOR Legal.<sup>319</sup>

ARRC SOP 285 provided further guidance when it was revised on May 13, 1996. These revisions to the ARRC SOP provided additional details on reporting, restraint, detention, and transfer of PIFWCs. While TFE soldiers were still authorized to detain PIFWCs and directed to do so when they encountered them in the execution of assigned duties, the level of force allowed in doing so was restricted: “use of deadly force is not authorized to prevent the escape of a detained war criminal. Use minimal force to recapture, and deadly force is only authorized in self-defense.”<sup>320</sup>

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<sup>317</sup> Information Paper, Staff Judge Advocate, Task Force Eagle, subject: Policy Guidance on Detention of War Criminals (6 Feb. 1996). (S)

<sup>318</sup> *Id.*

<sup>319</sup> *Id.*

<sup>320</sup> Headquarters, Allied Rapid Reaction Corps, Standing Operating Procedures 285(13 May 1996), as reflected in Information Paper, Staff Judge Advocate, Task Force Eagle, subject: Policy Guidance on Detention of War Criminals (19 May 1996). (S)

This seemingly incremental shift in the use of force, the greatly exacerbated procedures after detention, and the requirement that “the detention of indicted war criminals must be well coordinated”<sup>321</sup> created a policy and procedure that turned into a public relations nightmare. While much of the world community believed all along that all coalition forces should make the apprehension of war criminals a priority, U.S. military leaders asserted, for justified and very principled reasons, that we could not do so. While this policy was questioned, it did not create a furor. The seeming shift in policy, evidenced by the new ARRC SOP and its beefed-up reporting requirements before detention, however, did cause a furor.

Whether justified or not, the world community now perceived our policy to detain only “in the course of assigned duties,” combined with greater restrictions on the use of force, and the increased reporting requirements, to constitute a “look the other way” approach. This view may have been justified. Several judge advocates related conversations with personnel conducting missions at guard posts who, after recognizing PIFWCs, advised those PIFWCs to stand fast while the soldiers advised headquarters of a possible detention. The effect, intended or otherwise, was to provide the PIFWC the opportunity to leave the area with the soldier unable to use any other than minimal force to apprehend if he or she even bothered to attempt to do so.

Despite these criticisms, the basic policy (Rules of Engagement) with respect to apprehension of PIFWCs did not change during IFOR. IFOR issued subsequent guidance regarding the Tribunal but changes related mostly to logistical support which TFE personnel could provide to the Tribunal and its personnel. A July 15, 1996, information paper, for example,<sup>322</sup> provided guidance relating to TFE support to International Criminal Tribunal for Former Yugoslavia (ICTY)

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<sup>321</sup> Information Paper, Staff Judge Advocate, Task Force Eagle, subject: Policy Guidance on Detention of War Criminals, para. c (19 May 1996). ☹

<sup>322</sup> Information Paper, Office of the Staff Judge Advocate, Task Force Eagle, subject: Supporting International Criminal Tribunal for the Former Yugoslavia (15 Jul. 1996). ☹

investigative teams such as life support, emergency assistance, helicopter reconnaissance, and security considerations. The paper also delineated types of support not allowed, including guards, direct escorts, investigation of graves, and witness protection.

The Joint Military Commission provided the last piece of formal command guidance to IFOR TFE personnel in October 1996.<sup>323</sup> Again, while IFOR remained authorized to detain PIFWCs by the Tribunal, they could not conduct manhunts, and no changes were made to the ROE applicable to detention.

***4. Judge Advocates will be actively involved in the capture and handling of persons indicted for war crimes (PIFWCs).***

Opinions varied by nation as to what should be SFOR's role in handling Persons Indicted for War Crimes (PIFWCs). The NORDPOL Brigade viewed hunting down PIFWCs as an obligation. The United States viewed PIFWC apprehension as outside the scope of our mission. NATO's position, the controlling view, has been to detain war criminals in the execution of assigned tasks if the tactical situation permits. It is as ambiguous or flexible a statement as the U.S. makes it. Prior to the summer of 1997, neither IFOR nor SFOR made any effort to go hunting for them. In fact they went out of our way to avoid them. On one occasion, when IFOR forces knew that a war criminal was in a building that they were going in, they waited a half an hour to go in the building—until they knew he had left.

Since then SFOR troops have been involved in several detention operations, resulting in many PIFWCs captured and one killed. Judge advocates have written the contingency plan for what happens when SFOR detains a PIFWIC. After detention, a judge advocate accompanies the detainee to the tribunal and ensures proper transfer of

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<sup>323</sup> TASK FORCE EAGLE, JOINT MILITARY COMMISSION, POLICIES, PROCEDURES AND COMMAND GUIDANCE HANDBOOK (3d ed. 20 Oct. 1996). (f)

custody to the tribunal. Each PIFWC going to the Hague was accompanied by a judge advocate. They serve SFOR interests by protecting against possible allegations of wrongdoing.

On July 10, British SAS commandos seized two indicted Serb war criminals at the northern Bosnian town of Prijedor (one of who pulled a pistol, fired on the British, and was killed). The legal advisor was closely involved in the planning and implementation of this operation. Pursuant to that plan, two U.S. judge advocates helicoptered north to the U.S. base at Tuzla to meet with the surviving PIFWC to supervise the reading of his rights and the indictment, take witness statements from the SFOR troops, and turn him over to the ICTY representatives for immediate flight to the Court at The Hague, Netherlands. This incident precipitated a series of Serb small arms and grenade attacks on several isolated SFOR outposts (mostly Civil Affairs and Intelligence detachments). While SFOR personnel suffered some casualties, no one died.

Two weeks later a Croat appeared at a Dutch outpost in the central Bosnian town of Vitez at about midnight, saying he had committed war crimes and thought he might be on the non-public list of PIFWC. The Dutch checked with their higher headquarters, the British Sector HQ (Multinational Division Northwest at Banja Luka), but were told the man was not on any list. The next morning the judge advocates went to the Sarajevo ICTY office to brief them on the incident. After checking with The Hague, they discovered that the man had indeed been indicted and by an oversight did not appear on the lists provided to SFOR or the ICTY office in Sarajevo. As the man indicated he would return, and the Dutch had retained some documents he had brought, an ICTY investigator and the judge advocates went to the Dutch outpost and stayed for four days, until the Dutch dismantled and closed it. Unfortunately the PIFWC never showed up. The Dutch and SFOR were criticized in the press for "letting a war criminal get away," but all had acted in accordance with law and agreements. Liaison with ICTY was improved after this and succeeded in getting a

complete list of indictees at HQ SFOR in Sarajevo for immediate reference should such a situation reoccur. U.S. judge advocates were later involved in planning for a mass surrender of ten to twelve PFWICS from the Vitez area in early October, but at the last minute they decided to transport themselves to Croatia (outside the SFOR area of operations for detention of PIFWCs) and surrender to the authorities there before being flown to The Hague by ICTY personnel.

## I. JOINT, INTER-AGENCY AND NON-GOVERNMENTAL COORDINATION

### *1. Use judge advocate technical chains to augment information flow.*

Command information normally flowed through the command group or G3 operations, to a unit's commander or S3, then to the various staff sections. Time delays and poor dissemination, however, caused a lag to judge advocates, who then lacked sufficient knowledge to advise the command. Judge advocates developed and fully exercised their technical chain of communication—talked to each other—up, down, and laterally. Judge advocates addressed operational law issues in information papers (with copies going to all judge advocates, multinational brigades and key staff officers), emails, and in a compiled format—the *Joint Military Commission (JMC) Policies, Procedures and Command Guidance Handbook*.<sup>324</sup> Commanders did not mind judge advocates using their technical chain to share information. They often appreciated receiving critical information through it more quickly than through command channels. In addition, some commanders felt more comfortable with their judge advocate's advice knowing their judge advocate had sought guidance from the next higher commander's judge advocate, beforehand.<sup>325</sup>

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<sup>324</sup> See 1AD-AAR, *supra* note 145, at 24-25. ☹

<sup>325</sup> See OJE-AAR, *supra* note 30, Vol. I at 108-110. ☹

***2. Judge advocates must include all unified components in their technical chain communications.***

Operations in Bosnia involved judge advocates from many nations and levels of command. Judge advocates in the U.S. division, MND-N, essentially had two technical chains of command. See Organizational Charts at **Appendix D**. SFOR was the theater force headquarters in Sarajevo, while United States Army Europe (USAREUR) was the administrative headquarters in Germany. MND-N judge advocates would report to SFOR first, and then coordinate with USAREUR where appropriate.<sup>326</sup>

The IFOR/SFOR Headquarters in Sarajevo, multinational divisions, and the supporting units had judge advocates from American, British, Russian, Norwegian and Swedish troop units, and from NATO joint and combined headquarters. Language and different approaches to legal issues were obstacles to bridging the technical gap among these judge advocates. Resolving coalition legal issues required translators and common approaches and solutions to legal issues. Task Force Eagle's Staff Judge Advocate bridged the gap by using translators, weekly meetings with Troop Contributing Nation judge advocates, and legal specialist "work exchanges."<sup>327</sup> Task Force Eagle also chose a judge advocate as the liaison officer to the 3rd UK Armored Division for a period.<sup>328</sup>

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<sup>326</sup> See Interview of LTC Salata and MAJ Jacobson, *supra* note 164. (f)

<sup>327</sup> IAD-AAR, *supra* note 145, at 24-25. (f) These work exchanges included reciprocal visits between enlisted legal personnel from various troop contributing nations.

<sup>328</sup> IAD-AAR, *supra* note 145, at 59. (f)

**3. Prepare to provide or coordinate legal support to sister services.**<sup>329</sup>

Army judge advocates provided legal assistance, foreign and personnel claims, administrative law, and criminal law support to the United States Marine Corps, Air Force, and Navy as follows:

- Legal assistance to hundreds of Marines that were part of an aerial observation unit
- Legal assistance to over 500 airmen at Tuzla Air Base
- Base operations (administrative law) to the Air Force in Tuzla, BiH and Taszar, Hungary (the Intermediate Staging Base)
- Legal support to two Marine Corps' (JAGMAN section 0208) investigations of aircraft crashes.
- Processed foreign claims (e.g., for the Marines, damage to roads and fields) and personnel claims (e.g., for the Air Force, lost laundry)
- Criminal law jurisdiction issues. While UCMJ authority remained within service lines, Army judge advocates played a critical role in coordinating military justice for sister services. For example, a Navy servicemember was attached to a Naval unit in Italy, reattached to an Army unit in Bosnia, and loaned to a NATO unit in Sarajevo. In this example, Army judge advocates had to determine who could impose UCMJ punishment, track his orders, and find the appropriate Navy Personnel Service Support for answers.

These efforts were in support of the sister service judge advocates that were in place. For example, an Air Force judge advocate from Aviano, Italy flew to Taszar, Hungary, monthly.

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<sup>329</sup> E-mail message, 10/23/98 7:43am, from Mr. (Formerly Captain) Anthony F. Febbo, to MAJ John W. Miller, subject: Re: Hi (on file with CLAMO).

#### **4. The Internet created new judge advocate technical channels.**

Judge advocates repeatedly touted internet access to be an invaluable resource. Aside from the numerous website resources, judge advocates used the Internet to ask questions of subject matter experts in the JAG Corps located at The Judge Advocate General's School, Charlottesville, Virginia, the Pentagon, and elsewhere.<sup>330</sup>

#### **5. Develop skills for inter-agency communication.<sup>331</sup>**

Judge advocates at all levels had to communicate with both government and non-government agencies and organizations. For example, the Joint Military Commissions existed down to the battalion level and required judge advocates to communicate with Entity Armed Forces (Former Warring Faction) leaders, local officials, the International Police Task Force, local police, and more. Situation awareness, political savvy, communications skills, and patience were key to meaningful communications that furthered the mission.

Consider one judge advocate major from the Office of the Legal Advisor at IFOR/SFOR headquarters in Sarajevo, for example. He liaised with the U.N. Mission, the U.N. Office of the High Representative, the Organization for Cooperation and Security in Europe (OCSE), the International Police Task Force headquarters, the Pope's staff for the papal visit, and local officials such as the President of the Constitutional Court of Bosnia and Herzegovina and the Minister of Justice of BiH. He represented SFOR in two cases before

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<sup>330</sup> See Interviews with CPT Paul N. Brandau, Chief, Military Justice and Administrative Law, Eagle Main, at Tuzla (5 Feb. 1998) (📍); Interview with MAJ Castlen, of LTC Lyle W. Cayce, Regional Defense Counsel, Region VII, at Tuzla at Eagle Base, Tuzla, Bosnia and Herzegovina (5 Feb. 1998) [hereinafter Interview of LTC Cayce] (📍); MAJ Mieth, Legal Advisor's Office, SFOR, at Sarajevo (6-10 Feb. 1998) (📍); CPT Dauheimer, Squadron JA, at Camp McGovern (23 Feb. 1998) (📍); and LTC Salata and MAJ Jacobson, *supra* note 1AD. (📍)

<sup>331</sup> This was a lesson learned from Haiti. HAITI AAR, *supra* note 27, at 89-93. (📍)

local courts, and drafted memorandums of agreement between SFOR and Bosnian entity-level civil aviation authorities for the reopening and use of airports.<sup>332</sup>

Communications with the Entity Armed Forces (EAFs) was also critical to mission success. Judge advocates drafted many letters to EAFs to explain compliance requirements, raise noncompliance issues, and address complaints. Joint Commission Observers (JCOs) helped overcome the lack of commercial mail and phone systems by making face-to-face contact, using tactical satellite (TACSAT) communications and acting as couriers. Judge advocates personally conducted briefings to EAF members and attended Joint Military Commission, bilateral, and work coordination meetings with EAF members. Quick, accurate dissemination of guidance and response to questions made it easier and more desirable for EAFs to comply.<sup>333</sup> The Joint Military Commission (JMC) was the key method of tying the EAFs to IFOR and SFOR.

## J. INFORMATION OPERATIONS<sup>334</sup>

The multinational force recognized the need for the coordinated and synchronized use of information activities to successfully implement the peace plan. Accordingly, IFOR/SFOR launched an information campaign. This campaign had three components:

- A Public Information campaign to bolster NATO's credibility with the media and to garner support from the troop contributing nations

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<sup>332</sup> Memorandum by MAJ David C. Rodearmel, 153d LSO, SFOR Legal Advisor, subject: After Action Report (21 Mar. 1998). ☹

<sup>333</sup> See IAD-AAR, *supra* note 145 at 46-47. ☹

<sup>334</sup> See PASCALE COMBELLES SIEGEL, INSTITUTE FOR NATIONAL STRATEGIC STUDIES, NATIONAL DEFENSE UNIVERSITY, TARGET BOSNIA: INTEGRATING INFORMATION ACTIVITIES IN PEACE OPERATIONS (Jan. 1998). This source provided the foundation for this section of the report. This is an outstanding reference which details all aspects of information operations in Bosnia.

- A Psychological Operations campaign to influence local nationals and their leaders
- A Civil-Military Cooperation campaign to inform local nationals and their leaders

Operations in Bosnia validated judge advocate participation in information operations, as called for in Army<sup>335</sup> and Joint<sup>336</sup> doctrine. Coordination mechanisms for the information campaign existed at IFOR/SFOR headquarters, the Allied Rapid Reaction Corps (ARRC) during IFOR, and at Task Force Eagle. Two key IFOR/SFOR information coordination mechanisms were the CJ3 (operations) information operations cell and the Combined Joint Information Campaign Task Force (CJICTF). The ARRC had several information coordination mechanisms which included a daily Information Coordination Group meeting. Task Force Eagle used an Information Coordination Group to plan its information operations. Judge advocates participated at each of these meetings.

***1. Be prepared to participate in information operations working groups.***<sup>337</sup>

While the term *information operations* is a relatively new term with an evolving definition, judge advocates were key players in information operations meetings. During IFOR, the Commander, Task Force Eagle (COMEAGLE) stood up the Commander's Information Coordination Group. Every morning, COMEAGLE met with his "principal IO personnel and operations staff"<sup>338</sup> (principal staff officers attended, not their representatives). They included the Chief of Staff,

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<sup>335</sup> See U.S. DEP'T OF ARMY, FIELD MANUAL 100-6, INFORMATION OPERATIONS, Appendix D (Aug. 1996).

<sup>336</sup> See THE JOINT CHIEFS OF STAFF, JOINT PUB. 3-13, INFORMATION OPERATIONS (9 Oct. 1998).

<sup>337</sup> See INSTITUTE FOR NATIONAL STRATEGIC STUDIES, NATIONAL DEFENSE UNIVERSITY, LESSONS FROM BOSNIA: THE IFOR EXPERIENCE 219 (Larry Wentz ed., 1997); Telephone Interview with COL Christopher Maher, Staff Judge Advocate, Fort Polk, Louisiana (26 Oct. 1998).

<sup>338</sup> See INSTITUTE FOR NATIONAL STRATEGIC STUDIES, *supra* note 337, at 219.

G2, G3, G5, Staff Judge Advocate, Political Advisor, Psychological Operations Officer, Public Affairs Officer, and the Joint Information Bureau.

The purpose of these information operations meetings was to determine how to best use information to further the peace process. These staff principals:

- Identified what information was circulating in the area of operations among the EAFs and local population (i.e., through JMCs, local radio interviews, international media events, etc.).
- Identified potential flashpoints in the peace process
- Developed information campaign strategies to address those flashpoints and further the peace process
- Deconflicted COMEAGLE's information campaign plan with that of IFOR's Information Campaign Task Force

***2. Information operations (IO) require planning and broad expertise—use IO planning cells where appropriate.***

One example of what may be considered an information operation was SFOR's response to the Entity Armed Forces' use of media broadcasts that the international community perceived as an obstruction to the peace process. Before the 1997 elections, the Office of the High Representative (OHR) viewed EAF use of state-owned media (television and radio stations) as an attempt to undermine free and fair elections. The OHR asked the Supreme Allied Commander, Europe (SACEUR) to intervene. SACEUR then tasked SFOR to develop courses of action. The SFOR CJ3 information operations cell developed various courses of action. SFOR legal advisors participated in every one of these planning or decision meetings. At the same time, these legal advisors worked with SHAPE to develop the rules of engagement for the various courses of action. Complex issues regarding electronic jamming capabilities, possible collateral damage, and mission requirements demanded detailed coordination.

## K. CIVIL AFFAIRS

### *1. Become involved early with civil affairs units.*

Like other recent deployments, civil affairs units, primarily hailing from the reserves, extensively supported operations. Because these units do not have a habitual relationship with the active component unit they find themselves supporting, the civil affairs units easily slip out of the main effort, and their effect as a combat multiplier for the supported unit is lost.<sup>339</sup> An additional difficulty is that their technical channels will generally include lawyers.<sup>340</sup> As their actions are under the authority of the supported commander, however, the commander needs to be accustomed to checking out the missions with his own judge advocate. Judge advocates at all levels need to cultivate a relationship with their commander that will lead him to turn immediately to them when legal issues present themselves.<sup>341</sup>

Soldiers in civil affairs units, by virtue of their mission, often believe that they have both the duty and the authority to resolve claims based on the activities of U.S. forces. This caused frequent concerns because they sometimes made representations to local claimants that

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<sup>339</sup> LTC George B. Thomson (Ret.), comments in OJE-AAR, *supra* note 30, Vol. I at 40 (“they tend to become free agents, uncontrollable, out there in heart of darkness land operating on their own”).



<sup>340</sup> In addition to the judge advocate positions within the civil affairs structure, many of the soldiers are attorneys—indeed, some are Department of the Army Civilian attorneys—in their full-time occupations. See COL Joseph A. Russelburg, comments in OJE-AAR, *supra* note 30, Vol. I at 42.



<sup>341</sup> BG (now MG The Assistant Judge Advocate General) John D. Altenburg Jr., comments in OJE-AAR, *supra* note 30, Vol. I at 41. Ⓣ The broader judge advocate community needs to work on establishing structural relationships with the civil affairs units. See COL David E. Graham, comments in OJE-AAR, *supra* note 30, Vol. I, at 43. Ⓣ These relationships are already established doctrinally. See U.S. DEP’T OF ARMY FIELD MANUAL 27-100, LEGAL OPERATIONS, paras. 7-4, 8-14, and esp. ch. 11 (1991). Unfortunately, U.S. DEP’T OF ARMY FIELD MANUAL 41-10, CIVIL AFFAIRS OPERATIONS (11 Jan. 1993) contains no overt requirement for civil affairs units to coordinate with the Staff Judge Advocate of units they serve with, even if the relationship is that of direct support.

were inconsistent with actual resolution of the matters by the claims service.<sup>342</sup>

Early coordination with these units can make lemonade of this problem, however. As one claims officer noted, civil affairs personnel have vehicles, translators, and contacts in the local community. With training and coordination with the office of the staff judge advocate, they could function as unit claims officers, investigating and reporting on the relative merit of claims. In this way, they become a vital part of the process while simultaneously being educated in the importance of withholding comment to the claimant until after the claims commission has made its decision.<sup>343</sup>

## **2. Build effective relations with governmental and non-governmental organizations (NGOs).**

Many international governmental and non-governmental organizations were critical components in the overall success of operations in Bosnia. In addition to elections support for the Organization for Security and Cooperation in Europe (OSCE) (see paragraph 4., below), IFOR/SFOR assisted the International Criminal Tribunal for Former Yugoslavia with the excavation of mass graves, the United Nations High Commissioner for Refugees (UNHCR) with refugee repatriation,<sup>344</sup> and the International Police Task Force (IPTF) with the accomplishment of its law enforcement mission.

The International Criminal Tribunal for Former Yugoslavia (ICTY) had sole responsibility for investigation of war crimes. IFOR

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<sup>342</sup> "The civil affairs people see it as part of their mission to go out and do the hearts and minds thing, and that includes taking care of meritorious claims.... [S]ome of them take this a little bit further than they should. They don't have the experience, they don't have the expertise, and quite frankly, most importantly of all, they don't have the money." MAJ Jody M. Prescott, comments in OJE-AAR, *supra* note 30, Vol. II at 131. (f)

<sup>343</sup> *Id.*

<sup>344</sup> 1AD-AAR, *supra* note 145 at 28. (f)

did provide support to these efforts such as dealing with mass grave sites. Soldiers were to report such sites if discovered. The ICTY could ask IFOR/SFOR to monitor them initially through observation points (OPs) or checkpoints if the ICTY suspected or discovered tampering of these sites. Although IFOR could not clear mines, provide transportation, or guard sites for the ICTY, they could provide a liaison team and life support at the nearest IFOR base camp. IFOR could also provide area military security to prevent military disruption of the ICTY by any party.<sup>345</sup>

In the area of refugee resettlement, the General Framework Agreement for Peace called for freedom of refugees who had formerly lived in the Zone of Separation (ZOS) to return to their homes.<sup>346</sup> The local police forces had the duty of ensuring that the only settlers in the ZOS were legitimate former residents. The GFAP, however, gave IFOR the authority to evict those who illegitimately attempted to settle there. Therefore, although U.S. forces were not required to conduct this law enforcement function, the GFAP empowered them to do so. This enabled judge advocates to advise, and commanders to decide, on particular actions based on unit and mission concerns.<sup>347</sup>

### *3. Establish ground rules for nation rebuilding.*

In the course of peace operations, numerous bits of technical assistance and advice will be given to civic officials of the host nation. Because much of the advice will center on legislative and judicial matters, units will rely upon their judge advocates for coordinating and providing such advice. In order to do so appropriately, judge advocates must stay in communication with the Political Advisor

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<sup>345</sup> TASK FORCE EAGLE, JOINT MILITARY COMMISSION, POLICIES, PROCEDURES AND COMMAND GUIDANCE HANDBOOK 25 (2d ed. 12 May 1996). (f)

<sup>346</sup> GFAP, *supra* note 13, Annex 4, Art. II, Para. 5, and Annex 7.

<sup>347</sup> See Memorandum by CPT Eric Jensen, subject: Interim Legal Opinion, Legal Authority to Evict Persons who Wrongfully Resettle in the ZOS (no date). (f)

(POLAD) to ensure that all contacts with officials—whether the national legislative body or the local bar—are consistent with broader U.S. policy.<sup>348</sup>

#### 4. *Treat election support as an operation.*

Article IV of the GFAP announced that the “Parties welcome and endorse the elections program for Bosnia and Herzegovina.”<sup>349</sup> Annex 3 to that agreement spelled out the program implementing those elections. The Organization for Security and Cooperation in Europe (OSCE) was the lead international organization for elections. The Provisional Election Commission (PEC) was directly responsible for the election rules and regulations. The Local Elections Commission (LEC) was responsible for running the elections. IFOR/SFOR forces had the task of creating conditions for free elections.

The OSCE, its Election Appeals Sub-Commission, the PEC and the LEC had the primary duties in running free elections. The IFOR/SFOR mission to create conditions allowing for free elections translated into U.S. forces providing security at elections sites and along routes to the polling stations and sites, and transportation to the polling stations.<sup>350</sup> This support required significant military police, civil affairs, and transportation support.<sup>351</sup> There were many

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<sup>348</sup> IAD-AAR, *supra* note 145 at 29. ☹ Occasionally, U.S. forces, especially judge advocates, will assist the nation’s civil institutions merely by accomplishing their usual missions. *See, e.g.*, Memorandum for Record by CPT Thomas Gauza, subject: 20 May 1996 Hearing in Bosnian Court (no date) ☹ (discussing the author’s appearance in a Bosnian court representing the U.S., which was the victim in the computer theft case being tried).

<sup>349</sup> GFAP, *supra* note 13, Art. IV (*see* Appendix E(5) for text).

<sup>350</sup> *See* Interview of LTC Vowell, *supra* note 146 ☹, and Interview of LTC Salata and MAJ Jacobson, *supra* note 164. ☹

<sup>351</sup> IAD-AAR, *supra* note 145 at 27. ☹ This provision of support, of course, also raised questions about the use of O&M funds in support of OSCE. For a determination that such funds were expendable because election support had become a military mission and were civil-military actions rather than civil and humanitarian support, *see* Memorandum For The Judge Advocate, Headquarters, United States Army Europe and Seventh Army, LTC Maher, Subject: Funding for OSCE Support, 18 Aug. 1996. ☹ *But cf.* Memorandum, CPT Matthew D. Ramsey, to ACofS G3,

elections—municipal elections in September 1997, the Serb national assembly in November 1997, and national elections. Task Force Eagle treated each election as a military operation. For example, Operation Plan Libra addressed the municipal elections. Before the support was rendered, the task force analyzed the mission and created an information paper and a slide briefing that outlined the duties and limitations that the soldiers had regarding the elections.<sup>352</sup> A constant theme of those briefings was that soldiers had the right to prevent acts of violence around polling places, but that “local election commissions (LECs) [were] responsible for protecting the integrity of the election process.”<sup>353</sup>

Judge advocates were involved at every stage—reading, proofing, and preparing plans, orders, and annexes.<sup>354</sup> Two reserve judge advocates in particular became critical to the success of the mission. One was the liaison from IFOR to the OSCE; the other orchestrated the civil affairs support for the elections.<sup>355</sup> All judge advocates by virtue of their training and expertise, should expect to play key roles in advising commanders about elections during similar operations.<sup>356</sup>

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subject: Office of the Staff Judge Advocate Election After Action Review Comments (4 Oct. 1996) (“On 6 Jul. 1996, HQ ARRC Phase IV Directive identified support to the OSCE as the Corps’ main effort. Fiscal law questions inherent in this change in mission were never fully resolved.”) ☹

<sup>352</sup> Specifically, soldiers were obligated to use force to protect personnel with “special status”—election monitors and the like. They were also permitted to use force to protect others, but only with the authorization of “the commander on the scene.” See Information Paper, CPT Matthew D. Ramsey, subject: Election Guidance for TF Eagle Forces (17 Aug. 1996). ☹ Although the restriction to commanding officers might potentially have led to inflexibility (such an order might prevent a commander from assigning a platoon to a mission alone, for example), it does seem to have prevented a recurrence of the Haiti scenario when U.S. forces who misunderstood the ROE stood by watching a civilian being beaten to death. See HAITI AAR, *supra* note 27, at 37-38. ☹

<sup>353</sup> See Memorandum, CPT Matthew D. Ramsey, to ADC(M), TF Eagle, subject: OSCE Election Security Plan (9 Sep. 1996). ☹

<sup>354</sup> Interview with MAJ Mieth, *supra* note 214. ☹

<sup>355</sup> IAD-AAR, *supra* note 145 at 27. ☹

<sup>356</sup> *Id.* at 28. ☹

Free elections are no small task. Civilians and faction police falsified identifications and residency records, bused elderly and disoriented persons to the wrong polling stations, destroyed homes earmarked for occupancy by political minorities, and loitered in registration centers with weapons to intimidate voters.<sup>357</sup> One party official even made a public death threat to a specific OSCE representative.<sup>358</sup> The Election Appeals Sub-Commission (EASC) of the OSCE took courageous steps in the face of such danger to enforce free elections. Election Appeals Sub-Commission judges exercised their powers to strike members of offending parties off the ballot, to totally prohibit a party from participating in an election, and to publish their stinging decisions in the local press and media.<sup>359</sup>

## L. RELATIONS WITH THE MEDIA

### 1. *Prepare for media interest in command decisions.*

As was true in other recent deployments, commanders and staff officers had to include media considerations in their planning processes. This was true at all levels of the operation. SFOR took press releases so seriously that the staff would drop all other activities to react.<sup>360</sup> Media operations became part of the core business of the Joint Military Commissions (JMCs). A preparation team consistently assessed the public relations effects of proposed JMC decisions.<sup>361</sup> IFOR/SFOR planned and made press releases available immediately after key JMC meetings. This prevented attending parties from misstating or distorting the agenda and outcome of these meetings and won favor with the local populace. Judge advocates also integrated

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<sup>357</sup> See numerous rulings by the Election Appeals Sub-Commission (EASC) of the OSCE, e.g., Case Numbers ME-050, ME-065, ME-108, ME-126, ME-127. 🌐

<sup>358</sup> See Election Appeals Sub-Commission Case Number ME-073 A. 🌐

<sup>359</sup> The GFAP, *supra* note 13, Annex 3, laid the framework for the Election Appeals Sub-Commission (EASC).

<sup>360</sup> Interview with MAJ Mieth, *supra* note 214. 🌐

<sup>361</sup> CALL-JMC, *supra* note 209.

press concerns into their consideration of issues, ranging from local police and EAF checkpoints<sup>362</sup> to LOGPAC labor agreements.<sup>363</sup>

## *2. Train soldiers in dealing with the media.*

The U.S. extensively trained all soldiers to deal with and react to members of the press. This preparation was fundamental to the success of operations. The public affairs-created Soldier's Guide contained a list of eight clear, concise bullets to aid in "meeting the media."<sup>364</sup> The Joint Military Commission Handbook, one of the most useful documents produced in the series of Balkan operations to date and a

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<sup>362</sup> Information Paper, CPT Mark Tellitocci, subject: Check Points by Local Military and Police Personnel (24 Jan. 1996). ☺

<sup>363</sup> Memorandum, LTC Christopher M. Maher, to Commanding General, Task Force Eagle, subject: Brown and Root Employment Contract (no date). ☺

<sup>364</sup> OFFICE OF THE CHIEF OF PUBLIC AFFAIRS, U.S. ARMY, EUROPE, A SOLDIER'S GUIDE TO BOSNIA-HERZEGOVINA (1996) (COMMAND INFORMATION BOOKLET PUBLISHED UNDER AUTHORITY OF U.S. DEP'T OF ARMY, REG. 360-81). ☺ The eight points are:

- Know who you are talking to. Accredited media will be escorted by public affairs staff or have authorization to operate in the area. Think OPSEC. When in doubt, call the PAO.
- Listen to the question. If you are unsure of a question, ask the reporter to repeat it or clarify it. Take time to think about your answer.
- Be honest. There is nothing wrong with saying "I don't know" or "I can't tell you." However, never lie to a reporter.
- Stay within your responsibility or expertise. Just remember: if you command it, own it or did it, then talk about it. Avoid hypothetical questions.
- Do not discuss classified or sensitive information. If you're not sure if a topic is sensitive or classified, don't talk about it.
- Anything you say is on the record. Assume everything you say will appear in print or on the air.
- Keep your answers brief and to the point. Broadcasters will edit your 30 seconds of comments into a single 3- to 5-second sound bite.
- Relax and be yourself. Reporters are interviewing you because of who you are; do not try to be anyone else.

model for future operations, contained a similar section on dealing with the media.

Finally, pre-deployment training included media training. Media training was the only category of training that USAREUR specifically required twice—it was taught at *both* the CONUS Replacement Center (CRC) and at the Combat Maneuver Training Center (CMTC), Hohenfels, Germany.<sup>365</sup> Soldiers underwent three to five days of individual readiness training, which included STX (Situational Training Exercise) lanes on media. The resulting proficiency among the soldiers was a consistent source of praise for the deployment.<sup>366</sup>

## M. FISCAL LAW

*Again and again, especially in operations other than war, everyone wants to drink from the American luxury logistical fountain.*<sup>367</sup>

Fiscal and procurement law issues rear their ugly head any time support is proposed for our civilians, local civilians in the area of operations, other nations' forces, non-governmental organizations, and even ourselves.

### ***1. Develop, take, and have access to persons with fiscal and contract law expertise.***

*Fiscal restraints travel with the money.*<sup>368</sup>

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<sup>365</sup> Memorandum, CPT Keith J. Parker, subject: Observations on what is taught at the CONUS Replacement Center (CRC), Fort Benning (20 Jan. 1998). ☹

<sup>366</sup> LTC George B. Thomson, comments in OJE-AAR, *supra* note 30, Vol. I. at 40. ☹

<sup>367</sup> MAJ Kurt Mieth, Interview with, *supra* note 214. ☹

<sup>368</sup> Interview with MAJ Paul D. Hancq, Deputy Chief, Contract Law Division, Office of the Staff Judge Advocate, U.S. Army Europe, at Heidelberg, Germany (9 Mar. 1998) [hereinafter Interview of MAJ Hancq]. ☹

One of the biggest lessons learned of the Balkan Operations is the heightened need for procurement and fiscal law expertise in a peace operation.<sup>369</sup> Fiscal and procurement issues were the most pervasive and time consuming of sustainment issues, and perhaps of all three categories of legal support to military operations (command and control, sustainment, and personnel service support). Some judge advocates estimated that they spent 75% to 90% of their time on procurement and fiscal issues.<sup>370</sup> Many sources of funds exist in today's operations—Operations & Maintenance (O&M), Mobility Enhancement Fund, OMA, Humanitarian Assistance, and CINC initiative funds, for example. Finding the right funding source, determining that funding should come from other than U.S. dollars only, or just saying no is a constant and challenging task. Contracting issues were as varied as the parties with whom our forces had to deal—local civilians, contractor-hired locals, other troop contributing nations, the United Nations, and more. The issues started from day one in theater with IFOR forces using CONEX shelters, vehicles, and other equipment that belonged to the United Nations Protection Forces.<sup>371</sup>

It is axiomatic that the obligation and expenditure of appropriated funds are subject to stringent purpose, time, and amount controls.<sup>372</sup> In the freewheeling world of a peace operation, the

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<sup>369</sup> See, e.g., Interview of LTC Vowell, *supra* note 146 (📍), and Interview of CPT Paul N. Brandau, Chief of Military Justice and Administrative Law, 1st Armored Division (Fwd), at Tuzla (5 Feb. 1998) (📍)

<sup>370</sup> See, e.g., Interview of MAJ Kurt A. Mieth, *supra* note 214, and Interview of LTC Salata, *supra* note 164. (📍)

<sup>371</sup> A problem arose when a Brigade S4 signed a Temporary Possession Document for U.N. CONEXES. The CONEXES were "relocatable buildings" governed by U.S. DEP'T OF ARMY, REG. 420-18, which provides their purchase, regardless of price, must be approved by the Assistant Secretary of the Army, Installations, Logistics and Environment (ASA(IL&E)). AR 420-18, para. 5-3c(4). Then there was the color-of-money issue—which funds could be used to acquire the CONEXES. See, e.g., Memorandum, LTC Harry L. Dorsey, to Judge Advocate, USAREUR (Fwd), subject: Purchase of CONEX Containers from the U.N. (21 Mar. 1996) (📍), and Memorandum, MAJ Paul D. Hancq, to Office of the Staff Judge Advocate, V Corps, subject: Temporary Possession Document (19 Dec. 1995). (📍)

<sup>372</sup> 10 U.S.C. §§ 1301, 1341, and 1502(a), addressing purpose, amount, and time, respectively.

purpose requirement becomes a dangerous trap for well-intentioned commanders and staffs. During Joint Endeavor, three limitations in particular proved troubling for U.S. forces: morale programs, civil-humanitarian affairs, and the special rules regarding construction. In addition, the experiences of the LOGCAP contract and its contracted employees, as well as the tensions that arose from the cross-servicing agreements and other aspects of multi-national operations provided great opportunities for judge advocate excellence.

## 2. *Centrally manage logistics support.*

Logistics support in the Balkan operations was multiple source: it came from Federal Acquisition Regulation (FAR) contracts, the Logistics Civil Augmentation Program (LOGCAP), acquisition and cross-servicing agreements, leases, host nation support, and more. Demands on these various sources were as diverse as the people making them—units and commands at all levels, other troop contributing nations, and civilians. From the beginning of any similar operation, U.S. commanders must consider standing up a joint acquisition board to minimize confusion and duplication of effort and allow economies of scale.<sup>373</sup> The committee should include the varied organizations and activities involved in the process of acquiring logistics. This committee should receive, manage, and coordinate all requests for logistics support.

The use of multidisciplinary boards to deal with acquisition issues is a success story from Bosnia. Below is a useful example for planning future operations (the particular operation will dictate the appropriate number and level of committees). This is how one command used acquisition boards in Bosnia.<sup>374</sup>

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<sup>373</sup> See Interview of MAJ Hancq, *supra* note 368. ☹ See also, Operation Joint Endeavor Observation Form, Task Title: Provide Supplies and Services for Theater Forces, Observation Number 4, Task/Air Number: ST 4.3.2 (15 Apr. 1996). ☹

<sup>374</sup> See Interview of CPT Brandau, *supra* note 369; Telephone Interview with CPT Paul Brandau, Trial Defense Service, Fort Gordon, Georgia (26 Oct. 1998); and Telephone Interview with LTC

- Base camp commanders forwarded requests for logistics support through S4/G4 channels to the Base Camp Commissioning Authority (BCCA). The BCCA was located at Eagle Base in Tuzla.
- The BCCA could act on requests for support up to \$2,500, inclusive.
- The Commander, Task Force Eagle, delegated to the Chief of Staff (CofS) the authority to act on requests for new construction or modifications (LOGCAP) between \$2,501 and \$25,000. The Commander, TFE could act on all non-LOGCAP requirements that did not exceed the Base Operations budget. The Chief of Staff could act or send the request to the Joint Acquisition Review Board (JARB). In most cases, the CofS sent the request to the JARB.
- The JARB would make recommendations through the BCCA to the CofS for action. The JARB included:
  - Five voting members. The chief of the JARB (LTC), a logistics representative (LTC), a comptroller (CPT), a contracting representative (MAJ), and an engineer (MAJ).
  - Two permanent non-voting members. The legal advisor (usually a CPT or MAJ) and a recorder.
  - Various interested parties all without vote. For example, the requesting base camp or organization (e.g., G2, CA, etc.), safety team, and a Brown & Root representative
- USAREUR handled LOGCAP requests in excess of \$25,000 (now up to \$50,000) and those non-LOGCAP requests that exceeded the Base Operations budget.

### ***3. Carefully watch spending, Scenario One: The R & R program.***

To maintain the morale of Joint Endeavor soldiers high despite demanding work under difficult conditions, the command wished to establish a program based upon the DoD Directive authorizing Rest and Recuperation programs (R & R). Commanders initially intended to fly soldiers to recreation centers in Germany, paying for their food and lodging from appropriated funds. The same funds would pay for buses to take them back to their home stations, and pay for hotel rooms there if they had previously given up assigned quarters.<sup>375</sup>

The difficulty with this particular good intention is that the DoD Directive requires soldiers in the R & R program to be in a leave status once they arrive at the R & R site.<sup>376</sup> Judge advocates had to inform the command that soldiers in a leave status accumulate only personal expenses, which cannot be paid for from appropriated funds.<sup>377</sup> The cost in congeniality among the staff for such advice was high.<sup>378</sup>

### ***4. Carefully watch spending, Scenario Two: Winning hearts and minds.***

A second fiscal difficulty arises in peace operations because of the unusual intertwining of mission-directed spending (including protection of the force issues) and humanitarian assistance (HCA) that

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<sup>375</sup> MAJ Paul D. Hancq, comments in OJE-AAR, *supra* note 30, Vol. I at 213. ☹

<sup>376</sup> "Transportation to and from R & R areas shall be provided on a space-required basis, and travel time shall not be charged to the service member's leave account. However, the actual period in the R & R area shall be charged to the service member's leave account." U.S. DEP'T OF DEFENSE, DIR. 1327.5, LEAVE AND LIBERTY para. 17.b.(1) (24 Sep. 1985).

<sup>377</sup> MAJ Paul D. Hancq, comments in OJE-AAR, *supra* note 30, Vol. I at 213. ☹ *See also* Memorandums, LTC Harry L. Dorsey, Office of the Judge Advocate, U.S. Army Europe, to ODCSPER, subject: Rest and Recuperation (R & R) Issues (7 and 13 Mar. 1996). ☹

<sup>378</sup> MAJ Paul D. Hancq, comments in OJE-AAR, *supra* note 30, Vol. I at 214 (noting that the "working group looked at me like I was some sort of enemy alien"). ☹

can be provided only subject to its own statutory authority.<sup>379</sup> Units initially arriving in the devastated area of operations were quickly confronted with civic requests to construct or rebuild everything from sewage pumps to garbage dumps. The judge advocates proactively advised commanders that most such projects were not permissible subjects for O & M funds.<sup>380</sup> Some representative issues that arose are discussed below.

Judge advocates must always consider the mission when analyzing what funds are available for an issue. IFOR/SFOR was not on a Humanitarian and Civic Assistance (HCA) mission. Thus movement of and support to displaced persons and refugees (DPREs) was a mission for UNCHR and non-governmental organizations. IFOR/SFOR was “merely” to provide a secure and safe environment for such organizations to operate in.<sup>381</sup>

Roads and bridges provided fertile ground for judge advocates to tighten the fiscal reigns. One commander wanted to pursue what seemed like a great idea—cost-sharing the expense of repairing 380 kilometers of MSR road with Hungary. Problem—did the U.S. have an operational need for the work? If not, we could not contribute. If so, we had to pay for it all, or risk violating the miscellaneous receipts

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<sup>379</sup> See 10 U.S.C. § 401(a) and U.S. DEP'T OF DEFENSE, DIR. 2205.2, HUMANITARIAN AND CIVIC ASSISTANCE (HCA) PROVIDED IN CONJUNCTION WITH MILITARY OPERATIONS (6 Oct. 1994). Other than De Minimis activities, HCA activities require approval of the Secretary of State. HCA activities must promote the security interests of both the United States and the assisted country, the operational readiness skills of the participating armed forces, and the foreign policy interests of the United States. There are other limits, also, such as the HCA may not be given directly or indirectly to any individual, group or organization engaged in military or paramilitary activities.

<sup>380</sup> 1AD-AAR, *supra* note 145 at 52. ☹ For a concise summary of the law in this area, see Fiscal Law and Logistics Support in a Coalition Environment (paper presented at the USAREUR Judge Advocate Management CLE 1995). ☹

<sup>381</sup> See, e.g., Information Paper, CPT Ralph J. Tremaglio, III, Office of the Staff Judge Advocate, subject: Support for Returnees and Displaced Persons (1 Jan. 1997) (which concluded, for example, support was limited to emergency medical treatment to save life or limb and to distributing NGO medical supplies as “true volunteers,” not pursuant to any official tasking). ☹

statute or receiving prohibited augmentation of appropriations.<sup>382</sup> Another short-lived proposal was to “donate” some of our bridges by leaving them in place at the operation’s end.<sup>383</sup> Finally, judge advocates had to consider whether civilians could use our bridges.<sup>384</sup>

Support to the elections was a sticky issue. Under terms of the GFAP, IFOR/SFOR forces were to promote conditions for free elections. U.S. forces were tasked to provide security at polling stations and along routes to and from the polling station, and even to provide transportation. Unique issues arose, such as the purchase of donuts and coffee for the locals as a successful improvised force protection measure: Operation “Dobro Donut.”<sup>385</sup>

Other taskings were even further from the general mission, for example transporting polio vaccine for host national civilians. As in all settings, judge advocates had to analyze the situation and advise the command of courses of action that would accomplish the mission effectively without violating law or regulation.<sup>386</sup>

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<sup>382</sup> A detailed analysis of this issue was done by MAJ Paul D. Hancq, Deputy Chief, Contract Law Division, OJA, USAREUR. ☹

<sup>383</sup> In MND-N alone, there were at least 20 AVLB bridges, 4 Bailey bridges, 9 ARRC bridges, and 2 float bridges. Besides the funding restrictions, there was also a directive by CINCUSAREUR requiring recovery of all U.S. bridging assets at the operation’s conclusion, whenever that may be.

<sup>384</sup> This was the subject of some email traffic between MAJ Paul D. Hancq, Deputy Chief, Contract Law Division, OJA, USAREUR, and others. ☹

<sup>385</sup> See Memorandum for Resource Management, subject: Operation Iron Donut (6 Oct. 1996) ☹:

During national elections, elements of 2BCT conducted operation ‘Dobro Donut’ at the bus transload points in their area of responsibility. At these points, civilians were offloaded from their buses and searched. Besides being time consuming, the process was invasive. Donuts and coffee were provided to give the civilians something to do while being searched, and to quell their hostilities toward both the searching and TF Eagle soldiers involved in the process. The lack of violence at these ‘feed and search’ points speaks for the overwhelming success of this tactic.

<sup>386</sup> That fiscal law lends itself to fact-specific determinations and individual exercises of judgment is demonstrated by the fact that a collection of judge advocates at the after-action review could not agree as to whether the NATO order directing the movement of polio vaccines could be

### 5. *Carefully watch spending, Scenario Three: Construction.*

As might be expected, the largest deluge of questions regarding fiscal law came from the construction area. Confusion often arose as to the distinctions between repair, maintenance, and construction especially when it came to work on existing roads and bridges. Engineers are useful in helping to make that determination.<sup>387</sup> The obvious impact of such a determination is what funds are available to support the project.

Many of the problems arose when commanders and staff officers sought to use Operations and Maintenance (O&M) funding for construction projects in the million-dollar range. When judge advocates reminded commanders and staff of the legal limits on their authority to spend funds for construction, they sometimes responded by stressing the need for the construction to accomplish their "title 10 responsibility."<sup>388</sup> It probably added to the confusion that during the course of the deployment the statutory ceiling for O&M use for construction was raised from \$300,000 to \$500,000.<sup>389</sup> In an oversimplified view, this changed the three-tier "structure" of construction spending to O&M appropriations for \$500,000 and less, Minor Military Construction, Army, for \$500,001-\$1.5 million, and specific approval through the Specified Military Construction Program (MILCON appropriations) for amounts over \$1.5 million.

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accomplished without violating U.S. fiscal law. See the discussion at OJE-AAR, *supra* note 30, Vol. I at 231-235. (10 U.S.C. § 2551 was cited as authority to fund transport of Humanitarian Assistance Program-Excess Property (HAP-EP) medical equipment purchased by the State Department with Overseas Humanitarian, Disaster and Civic Aid (OHDACA) funding).

<sup>387</sup> See the terms section of U.S. DEP'T OF ARMY, REG. 420-10, MANAGEMENT OF INSTALLATION DIRECTORATES OF ENGINEERING AND HOUSING (2 Jul. 1987), and Memorandum, the Comptroller, Office of the Secretary of Defense, subject of Definition for Repair and Maintenance (2 Jul. 1997). See also U.S. DEP'T OF ARMY, REG. 420-72, SURFACED AREAS, BRIDGES, RAILROAD TRACK AND ASSOCIATED APPURTENANCES (21 Mar. 1991) (also helpful in discerning maintenance and repair from construction in these specialized areas).

<sup>388</sup> MAJ Paul D. Hancq, comments in OJE-AAR, *supra* note 30, Vol. I, at 215.

<sup>389</sup> See 10 U.S.C. § 2805(c). The change was accomplished by Public Law 104-201 (1996).

One possible source of confusion was the citation in the 1995 Operational Law Handbook to a practice note regarding possible expansion of permissible uses of O & M funds during “operational settings.”<sup>390</sup> More recent versions of the handbook remark—in successive footnotes—that this possible expansion is limited to “combat operations,” and that it is, after all, “based on policy, not law or regulation.”<sup>391</sup> Judge advocates must stay aware of current law and use technical channels in complex fiscal issues. There is no operational exception to fiscal law in the construction area.<sup>392</sup>

#### ***6. Judge advocates should gain familiarity with the LOGCAP Contract.***

The Logistics Civil Augmentation Program (LOGCAP) contract is designed to be a force multiplier by providing logistical support for the deployed force.<sup>393</sup> Although it is generally perceived to work well, there remain some difficulties with performance under it to which judge advocates should be attentive.

The primary (initial) problem was disunity of command. Without a centralized process for requesting logistics support, U.S.

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<sup>390</sup> OP. LAW HANDBOOK, *supra* note 194, at 12-4.

<sup>391</sup> OP. LAW HANDBOOK, *supra* note 194 at nn. 2, 3, Chap. 12

<sup>392</sup> MAJ Paul D. Hancq, comments *in* OJE-AAR, *supra* note 30, Vol. I at 216. ☹ There is, however, a separate—and underused—authorization for contingency construction for unforeseen military facilities requirements. Because this authorization had only funded two projects between 1992 and 1996, Congress reduced the budget from the requested nine and one-half million dollars to five million dollars. To use these funds requires an authorization by the Secretary of Defense and a twenty-one day waiting period following notification to Congress, but it is an option in contingency situations. See 10 U.S.C. § 2804.

<sup>393</sup> IAD-AAR, *supra* note 145 at 52. ☹ SEE U.S. DEP'T OF ARMY, REG. 700-137, LOGISTICS, CIVIL AUGMENTATION PROGRAM (LOGCAP) (16 Dec. 1985). The Corps of Engineers administers the contract. However, as one experienced judge advocate noted, units using the services provided by LOGCAP will want legal advice concerning the contract from their own contract attorney. Therefore, the deploying contract attorney should immediately get a copy of the LOGCAP contract, as well as the telephone number for the point of contact for administration. MAJ Susan Tigner, comments *in* OJE-AAR, *supra* note 30, Vol. I at 236. ☹

units yanked contractors from job to job. Besides being inefficient for work already contracted for, this added costs for those jobs that were not originally estimated for. The accessibility of the contractor meant that costs increased and productivity diminished because the contractor was frequently pulled from Project A and sent to Project B, which sometimes was unauthorized (a sort of “mission creep”). With no central authority to prioritize requests for logistics support, various commanders and senior officers in theater imposed their individual and sometimes conflicting priorities on Brown and Root.<sup>394</sup>

To administer the contract efficiently (to avoid unauthorized commitments), communication links were established between the headquarters and the contractor, and units were told to seek LOGCAP support through the headquarters rather than going directly to the contractor. To enforce this from the contractor side, the unit made clear that it would not reimburse unauthorized work—that done at the request of someone other than the designated point of contact.<sup>395</sup> See **Lesson Learned M.2.** above for details.

Other problems with the LOGCAP contract included inadequate management—Brown and Root did not have enough managers on the ground—and employees not willing to work holiday seasons despite offerings of more pay (this was much less of a problem after the onslaught of requirements the first year).<sup>396</sup>

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<sup>394</sup> Memorandum, Contract Law Division, Office of the Judge Advocate, U.S. Army Europe, subject: Lessons Learned (17 Jan. 1996). ☹ See also Memorandum, MAJ Paul D. Hancq, for Chief, International Law and operations Division, subject: Problems with LOGCAP Contract (6 Jan. 1996). ☹

<sup>395</sup> See MAJ Susan Tigner, comments in OJE-AAR, *supra* note 30, Vol. I at 237 (“That really got their attention”). ☹

<sup>396</sup> See Memorandum, MAJ Paul D. Hancq, for Chief, International Law and Operations Division, subject: Problems with LOGCAP Contract (6 Jan. 1996). ☹

### 7. *Resolve the status of civilian contractors.*

Increased reliance on the support of contractor personnel, largely through the LOGCAP, necessitated an emphasis on the status of such personnel when negotiating the international agreements supporting the deployment. During Operations Joint Endeavor and Joint Guard, issues regarding contractor employees arose both in the former Yugoslav Republics and in Hungary, and they involved questions of entry and customs, registration as foreign corporations, and taxation.<sup>397</sup>

The resolution of these problems differed in the various parts of the theater. In Bosnia, U.S. forces argued that the LOGCAP contractor personnel were a “constituent element” of NATO forces, and had full exemption under the SOFA from any host national law.<sup>398</sup> In Hungary, on the other hand, the demand for contractor compliance with host nation law was strong enough to cause the creation of a legal advisor position to the USAREUR liaison team.<sup>399</sup> In response to Hungarian income tax claims, the contractor held five million dollars in escrow against asserted income tax liability. Ultimately, the Hungarian government refunded the money as a part of the Omnibus Agreement.<sup>400</sup>

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<sup>397</sup> Memorandum, Contract Law Division, Office of the Judge Advocate, U.S. Army Europe, subject: Lessons Learned (17 Jan. 1996). ☹

<sup>398</sup> LTC Christopher Maher, comments in OJE-AAR, *supra* note 30, Vol. I, at 63. ☹ This, of course, created a situation in which such personnel were subject to no criminal jurisdiction whatsoever. *See Reid v. Covert*, 354 U.S. 1 (1957) and *United States ex. rel. Toth v. Quarles*, 350 U.S. 11 (1955). *See* discussion, OJE-AAR, *supra* note 30, Vol. I, at 64-65 (The decision was made to treat the contractors in this fashion because of concern with the implications for U.S. forces if those personnel were subject to the tax and registration schemes of a former communist country). *But, c.f.* Mr. George Bahamonde, Legal Comment, Office of the Judge Advocate, U.S. Army Europe, Subject: Issue of Weapons to Civilian Personnel in Bosnia ☹ (“DoD civilians deploying to Bosnia may be subject to Bosnian criminal prosecution for criminal acts committed outside their official capacity”).

<sup>399</sup> LTC Fred T. Pribble, comments in OJE-AAR, *supra* note 30, Vol. I, at 172. ☹

<sup>400</sup> *Id.* at 194. ☹

The status of contractors with regard to U.S. forces must also be resolved early, preferably within the terms of the contract. Issues that must be addressed include criminal jurisdiction, weapons carry and use, taxation, customs, access to/use of military dining facilities, the PX, shelter/housing, medical care, legal assistance, and flights. For example, contractors were not supposed to eat in dining facilities unless their contract specifically provided for such support. Dining facilities cracked down, requiring contractor personnel to show proof of eligibility to the chow line head counter.<sup>401</sup>

**8. Designate a single point of contact for acquisition and cross-servicing agreements (ACSA).**

In a multinational setting, much of the logistical support is achieved through ACSAs. These agreements provide for reimbursable or reciprocal logistics support with other NATO nations, and other countries on coordination of the Secretaries of Defense and State.<sup>402</sup> ACSA “orders” are distinct from Federal Acquisition Regulation (FAR) “contracts.”<sup>403</sup> (See **Appendix L** for a list of ACSAs) Unfortunately, neither contracting personnel nor most judge advocates had significant training in ACSAs when Operation Joint Endeavor began.<sup>404</sup> Task Force Eagle addressed this problem by designating a single point of contact for cross-servicing agreements during the operation.<sup>405</sup>

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<sup>401</sup> See Interview of MAJ Hancq, *supra* note 368. ☹

<sup>402</sup> See 10 U.S.C. §§ 2341 – 2350.

<sup>403</sup> 10 U.S.C. Chapter 138, Subchapter I provides the statutory basis for ACSAs. See ALSO DEP'T OF DEFENSE, DIR. 2010.9, U.S. DEP'T OF ARMY, REG. 12-16, ED 60-8, and UR 12-16. Note, however, that references in these sources to compliance with commercial contracting procedures are superseded by legislative changes dating back to FY 1995. FAR, DFARS, and AFARS principles are guiding as “general principles of prudent procurement practice” but not mandatory in ACSA orders.

<sup>404</sup> MAJ Susan Tigner, comments in OJE-AAR, *supra* note 30, Vol. I at 238. ☹ These agreements have subsequently become part of the curriculum at Acquisition Law CLE's. *Id.* at 239.

<sup>405</sup> LTC Maher, comments in OJE-AAR, *supra* note 30, Vol. I at 240. ☹

Support to other nations' forces may only be given on a reimbursable basis under recognized legal authority. An ACSA is one such legal authority. The lack of an ACSA can cause problems. For example, most all of the troop contributing nations working with the U.S. forces in MND-N had ACSAs with the United States. Russia, Romania and others did not. Thus, they were not supposed to use our dining facilities or receive any other support in kind. However, European Command-Supreme Allied Headquarters Europe (EUCOM-SHAPE) used a "work around." They considered the EUCOM-SHAPE ACSA a basis for exchanging support with these nations as long as they would abide by the reimbursement terms of that ACSA and the EUCOM J4 and Legal Advisor approved.

***9. Expect tension between U.S. law and multinational operations.***

The ever-present tension between mission requirements and fiscal limitations is heightened in multinational operations. In Bosnia, U.S. forces were under the operational control of a multinational force headquarters (IFOR/SFOR). NATO sometimes assigned missions to U.S. forces that conflicted with U.S. fiscal constraints. Judge advocates must maintain a heightened awareness of possible conflicts between law and mission, and prepare to raise questions through technical channels regarding these limits.<sup>406</sup> Other troop contributing nations face similar host nation legal constraints.

An example of the intricacies faced was the coordination required to fix CINCUSAREUR's Suburban vehicles. Because CINCUSAREUR used the vehicles in his capacity as the NATO Commander of Land Forces, Central Europe, U.S. Army repair of his vehicles would constitute support to NATO. Thus the 21st TAACOM could not simply "just do it." They had to provide NATO Headquarters (SHAPE) information on availability of services, price,

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<sup>406</sup> COL Graham, comments in OJE-AAR, *supra* note 30, Vol. I at 234. (C)

and method of repayment. After that they had to wait for SHAPE to agree to the services and place an order requesting the logistical support, thereby committing to payment of the quoted price.<sup>407</sup>

Additionally, in a multinational setting, NATO will do much contracting and blanket ordering. Operations orders from EUCOM and NATO stressed the use of the NATO Contract Coordination Center (KCC) Basic Purchase Agreements (BPAs) and Basic Ordering Agreements (BOAs) to purchase common items. Nations providing forces would probably be better served by increasing NATO funding and conducting more joint purchasing of supplies where their needs coincide.<sup>408</sup> Unfortunately, no authority currently exists for a simplified transfer of funds to NATO for such purchasing. Therefore, U.S. forces could not use blanket purchase agreements negotiated by NATO's contracting office which prevent troop contributing nations from bidding against one another.<sup>409</sup> The U.S. should consider amending the Federal Acquisition Regulation to allow the U.S. to order directly on NATO contracts when U.S. forces operate under NATO command.<sup>410</sup>

## N. CLAIMS

The initial claims structure<sup>411</sup> prescribed the Ministry of Interior of the Republic of Bosnia and Herzegovina as the primary intake office

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<sup>407</sup> See Memorandum, COL Malcolm H. Squires, Jr., for Staff Judge Advocate, 21st TAACOM, subject: Vehicle Maintenance (no date). (f)

<sup>408</sup> Memorandum, Contract Law Division, Office of the Judge Advocate, U.S. Army Europe, subject: Lessons Learned (17 Jan. 1996). (f)

<sup>409</sup> MAJ Susan Tigner, comments in OJE-AAR, *supra* note 30, Vol. I at 240. (f)

<sup>410</sup> Joint Universal Lesson Learned, Task/Air Number: ST4.3.2, Task Title: Provide Supplies and Services for theater, Observation Number: 2a, Observer Name/phone: LTC Dorsey/370-6569 (22 Apr. 96). (f) See also Interview of MAJ Hancq, *supra* note 168, Lessons Learned: Fiscal Support of Other Nations or groups and Acquisition Policy (15 Apr. 1996). (f)

<sup>411</sup> Established by Annex 17, Claims Annex to the Technical Agreement between the Republic of Bosnia and Herzegovina Ministry of Justice and the Implementation Force (23 Dec. 1995).

for claims against IFOR contingents. The Ministry was to conduct the initial investigation and adjudication. This arrangement was short lived. In the Spring 1996, the IFOR Legal Advisor and the Ministry of Justice for the Federation of Bosnia-Herzegovina and the Ministry of Justice, Republika Srpska negotiated separate agreements. These claims protocols gave the troop contributing nations (TCNs) and the claimants primary responsibility for settling claims against them. The Claims Annex to the Technical Agreement between the Republic of Bosnia and Herzegovina Ministry of Justice and the Implementation Force, December 23, 1995, established a Claims Commission. The Claims Commission would settle issues only if disagreements arose and mediation failed between a TCN and the claimant. Thus, it became business as normal for the claims community.<sup>412</sup> See **Appendix N** for a diagram of the Claims Structures.

In a peace operation, where the combat exclusion does not usually apply, the Foreign Claims Act reigns predominant.<sup>413</sup> A strong claims operation can foster goodwill and cooperation.<sup>414</sup> It demonstrates a respect for the law and a desire to make redress for damages. It also fosters fruitful contacts with the local populace.<sup>415</sup> The deployed environment in a unified operation creates unique claims challenges and issues.

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<sup>412</sup> See Memorandum, the IFOR Claims Office, subject: The Legal Bases for the IFOR Claims Operation in Bosnia-Herzegovina (20 Jul. 1996) (for a detailed explanation of the authorities pertinent to claims). ☹ See, e.g., Article 15 of the Dayton SOFA (23 Nov. 1995) and GFAP, *supra* note 13, Annex 1-A, Art. VI, para. 9 (see Appendix E(5) for text).

<sup>413</sup> Claims against the United States in a deployed environment are usually addressed pursuant to two authorities: Title 10 U.S.C. § 2734 (The Foreign Claims Act) and Title 10 § 2734a (The International Agreement Claims Act).

<sup>414</sup> An explicit purpose of the Foreign Claims Act. See Title 10 U.S.C. § 2734(a).

<sup>415</sup> Interview with LTC William F. Ridlon, Chief, SFOR Claims Operations (Feb. 1998). ☹

*1. Address the lack of uniform liability standards.*

Troop contributing nations (TCNs) handled claims in a diverse manner because of the unified nature of the operation and the unique local laws. IFOR/SFOR headquarters stated they would only pay for damages arising from negligence on the part of IFOR/SFOR personnel. The headquarters would not pay for non-negligent damage (e.g., maneuver damage). The United States, however, much to the chagrin of other TCNs, chose to pay maneuver damage and other claims allowable under the Foreign Claims Act.

The United States also differs from some countries in who handles claims. Some nations use private insurance companies and civilian employees to handle claims against their armed forces. The U.S. method of handling claims within military channels was more responsive. This caused the U.S. to gain the reputation of being the fastest with the “mostest.” The result was a flood of claims submissions to the U.S. for damages done by other TCNs, for fraudulent and inflated claims, and disdain from the other nations who did not want to put their pocket book on the table.<sup>416</sup>

Another problem was the lack of sound host nation liability standards. The U.S. Army generally looks to “the law and custom of the country where the accident occurred”<sup>417</sup> for liability standards. The U.S. claims personnel could not turn to local law for liability standards in Bosnia. For example, Bosnia assigns strict liability on the *owner* of a vehicle for any accident, regardless of who was driving. This was an issue in accidents involving contractors driving military vehicles where the contract assigned liability to the contractor.<sup>418</sup> Therefore, U.S. claims personnel referred to the general principles of tort liability

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<sup>416</sup> *See Id.*

<sup>417</sup> U.S. DEP'T OF ARMY. REG. 27-20, CLAIMS para. 10-8.a (31 Dec. 1997).

<sup>418</sup> *See* Interview of LTC William F. Ridlon, Chief, SFOR Claims Operations (Feb. 1998). (F)

outlined in paragraph 3-8 of Department of the Army Regulation 27-20, Claims.

U.S. forces and IFOR/SFOR worked hard to ensure that the standards were uniform within their claims arenas. IFOR quickly issued a Standard Operating Procedure (SOP) from their main office in Sarajevo. The SOP described how IFOR would handle claims that claimants submitted directly to IFOR Headquarters in Sarajevo. Task Force Eagle and the United States Army Claims Service, Europe, published general claims guides or SOPs and specific guides on handling real estate and timber claims. These were all “on the street” early in the operation and amended as needed.

*2. Use innovative methods to promote access to claimants.*

*a. Combine claims convoys, site visits, and fixed office operations for Foreign Claims processing in a large area of responsibility.*

A part of running a successful claims operation is to promote the claimants’ access to the system. Normally, the Army takes in and pays out claims at a fixed location/office. However, in Bosnia the area of responsibility was large and the populace was scattered. Further, local nationals lacked transportation or refused to travel to U.S. locations because of fear of Entity Armed Force violence.<sup>419</sup> Thus the “claims convoy” became a regular mode of claims service.

The “claims convoy” involved a judge advocate, a Class A agent, a translator, and support personnel traveling together to intake, investigate, and pay claims. Often convoys would travel to remote sites and set up shop out of the back of a HMMWV vehicle. Task Force Eagle expanded this concept to establish regularly scheduled

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<sup>419</sup> Primarily these were Bosnian Serbs who were unwilling to enter Federation territory, 1AD-AAR, *supra* note 145 at 58. (T)

stops, or site visits. Word would spread among the locals, and they would appear at the stops on the scheduled days to take care of business. The disadvantage of the claims convoys was the security requirements. Travel within the theater required at least four vehicles, two personnel per vehicle, one M60 machine gun with gunner and assistant gunner, and a combat lifesaver.<sup>420</sup> These requirements had the added undesirable effect of intimidating some residents, making them view us as an occupational force.<sup>421</sup>

Judge advocates were often convoy commanders. This required judge advocates, 71Ds, and legal specialists to be well-versed in all aspects of convoy operations (e.g., ROE, safety, vehicle maintenance, driver licensing, land navigation, weapons proficiency, radio procedures). See Appendix O for a claims convoy checklist and a sample convoy brief.

***b. Use Civil Affairs to assist claims intake and investigation.***

With proper coordination and training by judge advocate personnel, civil affairs provided invaluable claims support.<sup>422</sup> They assisted in taking in and investigating claims. Civil affairs personnel regularly interacted with locals and thus provided claims personnel greater access to local nationals. For example, civil affairs personnel manned an office in downtown Brcko once a week to intake claims. Their knowledge of where to go and who to see also helped investigations.<sup>423</sup>

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<sup>420</sup> See Interview of CPT Chad T. Sarchio, Chief of Claims, 1 Armored Division (Fwd), at Eagle Base, Tuzla (4 Feb. 1998). (S)

<sup>421</sup> Interview of LTC William F. Ridlon, Chief, SFOR Claims Operations (10 Feb. 1998). (S)

<sup>422</sup> The key was making sure that they made no promises or representations, as discussed in the Civil Affairs section *supra*.

<sup>423</sup> See Interview of and Memorandum by CPT Dauenheimer, *supra* note 178. (S)

### ***3. Prepare for difficulty with the combat exclusion in peace operations.***

The Foreign Claims Act provides for the settlement and payment of claims caused by or incident to noncombat activities of U.S. armed forces.<sup>424</sup> Unfortunately, this leaves a gap, as noted by one judge advocate:

There is a gray area between combat and combat related activity, which of course is excluded, and then torts and noncombatant activity that we would ordinarily pay for, in a peacetime situation.

We are down there with enough men, women, materiel, and of course in the positions to conduct a war if we had to. The only thing that's missing is the fighting. But that means that we have had to take measures for force protection and otherwise, that were we anyplace else it would be a combat zone.<sup>425</sup>

Long-term occupancy of real property, including the fortification of such property, caused significant claims activity. Ultimately the NATO countries that were among the troop contributing nations agreed that such claims should not be paid, based upon the language of the GFAP.<sup>426</sup> For future operations, judge advocates must be aware of the fact that peace operations will often call for commanders and soldiers to make decisions regarding the host nation comparable to what would be done in combat, but without the claims protection offered for combat activity.

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<sup>424</sup> 10 U.S.C. § 2734.

<sup>425</sup> MAJ Jody M. Prescott, comments in OJE-AAR, *supra* note 30, Vol. II at 122. 🌐

<sup>426</sup> LTC Fred T. Pribble, comments in OJE-AAR, *supra* note 30, Vol. II at 123. 🌐 See GFAP, *supra* note 13, Annex 1A, Art. VI, para. 9.(a) ("It [IFOR] shall have the right to bivouac, maneuver, billet, and utilize any areas or facilities to carry out its responsibilities as required for its support, training, and operations, with such advance notice as may be practicable.")

***4. Be prepared to pay claims that you might not ordinarily accept.***

Peace operations call for an increased attentiveness to the relationship between U.S. forces and citizens of the receiving state. Although the GFAP arguably precluded claims against IFOR for necessary activities, commanders often found it appropriate to settle such claims in order to generate or preserve goodwill. Whether this involved small payments to farmers for the deprivation of grazing land or spot repairs to roads damaged by U.S. military equipment, it was often in the U.S. interest to make things right.<sup>427</sup>

***5. Train many members of the staff to be foreign claims commissioners, unit claims officers, and maneuver damage control officers.***

The wide geographic dispersion of units and judge advocates during Operation Joint Endeavor made it imperative to establish numerous foreign claims commissioners. Base camp, brigade, or battalion task force judge advocates will normally operate apart from the headquarters. These judge advocates are often inexperienced in claims. Therefore supervisors should make foreign claims training a priority before deployment. By training more than 30 judge advocates as commissioners, and an additional 25 enlisted soldiers to assist, Task Force Eagle was able to resolve foreign claims swiftly by decentralizing their investigation and settlement.<sup>428</sup> Judge advocates should use Unit Claims Officers (UCOs) and Maneuver Damage Control Officers (MDCOs) at the battalion level to assist claims operations. Legal personnel should assist them to prevent, document, and investigate all incidents that may result in a claim against or on behalf of the United States.

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<sup>427</sup> MAJ Jody M. Prescott, comments in OJE-AAR, *supra* note 30, Vol. II at 126. (f)

<sup>428</sup> *Id.* at 130-131.

## **6. Preventive measures reduce claims—use the digital camera.**

Part of what made the investigations successful was the fielding of digital cameras (a standard component of the Rucksack Deployable Law Office, or RDL<sup>429</sup>). They provided almost instant access to photographic evidence, alleviating the traditional difficulty of getting film developed while deployed. They played a key role in claims investigations and investigations conducted under Department of the Army Regulation 15-6.<sup>430</sup> Perhaps one of their most useful roles was to take pictures of sites before friendly units occupied or moved through them. They could document the condition of roads, structures, and vegetation in order to later accurately pay legitimate claims or dismiss fraudulent claims.

The Nordic-Polish Brigade's legal advisor initiated another preventive measure that met with great success. Whenever their forces conducted a search of a home or building, they had the occupant sign a form before leaving verifying that they caused no damage and that no items were missing.<sup>431</sup>

## **7. Educate soldiers about the limits of “reasonable” personal property before deployment.**

As the theater matured during Operation Joint Endeavor, soldiers worked to make their living areas more comfortable. The mail system and an increasing AAFES presence began to fill the camps with

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<sup>429</sup> The RDL is a proven set of off-the-shelf capabilities that includes a laptop computer, CD-Rom, modem and network capabilities, scanner, printer, digital camera, TACSAT phone, appropriate set of hardware and software, and hard-shell case.

<sup>430</sup> SFC Trejo, comments in OJE-AAR, *supra* note 30, Vol. I at 101. (f) For an example of their use in the base closing process, see Memorandum, CPT Richard J. Raleigh, for Staff Judge Advocate, Task Force Eagle, subject: 19 September 1996 BCCA Inspection of Camp Linda (22 Sep. 1996). (f) They were generally very reliable, but if the computer became infected with a virus, of course, the camera was less useful. See Memorandum for Record, CPT Mark Tellitocci, subject: After Action Report; Task Force Eagle, The First 120 days (14 Apr. 1996). (f)

<sup>431</sup> Interview of LTC Vowell, *supra* note 146. (f)

televisions, VCR's, substantial CD collections, and even refrigerators.<sup>432</sup> When these items were stolen, damaged, or ruined by the Sava River flooding, the soldiers turned to the claims system for reimbursement.

The Personnel Claims Act, however, only allows payment for items that are possessed reasonably.<sup>433</sup> Task Force Eagle had to determine what was reasonable for such entertainment items. Ultimately, even though soldiers were able to purchase such items from the camp AAFES, the SJA opined that it was not reasonable to have more than twenty-five compact discs, or to have \$400 combination TV/VCR units in theater.<sup>434</sup> Noteworthy was that the standard evolved: all agreed that what would clearly be unreasonable during the initial phases of a deployment might not be so during later stages of an extended peace operation.<sup>435</sup> Although there were soldiers who complained about the arbitrariness of such determinations, the process of line drawing is fundamental to the claims business.<sup>436</sup> The critical task from a morale perspective is to let the soldiers know early—ideally as part of the SRP process before deployment—what is reasonable under the claims system.<sup>437</sup>

### *8. Process personnel claims in an expeditious manner.*

Judge advocates assigned to the division main and rear headquarters investigated soldier claims and took a flexible view

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<sup>432</sup> IAD-AAR, *supra* note 145 at 38. ☹

<sup>433</sup> See DEP'T OF ARMY, REG. 27-20, CLAIMS para. 11-11.d. (1 Aug. 1995) ("The type of property claimed and the amount or quantity claimed was reasonable or useful under the attendant circumstances for the claimant to have used or possessed incident to military service or employment.")

<sup>434</sup> IAD-AAR, *supra* note 145 at 39. ☹

<sup>435</sup> LTC Denise Vowell, comments in OJE-AAR, *supra* note 30, Vol. III at 86. ☹

<sup>436</sup> BG John D. Altenburg, Jr., comments in OJE-AAR, *supra* note 30, Vol. III at 88 (discussing Claims Service position on "Buffies" during Vietnam). ☹

<sup>437</sup> IAD-AAR, *supra* note 145 at 39. ☹

regarding proof. A memorandum containing the observations of the chain of command was generally sufficient to substantiate a soldier's loss.<sup>438</sup>

Task Force Eagle created an efficient records base and consistency throughout the unit by centralizing the processing of claims at the Division Rear (D-Rear). This arrangement placed a burden on the D-Rear judge advocates requiring them to conduct claims interviews and follow-ups. Civil affairs teams helped investigate claims and provided transportation to outlying camps.<sup>439</sup>

## O. REAL ESTATE

### *1. Ensure real estate teams deploy with lease forms appropriate to the operation.*

Real estate teams deployed into Bosnia with form leases similar to those used to acquire temporary possession of land for training within the United States. Because Operation Joint Endeavor required the commissioning of operational, semi-permanent camps for IFOR soldiers, these leases were inadequate. Numerous legal issues arose and judge advocates had to resolve them on the scene to enable continued productive use of the land.<sup>440</sup>

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<sup>438</sup> CPT Scott E. Stauffer, comments in OJE-AAR, *supra* note 30, Vol. III at 81. ☹

<sup>439</sup> IAD-AAR, *supra* note 145 at 39. ☹

<sup>440</sup> *Id.* 48. ☹ The role for judge advocates in real estate is a cradle-to-grave one. The deployed judge advocate must be prepared to play a key role in decommissioning when camps are being closed due to consolidation or redeployment. The critical issues at that time will include environmental remediation, contract termination, fiscal questions regarding property handovers, and claims. See Appendix 5 (Basecamp Decommissioning Timeline) To Annex L (Basecamp Operations) To Frago \_\_\_ (Withdrawal) (calling for a final turnover of the land to the owner in a meeting with "Real estate, CA, [and] JAG").

## ***2. Include utilities in agreements for property use.***

The war devastated the utility infrastructure. As a result, power, water, and telephone companies sometimes sought to maximize profits from facilities used by IFOR. Frequently, local governments and military forces had not paid for their utilities. This increased the cost for other users, and made it difficult for IFOR forces to determine a fair price for using utilities.<sup>441</sup> Some IFOR forces using government land mistakenly assumed they too would be exempt from utility payments and were later presented with astronomical bills to be negotiated after the fact. One effective technique for dealing with this problem was to define or at least cap the utility cost as a part of the negotiations for the lease of the property.<sup>442</sup>

## ***3. Be prepared to establish ownership standards for property claimed to be privately owned.***

The GFAP gave rise to two new governments in Bosnia—both with communist traditions. Both new governments emerged from the ruins of a devastating war. This combination was the worst possible situation for determining property ownership. Much property had been state-owned before the war and those individuals that owned property were displaced by the war. After the war, “squatters,” those displaced by the war and living on whatever spot on the ground they could find, claimed land ownership by adverse possession. Others asserted title merely because no one else in the area claimed a particular piece of property.<sup>443</sup> Task Force Eagle had to sort out what property was available for use, ownership, and if non-government property, how much to pay. To do this, TFE devised a four-part classification system for real property.

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<sup>441</sup> LTC Karl M. Goetzke, comments in OJE-AAR, *supra* note 30, Vol. III at 14. (f)

<sup>442</sup> 1AD-AAR, *supra* note 145 at 48. (f)

<sup>443</sup> *Id.* at 50. See also LTC Karl M. Goetzke, comments in OJE-AAR, *supra* note 30, Vol. III at 24 (“We paid in cash. Cash has a way of bringing owners out of the woodwork....”). (f)

The first category was property that was clearly public. The nature of the property often demonstrated its public nature— schoolhouses, military barracks, and the like. This category also included those factories that were clearly government property. For public buildings, the GFAP required no lease. TFE, however, used accommodation agreements to address utilities, improvements, easements, etc.<sup>444</sup>

The second category was recently privatized land. Often this property was transferred by the government to a private landowner as late as one day before the arrival of IFOR troops. The typical response by U.S. forces in such circumstances was to demand the property but to lease it as if it were legitimately privately held. This decision was primarily based on long-term considerations for dealing with the parties.<sup>445</sup>

The third category was clearly private property. The U.S. forces did not want to remove people from their homes or use recently tilled fields, but TFE required some private property for mission accomplishment. In those cases, the U.S. leased the property.<sup>446</sup>

The final category was presumed public property. Such cases often involved mines or other formerly state-owned enterprises. TFE treated this property as public when no objective record of private ownership could be found. Accommodation agreements were created with responsible parties. In some instances the units could not find accountable individuals so they essentially seized the property and waited for any claiming owners to come forward.<sup>447</sup>

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<sup>444</sup> 1AD-AAR, *supra* note 145 at 22. ☹

<sup>445</sup> 1AD-AAR, *supra* note 145 at 23. ☹

<sup>446</sup> 1AD-AAR, *supra* note 145 at 23. ☹

<sup>447</sup> 1AD-AAR, *supra* note 145 at 23. ☹

In the second and third categories, the real estate teams often had difficulty determining ownership. There was no true system of title recording in Yugoslavia. Essentially, the land offices could print from their computerized—and easily amended—land record system at any time.<sup>448</sup> As a result, teams used varying and extensive approaches to ensure that they were paying the right people. One team even used church baptismal records to determine whether claiming farmers had actually lived on particular property since their youth.<sup>449</sup>

#### ***4. Be aware of real estate issues when assuming use of property from the United Nations.***

The U.N. forces that preceded IFOR brought a great deal of property into the theater. IFOR took over much of this equipment from the U.N. pursuant to Section 607 of the Foreign Assistance Act (this Act allows the U.S. and U.N. to enter into reciprocal support agreements). Judge advocates had to remind commanders that this property was not free. Before agreeing to accept a piece of equipment, resource managers had to determine that:

- There was a true need for the property in question
- The cost of reimbursement to the U.N. would be less than the cost for the U.S. logistical system to acquire or bring the equipment into the theater<sup>450</sup>

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<sup>448</sup> LTC Christopher Maher, comments *in* OJE-AAR, *supra* note 30, Vol. III at 7. ☹ See also LTC Denise Vowell, comments *in* OJE-AAR, *supra* note 30, Vol. III at 8 ☹ (noting that many of the records offices are in the Republic of Serpska and “they mysteriously aren’t available” if the owner was a Bosnian Muslim or Croat).

<sup>449</sup> LTC Karl M. Goetzke, comments *in* OJE-AAR, *supra* note Vol. III at 5-6. ☹

<sup>450</sup> 1AD-AAR, *supra* note 145 at 50. ☹

**5. Use SOFAs and other international agreements to establish property rules and land use rights.**

The GFAP and its attendant SOFAs gave great latitude to the troop contributing nations (TCNs) in enjoying unhindered access to the property of the signatory nations.<sup>451</sup> On the other hand, the very broad language created some tension between IFOR rights and host nation responsibilities.

The same dichotomy of approaches between TCNs that occurred in the claims arena also occurred with real estate. Some TCNs read the terms of the GFAP quite broadly. They concluded that furnishing land for IFOR use was entirely a responsibility of the Bosnian government and would pay nothing at all for their use of land. Future multinational operations should strive to resolve this discrepancy among the participating nations prior to the deployment of forces.<sup>452</sup>

**P. ENVIRONMENTAL LAW**

**1. Peace operations require a dedicated environmental law specialist.**

Complicated issues of environmental law arose during the course of Operation Joint Endeavor. Task Force Eagle noted that environmental considerations in peace operations are enormous because preserving the mission's legitimacy is as critical as combat readiness to overall success.<sup>453</sup>

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<sup>451</sup> IAD-AAR, *supra* note 145 at 51. ☹

<sup>452</sup> COL Redding, comments *in* OJE-AAR, *supra* note 30, Vol. III at 26. ☹ An apocryphal (but illustrative) story from the theatre tells of the French officer who responded to a claim for damage to property from a local owner by saying, "No, this has already been paid for with the lives of four French soldiers who died here." LTC Goetzke, comments *in* OJE-AAR, *supra* note 30, Vol. III at 47. ☹

<sup>453</sup> IAD-AAR, *supra* note 145 at 27. ☹ See also Tab B (Environmental Standards) To Appendix 4 (Environmental) To Annex L (Basecamp Operations) To Frago (Withdrawal) ("Focus will be on

Bosnia has little meaningful environmental law.<sup>454</sup> Determining the appropriate clean-up standards for POL spills was often the first challenge. After that determination, ensuring compliance with the standard required environmental expertise. Fortunately, one of the reserve soldiers in the G-5 was an attorney with considerable experience in environmental law. Future deploying units should request augmentation by an environmental law expert in peace operations.<sup>455</sup>

## ***2. Ensure that environmental teams are available early in the deployment.***

Monitoring the environmental status of an area is critical early in deployment. Two distinct causes account for this. First the terrain considered operationally important to commanders may be environmentally suspect, even dangerous to U.S. forces.<sup>456</sup> Second is the claims process. Conducting an early environmental survey of the property can set a baseline for measuring later claims of environmental damage.<sup>457</sup> That survey then becomes one of the critical documents for the base camp decommissioning process when force requirements dictate the closure of particular camps.<sup>458</sup>

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prevention of immediate threats to the human health and safety, legal responsibility, and maintaining the good name of US Army environmental stewardship.”)

<sup>454</sup> E-mail, 03/01/98 8:08am, from MAJ Sharon E. Riley, to MAJ Stephen E. Castlen, subject: RE: Environmental Law in Bosnia. ☺

<sup>455</sup> 1AD-AAR, *supra* note 145 at 26. ☺

<sup>456</sup> “...the locations that we picked in some cases were picked for force protection reasons. The coal factory would have been an eminently defensible location if we had to get into a high intensity combat type situation....There were extensive berms in place; there were concrete walls 7, 8 feet high out from our location....The coal mining areas, there were slab heaths literally that we set soldiers up on. But once again, it was eminently defensible terrain; probably not the best location in terms of esthetics, but in terms of a defense it was believed to have been a usable location.” LTC Karl M. Goetzke, comments in OJE-AAR, *supra* note 30, Vol. III at 48-9. ☺

<sup>457</sup> *Id.* at 43-4. ☺

<sup>458</sup> See Appendix 4 (Environmental) To Annex L (Basecamp Operations) To Frago \_\_\_\_ (Withdrawal) (“Failure to address environmental considerations in all aspects of the operation may

## Q. INTELLIGENCE LAW

### *1. Advise commands about the limits on collecting information on U.S. persons.*

Congress placed strong limitations on the collection of information by U.S. military intelligence operations of U.S. citizens. Congressional interest stems from a concern about the liberty interests of American citizens. The regulation governing intelligence operations limits collecting information about U.S. persons to select categories. These categories include physical security investigations, counterintelligence, threats to safety, and foreign intelligence.<sup>459</sup>

Judge advocates frequently found themselves called on to assist in the interpretation of this regulation and the limits that it places on operations in a deployed environment.<sup>460</sup> Additionally, judge advocates can assist their units by providing oversight and coordination of counterintelligence activities, tasks in which their supported units are not likely to have much experience.<sup>461</sup>

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cause unnecessary harm to the environment, and subject the US Government to unfavorable publicity and future damage claims.”)

<sup>459</sup> U.S. DEP'T OF ARMY, REG. 381-10, U.S. ARMY INTELLIGENCE ACTIVITIES paras. 2-1, 2-2 (1 Jul. 1984). Note that “U.S. person” can here include corporations, unincorporated organizations, and permanent resident aliens. For a good discussion on the threat to safety exception, *See* Haiti Lessons Learned, paragraph C.1., pages 58-59 (11 Dec. 1995).

<sup>460</sup> 1AD-AAR, *supra* note 145 at 20. ☹ *See also* Memorandum For Record, LTC Christopher M. Maher, subject: Detention of Civilian Calling Himself Timothy McLaurin (Aug. 1996) ☹, and Memorandum, CPT Timothy Grammel, for Commander, 1/4 Section, Allied Counter Intelligence Unit, subject: Collection of Intelligence About United States Persons (13 Feb. 1996). ☹

<sup>461</sup> MAJ Pete C. Zolper describes some of the problems in this area. *See* MAJ Zolper, comments in OJE-AAR, *supra* note 30. ☹ Because the supported unit (a brigade, in this instance) had little institutional expertise with counterintelligence, that unit tended to set its own agenda. Some of the mission choices of the counterintelligence unit seemed unwise, such as the decision to gain valuable information by travelling to bars and cafes in downtown Brcko at night--in uniform--to ask people questions about possible threats to the IFOR (this segment of the AAR conference was not transcribed, but is on videotape on file with CLAMO). This problem appears to be Army-wide. *See* CMTC Trends Compendium (Apr. 1998), at 3 (identifying among the trends in the intelligence BOS that “[a]ttached elements not fully integrated into the collection plan,” and noting that

**2. Prepare for classified access and for operational security (OPSEC) needs.**

To advise their clients effectively, judge advocates need to have sufficient security clearances to gain access to relevant information. For example, judge advocates in planning cells and advising intelligence units should have at least TOP SECRET clearances before deployment.<sup>462</sup> Additionally, operational judge advocates require access to secure communication systems and classified storage facilities. Judge advocates must know how to mark, handle, store, and destroy classified documents and materials.

**R. MILITARY JUSTICE**

**1. Resolve UCMJ jurisdictions immediately (pre-deployment).**

**a. Set up an early meeting with the Commanding General (CG) to explain jurisdiction options and to choose a course of action.<sup>463</sup>**

The CG can elect to:

- Transfer rear detachment jurisdiction to another GCMCA (1AD-IFOR option, 1995-1996<sup>464</sup>)

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“Counterintelligence (CI), civil affairs (CA), ground surveillance radar (GSR), and psychological operations (PSYOPS) often tasked reactively or not at all.”

<sup>462</sup> 1AD-AAR, *supra* note 145 at 21. (🗺️) See also MAJ Peter C. Zolper, comments in OJE-AAR, *supra* note 30 (untranscribed portion of the conference, on file with CLAMO).

<sup>463</sup> See Information Paper, Major Rich Whitiker, subject: Partial Unit Deployment-Preparation for Deployment and Post Deployment (undated) (available on file with CLAMO).

<sup>464</sup> See Memorandum, Staff Judge Advocate, 1st Armored Division, to Commander, 1st Armored Division, subject: 1st Armored Division Rear (Provisional) Command (14 Dec. 1995), to include TAB A (Memorandum Creating 1AD Rear (Prov)), TAB B (Memorandum Appointing LTC Dyson as 1AD Rear (Prov)), TAB C (Signature Copy of 1AD 27-10-1), and TAB D (Memorandum Transferring Referred Cases to V Corps) (documents on file with CLAMO). See generally, DEP'T OF ARMY, REG. 220-5, DESIGNATION, CLASSIFICATION, AND CHANGE IN STATUS OF UNITS para. 2-5 (3 Sep. 91); DEP'T OF ARMY, REG. 27-10, MILITARY JUSTICE paras. 2-5.a(2) and 5-29 (6 May

- Leave the “division flag” (GCMCA) behind (a rear detachment general officer assumes command, e.g. the Assistant Division Commander (Operations) or the Assistant Division Commander (Support))
- Set up a rear provisional command with GCMCA (requires Secretary of the Army approval) (**1CD-SFOR option, 1998-1999**)
- Change nothing and shuttle military justice actions between the home station and the deployed setting (**1ID-SFOR and 1AD-SFOR option,**<sup>465</sup> 1996-1998)

The mission, home station location, transportation availability, communication channels, number of deployed troops, and other METT-T<sup>466</sup> factors will influence the CG’s decision. These factors led the U.S. forces to establish jurisdictions using the options indicated in the bullet comments above.

The key is to fully explain the options and to lock the Commanding General down on a decision. Have the CG approve a formal action memorandum, selecting one of the foregoing options. Have a good grasp on how much time is required to execute each of these options. For example, setting up a rear command requires a new Unit Identification Code (UIC) and requires the Secretary of the Army to appoint a new General Court-Martial Convening Authority (GCMCA). Then the G-1 must reassign soldiers remaining behind to the new unit. Next the newly appointed GCMCA must select a new

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1996); DEP’T OF ARMY, REG. 600-20, ARMY COMMAND POLICY para. 2-5.b (30 Mar. 1988); and 1st Armored Division Regulation 27-10-1.

<sup>465</sup> Telephone interview with COL Denise Vowell, former Staff Judge Advocate for 1ID and Task Force Eagle (22 Oct. 1998). The commanding general retained GCMCA over all 1ID troop whether deployed or at home station (Germany). The existing SPCMCAs picked up jurisdiction over deploying unit personnel that remained in the rear.

<sup>466</sup> METT-T is an analytical framework designed to assist commanders in the military decision making process. It stands for mission, enemy, troops, terrain and weather, and time available. See generally, DEP’T OF ARMY, FIELD MANUAL 100-5, OPERATIONS (Jun. 1993).

court-martial panel, administrative separation boards, etc. Judge advocates must brainstorm, apply METT-T analysis, and war game the process and integrate these steps into the plan.<sup>467</sup>

*b. Expect other issues to accompany jurisdiction realignment.*

The initial jurisdictions established for Operation Joint Endeavor proved effective, but still provided challenges to the administration of justice in the rear. USAREUR used area jurisdiction, where jurisdiction is based on geographical assignment of the soldier, not where the crime occurred nor the soldier's particular unit of assignment.

The 1st Armored Division Commander of Task Force Eagle took his flag, hence his jurisdiction, into theater—he exercised jurisdiction over all soldiers assigned to Task Force Eagle.<sup>468</sup> In 1995, the 1st Armored Division established the following jurisdictions:<sup>469</sup>

- The Commander, 1st Armored Division (1AD), retained General Court-Martial Convening Authority (GCMCA) over all *deploying* units assigned or attached to 1AD.
- The Commander, 1AD, relinquished GCMCA authority over non-deploying units in 1AD's jurisdictional area to the Commander, V Corps.
- The Commander, 1AD, created a 1AD Rear (Provisional) Command and appointed a lieutenant colonel as the

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<sup>467</sup> See *supra* note 463.

<sup>468</sup> The 21st Theater Army Area Command (TAACOM) (Forward) exercised jurisdiction over all non-Task Force Eagle soldiers deployed to Hungary, Croatia, BiH, Austria, and Slovenia. Later 21st TAACOM (Forward) was disbanded and replaced by USAREUR (Forward), with jurisdiction going to V Corps. Sister services handled UCMJ actions for the non-Army U.S. military personnel assigned in the Bosnian theater of operations.

<sup>469</sup> See *supra* note 464.

commander. This commander exercised Special Court-Martial Convening Authority (SPCMCA) over all non-deploying 1AD units assigned or attached to the 1AD Rear (Provisional) area jurisdiction.

- The Commander, 53d Area Support Group (ASG) exercised SPCMCA over all *non-divisional* units assigned or attached to the 1AD Rear (Provisional) area jurisdiction.
- The Commander, 1AD, realigned seven total Summary Court-Martial Convening Authorities (SCMCA) under the above two SPCMCA—four under the 1AD Rear Provisional Commander and three under the 53d ASG Commander. Each SCMCA included personnel/units within their geographic area.

1AD promulgated local regulations which had “savings clauses” to pick up any military personnel in the community not otherwise accounted for, which assisted in resolving potential problems with reserve augmentees.<sup>470</sup>

With the vast majority of 1AD soldiers deployed into Bosnia, this jurisdictional alignment worked very well. However, judge advocates should prepare for challenges in the administration of justice, two of which are discussed below.

***(1) Conduct frequent and detailed military justice training for rear detachment commanders.***

Many of the rear detachment commanders were junior officers with little or no command or UCMJ experience. First lieutenants and captains commanded rear detachment battalions. An aggressive and comprehensive military justice training program for rear detachment

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<sup>470</sup> 1AD-AAR, *supra* note 145 at 29. ☹

commanders is necessary to ensure proper administration of military justice and to minimize problems of overreaching command authority.

Rear detachment judge advocates had to guard against allegations of unlawful command influence.<sup>471</sup> Due to their inexperience and junior grade, many rear detachment commanders did not truly view themselves as being in command. Often very junior to the deployed commanders, and in frequent communication with the deployed commanders, they sought or received advice in military justice matters from the deployed commanders who no longer had jurisdiction over personnel in the rear.

Another problem was rear detachment commanders who believed their authority to be *greater* than it actually was. One major commanding a provisional rear detachment battalion thought that, because he was in a command position otherwise occupied by a lieutenant colonel, he could reduce non-commissioned officers. Although his misunderstanding—based upon AR 27-10—was understandable, he nonetheless was unable to promote to the grades of E5 and E6 under AR 600-8-19. He therefore did not have the appropriate authority to reduce soldiers of those grades. Judge advocates must continually educate commanders on the limits of their authority.<sup>472</sup>

***(2) Expect delays in military justice and administrative actions.***

The rear detachment provisional units in First Armored Division's area included only two SPCMAs, and both were located at Bad Kreuznach. Also, the GCMCA moved to Heidelberg, Germany, several hours from the SPCMCAs. Occasionally this led to delays in processing both UCMJ and administrative actions (e.g., appointment

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<sup>471</sup> MAJ William D. Palmer, comments in OJE-AAR, *supra* note 30, Vol. III at 162. ☹

<sup>472</sup> *Id.* at 30. ☹

of Article 32 investigating officers, processing of administrative discharges, awards, promotions, evaluations), especially in the other 1st Armored Division communities.<sup>473</sup>

## *2. Artfully and thoughtfully craft General Order Number One.*

General Order Number One (GO #1), a roughly two page document outlining prohibited activities deemed harmful to the mission by the commanding general, went through several reactionary changes. (See **Appendix I** for the text of GO #1 and changes.) GO #1 contained provisions governing gambling, weapons and other munitions, currency exchange, war trophies, and respect for local culture. GO #1's prohibition of alcohol was essential to force protection and good order and discipline in an unstable environment. It was also the source of many legal and morale issues.<sup>474</sup>

The blanket alcohol prohibition caused difficulties to Operation Joint Endeavor almost immediately. Local culture deemed consumption of some alcohol a necessary part of negotiating, both politically and in the business community. Failure to accept an offered drink was viewed as a sign of weakness or impotence, and could be considered an insult. This caused the first of many changes to GO #1. The first group excepted from the alcohol prohibition were members of the force serving with Joint Military Commissions and those attending official ceremonies where drinking was in line with "local custom."<sup>475</sup> Next came an exception for service members who were on a special pass to Hungary (e.g., Budapest and Lake Balaton) and those in the

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<sup>473</sup> 1AD-AAR, *supra* note 145 at 29. ☹ Note: The Hanau field office consolidated four Special Court-Martial Convening Authorities (SCMAs) into one because of the deployment of 1AD and V Corps.

<sup>474</sup> Memorandum, Headquarters, U.S. Army Europe, subject: General Order #1, Operation Balkan Endeavor, Title: Prohibited Activities for US Personnel Serving in Operation Balkan Endeavor (28 Dec. 1995). ☹

<sup>475</sup> Memorandum, General William W. Crouch, Commander in Chief, Headquarters, U.S. Army Europe and Seventh Army, for HQ USEUCOM, ATTN: USEUCOM Legal Adviser, subject: Exception to USEUCOM General Order 1. ☹

Morale, Welfare, and Recreation tent at the ISB.<sup>476</sup> Additional exceptions were granted for those serving with the British headquarters at Zagreb and the French headquarters at Sarajevo,<sup>477</sup> others who “deem it advisable” to consume alcohol in their dealings with allies or local nationals,<sup>478</sup> and those sent on leave to cities and islands in Croatia.<sup>479</sup>

Because most of the persons doing JMC business or dealing with allies and local nationals in situations fitting the exceptions were officers and higher ranking NCOs, and because some people abused the exceptions, some soldiers perceived favorable treatment based on rank. The many exceptions that were made for officers with regards to gifts and war trophies aggravated this perception. Also, some Troop Contributing Nations (TCNs) were not subject to the same restrictions. A real morale problem developed among some troops. Eventually the on-duty alcohol exceptions were tempered with a one drink limit. One Staff Judge Advocate for Task Force Eagle simply stated that for judge advocates, there were no qualifying ceremonial occasions calling for drinking.<sup>480</sup> To avoid a bewildering array of orders and exceptions, as well as perceived unequal treatment of junior and senior soldiers, units must be advised to consider a wide range of possible circumstances before promulgating the rules regarding consumption of alcohol.

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<sup>476</sup> Memorandum, General William W. Crouch, Commander in Chief, Headquarters, U.S. Army Europe and Seventh Army, for HQ USEUCOM, ATTN: USEUCOM Legal Adviser, subject: Exception to USEUCOM General Order 1 (date after Memorandum referenced in note 475 *supra*).



<sup>477</sup> Memorandum, General William W. Crouch, Commander in Chief, Headquarters, U.S. Army Europe and Seventh Army, for HQ USEUCOM, ATTN: USEUCOM Legal Adviser, subject: Exception to USEUCOM General Order 1 (20 Jan. 1997).

<sup>478</sup> Memorandum, General William W. Crouch, Commander in Chief, Headquarters, U.S. Army Europe and Seventh Army, for HQ USEUCOM, ATTN: USEUCOM Legal Adviser, subject: Exception to USEUCOM General Order 1 (21 Jan. 1997).

<sup>479</sup> Memorandum, General William W. Crouch, Commander in Chief, Headquarters, U.S. Army Europe and Seventh Army, for HQ USEUCOM, ATTN: USEUCOM Legal Adviser, subject: Exception to USEUCOM General Order 1 (19 May 1997).

<sup>480</sup> Interview of LTC Vowell, *supra* note 146.

In lengthy operations like Bosnia, commanders must remember to reissue GO #1 for each transfer of authority or change of operation. One would not want a court-martial charge of violating Article 92 by disobeying the General Order for Operation Joint Endeavor to be dismissed because the violation occurred after Operation Joint Endeavor changed to Operation Joint Guard.<sup>481</sup>

Commanders should consider prohibiting or restricting relationships between soldiers and local nationals and perhaps even Troop Contributing Nation personnel. Such relationships could endanger the United States position of impartiality in the eyes of the Entity Armed Forces and local nationals.

Finally, judge advocates and commanders must continually educate soldiers on the provisions of GO #1. One key example was the weapons and ammunition policy. Soldiers love souvenirs which are representative of their trade. For this reason attempts to prohibit the collection of weapons, ammunition, and military gear, as well as inert mementos made from the like, must be worded with extreme care. The initial General Order #1, which hoped to prevent acquisition of such items by outlawing the retention of property "seized or captured during military operations," failed to accomplish its goal. Soldiers proceeded to find and retain abandoned property, as well as to purchase such items from local civilians.<sup>482</sup> Through the publication of a FRAGO the

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<sup>481</sup> This was a lesson learned cited by LTC Manuel Supervielle, Chair, International and Operational Law Department, The Judge Advocate General's School, based on court cases arising during Operations Desert Shield and Desert Storm. No documents to date have cited a similar problem in the Balkan operations, but it is one to remember given the ever changing operations.

<sup>482</sup> 1AD-AAR, *supra* note 145 at 42-43. ☹ Especially popular were mortar casings and small arms shells which had been polished and stamped with words or pictures—such as flags—to commemorate the operation. CPT Matthew D. Ramsey, comments in OJE-AAR, *supra* note 30, Vol. II at 153. There continues to be difficulty in employing a consistent standard across units and ranks in this area. See Memorandum, CPT John L. Clifton, IV, for Commander, Division Engineer, subject: Legal Opinion (2 Aug. 1996) (opining that a colonel could accept gifts of an inert mine and mine probe without violating the General Order #1). ☹

command resolved these issues, but future deploying forces need to be sensitive to the great importance of clarity in these situations.<sup>483</sup>

***3. Expect rear detachment workload to increase proportionately.***

Although the senior leadership and the majority of the soldiers will deploy in an operation such as Joint Endeavor, judge advocates remaining behind should not expect the workload to decrease. Frequently, soldiers are not deployed because they are already pending some action or are viewed as potential disciplinary problems. The combination of problem soldiers with less experienced and junior rear detachment commanders created an explosive scenario in the criminal law area. Rear detachment judge advocates must prepare to spend significant amounts of time trying cases, conducting boards, and assisting a less proficient chain of command with nonjudicial punishment and other matters.<sup>484</sup>

***4. The most common crimes in a deployed environment are violations of General Order Number One, disobedience, and disrespect.***

In descending order, the most common crimes and offenses during the Balkan operations have been violations of General Order Number One, disrespect, disobedience, sleeping on guard, and

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<sup>483</sup> IAD-AAR, *supra* note 145 at 43. ☹

<sup>484</sup> The experiences of one large branch office prove instructive in this regard:

The rear detachment at Baumholder had approximately 1,000 soldiers in it versus a normal garrison environment of 5,000. However, our experience was that we issued 204 Article 15's during that deployment year versus 358 Article 15's for the previous non-deployment year. We executed 8 courts-martial during the deployment year versus 18 during the non-deployment year.

William D. Palmer, comments in OJE-AAR, *supra* note 30, Vol. II at 68. ☹

accidental weapons discharges.<sup>485</sup> Commanders handled most offenses through non-judicial punishment and resignations in lieu of court-martial (Chapter 10). There have been very few (less than ten) court-martials in over two years. During 1st Armored Division's second tenure in Bosnia, there were only two court-martials through February 1998, a Bad Conduct Special (BCD-Special) court-martial for aggravated assault (one soldier locked and loaded an M16 as his fight with another soldier escalated) and a BCD-Special for theft of phone services.<sup>486</sup>

While there is never an excuse for criminal misconduct or for not placing the mission first, looking at underlying trends can help a commander reduce the likelihood of crime. Many of these crimes were likely attributable to the cramped living conditions, the nonstop yet tedious pace, lack of a way to "get away from it all" for any period, and troops feeling uninformed.<sup>487</sup>

***5. Use vehicle support to enable Trial Defense to see soldiers "on circuit."***

The presence of a Trial Defense Service (TDS) counsel at each camp in a geographically dispersed deployment is neither necessary nor possible. In order to provide service to soldiers throughout the area of responsibility (AOR), defense counsel "rode circuit" among the camps of the MND(N) area as well as in Hungary. This technique required units at smaller camps to wait occasionally for TDS representation, particularly for nonjudicial punishment counseling. However, with support from the SJA office, extensive use of logistics convoys, and, in one instance, a helicopter dispatched by the affected

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<sup>485</sup> See Interview of LTC Cayce, *supra* note 330 (🌐); Interview of LTC Salata and MAJ Jacobson, *supra* note 164 (🌐); Interview of and AAR Memo by CPT Dauenheimer, *supra* note 178 (🌐); and Interview of CPT Elizabeth R. Carty, CJA, Camp Bedrock (21 Feb. 1998) [hereinafter Interview of CPT Carty]. (🌐)

<sup>486</sup> See Interview of LTC Salata and MAJ Jacobson, *supra* note 164. (🌐)

<sup>487</sup> See Interview of CPT Carty, *supra* note 485. (🌐)

unit, defense services were delivered in a timely fashion.<sup>488</sup> During the visits to outlying camps, the defense counsel frequently assisted the command by providing legal assistance counseling.<sup>489</sup>

#### **6. Every TDS counsel should be trained and deployable.**

Because unit needs in the military justice area fluctuate during deployments, every available TDS counsel near the theater should be prepared to deploy. The TDS was able to support the commanders and soldiers of Task Force Eagle with timely and effective representation because the Regional Defense Counsel had required each defense counsel to process through the SRP, and undergo the required STX training. Predeployment preparation and training enabled new TDS counsel to quickly deploy, particularly in conflict cases.<sup>490</sup>

#### **7. Peculiar issues will arise—the Lautenberg Amendment.**

On September 30, 1996, Congress passed the Lautenberg Amendment to the Brady Bill,<sup>491</sup> making it a crime for anyone convicted of a misdemeanor crime of domestic violence to ship, transport or possess any firearm or ammunition. It also made it a crime to issue individual firearms or ammunition to anyone convicted of a misdemeanor crime of domestic violence. This law applies to all Army issue and privately owned firearms and ammunition except issued crew-served weapons. By its terms, this law could not and did not apply overseas. However, Department of Defense policy made it

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<sup>488</sup> MAJ Peter G. Becker, comments in OJE-AAR, *supra* note 30 at 72. ☹

<sup>489</sup> IAD-AAR, *supra* note 145 at 35 ☹ See also, DEP'T OF ARMY, REG. 27-10, MILITARY JUSTICE, para. 6-8c (6 May 1996).

<sup>490</sup> MAJ Peter G. Becker, comments in OJE-AAR, *supra* note 30, Vol. II at 76. ☹ See also Interview with LTC Cayce, *supra* note 330. ☹

<sup>491</sup> The Lautenberg Amendment to the Brady Handgun Violence Prevention Act, P.L. 104-208, Title VI, § 658, 110 Stat. 3009.371; codified at 18 U.S.C. §§ 922(d)(9), 922(g)(9), and 925(a)(1) (30 Sep. 1996).

applicable to all DOD personnel, military and civilian, to include those in the Balkans.

This law has caused problems both domestically and overseas. Fortunately, the number of affected persons in the Balkan operations has remained low. The prohibition on weapons and ammunition handling by those persons with a qualifying conviction directly conflicts with force protection measures. Affected pilots can fly their planes, but carry no sidearm for protection if shot down. Affected soldiers can man TOW and other large crew-served weapons systems, but cannot carry an M16 to handle a firefight. Department of Defense Form 2760, dated October 1997, was circulated for soldiers to fill out certifying whether or not they may have had a qualifying conviction. Commanders were called upon to check "local unit files." The CONUS solution of moving subject soldiers to permanent staff duty, gym crews, etc. was not available. The solution has been to move such soldiers, and many DOD civilians, out of theater.

## S. LEGAL ASSISTANCE

*Wherever you have Judge Advocates among soldiers, you will have the practice of Legal Assistance.*<sup>492</sup>

### ***1. All judge advocates should prepare to practice legal assistance.***

Judge advocates at all levels, from IFOR/SFOR headquarters down to the base camps, practiced legal assistance. Trial Defense attorneys also provided legal assistance. One base camp judge advocate said she spent as much as 40% of her time handling legal

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<sup>492</sup> Interview with CPT Nicole Farmer, Chief of Legal Assistance, 1st Armored Division (Fwd) (Feb. 1998) ☹, and Interview with MAJ Mieth, *supra* note 214. ☹

assistance issues.<sup>493</sup> The latest Task Force Eagle Chief of Legal Assistance said she devoted 30% of her time to legal assistance, with the remaining 70% being devoted to civil and administrative law issues.<sup>494</sup> Legal assistance issues primarily concerned financial problems, the Soldiers and Sailors Civil Relief Act, and family law. Accordingly, access to domestic law resources from the soldiers' home stations—U.S. and German—was key.

## ***2. Prepare for last minute (predeployment) family care plan failures.***

Commanders must scrupulously follow family care plan guidance in Dep't. of Army, Regulation 600-20, Army Command Policy (DA Form 5305-R, Statement of Understanding and Responsibility, DA Form 5304-R Family Care Plan Checklist). Even so, when faced with the specter of long-term deployments, many family care plans will fail just before deployment. Many failures are legitimate—care providers will often back out at the last minute. Some soldiers, however, view family care failures as a means of avoiding deployment. Commanders can deploy the soldier, keep them in the rear, or keep them in the rear and begin separation procedures. If the commander deploys the soldier, a family member may be left without care. On the other hand, leaving the soldier behind may cause a critical gap in the unit (when it is too late to get a replacement), especially if the soldier is in a critical or shortage MOS. This situation can hurt morale for two reasons. First, many soldiers may perceive that the family care plan failure was intentionally used to get out of the deployment. Second, another soldier, possibly untrained for the MOS, will have to pick up the slack as an additional duty.

Commanders and judge advocates must prepare for and establish procedures to deal with this situation. Encourage commanders to

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<sup>493</sup> Interview with CPT Elizabeth (Libby) Carty, CJA, Camp Bedrock (21 Feb. 1998). 🌐

<sup>494</sup> Interview of CPT Farmer, *supra* note 492. 🌐

regularly validate family care plans to minimize last minute family care plan failures.

***3. Create an advance packet to improve the SRP process.***

Judge advocates wrote and distributed a packet of materials that included information papers on wills, will worksheets, powers of attorney, and the claims process. Legal personnel distributed these materials to company level before units were scheduled for the Soldier Readiness Program (SRPs). Thus soldiers and family members were able to think about their legal needs before they reached the SRP point. They arrived at the legal station with prepared questions and the information necessary to designate beneficiaries.<sup>495</sup>

***4. Adapt the tax program to the situation—consider the costs and benefits of electronic filing.***

For the first time during a major deployment, an SJA office had the equipment and communications to electronically file taxes.<sup>496</sup> Soldiers did not use the program as extensively as expected. Possible reasons for this were the filing extension available for deployed soldiers,<sup>497</sup> the availability of the service only at the Division Rear which many soldiers could reach,<sup>498</sup> and that soldiers did not have the required documents.<sup>499</sup> Nonetheless, an extensive tax program was established, complete with some 90 unit tax advisers (UTAs).

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<sup>495</sup> 1AD-AAR, *supra* note 145 at 37-8. 🌐 See also CPT Scott E. Stauffer, comments in OJE-AAR, *supra* note 30, Vol. III at 63. 🌐

<sup>496</sup> CPT Scott E. Stauffer, comments in OJE-AAR, *supra* note 30, Vol. III at 75. 🌐

<sup>497</sup> 1AD-AAR, *supra* note 145 at 40. 🌐

<sup>498</sup> CPT Scott E. Stauffer, comments in OJE-AAR, *supra* note 30, Vol. III at 74. 🌐

<sup>499</sup> 1AD-AAR, *supra* note 145 at 40. 🌐

## T. ADMINISTRATIVE LAW

### *1. Resolve questions of access to AAFES and other service facilities.*

Access to AAFES facilities, MWR events and dining facilities raised numerous legal issues. Everyone wanted access to U.S. facilities—host nation civilians, contractors, troop contributing nations, and other NATO personnel. At AAFES facilities, these people could buy items not available on the economy and without paying taxes. Dining facilities provided readily available, decent chow. SOFAs excluded non-NATO troop contributing nation forces and locally hired contractor employees from these facilities. Inconsistent contract terms, however, caused problems by establishing PX privileges for some locally hired contractor employees, while excluding others.<sup>500</sup> An early, consistent approach to AAFES and other facility use and access prevents violations of law and regulation. It also could prevent aggravation to would-be-customers and to the host nation that is foregoing tax revenues.

Even with a set policy as to facility access and use, enforcement presents another problem. Many locally hired AAFES employees would allow anyone to purchase goods if no supervisors were watching. Similarly, many of the dining facilities did not have effective cash-collection procedures. If a person who was authorized to use the dining facility only on a reimbursable basis arrived, the staff would often record them as just another authorized military user.<sup>501</sup>

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<sup>500</sup> CPT Matthew D. Ramsey, comments in OJE-AAR, *supra* note 30, Vol. II at 150. ☉ Because of their work with translators, the chain of command occasionally advocated to have increased availability to AAFES for local nationals, in violation of the SOFA. Judge advocates had to contend with this understandable impulse. See Memorandum, CPT Timothy Grammel, for Chief of Staff, Task Force Eagle, subject: AAFES Privileges for Bosnian Translators (22 Feb. 1996). ☉

<sup>501</sup> 1AD-AAR, *supra* note 145 at 42. ☉ Ultimately the International Police Task Force was extended AAFES privileges. Task Force Eagle issued them an authorization based, in part, on observations by the legal offices of IFOR and USEUCOM that they should be treated as the

## ***2. Educate forces about accepting foreign gifts.***

Grateful soldiers, government officials, and other civilians frequently offered gifts to U.S. forces. These ranged from a tank and several handguns given to the division commander<sup>502</sup> to handmade coffee grinders worth a few dollars.<sup>503</sup> The advice of judge advocates at all levels played a crucial role in ensuring compliance with the Joint Ethics Regulation (JER).<sup>504</sup> Attorneys provided guidance on which gifts could be retained and which could be accepted as gifts to an appropriate museum, and the method for doing so.<sup>505</sup> Judge advocates must constantly balance U.S. law with local gift-giving customs courtesies. Finally, U.S. reserve component personnel play a big role in today's operational environment. One United States Army Reserve judge advocate noted that reservists are not widely exposed to the Joint Ethics Regulation and related issues.<sup>506</sup> Judge advocates should develop ethics training programs accordingly.

## ***3. Supervise the conduct of command investigations.***

Deployed judge advocates should expect to spend considerable time and effort participating in significant or high profile investigations.<sup>507</sup> For example, judge advocates were sent with an Assistant Division Commander to investigate allegations of

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equivalent of NATO personnel within the meaning of the Dayton Accords. See Memorandum, CPT Eric Jensen, for Commander, TF Eagle, subject: IPTF Use of AAFES (no date). ☹

<sup>502</sup> 1AD-AAR, *supra* note 145 at 44. ☹ See also Memorandum. LTC Christopher M. Maher, for COMEAGLE, subject: Gift from East Bosnian Corps - T34 Tank (21 Oct. 1996). ☹

<sup>503</sup> LTC Karl M. Goetzke, comments in OJE-AAR, *supra* note 30, Vol. II at 157. ☹

<sup>504</sup> See U.S. DEP'T OF DEFENSE, DIR. 5500.7-R, JOINT ETHICS REGULATION para. 2-300.b. (Gifts from Foreign Governments) (1993).

<sup>505</sup> CPT Matthew D. Ramsey, comments in OJE-AAR, *supra* note 30, Vol. II, at 155. ☹

<sup>506</sup> LTC William F. Ridlon, Presentation to the Reserve Component Continuing Legal Education Conference, United States Army Reserve (23 Apr. 1998).

<sup>507</sup> CPT Matthew D. Ramsey, comments in OJE-AAR, *supra* note 30, Vol. II, at 141. ☹

misconduct by a senior officer, the mine strikes in Dugan, and the U.S. Navy bomb that accidentally fell in the vicinity of Camp McGovern.<sup>508</sup>

The new version of Army Regulation 15-6, Investigations, requires not only a legal review after the investigation is completed, but that the investigating officer consult with a judge advocate before conducting the investigation.<sup>509</sup> During Operation Joint Endeavor, however, many units deployed with old copies of the regulation. These tended to be battalions and below, the units least likely to have a judge advocate attached, and most likely to have “simple” problems present themselves for investigation under the provisions of AR 15-6.<sup>510</sup> Judge advocates should continue to seek out investigating officers and ensure the investigation is properly conducted.<sup>511</sup> Otherwise the judge advocate performing the legal review often will need the investigating officer to re-do the investigation.<sup>512</sup>

#### *4. Remind personnel to complete disclosure forms.*

Requirements for confidential disclosure (using the SF 450) and public disclosure (with the SF 278) do not change during a deployment, but are more difficult to execute. Judge advocates must deploy with abundant supplies of the relevant forms, and distribute them to filers earlier than usual as many of those required to file will not have the necessary information with them when they deploy.<sup>513</sup>

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<sup>508</sup> Interview with COL Christopher Maher, Staff Judge Advocate, Fort Polk, Louisiana, at The Judge Advocate General’s School, Charlottesville, Virginia (9 Oct. 1998).

<sup>509</sup> DEPT OF ARMY, REG. 15-6, INVESTIGATIONS, CHANGE 1 (30 Oct. 1996) adds para. 3-0, Preliminary Responsibilities, which reads: “Before beginning and informal investigation, an investigating officer shall review all written materials provided by the appointing authority and consult with the servicing staff or command judge advocate to obtain appropriate legal advice.”

<sup>510</sup> LTC DeniseVowell, comments *in* OJE-AAR, *supra* note 30, Vol. II at 149. ☹

<sup>511</sup> *Id.* at 143. ☹ See BG John D. Altenburg, Jr., comments *in* OJE-AAR, *supra* note 30, Vol. II at 143 (“a lot of times you don’t know what an ordinary 15-6 is until it’s been done badly”). ☹

<sup>512</sup> LTC Christopher Maher, comments *in* OJE-AAR, *supra* note 30, Vol. II at 148 (“We sent every battalion investigation back for more investigation, every single one.”) ☹

<sup>513</sup> *Id.* at 154.

## U. PERSONNEL

Several personnel issues arose during the operations in Bosnia with implications for future legal operations. The Balkan operations saw the necessity of “split-base operations.” Operations were split on two levels. 1st Infantry Division, 1st Armored Division on their second rotation through Bosnia, and now the 1st Cavalry Division have had to support a “forward” operation (in Bosnia) and, at the same time, maintain operations at the home station garrisons. (Note: 1st Armored Division did not face this challenge on their first rotation because nearly the whole Division deployed into Bosnia for Joint Endeavor). This created challenges for deploying units as they strove to provide effective legal support both to the deployed units and soldiers as well as to the rear activities and personnel. Essential to split-based operations at this level was the creation of a permanent Deputy Staff Judge Advocate position in Bosnia.<sup>514</sup> This Deputy provided much needed continuity in BiH. The positioning of the chief legal NCO, augmentation by members of the reserve component, and staffing decisions made about subordinate headquarters were also key to solving these difficulties.

The second level at which operations were split-based was within BiH itself. Friendly units in BiH were geographically located by base camp and isolated by force protection measures. Initially—during Joint Endeavor, 1st Armored Division’s first rotation (IFOR)—brigade combat teams and other brigade-sized units occupied these base camps. Later, as the number of troops in Bosnia was reduced, units occupying these base camps changed from brigades to battalions. This did not, however, change the need for judge advocate support at each base camp. Thus, each battalion came to have a judge advocate. This was a significant change from prior practice and doctrine, which called only for judge advocates at brigades.

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<sup>514</sup> LTC Kevan Jacobson was the first judge advocate to fill this position.

### ***1. Deploy the Chief Legal NCO (CLNCO) early.***

Particularly in an immature theater, the support of a senior noncommissioned officer is vital to mission success. Many of the early site and equipment issues are handled through NCO support channels. If the Chief Legal NCO (CLNCO) is not available for deployment with the Staff Judge Advocate (because he or she is responsible for the overall movement of the office, for example), some other senior NCO should accompany the Staff Judge Advocate.<sup>515</sup> When engaged in split-based operations, a strong warrant officer or NCO in the rear detachment is also indispensable. He or she will be called upon to push supplies forward, and to help coordinate contacts, actions, and requests in the rear.<sup>516</sup>

### ***2. Prepare for reserve augmentation.***

During the operations in Bosnia, augmentation by reserve personnel occurred at every level and proved essential to the success of the legal mission.<sup>517</sup> In order to use these assets effectively, it is critical to identify requirements early. Backfilling of deployed personnel is an important role because the garrison legal mission does not cease upon deployment.<sup>518</sup> Several communities (branch offices) in Germany were without legal assistance attorneys until reserve augmentees arrived. Five reserve judge advocates backfilled positions in Germany from legal assistance attorney to officer in charge (OIC) of a branch office. In addition, reserve augmentees greatly improved soldier readiness processing during the predeployment preparation and

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<sup>515</sup> SFC Joachin Trejo, comments *in OJE-AAR, supra* note 30, Vol. I at 109-110. ☹ The CLNCO will also play a critical role in ensuring the proper employment of legal specialists throughout the command, and therefore needs to be mobile. *Id.*

<sup>516</sup> Interview of LTC Vowell, Staff Judge Advocate of 11D (Fwd). ☹

<sup>517</sup> COL (now BG) Thomas J. Romig, comments *in OJE-AAR, supra* note 30, Vol. I at 153 ☹; *see also* COL Joseph A. Russelburg, comments *in OJE-AAR, supra* note 30, Vol. I at 163. ☹

<sup>518</sup> LTC James M. Coyne, comments *in OJE-AAR, supra* note 30, Vol. I at 83-84. ☹ Indeed, in the military justice arena, it does not even decrease proportionally to the decrease in personnel.

training period.<sup>519</sup> One reservist remained in Bosnia through both IID's and IAD's tenures and was the backbone to efficient claims operations, especially during the transition period. Other reservist judge advocates deployed to the Stabilization Force's headquarters, base camps, and the Intermediate Staging Base in Hungary.

Making the deployment a success for the reserve officers and enlisted soldiers also takes substantial planning. A sponsor should be assigned quickly, and the office should prepare to assist with housing, transportation, finance, medical, and personnel support. Many of the augmentees will not have been on active duty for as long as the 270 days for which they are called.<sup>520</sup> Generally the most critical need for the arriving reservist—especially in an OCONUS situation—will be transportation.<sup>521</sup>

Finally, be prepared for surprise arrivals. Despite the thorough work in the assignment/call-up area, reservists occasionally were mobilized by their home reserve units or in response to volunteer calls out of ARPERCEN. Until their arrival, no one in the chain of command or the technical chain knew that they were coming.<sup>522</sup>

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<sup>519</sup> MAJ William D. Palmer, comments in OJE-AAR, *supra* note 30, Vol. III at 151 (Noting that this frees up deploying personnel to prepare themselves for deployment and spend time with their supported commanders). ☹

<sup>520</sup> LTC James M. Coyne, comments in OJE-AAR, *supra* note 30, Vol. I at 96-97. ☹

<sup>521</sup> See After Action Report, MAJ (JA, USAR) D. S. O'Lochlayne, MAJ, subject: Mobilization and Deployment of Team 2, 91st Legal Services Organization (LSO), in Support of Operation Joint Endeavor (1997):

Transportation: This is the system's Achilles heel for reservists. Mission demands lead to long hours, yet the transportation net continues on the usual day to day basis. This forces personnel to seek out other forms of transport in order to fulfill their mission. This situation was compounded when personnel were billeted miles from their duty locations.

<sup>522</sup> LTC Coyne, comments in OJE—AAR, Vol. I at 88 ☹ (“lo and behold, a month and a half ago for whatever reasons a Major shows up at EUCOM, a reserve. He answered something over the BBS or the E-mail out of ARPRCEN who wants to volunteer to go to Bosnia and he showed up”). For another example, see LTC Christopher Maher, comments in OJE-AAR, *supra* note 30, Vol. I at 89-90. ☹

### ***3. Tailor judge advocate attachments to the force structure.***

#### ***a. The mission may call for pushing judge advocates down to lower than normal echelons and for providing judge advocates to mission-specific organizations.***

Once Task Force Eagle replaced brigade combat teams with battalion task forces, Staff Judge Advocates decided to support these now battalion-sized base camps with judge advocates.<sup>523</sup> The operational situation left SJAs with no other choice. Without judge advocates at the base camps, many obstacles and problems would have critically hindered legal support to operations, e.g., loss of situational awareness, loss of direct support to ground commanders, and transportation and communication problems.<sup>524</sup>

Although it will not always be possible nor desirable to support battalions with their own attached judge advocates, the Sinai Desert observer mission has used this configuration for more than sixteen years. Also, a judge advocate has supported a battalion task force in Macedonia (as part of UNPREDEP) for several years. Under some circumstances, it proves to be an effective method for supporting widely dispersed units.<sup>525</sup> Judge advocates supporting dispersed battalions or brigades in this fashion must be “jacks of all trades”—

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<sup>523</sup> See Appendix D(4), Judge Advocate Disposition. After 1AD reassumed the mission from 1ID in Oct. 1997, they chose to configure about the same as 1ID had. They had 12 Judge Advocates and 15 enlisted personnel in the area of operations. There were 7 JAs at their main headquarters (Eagle Main)—the Staff Judge Advocate (Forward), the Deputy Staff Judge Advocate (Fwd), Chief of Operational Law, Chief of Administrative Law and of Military Justice (combined), a Legal Assistance/Civil-Administrative Law attorney, Chief of Claims, and the Joint Military Commission (JMC) attorney. Eagle Main had 7 enlisted—1 E7, 1 E6, 3 E5s and 2 E4s. 1 O3 JA and 1 E4 were the Trial Defense Service (TDS). 1 O3 JA, 1 E6 and 1 E2 served Camp Comanche, the 1AD’s 4th Brigade (aviation assets). 1 O3 JA and 1 E5 served a battalion task force at Camp Bedrock and also the hospital at Guardian Base. 1 O3 JA and 1 E4 served a battalion task force at Camp McGovern and also Camp Colt. And 1 O3 JA and 1 E4 served the battalion at Camp Dobil and also Camp Demi.

<sup>524</sup> MAJ Sharon E. Riley, comments in OJE-AAR, *supra* note 30, Vol. III at 128. ☹

<sup>525</sup> BG John D. Altenburg, Jr., comments in OJE-AAR, *supra* note 30, Vol. III at 187. ☹

proficient in all areas of law. They will be responsible for advising the commander on rules of engagement, interpreting and implementing international agreements, issues of fiscal law, foreign and personnel claims, military justice, legal assistance and more. Home station training of these versatile judge advocates is especially important because they are usually junior in grade and vary in experience.

The nature of the SFOR mission called for the assignment of judge advocates to organizations to which they were not usually assigned. The SFOR Office of the Legal Advisor consisted of the Legal Advisor (LEGAD) to the SFOR commander—duty rotated between two Colonels normally serving as the Staff Judge Advocate and Deputy Staff Judge Advocate for USAREUR, three Majors, one NCO and one Bosnian civilian attorney. In IFOR, two judge advocates served in the Division Assault Command Post, providing a vital early legal presence for the deployment. Other officers served as legal advisors to the Joint Military Commission and other mission-specific organizations such as the Crisis Action Team. One judge advocate even temporarily became a liaison officer to a British armored division.<sup>526</sup>

***b. A senior judge advocate must be on the ground.***

To manage the manpower and assets spread among base camps and mission-specific organizations, it was essential to have a senior judge advocate forward, on the ground. First Armored Division's Staff Judge Advocate, initially assigned a major to be the "Deputy SJA forward" in Bosnia. Thus, there was always a senior judge advocate on the ground to serve as the senior legal advisor to commanders and to manage the other judge advocates. One important function of the senior judge advocate was to ensure the judge advocates did not become subjects of "mission creep"—performing too much non-legal

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<sup>526</sup> 1AD-AAR, *supra* note 145 at 59. (f)

work.<sup>527</sup> On the advice of the task force Staff Judge Advocates, the JAG Corps leadership decided later to create an additional slot—the deputy in Bosnia. This was the key to the continuity in units rotating in and out of theater.

***c. Judge advocate support must be mobile.***

Each judge advocate must be ready to pick up and go in support of a commander and/or the mission at distant sites and locations. The judge advocate cannot become settled in a routine of staying at one Tactical Operations Center (TOC) tent or one building. Commanders grew accustomed to taking “their Judge” with them on missions lasting hours to days. Handling claims (intake and payment) meant frequent travel to distant and remote areas. To use the 1st Armored Division’s vernacular, you must be a “JAG *with a bag*”—have an overnight rucksack and the Rucksack Deployable Law Office (RDL) ready to go on a moment’s notice.<sup>528</sup> The Staff Judge Advocate, Deputy Staff Judge Advocate, or Operations Lawyer was thus ready to travel with a representative of the command group at any time. This proved particularly valuable to a subordinate brigade commander whose staff had been integrated into the division. That commander was always able to take a judge advocate with him when his mission required that he travel to one of his geographically separate units.<sup>529</sup>

***4. Support the morale of your legal personnel.***

Senior leaders must motivate their judge advocates, Legal NCOs and legal specialists. They must communicate with their people, rotate them, and instill a strong sense of duty and sacrifice. With a mission whose end is still not in sight after almost three years, communication

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<sup>527</sup> See Interview of LTC Vowell, *supra* note 146. 🌐

<sup>528</sup> *Id.*

<sup>529</sup> MAJ Sharon E. Riley, comments in OJE-AAR, *supra* note 30, Vol. III at 131-133. 🌐

with subordinates is essential. Keep them informed.<sup>530</sup> Troops must be rotated in and out of the theater and afforded R&R. Staff judge advocates viewed six to eight months as about the ideal rotation. TDS viewed two to three month rotations as ideal.<sup>531</sup> Finally, senior leaders must instill a sense of duty and commitment.<sup>532</sup> The majority of criminal offenses fell within the realm of disrespect, disobedience, and General Order Number One violations. This illustrates the morale problems that develop in a long, tedious rotation with personnel living in crowded, less than ideal conditions.

## V. EQUIPMENT AND MILITARY TRAINING

As in previous deployments, legal support to operations was possible only because of soldier training and equipment. The train-up gave judge advocate officers and enlisted soldiers both proficiency and confidence in a range of common soldier tasks.<sup>533</sup> The Balkan operations confirmed the validity of past lessons learned, many cited in the *Haiti Lessons Learned* volume:

- The importance of modern automation equipment<sup>534</sup>

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<sup>530</sup> *Id.*

<sup>531</sup> Interview of LTC Cayce, *supra* note 330. ☹

<sup>532</sup> Interview of LTC Salata, *supra* note Staff Judge Advocate (Fwd), 1AD. ☹

<sup>533</sup> 1AD-AAR, *supra* note 145 at 60: ☹

TFE JAs and Legal Specialists had weapons qualification, protective mask confidence training, and a nearly three-week train-up in Grafenwoehr and Hohenfels for peace operations, to include situational training exercises oriented on mine awareness. Upon deployment, the Office of the Staff Judge Advocate's senior enlisted leadership recognized that the office's Legal Specialists were highly proficient in MOS-related skills. Despite that proficiency, junior soldiers needed hands-on, remedial training on tent setup, basic vehicle maintenance, map-reading skills, and other common task skills.

<sup>534</sup> SFC Joachin Trejo, comments in OJE-AAR, *supra* note 30, Vol. I at 100. ☹ See also HAITI AAR at 162-5. ☹

- The necessity of pre-packing legal resources and forms for deployment<sup>535</sup>
- The value of packing in a vehicle or hand-carrying the most critical resources to eliminate problems of loss and delay<sup>536</sup>
- The vital nature of over-all soldier training<sup>537</sup>

There were, however, some new observations: a heightened emphasis on preventing equipment shortfalls before deployment, a recognition of the importance of decentralized training, and a recommendation to prepare for intra-theater deployments in future operations such as this.

Particularly in a dispersed theater, the success or failure of the provision of legal support to the force will often hinge on the abilities of junior judge advocates and 71Ds at brigade and battalion levels. Many of these officers and enlisted soldiers have been, and will continue to be, first-term soldiers. The solution to the problem of transforming a recent law school graduate or enlistee into the professional command judge advocate or legal specialist of an isolated brigade remains what it has always been: “training, training and more training.”<sup>538</sup>

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<sup>535</sup> SFC Joachin Trejo, comments *in* OJE-AAR, *supra* note 30, Vol. I at 106. ☹ See also After Action Report, US Army Legal Operations, Operation Restore Hope, 5 Dec. 1992 – 5 May 1993 at 4. ☹

<sup>536</sup> CWO Mark E. Brown, comments *in* OJE-AAR, *supra* note 30, Vol. I at 107. ☹ See also Memorandum, MG John L. Fugh, The Judge Advocate General, for Deploying Staff Judge Advocate Offices, subject Lessons Learned—Operation Desert Shield at 5 (5 Dec. 1990). ☹

<sup>537</sup> SFC Joachin Trejo, comments *in* OJE-AAR, *supra* note 30, Vol. I at 98. See also HAITI AAR at 159. ☹

<sup>538</sup> BG John D. Altenburg, Jr., comments *in* OJE-AAR, *supra* note 30, Vol. III at 189. ☹

### **1. Prepare Staff Judge Advocate (SJA) office equipment before deployment.**

Advances in technology require that staff judge advocate offices maintain current equipment to the greatest extent possible. It is a reality, however, that much of the latest equipment will only become available just before or even during a deployment.<sup>539</sup> Deploying offices must also be aware of the danger that equipment which is designated for the SJA office may be redistributed among other staff sections during train-up exercises if there is no judge advocate presence in the field.<sup>540</sup>

#### **a. Stockpile supplies.**

The seven-day-a-week operations expended supplies much more quickly than originally expected. Supplies such as paper, pens, and printer cartridges thus became major concerns, not only for the SJA office, but for all staff sections.<sup>541</sup> How supplies were brought to the theater was as critical as what was brought. Key resources and equipment should be carried or packed on vehicles, and CONEXs should be packed to support a longer operation than contemplated<sup>542</sup>

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<sup>539</sup> SFC Joachin Trejo, comments in OJE-AAR, *supra* note 30, Vol. I at 100. ☹

<sup>540</sup> Particularly MSE telephone sets. *See id.* at 102.

<sup>541</sup> IAD-AAR, *supra* note 145 at 62. ☹ Additionally, “maintenance” in the Information Age has a slightly different meaning than it has historically: The Office of the Staff Judge Advocate learned from its Mountain Eagle experiences, and while deployed to BiH and CRO, that preventive maintenance supplies are invaluable to successful field and garrison operations. Such supplies should include notebook and desktop computer keyboard covers, compressed air cans to blow dust out of keyboards and hard drives, fine hair brushes to do periodic screen and keyboard dusting, alcohol or “baby wipes” to clean hardware surfaces, and clean cloths for the same purpose. If at all possible, deploying legal offices should also bring along 110/220V transformers, power adapter plugs and extension cords, surge suppressers, power conditioners and continuous power supply equipment, and operating system discs (in the event of a hard drive “crash”). There is no guarantee that signal support will have these items in theater, or even in the rear detachment area. Failure to keep equipment clean and secure might result in reports of survey, or at very least a shortfall of weeks or months while computer equipment is “evacuated” to a CSS-AMO shop in the rear.

<sup>542</sup> SFC Joachin Trejo, comments in OJE-AAR, *supra* note 30, Vol. I at 106. ☹

(six months worth to start).<sup>543</sup> Plan on the supply system not working fast or well in the beginning. No space should go unused. SJA offices are well advised to “deploy with items necessary to create comfortable, professional work and off-duty conditions.”<sup>544</sup> Space and furniture were scarce. A field desk may save having to build one yourself.<sup>545</sup>

***b. Stock you legal references and resources.***

Many judge advocates initially found themselves stuck only with what they brought themselves for legal research and reference. This was true not only for the first units arriving, but also for each rotation thereafter: departing units and people took their resources with them, leaving the incoming units to fend for themselves.<sup>546</sup> Many judge advocates lacked basic, essential references, such as the GFAP, SOFAs, Geneva and Hague Conventions. The most widely recommended general resource was the *Operational Law Handbook*.<sup>547</sup> It is essential to bring the specific regulations, directives, forms, and field manuals that apply to each specific area of law (e.g., fiscal, contracts, claims). Legal personnel should prepackage many of these resources onto a computer hard drive or CD-ROM to save space and weight.

***c. Internet access is essential.***

This was the Army’s initial “Internet deployment,”<sup>548</sup> and the first to test many of the latest technological changes. Numerous judge advocates cited Internet access as the prime resource for research,

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<sup>543</sup> See Interviews of SFC Murray, NCOIC, Office of the Staff Judge Advocate (Fwd) (🌐), 1AD and MSG Spearman, Chief Legal NCO, 1AD. (🌐)

<sup>544</sup> 1AD-AAR, *supra* note 145 at 63. (🌐)

<sup>545</sup> See Interview of CPT Carty, *supra* note 493. (🌐)

<sup>546</sup> See Interview of LTC Salata and MAJ Jacobson, *supra* note 164. (🌐)

<sup>547</sup> OP. LAW HANDBOOK, *supra* note 194. (🌐)

<sup>548</sup> Commander Michael E. McGregor, comments in OJE-AAR, *supra* note 30, Vol. III at 140. (🌐)

electronic mail, and even voice communication.<sup>549</sup> A Rucksack Deployable Law Office and Library (RDL) with modern components allows the best use of the Internet and other electronic resources, such as CD-ROMs. Judge advocates must be cautious, however, of the source's credibility and of the validity and accuracy of documents downloaded from the Internet. There is also the risk of downloading computer viruses that can render the computer inoperable.

## ***2. Assign personnel to the lowest possible echelons during training events.***

As was noted earlier soldiers—both officer and enlisted—performed military duties well. Nonetheless, units found that they would have been better served by integrating both common-task and MOS-specific events<sup>550</sup> into pre-deployment training. The most efficient way to accomplish this is to decentralize the legal centers during training events, so that they reflect the arrangement that will occur during deployments. Judge advocates, NCOs, and legal specialists should train with the units they support.<sup>551</sup> Such a strategy allows a legal specialist to build a relationship with the deploying battalion<sup>552</sup> and to better learn soldier skills from line units.<sup>553</sup>

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<sup>549</sup> See, e.g., Interview of LTC Vowell, *supra* note 146 (🌐); Interview of MAJ Hancq, *supra* note 368 (🌐); Interview of LTC Cayce, *supra* note 330 (🌐); and Interview of LTC Salata and MAJ Jacobson, *supra* note 164 (🌐). A program called “net to phone” allowed toll free calls to subject matter experts at The Judge Advocate General’s School and in Washington.

<sup>550</sup> SFC Joachin Trejo, comments in OJE-AAR, *supra* note 30, Vol. I at 98. (🌐)

<sup>551</sup> LTC Christopher M. Maher, comments in OJE-AAR, *supra* note 30, Vol. I at 114 (noting that such de-consolidation “presents a special challenge.”) (🌐)

<sup>552</sup> Memorandum for Record, Captain Mark Tellitocci, Operational Law Attorney, Task Force Eagle, Tuzla, Bosnia-Herzegovina, AETV-THH, subject: After Action Report; Task Force Eagle, The First 120 days (14 Apr. 1996) (🌐)

<sup>553</sup> One technique learned during cold-weather operations in Bosnia was to obey the “Wait” light on the dash of the HMMWV when starting the vehicle. Vehicles were unnecessarily deadlined because “people don’t always want to abide by that,” resulting in loss of the glow plugs, which disables the vehicle. See SFC Trejo, comments in OJE-AAR, *supra* note 30, Vol. I at 105. (🌐)

### ***3. Prepare for intra-theater travel and deployments.***

Because of the wide geographic dispersal of units in BiH during Joint Endeavor, the command group frequently traveled throughout the theater. Such travel often was a response to a particular event or crisis that required legal support for the command. As a result, the SJA office created the “JAG with a bag” concept, discussed in paragraph U.3.c. above.

While mentioned in paragraph N.2.a. above, training for the stringent convoy requirements in Bosnia bears further mention. Four vehicles with internal and external communications, a crew served weapon, and a combat lifesaver were the minimum permissible for a convoy. Judge advocate offices must scrap for vehicles, consider assignment of a crew-served weapon to the section, and seek to train their personnel on combat lifesaving and crew served weapons, among other soldier tasks. Prior planning and home station training can make convoys for claims investigations and the like considerably easier.<sup>554</sup>

### ***4. Communications are always a problem—plan how you will communicate.***

Communications, both within and outside the theater, were a problem. Many camps had bad phone systems, no Internet access, no secure communications, and no FAX capabilities. Talk to the signal and communications experts. Know the communications architecture that will exist and become a part of it. Do not forget the need for interoperability. For example, United States forces used the STU-III system for secure transmissions, but NATO stocks the STU-II—they cannot talk to each other. Thus, some judge advocates needed both systems.<sup>555</sup>

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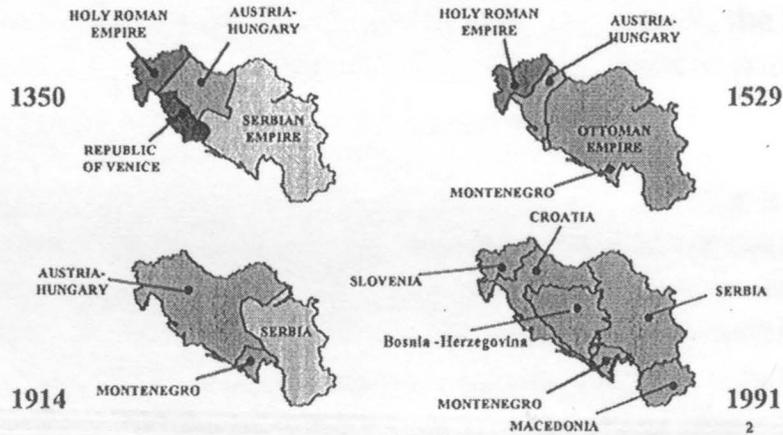
<sup>554</sup> *Id.* at 103-104.

<sup>555</sup> See Interview of MAJ Mieth, *supra* note 214. (🌐)

# APPENDICES

Appendix A(1): Historical Maps

HISTORICAL YUGOSLAVIA



FORMER YUGOSLAVIA

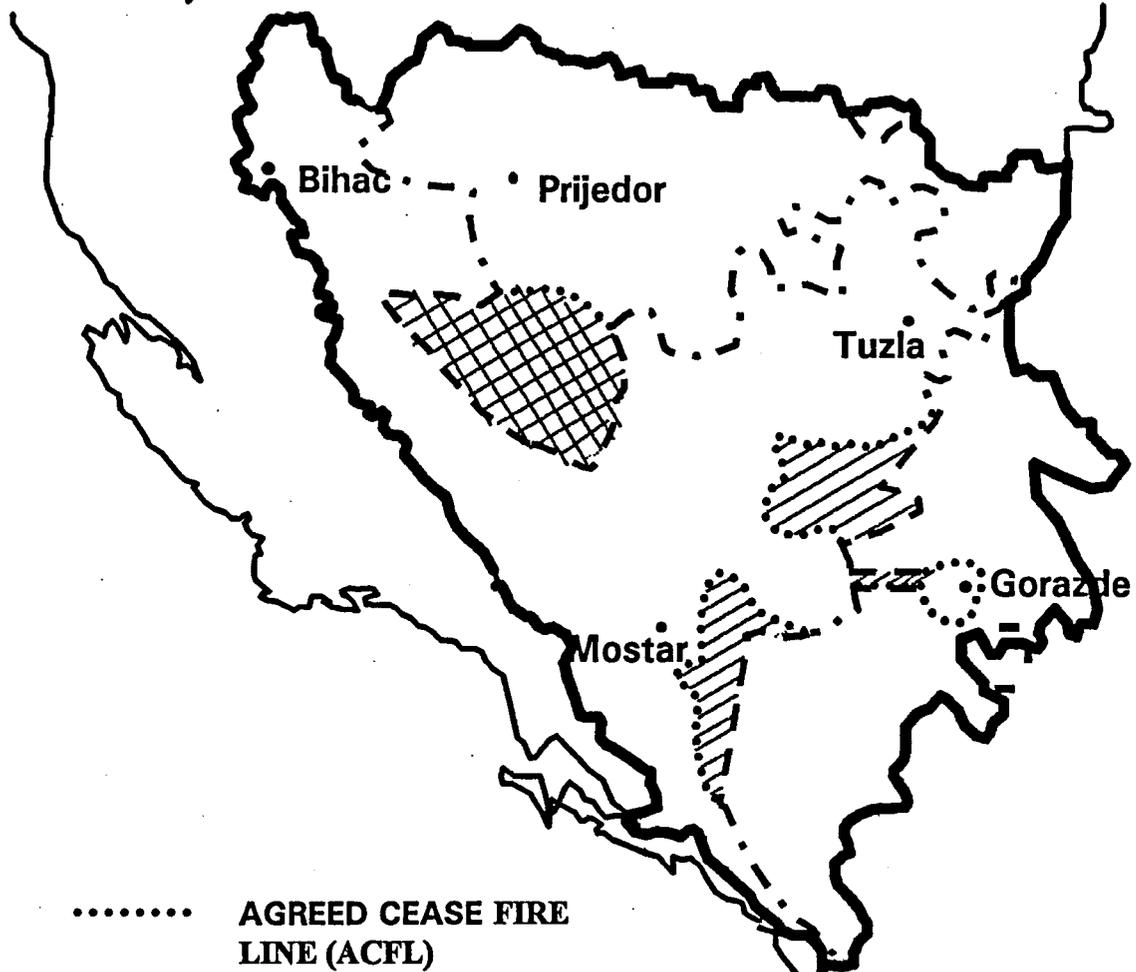


ARRC (OR) 5005 (1)

Produced by G3 Geo. Graphics, HQARRC (Main), Sarajevo June 1996.

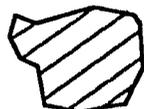
*Appendix A(2): ACFL (OCT 1993), IEBL (NOV 1995) & Areas of Transfer*

# ACFL, IEBL & AREAS OF TRANSFER

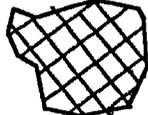


..... **AGREED CEASE FIRE  
LINE (ACFL)**

- - - **INTER-ENTITY BOUNDARY LINE (IEBL)**



**AREAS OF TRANSFER GOING TO THE BOSNIAN FEDERATION**

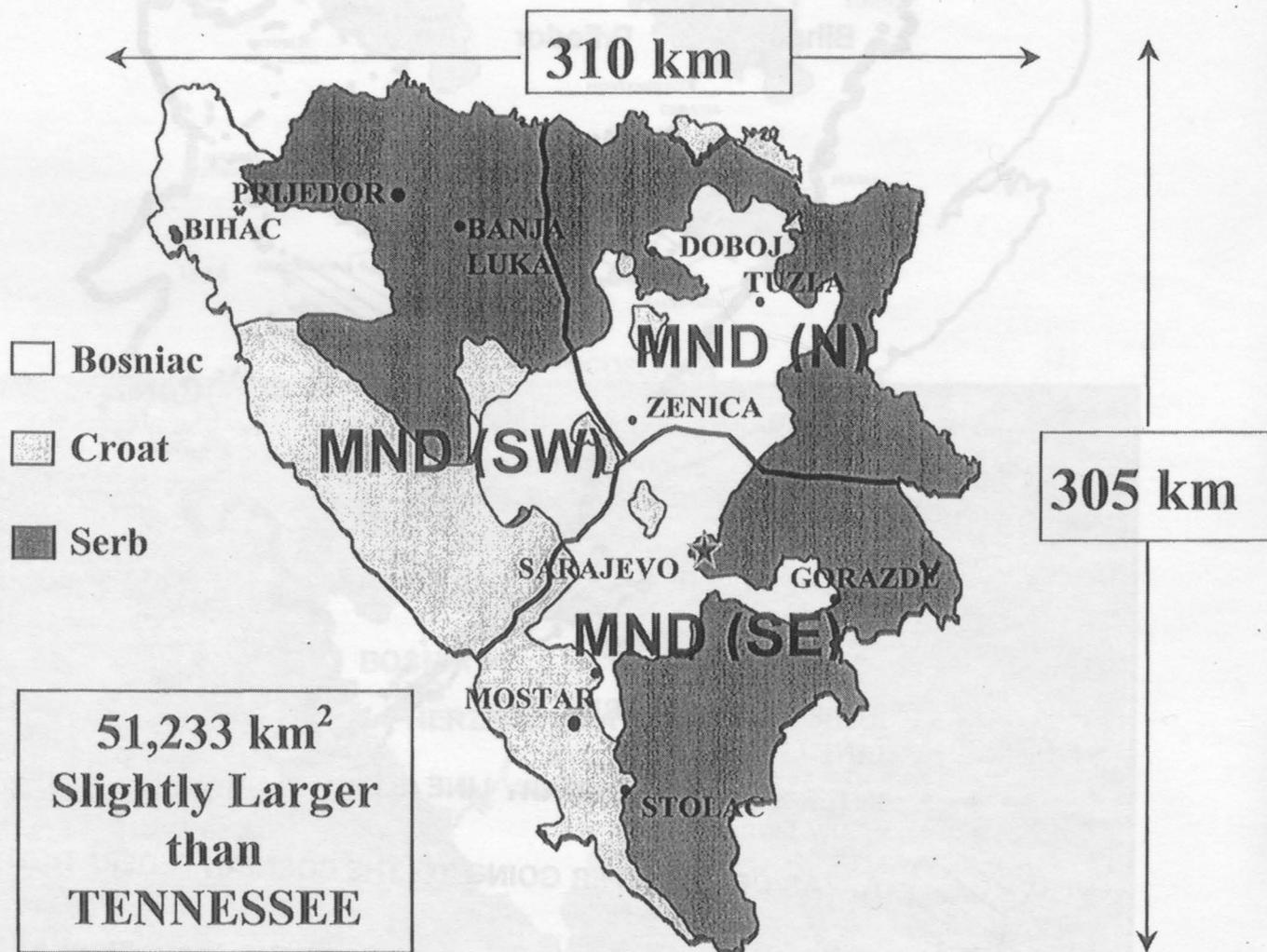


**AREAS OF TRANSFER GOING TO THE REPUBLIKA SERPSKA**

**ZONE OF SEPARATION (ZOS) = 2 KILOMETERS ON EITHER  
SIDE OF THE ACFL (ON EITHER SIDE OF IEBL AFTER AOTS  
WERE TRANSFERRED)**

*Appendix A(3): IFOR/SFOR Area of Responsibility—Multinational Division Sectors*

# SFOR AREA OF RESPONSIBILITY (AOR)



**Appendix B: The Former Warring Factions (FWFs) and Their Competing Strategic Goals**

**COMPETING STRATEGIC GOALS OF THE PARTIES**

	CROATIA	BOSNIAN CROATS	BOSNIAN MUSLIMS (BOSNIACS)	BOSNIAN SERBS (RS)	FRY (SERBIA & MONTENEGRO)
<b>ULTIMATE GOAL</b>	GREATER CROATIA WITHIN EU	MAINTAIN EXTERNAL TIES TO CROATIA	MUSLIM DOMINATED MULTI-ETHNIC STATE	PERPETUATE ETHNICALLY SEPARATE REPUBLIKA SRPSKA	GREATER SERBIA WITHIN EU
<b>INTERMEDIATE AIMS</b>	GAIN ENTRY INTO EU	CONTROL ACCESS TO SEA	GAIN ACCESS TO SEAPORT & SAVA RIVER	GAIN ACCESS TO SEA	REINTEGRATE INTO INTERNATIONAL COMMUNITY  IMPROVE DOMESTIC ECONOMY  KEEP A LID ON KOSOVO
	CONTINUE EXPANSION OF DOMESTIC ECONOMY	CONTROL WEST MOSTAR	CONTROL OF MOSTAR, BRCKO & SARAJEVO	RETAIN SERB CONTROL OF POSAVINA COR.	
	CONSOLIDATE SOVEREIGNTY OVER EASTERN SLAVONIA CROAT NATIONALISM	ENSURE LOCAL CONTROL OVER CROAT AREAS	EXERCISE SINGLE AUTHORITY OVER B-H	RETAIN FULL CONTROL OVER SERB AREAS	
		SECURE AN EVEN SHARE OF POWER IN FEDERATION & GAIN CONTROL OF BIH ARMED FORCES.	RETAIN 1991 BORDERS (DE-LEGITIMIZE IEBL)	ESTABLISH A SEPARATE STATE (LEGITIMIZE IEBL)	
		RESETTLE TO GET KEY LAND	PROMOTE FREEDOM OF MOVEMENT & ENCOURAGE DPRE RETURNS	BLOCK OTHER PARTIES FROM RESETTLING	

***Appendix C: Summary of UN/NATO Operations in the Balkans*****(Operations Categorized by the Preponderance of the Forces)****Ground Operations**

**United Nations Protection Force (UNPROFOR) – (21 FEB 92 – 20 DEC 95).** The UN established UNPROFOR on 21 February 1992 to create the conditions for peace and security in the former Yugoslavia (UNSCR 743). UNSCR 758 enlarged the mandate to encompass the delivery of international humanitarian assistance to Bosnia-Herzegovina. On 7 April 1992, the UN authorized UNPROFOR's deployment to Croatia and, later, Bosnia-Herzegovina and the Former Yugoslav Republic of Macedonia (FYROM) (UNSCR 795). With the 20 December 1995 transfer of authority from UNPROFOR to IFOR, UNPROFOR ceased to exist. JTFPP commanded all U.S. forces operating in support of UN operations in the Balkans (JTFPP is discussed below).

**United Nations Preventive Deployment (UNPREDEP) – (31 MAR 95 – Present).** On 31 March 1995, the UN changed the name of the FYROM part of UNPROFOR to UNPREDEP (UNSCR 983). On 1 February 1996, the UN made UNPREDEP an independent mission [UNPREDEP is the first and only UN operation to have a preventive mandate]. UNPREDEP is a monitoring mission between FYROM and the Federal Republic of Yugoslavia (Serbia and Montenegro) and Albania. UNPREDEP has 700 troops from 27 nations.

**United Nations Confidence Restoration Operation in Croatia (UNCRO) (92 – 95).** This is an outgrowth of UNPROFOR like UNPREDEP. UNCRO's mandate included implementing the 1994 cease-fire between Croatia and its secessionist Serb population, facilitating economic agreements, and monitoring Croatia's borders. UNCRO ended in 1995 after Croatia regained control of all Serb-held territory (except for Eastern Slavonia—see UNTAES)

**United Nations Transitional Administration for Eastern Slavonia (UNTAES) – (15 JAN 96 – 15 JAN 98).** UNSCR 1037 established a transitional administration to govern the peaceful integration of the region into Croatia's legal and constitutional system. It authorized an international force to maintain peace and to otherwise assist in the implementation of the agreement. 30 nations contributed forces totaling 2,847 personnel.

**Operation Able Sentry** – (18 JUN 93 – Present). On 18 June 1993, the UN authorized the deployment of UNPROFOR personnel to the FYROM. As part of the UNPREDEP, 300 U.S. soldiers (per rotation) observed, monitored, and reported troop movements along the FYROM border with Serbia and Albania. This operation continued after UNPROFOR became UNPREDEP.

**Operation Joint Endeavor (OJE)** – (20 DEC 95 – 20 DEC 96). NATO-led multinational force from 20 December 1995 to 20 December 1996. The Implementation Force (IFOR) was the military force of OJE.

**Operation Joint Guard (OJG)** – (20 DEC 96 – 20 JUN 98). NATO-led multinational force 20 December 1996 to 20 June 1998. The Stabilization Force (SFOR) was the military force of OJG.

**Operation Joint Forge (OJF)** – (20 JUN 98 – Present). NATO-led multinational force from 20 June 1998 to a date to be determined. The SFOR is the military force of OJF.

### Naval Operations

**Maritime Monitoring Operations** – (JUL 92 – NOV 92). NATO ships began monitoring operations in the Adriatic Sea in July 1992. These operations were in support of the UN arms embargo (UNSCR 713) and sanctions against the FRY (UNSCR 757). These efforts were limited to registering possible violations. NATO aircraft assisted the monitoring effort.

**Extended Monitoring Operations** – (NOV 92 – JUN 93). NATO and Western European Union (WEU) forces began enforcing the UN sanctions and embargo (UNSCR 787). These operations included stopping, inspecting, and diverting ships, as required.

**Operation Sharp Guard** – (8 JUN 93 – 1 OCT 96). This operation began on 8 June 1993 (maritime operations actually began in November 1992). 14 NATO and WEU member states, to include U.S. forces, contributed naval and air forces to Operation Sharp Guard. This operation put the NATO and WEU forces under the OPCON of COMNAVSOUTH and stepped up enforcement of the UN sanctions and embargo. The forces suspended enforcement of sanctions on 22 November 1995 (UNSCR 1022) and Operation Sharp Guard was terminated on 1 October 1996. NATO and WEU forces challenged 74,192 ships, inspected 5,951 ships at

sea, diverted and inspected 1,480 ships in port, and caught 6 attempting to break the embargo.

### Air Operations

**Operation Provide Promise – (3 JUL 92 – 15 MAR 96).** Joint Task Force Provide Promise (JTFPP) commanded all U.S. forces operating in support of UN operations in the Balkans. The U.S. contributed in four ways:

- Humanitarian Airlift to war-torn Sarajevo. This was the longest running humanitarian airlift in history supplying over 160,000 metric tons of food, medicine, and supplies (18,000 tons were air dropped).
- UN field hospital in Zagreb, Croatia serving a UN military population of over 47,000.
- Operation Able Sentry. As part of the UNPREDEP, 300 U.S. soldiers (per rotation) observed, monitored, and reported troop movements along the FYROM border with Serbia and Albania. This mission continues under USAREUR.
- UN reconnaissance operations involving Unmanned Aerial Vehicles (UAV).

**Monitoring Operations – (OCT 92 – MAR 93).** NATO Airborne Early Warning and Control System aircraft began monitoring operations in October 1992. These operations supported the UN established no-fly zone over Bosnia-Herzegovina (UNSCR 781). These operations were limited to registering violations.

**Extended Monitoring Operations – (31 MAR 93 – 12 APR 93).** On 31 March 1993, UNSCR 816 authorized enforcement of the no-fly zone and extended it, banning all fixed and rotary wing aircraft except those authorized by UNPROFOR.

**Operation Deny Flight – (12 APR 93 – 20 DEC 95).** This NATO enforcement operation included 12 NATO members, flying from airbases in Europe and from aircraft carriers in the Adriatic Sea. It enforced the no-fly zone over Bosnia-Herzegovina (UNSCR 816), using over 200 fighter and reconnaissance aircraft, and flew nearly 100,420 sorties by December 1995. On 28 February 1994, NATO aircraft shot down four warplanes violating the no-fly zone. This was NATO's *first-ever* military engagement. On 4 October 1995, NATO aircraft fired missiles at a Bosnian Serb radar sites after air defense radar locked onto NATO aircraft. The Transfer of

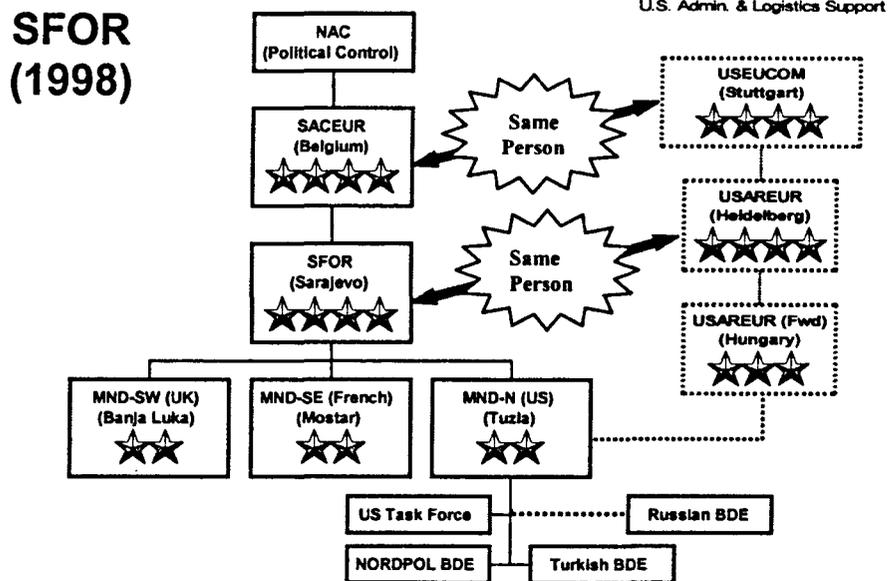
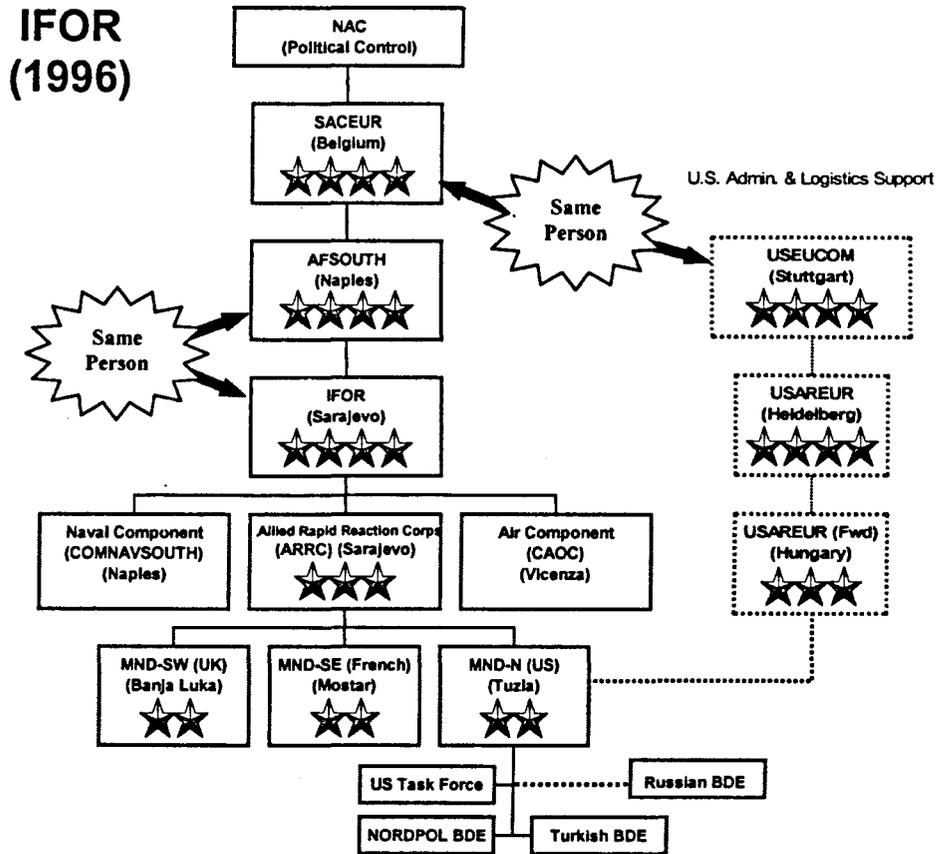
Authority from UNPROFOR to NATO on 20 December 1995 terminated the mandate of Operation Deny Flight.

- **Close Air Support (CAS) to UNPROFOR** - In June 1993, NATO offered UNPROFOR CAS. On 19 November 1994, NATO extended CAS to protect UNPROFOR troops in Croatia (UNSCR 958).
  - On 10-11 April 1994, NATO provided CAS to protect UNPROFOR troops in Gorazde, Bosnia-Herzegovina (a UN-declared Safe Area).
  - On 11 July 1995, NATO CAS protected UNPROFOR troops from Bosnian Serb forces advancing on Srebrenica (a UN-Declared Safe Area). Despite the NATO CAS, Srebrenica fell to Bosnian Serb forces.
  - On 9 October 1995, the UN asked again for NATO CAS to protect UNPROFOR troops from artillery shelling from Bosnian Serb forces. NATO aircraft attacked a Bosnian Serb command and control bunker near Tuzla.
  
- **UN/NATO Air Strikes** – From August 1993 to August 1994, NATO provided air strikes, upon request from the UN, to protect Sarajevo and the other UN-designated Safe Areas. One such decision was to enforce a weapons free exclusion zone around Sarajevo and to respond to any heavy weapons attacks against the other Safe Areas. Both UN and NATO commanders had to agree before commencing operations-this limited the effectiveness of the air strikes (a.k.a. “dual key” approach). NATO carried out the following operations for UNPROFOR.
  - On 5 August 1994, NATO aircraft attacked a target in the weapons free exclusion zone around Sarajevo.
  - On 22 September 1994, NATO aircraft attacked a Bosnian Serb tank after an attack against an UNPROFOR vehicle near Sarajevo.
  - On 21 November 1994, NATO aircraft attacked the Serb-held airfield in Udbina, Croatia. This was in response to the use of the airfield to launch attacks into Bosnia-Herzegovina Safe Areas.
  - On 23 November 1994, conducted air strikes against air defense radars in Otoka, Bosnia-Herzegovina. This was in response to two attacks from a surface-to-air missile site against two NATO aircraft.

- On 25-26 May 1995, NATO aircraft struck Bosnian Serb ammunition depots in Pale, Bosnia-Herzegovina. This attack was in response to numerous violations of the exclusion zones and the shelling of the Safe Areas. In response, the Bosnian Serbs took 370 UNPROFOR troops hostage and used them as human shields to stop further air attacks.
- On 4 August 1995, NATO aircraft struck Croatian Serb air defense radars near Udbina airfield and Knin, Croatia.

**Operation Deliberate Force – (30 AUG 95 – 20 SEP 95).** Operation Deliberate Force was NATO's response to continued artillery attacks on Sarajevo. This UN and NATO enforcement operation began on 30 August 1995 (UNSCR 836 and earlier NATO decisions simplified the UN/NATO "dual key" approach to targeting). On this date, NATO aircraft began a series of attacks against Bosnian Serb military sites around Sarajevo and other places in Bosnia-Herzegovina. This operation sought to reduce the threat to Sarajevo and the other UN-designated Safe Areas, force the withdrawal of Bosnian Serb heavy weapons from the exclusion zone around Sarajevo, allow complete freedom of movement for UNPROFOR forces and non-governmental organizations, and secure unrestricted use of the Sarajevo Airport. On 20 September 1995, NATO and UNPROFOR determined that the mission was accomplished and stopped the air strikes. NATO reserved the right to resume operations. NATO aircraft flew 3,515 total sorties.

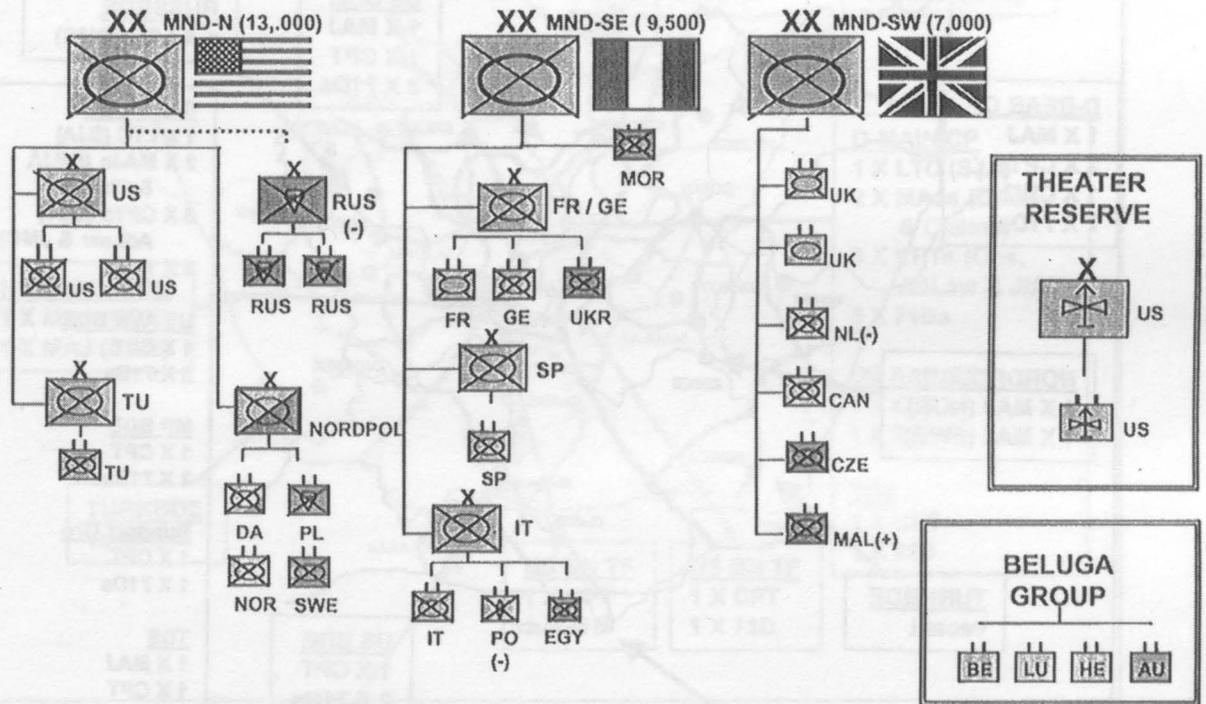
Appendix D(1): NATO Task Force Organization





**Appendix D(3): Structure of SFOR Multi-National Divisions (MNDs) (as of FEB 1998)**

**SFOR Multi-National Divisions (MNDs)**

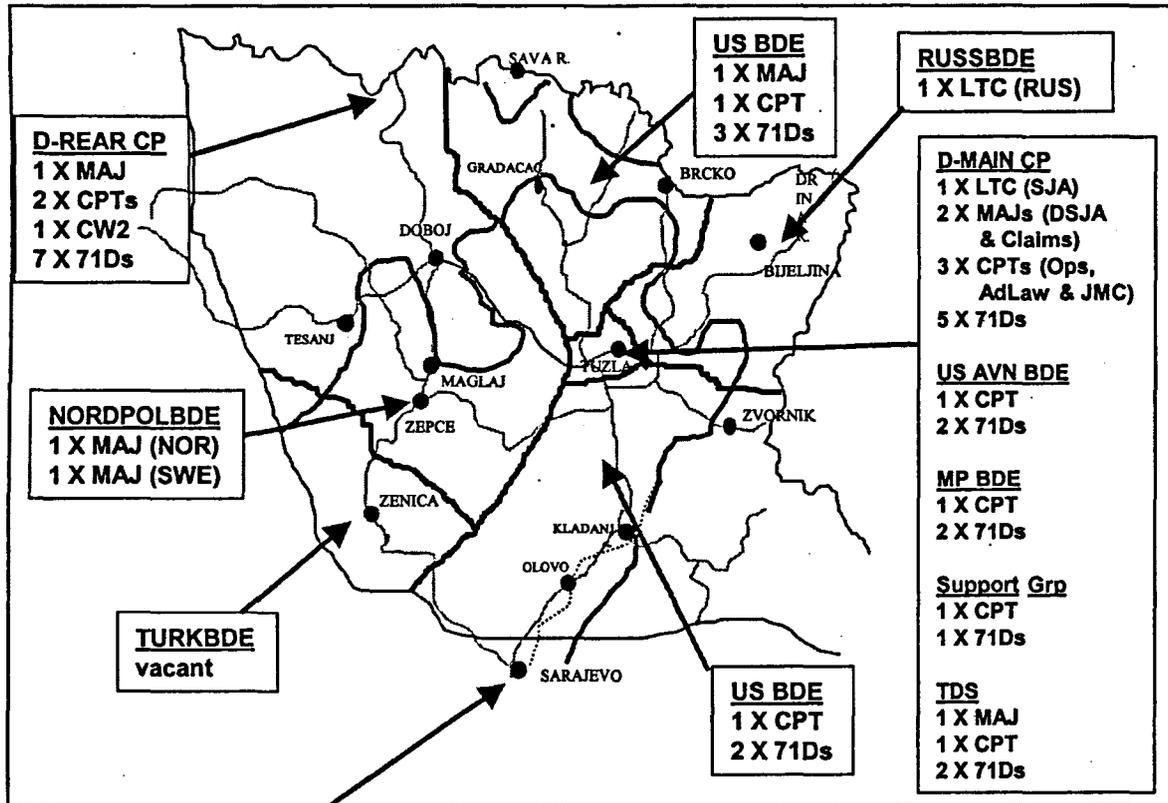


*Appendix D(4): Judge Advocate Disposition*

# IFOR Legal Personnel

Note: At any given time, IFOR had approximately 50 lawyers from 20 nations. Nearly half were U.S. JAs. U.S. JAs were in two key locations—the ISB in Hungary and the MND-N (US) Sector. This shows the position (and location) of the U.S. JAs and key foreign lawyers.

## MND-N Sector (US)



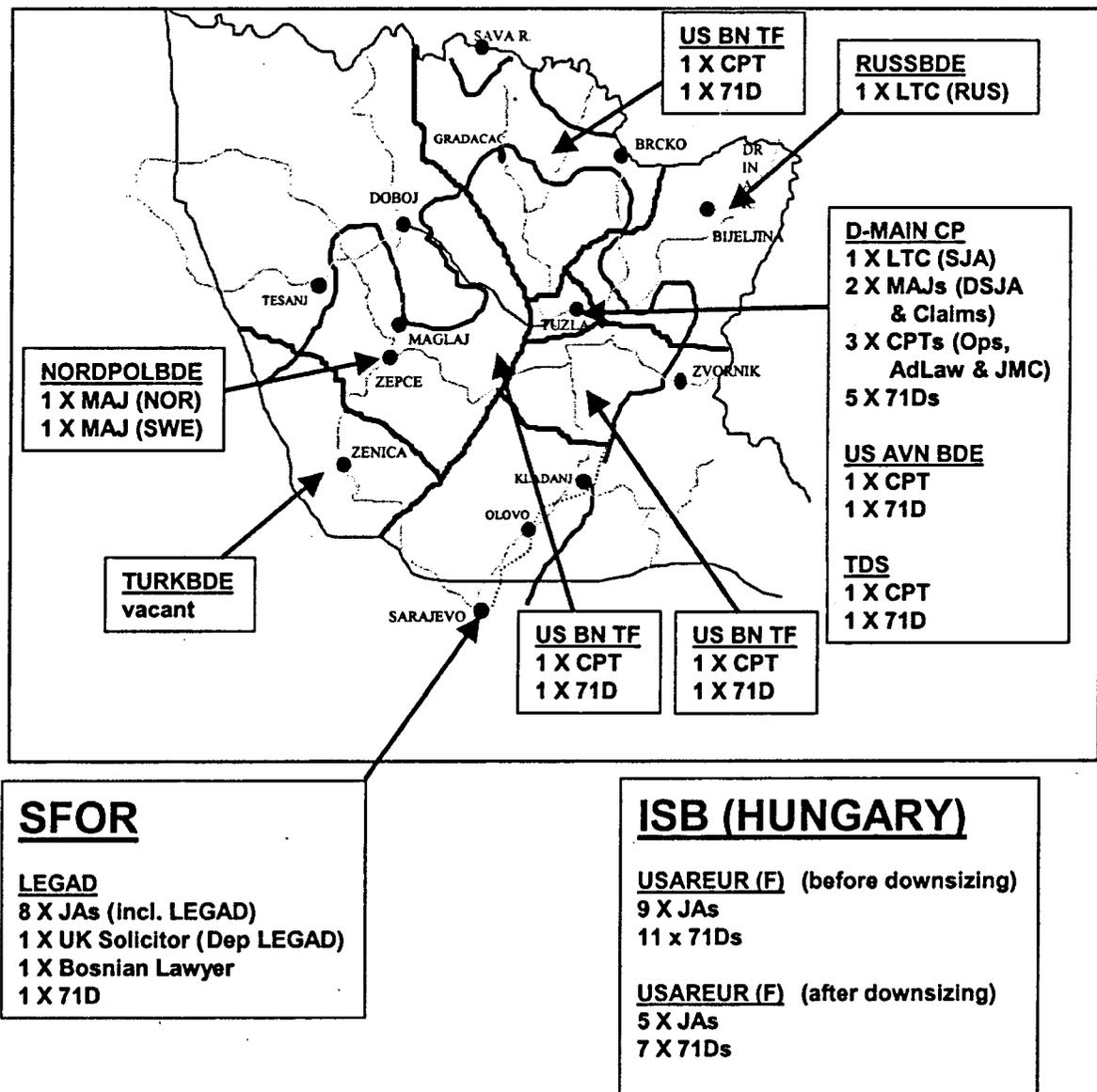
**IFOR**  
**LEGAD**  
 1 X US JA  
 1 X UK Solicitor  
 1 X Dutch Lawyer

**ISB (HUNGARY)**  
**USAREUR (F)**  
 4 X JAs  
 4 x 71Ds  
**21st TAACOM (F)**  
 5 X JAs  
 6 X 71Ds

## SFOR Legal Personnel

Note: The change from IFOR to SFOR reduced the forces from approximately 60,000 to 35,000. The IFOR MND-N had 2 U.S. ground maneuver brigades (each with its own JA). The SFOR MND-N has only 1 U.S. ground maneuver brigade. This brigade has 3 battalion task forces (BN TFs) – each with its own JA. This is the first large-scale operation where JAs have been routinely assigned at the battalion level!

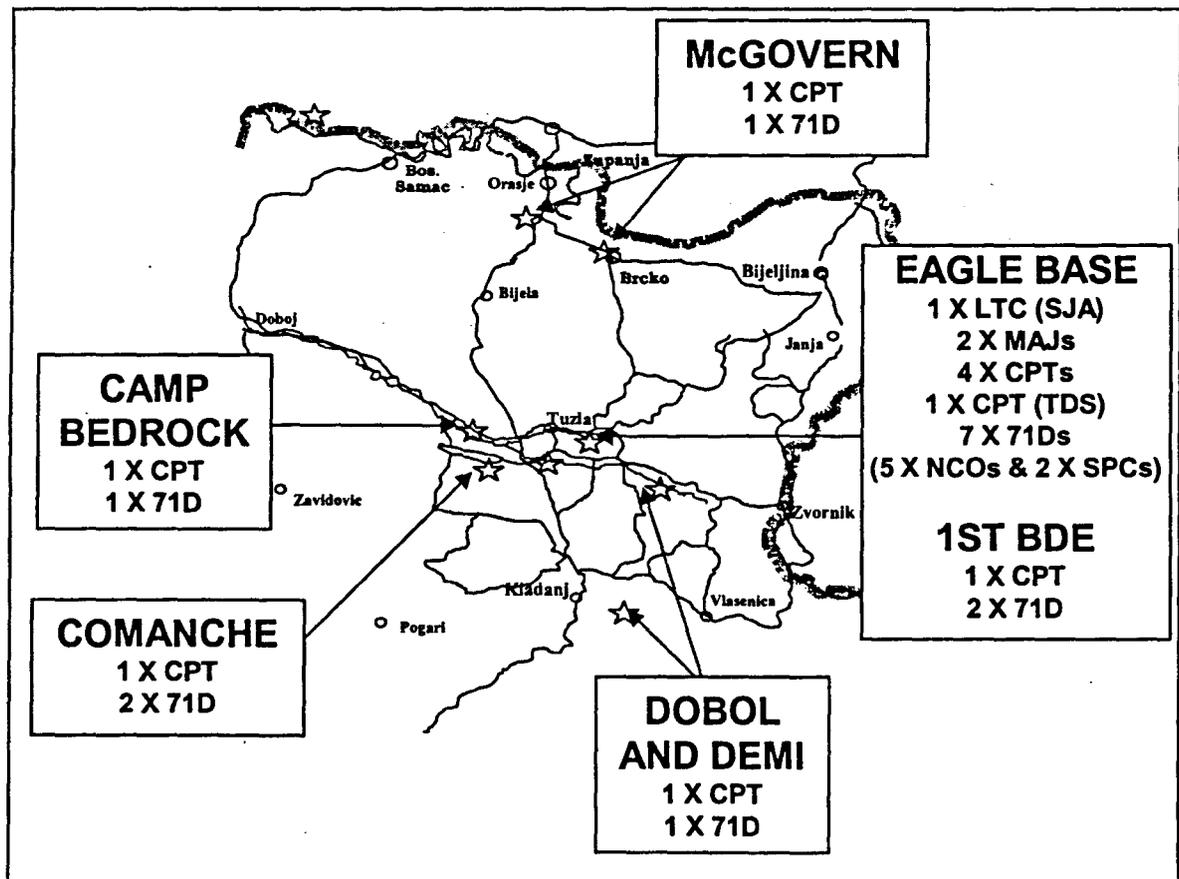
### MND-N Sector (US)



## OJF (1CD) Legal Personnel

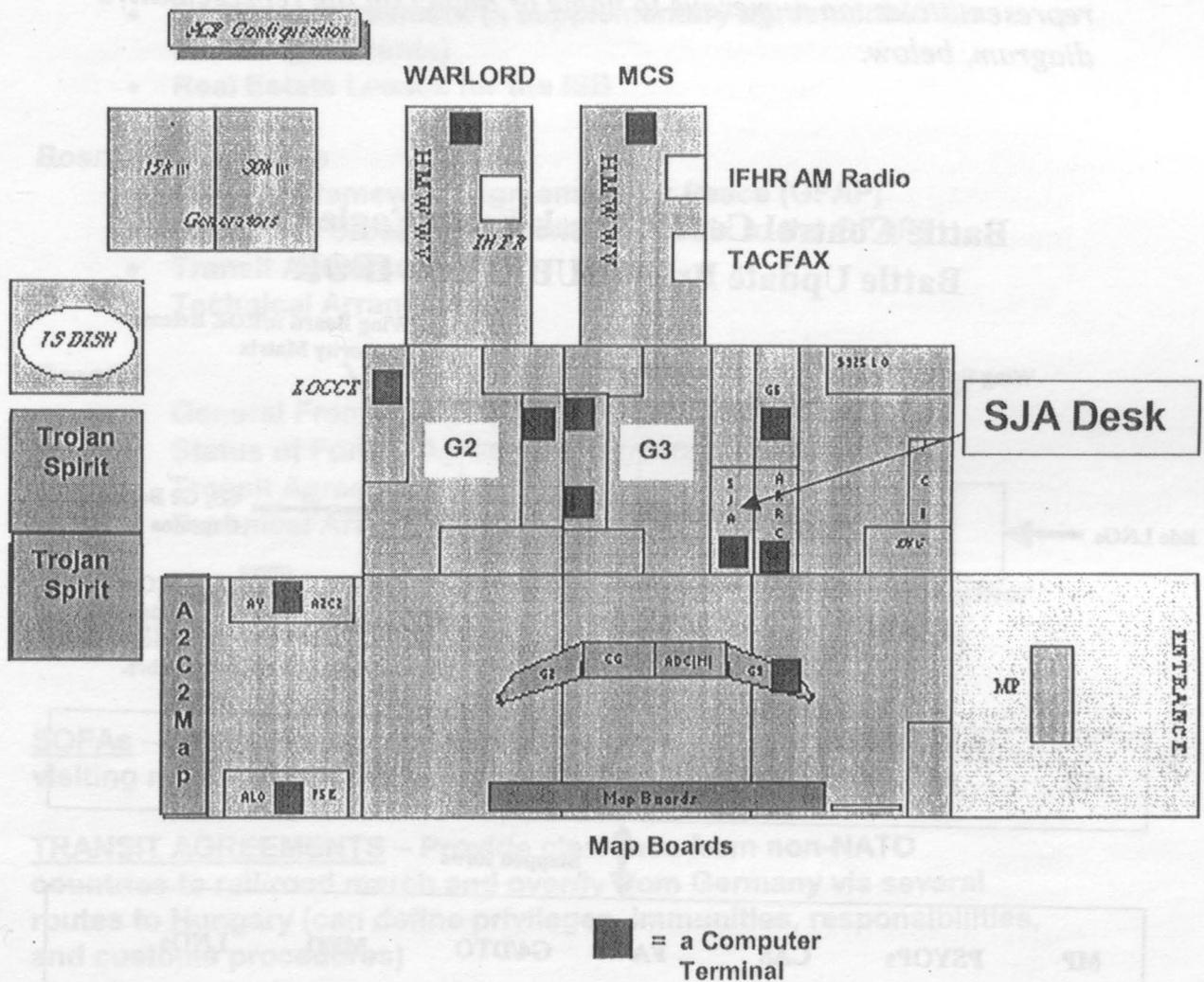
This diagram includes Base Camp designations. Base Camps Colt, Blue Factory, and Guardian are now closed. As of 28 October 1998, TFE had 13 JAs authorized and assigned. The fifth base camp, Demi, is covered by Base Camp Dobol legal personnel. A 30 mile drive to Base Camp Demi can take over 2 hours in a 4-vehicle up-armored HMMWV convoy. The trip to Base Camp McGovern takes almost 3 hours.

### MND-N Sector (US)



**Appendix D(5): Command Post Layouts (IFOR)  
Assault Command Post**

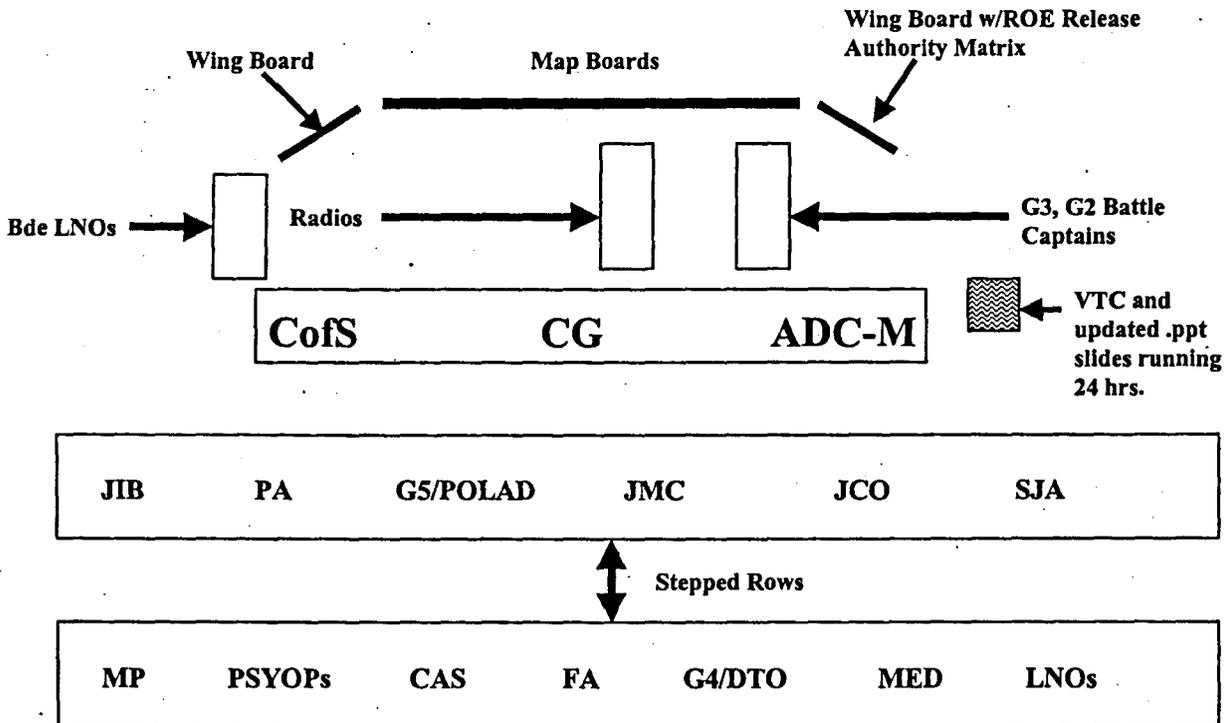
*This was the configuration of the U.S. task force's Assault Command Post (ACP) on first entering Bosnia. Key to note is the inclusion of the JA and the JA's location with the G3 and proximity to the front map boards and briefing area.*



**Appendix D(5) (continued): Division Main/Rear Command Posts**

*This is representative of the Task Force Eagle (MND(N)) Headquarters layout. It is representative only—not all inclusive nor intended to be the answer on how such a headquarters should be set up. Both the main and the rear headquarters used similar concepts of arranging staff members in layered tiers, centered around the map boards and battle captain area. There were staff sections and representatives too numerous to name or depict on the representative diagram, below.*

**Battle Control Center -Task Force Eagle HQ  
Battle Update Brief (BUB) Tent - IFOR**



*Appendix E(1): List of Critical International Agreements*

**Critical International Agreements**

***Hungary***

- Partner For Peace (PFP) Status of Forces Agreement
- Transit Agreement
- Acquisition Agreement
- Omnibus Agreement (a supplementary agreement to the above agreements)
- Real Estate Leases for the ISB

***Bosnia-Herzegovina***

- General Framework Agreement for Peace (GFAP)
- Status of Forces Agreement (Appendix to the GFAP)
- Transit Agreement
- Technical Arrangements

***Croatia***

- General Framework Agreement for Peace (GFAP)
- Status of Forces Agreement (Appendix to the GFAP)
- Transit Agreement
- Technical Arrangements

***Austria, Czech State, Slovakia, Slovenia, Serbia, Switzerland, Former Yugoslav Republic of Macedonia***

- Transit Agreements

**SOFAs** – Define the legal position (privileges and immunities) of a visiting military force deployed in the territory of another state.

**TRANSIT AGREEMENTS** – Provide clearance from non-NATO countries to rail/road march and overfly from Germany via several routes to Hungary (can define privileges, immunities, responsibilities, and customs procedures)

**TECHNICAL ARRANGEMENTS/IMPLEMENTING AGREEMENTS** – Supplement, in detail, SOFAs and Transit Agreements

*Appendix E(2): Chapter VII of the United Nations Charter***CHAPTER VII****ACTION WITH RESPECT TO THREATS TO THE PEACE,  
BREACHES OF THE PEACE, AND ACTS OF AGGRESSION**

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**Article 39**

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

**Article 40**

In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

**Article 41**

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

### **Article 42**

**Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.**

### **Article 43**

- 1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.**
- 2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.**
- 3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.**

### **Article 44**

**When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfilment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.**

### **Article 45**

**In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for**

their combined action shall be determined within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee.

### Article 46

Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee.

### Article 47

1. There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.
2. The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.
3. The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.
4. The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional sub-committees.

### Article 48

1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.
2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they remember.

**Article 49**

**The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.**

**Article 50**

**If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems.**

**Article 51**

**Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.**

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*Appendix E(3): United Nations Security Council Resolution No.  
1031*

**UNITED  
NATIONS**

**Security Council  
Distr.  
GENERAL**

**S/RES/1031 (1995)  
15 December 1995**

**RESOLUTION 1031 (1995)**

**Adopted by the Security Council at its 3607th meeting, on 15  
December 1995**

**The Security Council,**

**Recalling all its previous relevant resolutions concerning the conflicts  
in the former Yugoslavia,**

**Reaffirming its commitment to a negotiated political settlement of the  
conflicts in the former Yugoslavia, preserving the territorial integrity  
of all States there within their internationally recognized borders,**

**Welcoming the signing on 14 December 1995 at the Paris Peace  
Conference of the General Framework Agreement for Peace in Bosnia  
and Herzegovina and the Annexes thereto (collectively the Peace  
Agreement, S/1995/999, annex) by the Republic of Bosnia and  
Herzegovina, the Republic of Croatia and the Federal Republic of  
Yugoslavia and the other parties thereto,**

**Welcoming also the Dayton Agreement on implementing the  
Federation of Bosnia and Herzegovina of 10 November 1995  
(S/1995/1021, annex),**

**Welcoming further the conclusions of the Peace Implementation Conference held in London on 8 and 9 December 1995 (the London Conference) (S/1995/1029), and in particular its decision to establish a Peace Implementation Council and its Steering Board as referred to in those conclusions,**

**Paying tribute to the International Conference on the Former Yugoslavia (ICFY) for its efforts aimed at achieving a peace settlement and taking note of the decision of the London Conference that the Peace Implementation Council will subsume the ICFY,**

**Having considered the report of the Secretary-General of 13 December 1995 (S/1995/1031),**

**Determining that the situation in the region continues to constitute a threat to international peace and security,**

**Determined to promote the peaceful resolution of the conflicts in accordance with the purposes and principles of the Charter of the United Nations,**

**Acting under Chapter VII of the Charter of the United Nations,**

**I**

**1. Welcomes and supports the Peace Agreement and calls upon the parties to fulfil in good faith the commitments entered into in that Agreement;**

**2. Expresses its intention to keep the implementation of the Peace Agreement under review;**

**3. Welcomes the progress made towards mutual recognition among the successor States to the former Socialist Federal Republic of Yugoslavia, within their internationally recognized borders;**

**4. Reaffirms its resolutions concerning compliance with international humanitarian law in the former Yugoslavia, reaffirms also that all States shall cooperate fully with the International Tribunal for the Former Yugoslavia and its organs in accordance with the provisions of resolution 827 (1993) of 25 May 1993 and the Statute of the**

**International Tribunal, and shall comply with requests for assistance or orders issued by a Trial Chamber under article 29 of the Statute, and calls upon them to allow the establishment of offices of the Tribunal;**

**5. Recognizes that the parties shall cooperate fully with all entities involved in implementation of the peace settlement, as described in the Peace Agreement, or which are otherwise authorized by the Security Council, including the International Tribunal for the Former Yugoslavia, and that the parties have in particular authorized the multinational force referred to in paragraph 14 below to take such actions as required, including the use of necessary force, to ensure compliance with Annex 1-A of the Peace Agreement;**

**6. Welcomes the agreement by the Organization for Security and Cooperation in Europe (OSCE) to adopt and put in place a programme of elections for Bosnia and Herzegovina, at the request of the parties to Annex 3 of the Peace Agreement;**

**7. Welcomes also the parties' commitment, as specified in the Peace Agreement, to securing to all persons within their jurisdiction the highest level of internationally recognized human rights and fundamental freedoms, stresses that compliance with this commitment is of vital importance in achieving a lasting peace, and welcomes the invitation by the parties to the United Nations Commission on Human Rights, the OSCE, the United Nations High Commissioner for Human Rights and other intergovernmental or regional human rights missions or organizations to monitor closely the human rights situation in Bosnia and Herzegovina;**

**8. Welcomes further the parties' commitment to the right of all refugees and displaced persons freely to return to their homes of origin in safety, notes the leading humanitarian role which has been given by the Peace Agreement to the United Nations High Commissioner for Refugees, in coordination with other agencies involved and under the authority of the Secretary-General, in assisting with the repatriation and relief of refugees and displaced persons, and stresses the importance of repatriation being phased, gradual and orderly;**

**9. Emphasizes the importance of the creation of conditions conducive to the reconstruction and development of Bosnia and Herzegovina and encourages Member States to provide assistance for the programme of reconstruction in that country;**

**10. Underlines the relationship, as described in the conclusions of the London Conference, between the fulfilment by the parties of their commitments in the Peace Agreement and the readiness of the international community to commit financial resources for reconstruction and development;**

**11. Welcomes the agreement of the parties to Annex 1-B of the Peace Agreement that establishment of progressive measures for regional stability and arms control is essential to creating a stable peace in the region, emphasizes the importance of all Member States supporting their efforts to this end, and supports the OSCE's commitment to assist the parties with the negotiation and implementation of such measures;**

**II**

**12. Welcomes the willingness of the Member States acting through or in cooperation with the organization referred to in Annex 1-A of the Peace Agreement to assist the parties to the Peace Agreement by deploying a multinational implementation force;**

**13. Notes the invitation of the parties to the international community to send to the region for a period of approximately one year a multinational implementation force to assist in implementation of the territorial and other militarily related provisions of Annex 1-A of the Peace Agreement;**

**14. Authorizes the Member States acting through or in cooperation with the organization referred to in Annex 1-A of the Peace Agreement to establish a multinational implementation force (IFOR) under unified command and control in order to fulfil the role specified in Annex 1-A and Annex 2 of the Peace Agreement;**

**15. Authorizes the Member States acting under paragraph 14 above to take all necessary measures to effect the implementation of and to ensure compliance with Annex 1-A of the Peace Agreement, stresses**

that the parties shall be held equally responsible for compliance with that Annex, and shall be equally subject to such enforcement action by IFOR as may be necessary to ensure implementation of that Annex and the protection of IFOR, and takes note that the parties have consented to IFOR's taking such measures;

16. Authorizes the Member States acting under paragraph 14 above, in accordance with Annex 1-A of the Peace Agreement, to take all necessary measures to ensure compliance with the rules and procedures, to be established by the Commander of IFOR, governing command and control of airspace over Bosnia and Herzegovina with respect to all civilian and military air traffic;

17. Authorizes Member States to take all necessary measures, at the request of IFOR, either in defence of IFOR or to assist the force in carrying out its mission, and recognizes the right of the force to take all necessary measures to defend itself from attack or threat of attack;

18. Demands that the parties respect the security and freedom of movement of IFOR and other international personnel;

19. Decides that, with effect from the day on which the Secretary-General reports to the Council that the transfer of authority from the United Nations Protection Force (UNPROFOR) to IFOR has taken place, the authority to take certain measures conferred upon States by resolutions 770 (1992) of 13 August 1992, 781 (1992) of 9 October 1992, 816 (1993) of 31 March 1993, 836 (1993) of 4 June 1993, 844 (1993) of 18 June 1993 and 958 (1994) of 19 November 1994 shall be terminated, and that the provisions of resolution 824 (1993) of 6 May 1993 and subsequent resolutions regarding safe areas shall also be terminated from the same date;

20. Requests the Government of Bosnia and Herzegovina to cooperate with the IFOR Commander to ensure the effective management of the airports in Bosnia and Herzegovina, in the light of the responsibilities conferred on IFOR by Annex 1-A of the Peace Agreement with regard to the airspace of Bosnia and Herzegovina;

21. Decides, with a view to terminating the authorization granted in paragraphs 14 to 17 above one year after the transfer of authority from UNPROFOR to IFOR, to review by that date and to take a decision

whether that authorization should continue, based upon the recommendations from the States participating in IFOR and from the High Representative through the SecretaryGeneral;

22. Decides also that the embargo imposed by resolution 713 (1991) of 25 September 1991 shall not apply to weapons and military equipment destined for the sole use of the Member States acting under paragraph 14 above, or of international police forces;

23. Invites all States, in particular those in the region, to provide appropriate support and facilities, including transit facilities, for the Member States acting under paragraph 14 above;

24. Welcomes the conclusion of the agreements concerning the status of forces as referred to in Appendix B to Annex 1-A of the Peace Agreement, and demands that the parties comply fully with those agreements;

25. Requests the Member States acting through or in cooperation with the organization referred to in Annex 1-A of the Peace Agreement to report to the Council, through the appropriate channels and at least at monthly intervals, the first such report be made not later than 10 days following the adoption of this resolution;

26. Endorses the establishment of a High Representative, following the request of the parties, who, in accordance with Annex 10 on the civilian implementation of the Peace Agreement, will monitor the implementation of the Peace Agreement and mobilize and, as appropriate, give guidance to, and coordinate the activities of, the civilian organizations and agencies involved, and agrees the designation of Mr. Carl Bildt as High Representative;

27. Confirms that the High Representative is the final authority in theatre regarding interpretation of Annex 10 on the civilian implementation of the Peace Agreement;

28. Decides that all States concerned, and in particular those where the High Representative establishes offices, shall ensure that the High Representative enjoys such legal capacity as may be necessary for the exercise of his functions, including the capacity to contract and to acquire and dispose of real and personal property;

**29. Notes that close cooperation between IFOR, the High Representative and the agencies will be vital to ensure successful implementation;**

**30. Affirms the need for the implementation of the Peace Agreement in its entirety and, in this context, stresses the importance it attaches to the urgent implementation of Annex 11 of the Peace Agreement, decides to act expeditiously on the report of the Secretary-General recommending the establishment of a United Nations Civilian Police Force with the tasks set out in that Annex, together with a civilian office with the responsibilities described in the report of the Secretary-General, and further decides that in the interim civilian police, de-mining, civil affairs and other personnel that might be required to carry out the tasks described in that report shall continue in theatre, notwithstanding the provisions of paragraphs 33 and 34 below;**

**31. Stresses the need for early action in Sarajevo to create confidence between the communities and to this end requests the Secretary-General to ensure the early redeployment of elements of United Nations civilian police from the Republic of Croatia to Sarajevo;**

**32. Requests the Secretary-General to submit to the Council reports from the High Representative, in accordance with Annex 10 of the Peace Agreement and the conclusions of the London Conference, on the implementation of the Peace Agreement;**

### **III**

**33. Decides that the mandate of UNPROFOR shall terminate on the date on which the Secretary-General reports to the Council that the transfer of authority from UNPROFOR to IFOR has taken place;**

**34. Approves the arrangements set out in the report of the Secretary-General on the withdrawal of UNPROFOR and headquarters elements from the United Nations Peace Force (UNPF), including the arrangements for the command and control of UNPROFOR following the transfer of authority from it to IFOR;**

**35. Expresses its warmest appreciation to all UNPROFOR personnel, who have served the cause of peace in the former Yugoslavia, and pays tribute to those who have given their lives and those who have suffered serious injuries in that service;**

**36. Authorizes the Member States acting under paragraph 14 above to use all necessary means to assist in the withdrawal of UNPROFOR;**

**37. Calls upon the parties to ensure the safety and security of UNPROFOR and confirms that UNPROFOR will continue to enjoy all existing privileges and immunities, including during the period of withdrawal;**

**38. Requests the Secretary-General to report to the Council when the withdrawal of UNPROFOR is complete;**

**IV**

**39. Recognizes the unique, extraordinary and complex character of the present situation in Bosnia and Herzegovina, requiring an exceptional response;**

**40. Decides to remain seized of the matter. ----- .**

***Appendix E(4): Index of United Nations Security Council Resolutions***

**713** *September 25, 1991*

The Council fully supports the collective efforts for peace and dialogue in Yugoslavia, and decides that all States immediately implement a general and complete embargo on all deliveries of weapons and military equipment to Yugoslavia.

**721** *November 27, 1991*

The Council approves the efforts towards the possible establishment of a United Nations peace-keeping operation in Yugoslavia, and urges the Yugoslav parties to comply fully with the agreement signed in Geneva on 23 November 1991.

**724** *December 15, 1991*

The Council endorses the Secretary-General's offer to send to Yugoslavia a small group of personnel to prepare for possible deployment of a peace-keeping operation, and decides to establish a Committee to ensure that the general and complete embargo imposed by resolution 713 is effectively applied.

**727** *January 8, 1992*

The Council welcomes the signing of an Implementing Accord at Sarajevo on 2 January 1992, and endorses the Secretary-General's intention to send to Yugoslavia a group of up to 50 military liaison officers to promote maintenance of the cease-fire.

**740** *February 7, 1992*

The Council reaffirms its approval of the United Nations peace-keeping plan, approves the Secretary-General's proposal to increase the authorized strength of the military liaison mission, welcomes the continuing efforts to remove the remaining obstacle in the deployment of a peace-keeping operation, and calls upon all States to

cooperate with the Committee established by resolution 724.

**743** *February 21, 1992*

The Council decides to establish a United Nations Protection Force (UNPROFOR), requests the Secretary-General to immediately deploy those elements of the Force which can assist in developing an implementation plan for the earliest possible full deployment of - UNPROFOR, and decides that the embargo imposed by paragraph 6 of resolution 713 shall not apply to weapons and military equipment destined for the sole use of UNPROFOR.

**749** *April 7, 1992*

The Council decides to authorize the earliest possible full deployment of UNPROFOR, and appeals to all parties and others concerned in Bosnia and Herzegovina to cooperate with the efforts of the European Community to bring about a cease-fire and negotiated political solution.

**752** *May 15, 1992*

The Council demands that all parties concerned in Bosnia and Herzegovina stop the fighting immediately, that all forms of interference from outside, as well as any attempts to change the ethnic composition of the population, cease immediately and that those units of the Yugoslav People's Army and elements of the Croatian Army either be withdrawn, or be subject to the authority of the Government of Bosnia and Herzegovina, or be disbanded and disarmed with their weapons placed under effective international inventory.

**753** *May 18, 1992*

The Council recommends to the General Assembly that the Republic of Croatia be admitted to membership in the United Nations.

**754** *May 18, 1992*

The Council recommends to the General Assembly that

the Republic of Slovenia be admitted to membership in the United Nations.

**755** *May 20, 1992*

The Council recommends to the General Assembly that the Republic of Bosnia and Herzegovina be admitted to membership in the United Nations.

**757** *May 30, 1992*

The Council condemns the failure of the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) to take effective measures to fulfil the requirements of resolution 752, and decides to impose comprehensive mandatory sanctions against that country.

**758** *June 8, 1992*

The Council notes the agreement of all parties to the reopening of Sarajevo airport for humanitarian purposes under the exclusive authority of the United Nations, decides to enlarge the mandate and strength of UNPROFOR, strongly condemns all those parties and others concerned that are responsible for violations of the cease-fire, and demands that all parties and others concerned create immediately the necessary conditions for unimpeded delivery of humanitarian supplies to Sarajevo and other destinations in Bosnia and Herzegovina.

**760** *June 18, 1992*

The Council, acting under Chapter VII of the Charter of the United Nations, decides that certain prohibitions contained in resolution 757 shall not apply, with the approval of the Committee established by resolution 724 under the simplified and accelerated "no objection" procedure, to commodities and products for essential humanitarian need.

**761** *June 29, 1992*

The Council authorizes the Secretary-General to deploy immediately additional elements of UNPROFOR to

ensure the security and functioning of Sarajevo airport and the delivery of humanitarian assistance, and calls upon all States to contribute to the international humanitarian efforts in Sarajevo and its environs.

**762** *June 30, 1992*

The Council recommends the establishment of the Joint Commission under the chairmanship of UNPROFOR, and authorizes the strengthening of the Force to perform additional functions in certain areas ("pink zones") in Croatia.

**764** *July 13, 1992*

The Council authorizes the Secretary-General to deploy immediately further additional elements of UNPROFOR to ensure the security and functioning of Sarajevo airport and the delivery of humanitarian assistance, and reaffirms that all parties are bound to comply with the obligations under international humanitarian law.

**769** *August 7, 1992*

The Council authorizes the enlargement of UNPROFOR's mandate and strength to enable it to perform immigration and customs functions on the international borders in Croatia, and resolutely condemns the abuses committed against the civilian population, particularly on ethnic grounds.

**770** *August 13, 1992*

The Council calls upon States to "take nationally or through regional agencies or arrangements all measures necessary" to facilitate the delivery of humanitarian assistance to Sarajevo and wherever needed in other parts of Bosnia and Herzegovina.

**771** *August 13, 1992*

The Council strongly condemns any violations of international humanitarian law, including those involved in the practice of "ethnic cleansing", demands that relevant international humanitarian organizations, and in particular the ICRC, be granted immediate, unimpeded

and continued access to camps, prisons and detention centres within the territory of the former Yugoslavia, and calls upon States and, as appropriate, international humanitarian organizations, to collate substantial information in their possession or submitted to them relating to the violations of humanitarian law committed in the former Yugoslavia and to make this information available to the Council. The Council decides, acting under Chapter VII of the Charter of the United Nations, that all parties and others concerned in the former Yugoslavia, and all military forces in Bosnia and Herzegovina, shall comply with the provisions of the present resolution.

**776** *September 14, 1992*

The Council authorizes the enlargement of UNPROFOR'S mandate and strength in Bosnia and Herzegovina to provide protection to UNHCR-organized humanitarian convoys, as well as to convoys of released detainees if requested by the ICRC.

**777** *September 19, 1992*

The Council considers that the Federal Republic of Yugoslavia (Serbia and Montenegro) cannot continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations, and recommends to the General Assembly that it decide that the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership in the United Nations and that it shall not participate in the work of the General Assembly.

**779** *October 6, 1992*

The Council authorizes UNPROFOR to assume responsibility for monitoring the arrangements agreed for the complete withdrawal of the Yugoslav Army from Croatia, the demilitarization of the Prevlaka peninsula and the removal of heavy weapons from neighbouring areas of Croatia and Montenegro.

- 780** *October 6, 1992*  
The Council requests the Secretary-General to establish an impartial Commission of Experts with a view to providing him with its conclusions on the evidence of grave breaches of the Geneva Conventions and other violations of humanitarian law committed in the territory of the former Yugoslavia.
- 781** *October 9, 1992 [un/r0781.txt](#)[un/r0781.txt](#)*  
The Council decides to establish a ban on military flights in the airspace of Bosnia and Herzegovina ("No-Fly Zone"), and undertakes to examine without delay all the information brought to its attention concerning the implementation of the ban and, in the case of violations, to consider urgently the further measures necessary to enforce it.
- 786** *November 10, 1992*  
The Council reaffirms its ban on military flights in the airspace of Bosnia and Herzegovina, endorses the general concept of operations described in the Secretary-General's report (S/24767 and Add.1), and approves his recommendation that the strength of - UNPROFOR be increased to enable it to implement the concept of operations.
- 787** *November 16, 1992*  
The Council, acting under Chapter VII of the Charter, decides to prohibit the transshipment through the Federal Republic of Yugoslavia (Serbia and Montenegro) of certain products unless such transshipment is specifically authorized, and that any vessel in which a majority or controlling interest is held by a person or undertaking in or operating from the Federal Republic of Yugoslavia (Serbia and Montenegro) shall be considered a vessel of the Federal Republic of Yugoslavia (Serbia and Montenegro) regardless of the flag under which the vessel sails. The Council calls upon States, acting

nationally or through regional agencies or arrangements, to use such measures as may be necessary to halt all inward and outward maritime shipping in order to inspect and verify their cargoes and destinations and to ensure strict implementation of the provisions of resolutions 713 (1991) and 757 (1992).

**795** *December 11, 1992*

The Council authorizes the Secretary-General to establish a presence of UNPROFOR in the former Yugoslav Republic of Macedonia; requests him to deploy immediately the military, civil affairs, and administrative personnel; and also requests him to deploy the police monitors immediately upon receiving the consent of the Government in the former Yugoslav Republic of Macedonia.

**798** *December 18, 1992*

The Council, appalled by reports of the massive, organized and systematic detention and rape of women, in particular Muslim women, in Bosnia and Herzegovina, strongly condemns these acts of "unspeakable brutality" and requests the Secretary-General to provide such necessary means of support as are available to him in the area to facilitate the European Community's investigative mission to have free and secure access to the places of detention.

**802** *January 25, 1993*

The Council demands the immediate cessation of hostile activities by Croatian armed forces within or adjacent to the UNPAs and their withdrawal from these areas, strongly condemns the attacks by these forces against UNPROFOR and demands their immediate cessation. It also demands that the heavy weapons seized from the - UNPROFOR-controlled storage areas be returned immediately, and that all parties and others concerned comply strictly with the cease-fire arrangements already agreed and cooperate fully and

unconditionally in implementing the United Nations peace-keeping plan, including the disbanding and demobilization of Serb Territorial Defence units or other units of similar functions.

**807** *February 19, 1993*

The Council demands that the parties and others concerned comply fully with the United Nations peace-keeping plan in Croatia and with the other commitments they have undertaken, demands also the full and strict observance of all relevant Council resolutions relating to the mandate and operations of UNPROFOR in Bosnia and Herzegovina, and decides, in the context of these demands, to extend UNPROFOR's mandate for an interim period terminating on 31 March 1993. The Council urges the parties and others concerned to cooperate fully with the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia in order to ensure full implementation of the United Nations peace-keeping mandate in Croatia. It invites the Secretary-General to take all appropriate measures to strengthen the security of UNPROFOR and requests him to submit a report on the further extension of - UNPROFOR's mandate.

**808** *February 22, 1993*

The Council decides to establish an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991, and requests the Secretary-General to submit for consideration by the Council at the earliest possible date a report on all aspects of this matter.

**815** *March 30, 1993*

The Council extends UNPROFOR's mandate for an additional interim period until 30 June 1993. It decides to reconsider within one month, or at any time at the request of the Secretary-General, the Force's mandate

in light of developments of the International Conference on the Former Yugoslavia and the situation on the ground and requested the Secretary-General to report urgently to the Council on how the United Nations Peace Plan for Croatia can be effectively implemented.

**816** *March 31, 1993*

The Council, acting under Chapter VII of the Charter, authorizes Member States, seven days after the adoption of the resolution, acting nationally or through regional arrangements, to take, under the authority of the Security Council and subject to close coordination with the Secretary-General and UNPROFOR, all necessary measures in the airspace of Bosnia and Herzegovina, in the event of further violations, to ensure compliance with the ban on flights, and proportionate to the specific circumstances and the nature of flights.

**817** *April 7, 1993*

The Council recommends that the General Assembly admit to membership in the United Nations the State which is being provisionally referred to for all purposes within the United Nations as "the former Yugoslav Republic of Macedonia" pending settlement of the difference that has arisen over the name of that State.

**819** *April 16, 1993*

The Council demands that all parties treat Srebrenica and its surroundings as a safe area which should be free from any armed attack or any other hostile act. It also demands the immediate withdrawal of Bosnian Serb paramilitary units from areas surrounding that town and the cessation of armed attacks against it, requests the Secretary-General to take steps to increase the presence of UNPROFOR in Srebrenica and to arrange for the safe transfer of ill and wounded, and decides to send a mission of Council members to ascertain, firsthand, the situation in Bosnia and Herzegovina.

**820** *April 17, 1993*

The Council commends the peace plan for Bosnia and Herzegovina, welcomes the fact that the plan had been accepted in full by two of the Bosnian parties and calls on the Bosnian Serb party to accept the peace plan in full. It decides to strengthen the sanctions regime imposed against the Federal Republic of Yugoslavia (Serbia and Montenegro), effective nine days after the date of adoption of the resolution, unless the Bosnian Serb party sign the peace plan and cease their military attacks in Bosnia and Herzegovina.

**821** *April 28, 1993*

The Council reaffirms that the Federal Republic of Yugoslavia (Serbia and Montenegro) cannot continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations, and recommends to the General Assembly that it decide that the Federal Republic of Yugoslavia (Serbia and Montenegro) shall not participate in the work of the Economic and Social Council.

**824** *May 6, 1993*

The Council declares that the capital of Bosnia and Herzegovina, Sarajevo, and other such threatened areas, in particular the towns of Tuzla, Zepa, Gorazde, Bihac, as well as Srebrenica, should be treated as safe areas by all the parties concerned and should be free of armed attacks and from any other hostile act.

**827** *May 25, 1993*

The Council decides to establish an International Tribunal for the sole purpose of prosecuting persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia between 1 January 1991 and a date to be determined by the Security Council upon the restoration of peace.

**836** *June 4, 1993* [un/r0836.txt](#)[un/r0836.txt](#)

The Council decides to extend the mandate of UNPROFOR in order to enable it to deter attacks against the safe areas referred to in resolution 824 (1993); authorizes UNPROFOR, acting in self-defence, to take the necessary measures, including the use of force, in response to bombardments against or armed incursion into the safe areas by any of the parties or in the event of deliberate obstruction in or around those areas to the freedom of movement of UNPROFOR or of protected humanitarian convoys; decides that Member States, acting nationally or through regional organizations or arrangements, may take, under the authority of the Security Council and subject to close coordination with the Secretary-General and UNPROFOR, all necessary measures, through the use of air power, in and around the safe areas in Bosnia and Herzegovina, to support UNPROFOR in the performance of its mandate.

**838** *June 10, 1993*

The Council requests the Secretary-General to submit a further report on options for the deployment of international observers on the borders of Bosnia and Herzegovina.

**842** *June 18, 1993*

The Council welcomes the offer made by a Member State (United States of America) to contribute additional personnel to the UNPROFOR presence in the former Yugoslav Republic of Macedonia.

**843** *June 18, 1993*

The Council welcomes the establishment by the Committee [set up pursuant to resolution 724 (1991)] of its working group and invites the Committee, as it completes the examination of each request for assistance under the provisions of Article 50 of the Charter, to make recommendations to the President of the Council for appropriate action.

- 844** *June 18, 1993*  
The Council authorizes the reinforcement of UNPROFOR to meet the additional force requirements.
- 845** *June 18, 1993*  
The Council urges Greece and the former Yugoslav Republic of Macedonia to continue their efforts, under the auspices of the Secretary-General, to arrive at the speedy settlement of the remaining issues between them.
- 847** *June 30, 1993*  
The Council decides to extend UNPROFOR's mandate for an additional interim period terminating on 30 September 1993.
- 855** *August 9, 1993*  
The Council calls upon the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) to reconsider their refusal to allow the continuation of the activities of the CSCE missions in Kosovo, Sandjak and Vojvodina.
- 857** *August 20, 1993*  
The Council establishes the list of candidates for Judges of the International Tribunal.
- 859** *August 24, 1993*  
The Council affirms that a solution to the conflict in Bosnia and Herzegovina must be in conformity with the United Nations Charter and the principles of international law, and declares its readiness to consider taking necessary measures to assist the parties in the effective implementation of a fair and equitable settlement once it has been freely agreed by the parties.
- 869** *September 30, 1993*  
The Council decides to extend UNPROFOR's mandate for an additional period terminating on 1 October 1993.
- 870** *October 1, 1993*  
The Council decides to extend UNPROFOR's mandate

for an additional period terminating on 5 October 1993.

**871** *October 4, 1993*

The Council declares that continued non-cooperation in the implementation of the relevant resolutions of the Council or external interference in respect of the full implementation of the United Nations peace-keeping plan for the Republic of Croatia would have serious consequences, and decides to extend UNPROFOR's mandate for an additional period terminating on 31 March 1994.

**877** *October 21, 1993*

The Council appoints Mr. Ramón Escovar-Salom, Attorney General of Venezuela, as Prosecutor of the International Tribunal.

**900** *March 4, 1994*

The Council requests the Secretary-General to appoint a senior civilian official, who will act under the authority of his Special Representative for the former Yugoslavia, to draw up an overall assessment and plan of action for the restoration of essential public services in the various opstinas of Sarajevo, other than the city of Pale; requests the Secretary-General to present a report on the feasibility and modalities for the application of the protection, defined in resolutions 824 (1993) and 836 (1993), to Maglaj, Mostar and Vitez.

**908** *March 31, 1994*

The Council extends UNPROFOR's mandate until September 30, 1994. Also, it authorizes an increase of UNPROFOR's personnel by up to 3,500 troops.

**936** *July 8, 1994*

The Council appoints Mr. Richard J. Goldstone as Prosecutor of the International Tribunal.

**947** *September 30, 1994*

The Council extends UNPROFOR's mandate until March 31, 1995.

**958** *November 19, 1994* [un/r0958.txt](#)[un/r0958.txt](#)

- The Council affirms commitments to the sovereignty and territorial integrity of the Republic of Croatia. The Council approves the use of airpower to support UNPROFOR in the performance of its mandate.
- 981** *March 31, 1995* [un/r0981.txt](#)[un/r0981.txt](#)  
The Council establishes the United Nations Confidence Restoring Operation (UNCRO) in Croatia. It approves the extension of close air support to the territory of the Republic of Croatia in defence of UNCRO.
- 1021** *November 22, 1995*  
The Council decides that the arms embargo shall be terminated in phases. See the Council's 3595th meeting.
- 1022** *November 22, 1995*  
The economic sanctions imposed by the resolutions 757, 787, 820, 942, 943, 988, 992, 1003, and 1015 are suspended indefinitely.
- 1023** *November 22, 1995*  
The Council recognizes the request to establish a Transitional Administration and authorizes an appropriate force to consider the request.
- 1025** *November 30, 1995*  
The Council requests a report on the transitional administration and a transitional peace keeping force to implement provisions of the Base Agreement. Also, the mandate of UNCRO terminates on January 15, 1996.
- 1026** *November 30, 1995*  
The Council extends the UNPROFOR mandate until January 31, 1996.
- 1027** *November 30, 1995*  
The Council extends the mandate of UNPREDEP until May 30, 1996.
- 1031** *December 15, 1995* [un/r1031.txt](#)[un/r1031.txt](#)  
The Council authorizes the establishment of a multinational Implementation Force. The Council authorizes all measures to assist IFOR and authorizes

IFOR to defend itself from attacks or threats of attacks. Further, the resolutions 770, 781, 816, 836, 844, 958, and 824 will be terminated. See the Council's 3607th meeting.

- 1035** *December 21, 1995* un/r1035.txtun/r1035.txt  
The Council decides to establish the Implementation Force for one year and also authorizes the establishment of a UN civilian police force (International Police Task Force - IPTF).
- 1047** *February 29, 1996*  
Appoints Mrs. Louise Arbour as Prosecutor of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia and the International Tribunal for Rwanda with effect from the date on which Mr. Goldstone's resignation takes effect.
- 1066** *July 15, 1996*  
UNSC requests that a report be submitted on the situation in the Prevlaka peninsula as well as on the progress made by the Republic of Croatia and the Federal Republic of Yugoslavia towards a settlement which would peacefully resolve their differences on this issue. The current UNMOP mandate expires January 15, 1997.
- 1074** *October 1, 1996*  
In accordance with paragraph 4 of resolution 1022 (1995), the measures referred to in paragraph 1 of that resolution are being terminated. This also implies termination of Operation SHARP GUARD.
- 1082** *November 27, 1996*  
Authorizes extension of the mandate of UNPREDEP for a period terminating on 31 May 1997 with a reduction of its military component by 300.
- 1088** *December 12, 1996* un/r1088.txtun/r1088.txt  
Authorizes the IFOR follow-up: Stabilization Force.

- 1093** *January 14, 1997*  
This resolution calls on parties to adopt measures to improve safety of UN military observers in Prevlaka peninsula. It authorizes UNMOP (UN Military Observers Prevlaka Peninsula) to continue monitoring the demilitarization of the Prevlaka peninsula until 15 July 1997.
- 1103** *March 31, 1997*  
Authorization of increase in strength of United Nations Mission in Bosnia and Herzegovina (UNMIBH).
- 1104** *April 8, 1997*  
Nominations for judges of the International Criminal Tribunal for the former Yugoslavia.
- 1105** *February 22, 1997*  
Suspension of reduction of the military component of the United Nations Preventive Deployment Force (UNPREDEP) until May 31, 1997.
- 1107** *May 16, 1997*  
Authorization of increase in strength of United Nations Mission in Bosnia and Herzegovina (UNMIBH).
- 1110** *May 28, 1997*  
Extension of the UNPREDEP mandate until November 30, 1997.
- 1112** *June 12, 1997*  
Designation of Carlos Westendorp as High Representative for Implementation of the Peace Agreement on Bosnia and Herzegovina, in succession to Carl Bildt.
- 1119** *July 14, 1997*  
Authorizes the military observers to continue monitoring the demilitarization of the Prevlaka peninsula.
- 1120** *July 14, 1997*  
Calls upon the Government of the Republic of Croatia and the local Serb community to cooperate fully with UNTAES.

- 1126** *August 27, 1997*  
The terms of three retiring judges are extended so they may complete adjudication of 'complex case'.
- 1140** *November 28, 1997*  
Extend the mandate of the United Nations Preventive Deployment Force (UNPREDEP) for an additional period terminating on 4 December 1997.
- 1142** *December 4, 1997*  
Extends the mandate of UNPREDEP for the final period until 31 August 1998.
- 1145** *December 19, 1997*  
Calls upon the Government of the Republic of Croatia to implement fully and promptly all of its obligations and commitments.
- 1147** *January 13, 1998*  
Authorizes the United Nations military observers to continue monitoring the demilitarization of the Prevlaka peninsula.
- 1166** *May 13, 1998*  
Establishes a third Trial Chamber of the International Tribunal.
- 1168** *May 21, 1998*  
Authorizes an increase to the International Police Task Force (IPTF).
- 1174** *June 15, 1998*  
Calls for compliance with the Peace Agreement.
- 1183** *June 15, 1998*  
Authorizes the UN Military Observers to continue monitoring the demilitarization of the Prevlaka.
- 1184** *July 16, 1998*  
Calls on UN Mission in Bosnia and Herzegovina to monitor and assess the court system in Bosnia and Herzegovina as part of an overall program of legal reform.
- 1186** *July 21, 1998*

Authorizes an increase in the troop strength of the UN Preventive Deployment Force (UNPREDEP) up to 1,050 and to extend the current mandate of UNPREDEP.

**1191** *August 27, 1998*

Considers Judge nominations for the International Tribunal for the Former Yugoslavia.

**1199** *September 23, 1998*

Demands an immediate cease fire in Kosovo.

***Appendix E(5): General Framework Agreement for Peace in Bosnia and Herzegovina to Include Annex 1-A (Agreement on Military Aspects of the Peace Settlement) and Its Appendix B (SOFA Between NATO and Republic of Bosnia-Herzegovina)***

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**General Framework Agreement for Peace in Bosnia and Herzegovina**

Text of Dayton Peace Agreement documents initialed in Dayton, Ohio on November 21, 1995 and signed in Paris on December 14, 1995. The agreement is known as the Dayton Peace Accords. The following text was released by the Office of the Spokesman, December 1, 1995.

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**GENERAL FRAMEWORK AGREEMENT FOR PEACE IN BOSNIA AND HERZEGOVINA**

The Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (the "Parties"),

Recognizing the need for a comprehensive settlement to bring an end to the tragic conflict in the region,

Desiring to contribute toward that end and to promote an enduring peace and stability,

Affirming their commitment to the Agreed Basic Principles issued on September 8, 1995, the Further Agreed Basic Principles issued on September 26, 1995, and the cease-fire agreements of September 14 and October 5, 1995,

Noting the agreement of August 29, 1995, which authorized the delegation of the Federal Republic of Yugoslavia to sign, on behalf of the Republika Srpska, the parts of the peace plan concerning it, with the obligation to implement the agreement that is reached strictly and consequently,

Have agreed as follows:

**Article I**

The Parties shall conduct their relations in accordance with the principles set forth in the United Nations Charter, as well as the Helsinki Final Act and other documents of the Organization for Security and Cooperation in Europe. In particular, the Parties shall fully respect the sovereign equality of one another, shall settle disputes by peaceful means, and shall refrain from any action, by threat or use of force or otherwise, against the territorial integrity or political independence of Bosnia and Herzegovina or any other State.

**Article II**

The Parties welcome and endorse the arrangements that have been made concerning the military aspects of the peace settlement and aspects of regional stabilization, as set forth in the Agreements at Annex 1-A and Annex 1-B. The Parties shall fully respect and promote fulfillment of the commitments made in Annex 1-A, and shall comply fully with their commitments as set forth in Annex 1-B.

**Article III**

The Parties welcome and endorse the arrangements that have been made concerning the boundary demarcation between the two Entities, the Federation of Bosnia and Herzegovina and Republika Srpska, as set forth in the Agreement at Annex 2. The Parties shall fully respect and promote fulfillment of the commitments made therein.

**Article IV**

The Parties welcome and endorse the elections program for Bosnia and Herzegovina as set forth in Annex 3. The Parties shall fully respect and promote fulfillment of that program.

**Article V**

The Parties welcome and endorse the arrangements that have been made concerning the Constitution of Bosnia and Herzegovina, as set

forth in Annex 4. The Parties shall fully respect and promote fulfillment of the commitments made therein.

#### Article VI

The Parties welcome and endorse the arrangements that have been made concerning the establishment of an arbitration tribunal, a Commission on Human Rights, a Commission on Refugees and Displaced Persons, a Commission to Preserve National Monuments, and Bosnia and Herzegovina Public Corporations, as set forth in the Agreements at Annexes 5-9. The Parties shall fully respect and promote fulfillment of the commitments made therein.

#### Article VII

Recognizing that the observance of human rights and the protection of refugees and displaced persons are of vital importance in achieving a lasting peace, the Parties agree to and shall comply fully with the provisions concerning human rights set forth in Chapter One of the Agreement at Annex 6, as well as the provisions concerning refugees and displaced persons set forth in Chapter One of the Agreement at Annex 7.

#### Article VIII

The Parties welcome and endorse the arrangements that have been made concerning the implementation of this peace settlement, including in particular those pertaining to the civilian (non-military) implementation, as set forth in the Agreement at Annex 10, and the international police task force, as set forth in the Agreement at Annex 11. The Parties shall fully respect and promote fulfillment of the commitments made therein.

#### Article IX

The Parties shall cooperate fully with all entities involved in implementation of this peace settlement, as described in the Annexes to this Agreement, or which are otherwise authorized by the United Nations Security Council, pursuant to the obligation of all Parties to cooperate in the investigation and prosecution of war crimes and other violations of international humanitarian law.

**Article X**

**The Federal Republic of Yugoslavia and the Republic of Bosnia and Herzegovina recognize each other as sovereign independent States within their international borders. Further aspects of their mutual recognition will be subject to subsequent discussions.**

**Article XI**

**This Agreement shall enter into force upon signature.**

**DONE at Paris, this [21st] day of [November] , 1995, in the Bosnian, Croatian, English and Serbian languages, each text being equally authentic.**

**For the Republic of Bosnia and Herzegovina**

**For the Republic of Croatia**

**For the Federal Republic of Yugoslavia**

**Witnessed by:**

**European Union Special Negotiator**

**For the French Republic**

**For the Federal Republic of Germany**

**For the Russian Federation**

**For the United Kingdom of Great Britain and Northern Ireland**

**For the United States of America**

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**ANNEXES**

**Annex 1-A Agreement on Military Aspects of the Peace Settlement**

**Annex 1-B Agreement on Regional Stabilization**

**Annex 2 Agreement on Inter-Entity Boundary Line and Related Issues**

**Annex 3 Agreement on Elections**

**Annex 4 Constitution**

**Annex 5 Agreement on Arbitration**

**Annex 6 Agreement on Human Rights**

**Annex 7 Agreement on Refugees and Displaced Persons**

**Annex 8 Agreement on the Commission to Preserve National Monuments**

**Annex 9 Agreement on Bosnia and Herzegovina Public Corporations**

**Annex 10 Agreement on Civilian Implementation**

**Annex 11 Agreement on International Police Task Force**

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**Annex 1A: Agreement on the Military Aspects of the Peace  
Settlement**

**Text of Dayton Peace Agreement documents initialed in Dayton, Ohio on November 21, 1995. Released by the Office of the Spokesman, December 1, 1995.**

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**The Republic of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, and the Republika Srpska (hereinafter the "Parties") have agreed as follows:**

**Article I**

**General Obligations**

**1. The Parties undertake to recreate as quickly as possible normal conditions of life in Bosnia and Herzegovina. They understand that this requires a major contribution on their part in which they will make strenuous efforts to cooperate with each other and with the international organizations and agencies which are assisting them on the ground. They welcome the willingness of the international community to send to the region, for a period of approximately one year, a force to assist in implementation of the territorial and other militarily related provisions of the agreement as described herein.**

**(a) The United Nations Security Council is invited to adopt a resolution by which it will authorize Member States or regional organizations and arrangements to establish a multinational military Implementation Force (hereinafter "IFOR"). The Parties understand and agree that this Implementation Force may be composed of ground, air and maritime units from NATO and non-NATO nations, deployed to Bosnia and Herzegovina to help ensure compliance with the provisions of this Agreement (hereinafter "Annex"). The Parties understand and agree that the IFOR will begin the implementation of the military aspects of**

**this Annex upon the transfer of authority from the UNPROFOR Commander to the IFOR Commander (hereinafter "Transfer of Authority"), and that until the Transfer of Authority, UNPROFOR will continue to exercise its mandate.**

**(b) It is understood and agreed that NATO may establish such a force, which will operate under the authority and subject to the direction and political control of the North Atlantic Council ("NAC") through the NATO chain of command. They undertake to facilitate its operations. The Parties, therefore, hereby agree and freely undertake to fully comply with all obligations set forth in this Annex.**

**(c) It is understood and agreed that other States may assist in implementing the military aspects of this Annex. The Parties understand and agree that the modalities of those States' participation will be the subject of agreement between such participating States and NATO.**

**2. The purposes of these obligations are as follows:**

**(a) to establish a durable cessation of hostilities. Neither Entity shall threaten or use force against the other Entity, and under no circumstances shall any armed forces of either Entity enter into or stay within the territory of the other Entity without the consent of the government of the latter and of the Presidency of Bosnia and Herzegovina. All armed forces in Bosnia and Herzegovina shall operate consistently with the sovereignty and territorial integrity of Bosnia and Herzegovina;**

**(b) to provide for the support and authorization of the IFOR and in particular to authorize the IFOR to take such actions as required, including the use of necessary force, to ensure compliance with this Annex, and to ensure its own protection; and**

**(c) to establish lasting security and arms control measures as outlined in Annex 1-B to the General Framework Agreement, which aim to promote a permanent reconciliation between all Parties and to facilitate the achievement of all political arrangements agreed to in the General Framework Agreement.**

**3. The Parties understand and agree that within Bosnia and Herzegovina the obligations undertaken in this Annex shall be applied equally within both Entities. Both Entities shall be held equally responsible for compliance herewith, and both shall be equally subject to such enforcement action by the IFOR as may be necessary to ensure implementation of this Annex and the protection of the IFOR.**

## **Article II**

### **Cessation of Hostilities**

**1. The Parties shall comply with the cessation of hostilities begun with the agreement of October 5, 1995 and shall continue to refrain from all offensive operations of any type against each other. An offensive operation in this case is an action that includes projecting forces or fire forward of a Party's own lines. Each Party shall ensure that all personnel and organizations with military capability under its control or within territory under its control, including armed civilian groups, national guards, army reserves, military police, and the Ministry of Internal Affairs Special Police (MUP) (hereinafter "Forces") comply with this Annex. The term "Forces" does not include UNPROFOR, the International Police Task Force referred to in the General Framework Agreement, the IFOR or other elements referred to in Article I, paragraph 1 (c).**

**2. In carrying out the obligations set forth in paragraph 1, the Parties undertake, in particular, to cease the firing of all weapons and explosive devices except as authorized by this Annex. The Parties shall not place any additional minefields, barriers, or protective obstacles. They shall not engage in patrolling, ground or air reconnaissance forward of their own force positions, or into the Zones of Separation as provided for in Article IV below, without IFOR approval.**

**3. The Parties shall provide a safe and secure environment for all persons in their respective jurisdictions, by maintaining civilian law enforcement agencies operating in accordance with internationally recognized standards and with respect for internationally recognized human rights and fundamental freedoms, and by taking such other**

measures as appropriate. The Parties also commit themselves to disarm and disband all armed civilian groups, except for authorized police forces, within 30 days after the Transfer of Authority.

4. The Parties shall cooperate fully with any international personnel including investigators, advisors, monitors, observers, or other personnel in Bosnia and Herzegovina pursuant to the General Framework Agreement, including facilitating free and unimpeded access and movement and by providing such status as is necessary for the effective conduct of their tasks.

5. The Parties shall strictly avoid committing any reprisals, counter-attacks, or any unilateral actions in response to violations of this Annex by another Party. The Parties shall respond to alleged violations of the provisions of this Annex through the procedures provided in Article VIII.

### Article III

#### Withdrawal of Foreign Forces

1. All Forces in Bosnia and Herzegovina as of the date this Annex enters into force which are not of local origin, whether or not they are legally and militarily subordinated to the Republic of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, or Republika Srpska, shall be withdrawn together with their equipment from the territory of Bosnia and Herzegovina within thirty (30) days. Furthermore, all Forces that remain on the territory of Bosnia and Herzegovina must act consistently with the territorial integrity, sovereignty, and political independence of Bosnia and Herzegovina. In accordance with Article II, paragraph 1, this paragraph does not apply to UNPROFOR, the International Police Task Force referred to in the General Framework Agreement, the IFOR or other elements referred to in Article I, paragraph 1 (c).

2. In particular, all foreign Forces, including individual advisors, freedom fighters, trainers, volunteers, and personnel from neighboring and other States, shall be withdrawn from the territory of Bosnia and Herzegovina in accordance with Article III, paragraph 1.

## **Article IV**

### **Redeployment of Forces**

**1. The Republic of Bosnia and Herzegovina and the Entities shall redeploy their Forces in three phases:**

#### **2. PHASE I**

**(a) The Parties immediately after this Annex enters into force shall begin promptly and proceed steadily to withdraw all Forces behind a Zone of Separation which shall be established on either side of the Agreed Cease-Fire Line that represents a clear and distinct demarcation between any and all opposing Forces. This withdrawal shall be completed within thirty (30) days after the Transfer of Authority. The precise Agreed Cease-Fire Line and Agreed Cease-Fire Zone of Separation are indicated on the maps at Appendix A of this Annex.**

**(b) The Agreed Cease-Fire Zone of Separation shall extend for a distance of approximately two (2) kilometers on either side of the Agreed Cease-Fire Line. No weapons other than those of the IFOR are permitted in this Agreed Cease-Fire Zone of Separation except as provided herein. No individual may retain or possess any military weapons or explosives within this four kilometer Zone without specific approval of the IFOR. Violators of this provision shall be subject to military action by the IFOR, including the use of necessary force to ensure compliance.**

**(c) In addition to the other provisions of this Annex, the following specific provisions shall also apply to Sarajevo and Gorazde:**

#### **SARAJEVO**

**(1) Within seven (7) days after the Transfer of Authority, the Parties shall transfer and vacate selected positions along the Agreed Cease-Fire Line according to instructions to be issued by the IFOR Commander.**

**(2) The Parties shall complete withdrawal from the Agreed Cease-Fire Zone of Separation in Sarajevo within thirty (30) days after the Transfer of Authority, in accordance with Article IV, paragraph 2. The width of this Zone of Separation will be approximately one (1) kilometer on either side of the Agreed Cease-Fire Line. However, this Zone of Separation may be adjusted by the IFOR Commander either to narrow the Zone of Separation to take account of the urban area of Sarajevo or to widen the Zone of Separation up to two (2) kilometers on either side of the Agreed Cease-Fire Line to take account of more open terrain.**

**(3) Within the Agreed Cease-Fire Zone of Separation, no individual may retain or possess any weapons or explosives, other than a member of the IFOR or the local police exercising official duties as authorized by the IFOR in accordance with Article IV, paragraph 2(b).**

**(4) The Parties understand and agree that violators of subparagraphs (1), (2) and (3) above shall be subject to military action by the IFOR, including the use of necessary force to ensure compliance.**

#### **GORAZDE**

**(1) The Parties understand and agree that a two lane all-weather road will be constructed in the Gorazde Corridor. Until such road construction is complete, the two interim routes will be used by both Entities.**

**The Grid coordinates for these alternate routes are (Map References: Defense Mapping Agency 1:50,000 Topographic Line Maps, Series M709, Sheets 2782-1, 2782-2, 2782-3, 2782-4, 2881-4, 2882-1, 2882-2, 2882-3, and 2882-4; Military Grid Reference System grid coordinates referenced to World Geodetic System 84 (Horizontal Datum):**

**Interim Route 1: From Gorazde (34TCP361365), proceed northeast following Highway 5 along the Drina River to the Ustipraca area (34TCP456395). At that point, proceed north on Highway 19-3 through Rogatica (34TCP393515) continuing northwest past Stienice (34TCP294565) to the road intersection at Podromanija (34TCP208652). From this point, proceed west following Highway 19 to where it enters the outskirts of Sarajevo (34TBP950601).**

**Interim Route 2: From Gorazde (34TCP361365), proceed south following Highway 20. Follow Highway 20 through Ustinkolina (34TCP218281). Continue south following Highway 20 passing Foca along the west bank of the Drina River (34TCP203195) to a point (34TCP175178) where the route turns west following Highway 18. From this point, follow Highway 18 south of Miljevina (34TCP097204) continuing through Trnovo (34TBP942380) north to the outskirts of Sarajevo where it enters the town at Vaskovici (34TBP868533).**

**There shall be complete freedom of movement along these routes for civilian traffic. The Parties shall only utilize these interim routes for military forces and equipment as authorized by and under the control and direction of the IFOR. In this regard, and in order to reduce the risk to civilian traffic, the IFOR shall have the right to manage movement of military and civilian traffic from both Entities along these routes.**

**(2) The Parties understand and agree that violators of subparagraph (1) shall be subject to military action by the IFOR, including the use of necessary force to ensure compliance.**

**(3) The Parties pledge as a confidence building measure that they shall not locate any Forces or heavy weapons as defined in paragraph 5 of this Article within two (2) kilometers of the designated interim routes. Where those routes run in or through the designated Zones of Separation, the provisions relating to Zones of Separation in this Annex shall also apply.**

**(d) The Parties immediately after this Annex enters into force shall begin promptly and proceed steadily to complete the following activities within thirty (30) days after the Transfer of Authority or as determined by the IFOR Commander: (1) remove, dismantle or destroy all mines, unexploded ordnance, explosive devices, demolitions, and barbed or razor wire from the Agreed Cease-Fire Zone of Separation or other areas from which their Forces are withdrawn; (2) mark all known mine emplacements, unexploded ordnance, explosive devices and demolitions within Bosnia and Herzegovina; and (3) remove, dismantle or destroy all mines, unexploded ordnance, explosive devices and demolitions as required by the IFOR Commander.**

(e) The IFOR is authorized to direct that any military personnel, active or reserve, who reside within the Agreed Cease-Fire Zone of Separation register with the appropriate IFOR Command Post referred to in Article VI which is closest to their residence.

### 3. PHASE II (AS REQUIRED IN SPECIFIC LOCATIONS)

This phase applies to those locations where the Inter-Entity Boundary Line does not follow the Agreed Cease-Fire Line.

(a) In those locations in which, pursuant to the General Framework Agreement, areas occupied by one Entity are to be transferred to another Entity, all Forces of the withdrawing Entity shall have forty-five (45) days after the Transfer of Authority to completely vacate and clear this area. This shall include the removal of all Forces as well as the removal, dismantling or destruction of equipment, mines, obstacles, unexploded ordnance, explosive devices, demolitions, and weapons. In those areas being transferred to a different Entity, in order to provide an orderly period of transition, the Entity to which an area is transferred shall not put Forces in this area for ninety (90) days after the Transfer of Authority or as determined by the IFOR Commander. The Parties understand and agree that the IFOR shall have the right to provide the military security for these transferred areas from thirty (30) days after the Transfer of Authority until ninety-one (91) days after the Transfer of Authority, or as soon as possible as determined by the IFOR Commander, when these areas may be occupied by the Forces of the Entity to which they are transferred. Upon occupation by the Entity to which the area is transferred, a new Zone of Separation along the Inter-Entity Boundary Line as indicated on the map at Appendix A shall be established by the IFOR, and the Parties shall observe the same limitations on the presence of Forces and weapons in this Zone as apply to the Agreed Cease-Fire Zone of Separation.

(b) The IFOR is authorized to direct that any military personnel, active or reserve, who reside within the Inter-Entity Zone of Separation register with the appropriate IFOR Command Post referred to in Article VI which is closest to their residence.

4. GENERAL. The following provisions apply to Phases I and II:

**(a) In order to provide visible indication, the IFOR shall supervise the selective marking of the Agreed Cease-Fire Line and its Zone of Separation, and the Inter-Entity Boundary Line and its Zone of Separation. Final authority for placement of such markers shall rest with the IFOR. All Parties understand and agree that the Agreed Cease-Fire Line and its Zone of Separation and the Inter-Entity Boundary Line and its Zone of Separation are defined by the maps and documents agreed to as part of the General Framework Agreement and not the physical location of markers.**

**(b) All Parties understand and agree that they shall be subject to military action by the IFOR, including the use of necessary force to ensure compliance, for:**

**(1) failure to remove all their Forces and unauthorized weapons from the four (4) kilometer Agreed Cease-Fire Zone of Separation within thirty (30) days after the Transfer of Authority, as provided in Article IV, paragraph 2(a) and (b) above;**

**(2) failure to vacate and clear areas being transferred to another Entity within forty-five (45) days after the Transfer of Authority, as provided in Article IV, paragraph 3(a) above;**

**(3) deploying Forces within areas transferred from another Entity earlier than ninety (90) days after the Transfer of Authority or as determined by the IFOR Commander, as provided in Article IV, paragraph 3(a) above;**

**(4) failure to keep all Forces and unauthorized weapons outside the Inter-Entity Zone of Separation after this Zone is declared in effect by the IFOR, as provided in Article IV, paragraph 3(a) above; or**

**(5) violation of the cessation of hostilities as agreed to by the Parties in Article II.**

## **5. PHASE III**

**The Parties pledge as confidence building measures that they shall:**

**(a) within 120 days after the Transfer of Authority withdraw all heavy weapons and Forces to cantonment/barracks areas or other locations**

as designated by the IFOR Commander. "Heavy weapons" refers to all tanks and armored vehicles, all artillery 75 mm and above, all mortars 81 mm and above, and all anti-aircraft weapons 20 mm and above. This movement of these Forces to cantonment/barracks areas is intended to enhance mutual confidence by the Parties in the success of this Annex and help the overall cause of peace in Bosnia and Herzegovina.

(b) within 120 days after the Transfer of Authority demobilize Forces which cannot be accommodated in cantonment/barracks areas as provided in subparagraph (a) above. Demobilization shall consist of removing from the possession of these personnel all weapons, including individual weapons, explosive devices, communications equipment, vehicles, and all other military equipment. All personnel belonging to these Forces shall be released from service and shall not engage in any further training or other military activities.

6. Notwithstanding any other provision of this Annex, the Parties understand and agree that the IFOR has the right and is authorized to compel the removal, withdrawal, or relocation of specific Forces and weapons from, and to order the cessation of any activities in, any location in Bosnia and Herzegovina whenever the IFOR determines such Forces, weapons or activities to constitute a threat or potential threat to either the IFOR or its mission, or to another Party. Forces failing to redeploy, withdraw, relocate, or to cease threatening or potentially threatening activities following such a demand by the IFOR shall be subject to military action by the IFOR, including the use of necessary force to ensure compliance, consistent with the terms set forth in Article I, paragraph 3.

## Article V

### Notifications

1. Immediately upon establishment of the Joint Military Commission provided for in Article VIII, each Party shall furnish to the Joint Military Commission information regarding the positions and descriptions of all known unexploded ordnance, explosive devices, demolitions, minefields, booby traps, wire entanglements, and all other physical or military hazards to the safe movement of any personnel within Bosnia

and Herzegovina, as well as the location of lanes through the Agreed Cease-Fire Zone of Separation which are free of all such hazards. The Parties shall keep the Joint Military Commission updated on changes in this information.

**2. Within thirty (30) days after the Transfer of Authority, each Party shall furnish to the Joint Military Commission the following specific information regarding the status of its Forces within Bosnia and Herzegovina and shall keep the Joint Military Commission updated on changes in this information:**

**(a) location, type, strengths of personnel and weaponry of all Forces within ten (10) kilometers of the Agreed Cease-Fire Line and Inter-Entity Boundary Line.**

**(b) maps depicting the forward line of troops and front lines;**

**(c) positions and descriptions of fortifications, minefields, unexploded ordnance, explosive devices, demolitions, barriers, and other man-made obstacles, ammunition dumps, command headquarters, and communications networks within ten (10) kilometers of the Agreed Cease-Fire Line or Inter-Entity Boundary Line;**

**(d) positions and descriptions of all surface to air missiles/launchers, including mobile systems, anti-aircraft artillery, supporting radars and associated command and control systems;**

**(e) positions and descriptions of all mines, unexploded ordnance, explosive devices, demolitions, obstacles, weapons systems, vehicles, or any other military equipment which cannot be removed, dismantled or destroyed under the provisions of Article IV, paragraphs 2(d) and 3(a); and**

**(f) any further information of a military nature as requested by the IFOR.**

**3. Within 120 days after the Transfer of Authority, the Parties shall furnish to the Joint Military Commission the following specific information regarding the status of their Forces in Bosnia and Herzegovina and shall keep the Joint Military Commission updated on changes in this information:**

- (a) location, type, strengths of personnel and weaponry of all Forces;**
- (b) maps depicting the information in sub-paragraph (a) above;**
- (c) positions and descriptions of fortifications, minefields, unexploded ordnance, explosive devices, demolitions, barriers, and other man-made obstacles, ammunition dumps, command headquarters, and communications networks; and**
- (d) any further information of a military nature as requested by the IFOR.**

## **Article VI**

### **Deployment of the Implementation Force**

**1. Recognizing the need to provide for the effective implementation of the provisions of this Annex, and to ensure compliance, the United Nations Security Council is invited to authorize Member States or regional organizations and arrangements to establish the IFOR acting under Chapter VII of the United Nations Charter. The Parties understand and agree that this Implementation Force may be composed of ground, air and maritime units from NATO and non-NATO nations, deployed to Bosnia and Herzegovina to help ensure compliance with the provisions of this Annex. The Parties understand and agree that the IFOR shall have the right to deploy on either side of the Inter-Entity Boundary Line and throughout Bosnia and Herzegovina.**

**2. The Parties understand and agree that the IFOR shall have the right:**

**(a) to monitor and help ensure compliance by all Parties with this Annex (including, in particular, withdrawal and redeployment of Forces within agreed periods, and the establishment of Zones of Separation);**

**(b) to authorize and supervise the selective marking of the Agreed Cease-Fire Line and its Zone of Separation and the Inter-Entity**

**Boundary Line and its Zone of Separation as established by the General Framework Agreement;**

**(c) to establish liaison arrangements with local civilian and military authorities and other international organizations as necessary for the accomplishment of its mission; and**

**(d) to assist in the withdrawal of UN Peace Forces not transferred to the IFOR, including, if necessary, the emergency withdrawal of UNCRO Forces.**

**3. The Parties understand and agree that the IFOR shall have the right to fulfill its supporting tasks, within the limits of its assigned principal tasks and available resources, and on request, which include the following:**

**(a) to help create secure conditions for the conduct by others of other tasks associated with the peace settlement, including free and fair elections;**

**(b) to assist the movement of organizations in the accomplishment of humanitarian missions;**

**(c) to assist the UNHCR and other international organizations in their humanitarian missions;**

**(d) to observe and prevent interference with the movement of civilian populations, refugees, and displaced persons, and to respond appropriately to deliberate violence to life and person; and,**

**(e) to monitor the clearing of minefields and obstacles.**

**4. The Parties understand and agree that further directives from the NAC may establish additional duties and responsibilities for the IFOR in implementing this Annex.**

**5. The Parties understand and agree that the IFOR Commander shall have the authority, without interference or permission of any Party, to do all that the Commander judges necessary and proper, including the use of military force, to protect the IFOR and to carry out the**

responsibilities listed above in paragraphs 2, 3 and 4, and they shall comply in all respects with the IFOR requirements.

6. The Parties understand and agree that in carrying out its responsibilities, the IFOR shall have the unimpeded right to observe, monitor, and inspect any Forces, facility or activity in Bosnia and Herzegovina that the IFOR believes may have military capability. The refusal, interference, or denial by any Party of this right to observe, monitor, and inspect by the IFOR shall constitute a breach of this Annex and the violating Party shall be subject to military action by the IFOR, including the use of necessary force to ensure compliance with this Annex.

7. The Army of the Republic of Bosnia and Herzegovina, the Croat Defense Council Forces, and the Army of Republika Srpska shall establish Command Posts at IFOR brigade, battalion, or other levels which shall be co-located with specific IFOR command Vocations, as determined by the IFOR Commander. These Command Posts shall exercise command and control over all Forces of their respective sides which are located within ten (10) kilometers of the Agreed Cease-Fire Line or Inter-Entity Boundary Line, as specified by the IFOR. The Command Posts shall provide, at the request of the IFOR, timely status reports on organizations and troop levels in their areas.

8. In addition to co-located Command Posts, the Army of the Republic of Bosnia and Herzegovina, the Croat Defense Council Forces, and the Army of Republika Srpska shall maintain liaison teams to be co-located with the IFOR Command, as determined by the IFOR Commander, for the purpose of fostering communication, and preserving the overall cessation of hostilities.

9. Air and surface movements in Bosnia and Herzegovina shall be governed by the following provisions:

(a) The IFOR shall have complete and unimpeded freedom of movement by ground, air, and water throughout Bosnia and Herzegovina. It shall have the right to bivouac, maneuver, billet, and utilize any areas or facilities to carry out its responsibilities as required for its support, training, and operations, with such advance notice as may be practicable. The IFOR and its personnel shall not be liable for any damages to civilian or government property caused by

combat or combat related activities. Roadblocks, checkpoints or other impediments to IFOR freedom of movement shall constitute a breach of this Annex and the violating Party shall be subject to military action by the IFOR, including the use of necessary force to ensure compliance with this Annex.

(b) The IFOR Commander shall have sole authority to establish rules and procedures governing command and control of airspace over Bosnia and Herzegovina to enable civilian air traffic and non-combat air activities by the military or civilian authorities in Bosnia and Herzegovina, or if necessary to terminate civilian air traffic and non-combat air activities.

(1) The Parties understand and agree there shall be no military air traffic, or non-military aircraft performing military missions, including reconnaissance or logistics, without the express permission of the IFOR Commander. The only military aircraft that may be authorized to fly in Bosnia and Herzegovina are those being flown in support of the IFOR, except with the express permission of the IFOR. Any flight activities by military fixed-wing or helicopter aircraft within Bosnia and Herzegovina without the express permission of the IFOR Commander are subject to military action by the IFOR, including the use of necessary force to ensure compliance.

(2) All air early warning, air defense, or fire control radars shall be shut down within 72 hours after this Annex enters into force, and shall remain inactive unless authorized by the IFOR Commander. Any use of air traffic, air early warning, air defense or fire control radars not authorized by the IFOR Commander shall constitute a breach of this Annex and the violating Party shall be subject to military action by the IFOR, including the use of necessary force to ensure compliance.

(3) The Parties understand and agree that the IFOR Commander will implement the transfer to civilian control of air space over Bosnia and Herzegovina to the appropriate institutions of Bosnia and Herzegovina in a gradual fashion consistent with the objective of the IFOR to ensure smooth and safe operation of an air traffic system upon IFOR departure.

(c) The IFOR Commander is authorized to promulgate appropriate rules for the control and regulation of surface military traffic

throughout Bosnia and Herzegovina, including the movement of the Forces of the Parties. The Joint Military Commission referred to in Article VIII may assist in the development and promulgation of rules related to military movement.

10. The IFOR shall have the right to utilize such means and services as required to ensure its full ability to communicate and shall have the right to the unrestricted use of all of the electromagnetic spectrum for this purpose. In implementing this right, the IFOR shall make every reasonable effort to coordinate with and take into account the needs and requirements of the appropriate authorities.

11. All Parties shall accord the IFOR and its personnel the assistance, privileges, and immunities set forth at Appendix B of this Annex, including the unimpeded transit through, to, over and on the territory of all Parties.

12. All Parties shall accord any military elements as referred to in Article I, paragraph I(c) and their personnel the assistance, privileges and immunities referred to in Article VI, paragraph 11. .

## Article VII

### Withdrawal of UNPROFOR

It is noted that as a consequence of the forthcoming introduction of the IFOR into the Republic of Bosnia and Herzegovina, the conditions for the withdrawal of the UNPROFOR established by United Nations Security Council Resolution 743 have been met. It is requested that the United Nations, in consultation with NATO, take all necessary steps to withdraw the UNPROFOR from Bosnia and Herzegovina, except those parts incorporated into the IFOR.

## Article VIII

### Establishment of a Joint Military Commission

**1. A Joint Military Commission (the "Commission") shall be established with the deployment of the IFOR to Bosnia and Herzegovina.**

**2. The Commission shall:**

**(a) Serve as the central body for all Parties to this Annex to bring any military complaints, questions, or problems that require resolution by the IFOR Commander, such as allegations of cease-fire violations or other noncompliance with this Annex.**

**(b) Receive reports and agree on specific actions to ensure compliance with the provisions of this Annex by the Parties.**

**(c) Assist the IFOR Commander in determining and implementing a series of local transparency measures between the Parties.**

**3. The Commission shall be chaired by the IFOR Commander or his or her representative and consist of the following members:**

**(a) the senior military commander of the forces of each Party within Bosnia and Herzegovina;**

**(b) other persons as the Chairman may determine;**

**(c) each Party to this Annex may also select two civilians who shall advise the Commission in carrying out its duties;**

**(d) the High Representative referred to in the General Framework Agreement or his or her nominated representative shall attend Commission meetings, and offer advice particularly on matters of a political-military nature.**

**4. The Commission shall not include any persons who are now or who come under indictment by the International Tribunal for the Former Yugoslavia.**

**5. The Commission shall function as a consultative body for the IFOR Commander. To the extent possible, problems shall be solved promptly by mutual agreement. However, all final decisions**

concerning its military matters shall be made by the IFOR Commander.

6. The Commission shall meet at the call of the IFOR Commander. The High Representative may when necessary request a meeting of the Commission. The Parties may also request a meeting of the Commission.

7. The IFOR Commander shall have the right to decide on military matters, in a timely fashion, when there are overriding considerations relating to the safety of the IFOR or the Parties' compliance with the provisions of this Annex.

8. The Commission shall establish subordinate military commissions for the purpose of providing assistance in carrying out the functions described above. Such commissions shall be at the brigade and battalion level or at other echelons as the local IFOR Commander shall direct and be composed of commanders from each of the Parties and the IFOR. The representative of the High Representative shall attend and offer advice particularly on matters of a political-military nature. The local IFOR Commander shall invite local civilian authorities when appropriate.

9. Appropriate liaison arrangements will be established between the IFOR Commander and the High Representative to facilitate the discharge of their respective responsibilities.

## Article IX

### Prisoner Exchanges

1. The Parties shall release and transfer without delay all combatants and civilians held in relation to the conflict (hereinafter "prisoners"), in conformity with international humanitarian law and the provisions of this Article.

(a) The Parties shall be bound by and implement such plan for release and transfer of all prisoners as may be developed by the ICRC, after consultation with the Parties.

**(b) The Parties shall cooperate fully with the ICRC and facilitate its work in implementing and monitoring the plan for release and transfer of prisoners.**

**(c) No later than thirty (30) days after the Transfer of Authority, the Parties shall release and transfer all prisoners held by them.**

**(d) In order to expedite this process, no later than twenty-one (21) days after this Annex enters into force, the Parties shall draw up comprehensive lists of prisoners and shall provide such lists to the ICRC, to the other Parties, and to the Joint Military Commission and the High Representative. These lists shall identify prisoners by nationality, name, rank (if any) and any internment or military serial number, to the extent applicable.**

**(e) The Parties shall ensure that the ICRC enjoys full and unimpeded access to all places where prisoners are kept and to all prisoners. The Parties shall permit the ICRC to privately interview each prisoner at least forty-eight (48) hours prior to his or her release for the purpose of implementing and monitoring the plan, including determination of the onward destination of each prisoner.**

**(f) The Parties shall take no reprisals against any prisoner or his/her family in the event that a prisoner refuses to be transferred.**

**(g) Notwithstanding the above provisions, each Party shall comply with any order or request of the International Tribunal for the Former Yugoslavia for the arrest, detention, surrender of or access to persons who would otherwise be released and transferred under this Article, but who are accused of violations within the jurisdiction of the Tribunal. Each Party must detain persons reasonably suspected of such violations for a period of time sufficient to permit appropriate consultation with Tribunal authorities.**

**2. In those cases where places of burial, whether individual or mass, are known as a matter of record, and graves are actually found to exist, each Party shall permit graves registration personnel of the other Parties to enter, within a mutually agreed period of time, for the limited purpose of proceeding to such graves, to recover and evacuate the bodies of deceased military and civilian personnel of that side, including deceased prisoners.**

**Article X****Cooperation**

**The Parties shall cooperate fully with all entities involved in implementation of this peace settlement, as described in the General Framework Agreement, or which are otherwise authorized by the United Nations Security Council, including the International Tribunal for the Former Yugoslavia.**

**Article XI****Notification to Military Commands**

**Each Party shall ensure that the terms of this Annex, and written orders requiring compliance, are immediately communicated to all of its Forces.**

**Article XII****Final Authority to Interpret**

**In accordance with Article I, the IFOR Commander is the final authority in theatre regarding interpretation of this agreement on the military aspects of the peace settlement, of which the Appendices constitute an integral part.**

**Article XIII****Entry into Force**

**This Annex shall enter into force upon signature.**

**For the Republic of Bosnia and Herzegovina**

**For the Federation of Bosnia and Herzegovina**

**For the Republika Srpska**

**Endorsed:**

**For the Republic of Croatia**

**Endorsed:**

**For the Federal Republic of Yugoslavia**

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**Appendices to Annex 1A:**

**Agreement on the Military Aspects of the Peace Settlement**

**Text of Dayton Peace Agreement documents initialed in Dayton, Ohio on November 21, 1995. Released by the Office of the Spokesman, December 1, 1995.**

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**Appendix A to Annex 1A**

**Appendix A to Annex 1-A consists of this document together with (a) a 1:600,000 scale UNPROFOR road map consisting of one map sheet, attached hereto; and (b) a 1:50,000 scale Topographic Line Map, to be provided as described below.**

**On the basis of the attached 1:600,000 scale map, the Parties request that the United States Department of Defense provide a 1:50,000 scale Topographic Line Map, consisting of as many map sheets as necessary, in order to provide a more precise delineation of the lines and zones indicated. Such map shall be incorporated as an integral part of this Appendix, and the Parties agree to accept such map as controlling and definitive for all purposes.**

**For the Republic of Bosnia and Herzegovina**

**For the Federation of Bosnia and Herzegovina**

**For the Republika Srpska**

**Endorsed:**

**For the Republic of Croatia**

**Endorsed:**

**For the Federal Republic of Yugoslavia**

**[MAP COPY NOT AVAILABLE]**

**Appendix B to Annex 1A**

**Agreement Between the Republic of Bosnia and Herzegovina and the North Atlantic Treaty Organisation (NATO) Concerning the Status of NATO and its Personnel**

**The Republic of Bosnia and Herzegovina and the North Atlantic Treaty Organisation have agreed as follows:**

**1. For the purposes of the present agreement, the following expressions shall have the meanings hereunder assigned to them:**

**- "the Operation" means the support, implementation, preparation and participation by NATO and NATO personnel in a peace plan in Bosnia and Herzegovina or a possible withdrawal of U.N. Forces from former Yugoslavia;**

**- "NATO personnel" means the civilian and military personnel of the North Atlantic Treaty Organisation with the exception of personnel locally hired;**

**- "NATO" means the North Atlantic Treaty Organisation, its subsidiary bodies, its military Headquarters and all its constituent national elements/units acting in support of, preparing and participating in the Operation;**

**- "Facilities" mean all premises and land required for conducting the operational, training and administrative activities by NATO for the Operation as well as for accommodations of NATO personnel.**

**2. The provisions of the Convention on the Privileges and Immunities of the United Nations of 13 February 1946 concerning experts on mission shall apply mutatis mutandis to NATO personnel involved in the Operation, except as otherwise provided for in the present agreement. Moreover NATO, its property and assets shall enjoy the privileges and immunities specified in that convention and as stated in the present agreement.**

**3. All personnel enjoying privileges and immunities under this Agreement shall respect the laws of the Republic of Bosnia and Herzegovina insofar as it is compatible with the entrusted**

tasks/mandate and shall refrain from activities not compatible with the nature of the Operation.

4. The Government of the Republic of Bosnia and Herzegovina recognizes the need for expeditious departure and entry procedures for NATO personnel. They shall be exempt from passport and visa regulations and the registration requirements applicable to aliens. NATO personnel shall carry identification which they may be requested to produce for the authorities of the Republic of Bosnia and Herzegovina but operations, training and movement shall not be allowed to be impeded or delayed by such requests.

5. NATO military personnel shall normally wear uniforms, and NATO personnel may possess and carry arms if authorized to do so by their orders. The authorities of the Republic of Bosnia and Herzegovina shall accept as valid, without tax or fee, drivers' licenses and permits issued to NATO personnel by their respective national authorities.

6. NATO shall be permitted to display the NATO flag and/or national flags of its constituent national elements/units on any NATO uniform, means of transport or facility.

7. NATO military personnel under all circumstances and at all times shall be subject to the exclusive jurisdiction of their respective national elements in respect of any criminal or disciplinary offenses which may be committed by them in the Republic of Bosnia and Herzegovina. NATO and the authorities of the Republic of Bosnia and Herzegovina shall assist each other in the exercise of their respective jurisdictions.

8. As experts on mission, NATO personnel shall be immune from personal arrest or detention. NATO personnel mistakenly arrested or detained shall immediately be turned over to NATO authorities.

9. NATO personnel shall enjoy, together with their vehicles, vessels, aircraft and equipment, free and unrestricted passage and unimpeded access throughout the Republic of Bosnia and Herzegovina including airspace and territorial waters of the Republic of Bosnia and Herzegovina. This shall include, but not be limited to, the right of bivouac, maneuver, billet, and utilization of any areas or facilities as required for support, training, and operations. NATO shall be exempt

from providing inventories or other routine customs documentation on personnel, vehicles, vessels, aircraft, equipment, supplies, and provisions entering, exiting, or transiting the territory of the Republic of Bosnia and Herzegovina in support of the Operation. The authorities of the Republic of Bosnia and Herzegovina shall facilitate with all appropriate means all movements of personnel, vehicles, vessels, aircraft, equipment or supplies, through ports, airports or roads used. Vehicles, vessels and aircraft used in support of the Operation shall not be subject to licensing or registration requirements, nor commercial insurance. NATO will use airports, roads and ports without payment of duties, dues, tolls or charges. However, NATO shall not claim exemption from reasonable charges for services requested and received, but operations/movement and access shall not be allowed to be impeded pending payment for such services.

10. NATO personnel shall be exempt from taxation by the Republic of Bosnia and Herzegovina on the salaries and emoluments received from NATO and on any income received from outside the Republic of Bosnia and Herzegovina.

11. NATO personnel and their tangible movable property imported into or acquired in the Republic of Bosnia and Herzegovina shall also be exempt from all identifiable taxes by the Republic of Bosnia and Herzegovina, except municipal rates for services enjoyed, and from all registration fees and related charges.

12. NATO shall be allowed to import and to export free of duty or other restriction equipment, provisions, and supplies, necessary for the Operation, provided such goods are for the official use of NATO or for sale via commissaries or canteens provided for NATO personnel. Goods sold shall be solely for the use of NATO personnel and not transferable to other parties.

13. It is recognized by the Government of the Republic of Bosnia and Herzegovina that the use of communications channels shall be necessary for the Operation. NATO shall be allowed to operate its own internal mail and telecommunications services, including broadcast services. This shall include the right to utilize such means and services as required to assure full ability to communicate, and the right to use all of the electro-magnetic spectrum for this purpose, free

of cost. In implementing this right, NATO shall make every reasonable effort to coordinate with and take into account the needs and requirements of appropriate authorities of the Republic of Bosnia and Herzegovina.

14. The Government of the Republic of Bosnia and Herzegovina shall provide, free of cost, such facilities NATO needs for the preparation for and execution of the Operation. The Government of the Republic of Bosnia and Herzegovina shall assist NATO in obtaining, at the lowest rate, the necessary utilities such as electricity, water and other resources necessary for the Operation.

15. Claims for damage or injury to Government personnel or property, or to private personnel or property of the Republic of Bosnia and Herzegovina shall be submitted through governmental authorities of the Republic of Bosnia and Herzegovina to the designated NATO Representatives.

16. NATO shall be allowed to contract direct with suppliers for services and supplies in the Republic of Bosnia and Herzegovina without payment of tax or duties. Such services and supplies shall not be subject to sales and other taxes. NATO may hire local personnel who shall remain subject to local laws and regulations. However, local personnel hired by NATO shall:

(a) be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;

(b) be immune from national services and/or national military service obligations;

(c) be exempt from taxation on the salaries and emoluments paid to them by NATO.

17. NATO may in the conduct of the Operation, have need to make improvements or modifications to certain infrastructure of the Republic of Bosnia and Herzegovina such as roads, utility systems, bridges, tunnels, buildings, etc. Any such improvements or modifications of a non-temporary nature shall become part of and in the same ownership as that infrastructure. Temporary improvements or modifications may be removed at the discretion of the NATO

**Commander, and the facility returned to as near its original condition as possible.**

**18. Failing any prior settlement, disputes with regard to the interpretation or application of the present agreement shall be settled between the Republic of Bosnia and Herzegovina and NATO Representatives by diplomatic means.**

**19. The provisions of this agreement shall also apply to the civilian and military personnel, property and assets of national elements/units of NATO states, acting in connection to the Operation or the relief for the civilian population which however remain under national command and control.**

**20. Supplemental arrangements may be concluded to work out details for the Operation also taking into account its further development.**

**21. The Government of the Republic of Bosnia and Herzegovina shall accord non-NATO states and their personnel participating in the Operation the same privileges and immunities as those accorded under this agreement to NATO states and personnel.**

**22. The provisions of this agreement shall remain in force until completion of the Operation or as the Parties otherwise agree. 23. This Agreement shall enter into force upon signature.**

**Done at Wright-Patterson Air Force Base, Ohio on November 21, 1995  
and  
at \_\_\_\_\_ on \_\_\_\_\_, 1995.**

**For the Republic of Bosnia and Herzegovina:**

**For the North Atlantic Treaty Organisation:**

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**Letters to Annex 1A:  
Agreement on the Military Aspects of the Peace Settlement**

**Text of Dayton Peace Agreement documents initialed in Dayton, Ohio on November 21, 1995 and later signed by all parties in Paris on December 14, 1995. The agreement is known as the Dayton Peace Accords.**

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**Wright-Patterson Air Force Base, Ohio November 21, 1995**

**Excellency:**

**I refer to the Agreement on the Military Aspects of the Peace Settlement, which the Federal Republic of Yugoslavia has endorsed, and the Agreement Between the Republic of Bosnia and Herzegovina and the North Atlantic Treaty Organisation (NATO) Concerning the Status of NATO and its Personnel.**

**On behalf of the Federal Republic of Yugoslavia, I wish to assure you that the Federal Republic of Yugoslavia shall take all necessary steps, consistent with the sovereignty, territorial integrity and political independence of Bosnia and Herzegovina, to ensure that the Republika Srpska fully respects and complies with commitments to NATO, including in particular access and status of forces, as set forth in the aforementioned Agreements.**

**Sincerely,**

**Slobodan Milosevic**

**His Excellency  
Sergio Silvio Balanzino  
Acting Secretary General  
North Atlantic Treaty Organisation  
1110 BRUSSELS  
Belgium**

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**Republic of Croatia  
Ministry of Foreign Affairs  
Minister  
Dayton, November 21, 1995**

**Excellency:**

**I refer to the Agreement on the Military Aspects of the Peace Settlement, which the Republic of Croatia has endorsed, and the Agreement Between the Republic of Bosnia and Herzegovina and the North Atlantic Treaty Organisation (NATO) Concerning the Status of NATO and its Personnel.**

**On behalf of the Republic of Croatia, I wish to assure you that Republic of Croatia shall take all necessary steps, consistent with the sovereignty, territorial integrity and political independence of Bosnia and Herzegovina, to ensure that personnel or organisations in Bosnia and Herzegovina which are under its control or with which it has influence fully respect and comply with the commitments to NATO, including in particular access and status of forces, as set forth in the aforementioned Agreements.**

**Sincerely,**

**Dr. Mate Granic**

**His Excellency  
Sergio Silvio Balanzino  
Acting Secretary General  
North Atlantic Treaty Organisation  
1110 BRUSSELS  
Belgium**

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**Wright-Patterson Air Force Base, Ohio  
November 21, 1995**

**Excellency:**

**I refer to the Agreement on the Military Aspects of the Peace Settlement, which the Federation of Bosnia and Herzegovina has signed as a Party, and the Agreement Between the Republic of Bosnia and Herzegovina and the North Atlantic Treaty Organisation (NATO) Concerning the Status of NATO and its Personnel.**

**On behalf of the Federation of Bosnia and Herzegovina, I wish to assure you that the Federation of Bosnia and Herzegovina will adhere to and fulfill its commitments regarding access and status of forces in general, including in particular, its commitments to NATO.**

**Sincerely,**

**Jadranko Prlic  
Deputy Prime Minister and Defense Minister  
Federation of Bosnia and Herzegovina**

**His Excellency  
Sergio Silvio Balanzino  
Acting Secretary General  
North Atlantic Treaty Organisation  
1110 BRUSSELS  
Belgium**

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**Wright-Patterson Air Force Base, Ohio  
November 21, 1995**

**Excellency:**

**I refer to the Agreement on the Military Aspects of the Peace Settlement, which the Republika Srpska has signed as a Party, and the Agreement Between the Republic of Bosnia and Herzegovina and the North Atlantic Treaty Organisation (NATO) Concerning the Status of NATO and its Personnel.**

**On behalf of the Republika Srpska, I wish to assure you that the Republika Srpska will adhere to and fulfill its commitments regarding access and status of forces in general, including in particular, its commitments to NATO.**

**Sincerely,**

**Momcilo Krajisnik  
President of the Republika Srpska**

**His Excellency  
Sergio Silvio Balanzino  
Acting Secretary General  
North Atlantic Treaty Organisation  
11 10 BRUSSELS  
Belgium**

*Appendix E(6): Agreement on Confidence- and Security-Building Measures in Bosnia and Herzegovina (The Vienna Agreement, 26 January 1996)*

*The following is the body of the Vienna Agreement and an outline of the Protocols thereto. For complete text of the agreement and/or protocols, contact the Center for Law and Military Operations (CLAMO). Full text of these agreements is also available at the internet web address: <http://www.fsk.ethz.ch/osce/docs/bosnia.htm>.*

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## **Agreement on Confidence- and Security-Building Measures in Bosnia and Herzegovina**

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The Parties concerned with Article II of Annex 1-B of the General Framework Agreement for Peace in Bosnia and Herzegovina have engaged in negotiations under the auspices of the Organization for Security and Co-operation in Europe (hereinafter referred to as "the OSCE") and have agreed upon a series of measures to enhance mutual confidence and reduce the risk of conflict in accordance with that Article.

Desiring to implement the General Framework Agreement for Peace in Bosnia and Herzegovina (hereinafter "the Peace Agreement") fully, and in particular to fulfill the Provisions set forth in the Agreement on Regional Stabilization (hereinafter "Annex 1-B"), They have agreed, in accordance with their rights and obligations under the Peace Agreement and its Annexes, to implement the following:

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### **ARTICLE I**

#### **Definitions**

For the purposes of this Agreement:

- (1) "Annex 1-A" means Annex 1-A of the General Framework Agreement for Peace in Bosnia and Herzegovina: Agreement on the Military Aspects of the Peace Settlement.

- (2) **"Annex 1-B" means Annex 1-B of the General Framework Agreement for Peace in Bosnia and Herzegovina: Agreement on Regional Stabilization.**
- (3) **The term "Point of Contact" means a Party's authorized representative or representatives to the Personal Representative which shall be designated by each Party not later than 10 days after entry into force of this Agreement and shall ensure uninterrupted communication of it with its relevant political and military authorities.**
- (4) **The term "zone of application" means the entire territories of the Parties.**
- (5) **The term "Inter-Entity Boundary Line" means the boundary line between the Federation of Bosnia and Herzegovina and the Republika Srpska, as defined in Article I of Annex 2 of the General Framework Agreement: Agreement on Inter-Entity Boundary Line and Related Issues.**
- (6) **The term "weapon manufacturing facility" means any facility in which heavy weapons, munitions for these weapons, mines and other weapons used in military forces, including small arms, are or may be produced, including after non-significant modification of the manufacturing facility.**
- (7) **The term "battle tank" means a self-propelled armoured fighting vehicle, capable of heavy firepower, primarily of a high muzzle velocity direct fire main gun necessary to engage armoured and other targets, with high cross-country mobility, with a high level of self-protection, and which is not designed and equipped primarily to transport combat troops. Such armoured vehicles serve as the principal weapon system of ground-force tank and other armoured formations.**

**Battle tanks are tracked armoured fighting vehicles which weigh at least 16,5 metric tons unladen weight and which are armed with a 360-degree traverse gun of at least 75 millimeters calibre. In addition, any wheeled armoured fighting vehicles entering into service which meet all the other criteria stated above shall also be deemed battle tanks.**
- (8) **The term "armoured combat vehicle" means a self-propelled vehicle with armoured protection and cross-country capability. Armoured combat vehicles include armoured personnel carriers, armoured infantry fighting vehicles, and heavy armament combat vehicles.**

- The term "armoured personnel carrier" means an armoured combat vehicle which is designed and equipped to transport a combat infantry squad and which, as a rule, is armed with an integral or organic weapon of less than 20 millimeters calibre.
- The term "armoured infantry fighting vehicle" means an armoured combat vehicle which is designed and equipped primarily to transport a combat infantry squad, which normally provides the capability for the troops to deliver fire from inside the vehicle under armoured protection, and which is armed with an integral or organic cannon of at least 20 millimeters calibre and sometimes an antitank missile launcher. Armoured infantry fighting vehicles serve as the principal weapon system of armoured infantry or mechanized infantry or motorized infantry formations and units of ground forces.
- The term "heavy armament combat vehicle" means an armoured combat vehicle with an integral or organic direct fire gun of at least 75 millimeters calibre, weighing at least 6,0 metric tons unladen weight, which does not fall within the definition of an armoured personnel carrier, or an armoured infantry fighting vehicle or a battle tank.
- (9) The term "unladen weight" means the weight of a vehicle excluding the weight of ammunition, fuel, oil and lubricants; removable reactive armour; spare parts, tools and accessories; removable snorkeling equipment; and crew and their personal kit.
- (10) The term "artillery" means large calibre systems capable of engaging ground targets by delivering primarily indirect fire. Such artillery systems provide the essential indirect fire support to combined arms formations.
- Large calibre artillery systems are guns, howitzers, artillery pieces combining the characteristics of guns and howitzers, mortars and multiple launch rocket system with a calibre of 75 millimeter and above. In addition, any future large calibre direct fire system which has a secondary effective indirect fire capability shall be covered.
- (11) The term "armoured vehicle launched bridge" means a self-propelled armoured transporter-launcher vehicle capable of carrying and, through built-in mechanisms, of emplacing and retrieving a bridge structure. Such a vehicle with a bridge structure operates as an integrated system.
- (12) The term "combat aircraft" means a fixed-wing or variable-geometry wing aircraft armed and equipped to engage targets by

- employing guided missiles, unguided rockets, bombs, cannons or other weapons of destruction, as well as any model or version of such an aircraft which performs other military functions such as reconnaissance or electronic warfare. The term "combat aircraft" does not include unarmed trainer aircraft.
- (13) The term "combat helicopter" means a rotary wing aircraft armed and equipped to engage targets or equipped to perform other military functions. The term "combat helicopter" does not include unarmed transport helicopters.
- (14) The terms "armoured personnel carrier look-alike" and "armoured infantry fighting vehicle look-alike" mean an armoured vehicle based on the same chassis as, and externally similar to, an armoured personnel carrier or an armoured infantry fighting vehicle, which does not have a cannon or a gun 20 millimeters calibre or greater and which has been constructed or modified in such a way as not to permit the transportation of a combat infantry squad. Taking into account the provisions of the Geneva Convention "For the Amelioration of the Conditions of the Wounded and Sick in Armed Forces in the Field" of 12 August 1949 that confer a special status on ambulances, armoured personnel carrier ambulances shall not be deemed armoured combat vehicles or armoured personnel carrier look-alikes.
- (15) The term "heavy weapons" means all tanks and armoured vehicles, all artillery 75 mm and above, all mortars 81 mm and above, and all anti-aircraft weapons 20 mm and above.
- (16) The term "forces" means all formations and units, both combat and support, of the land, naval, air, and air defense forces of the Parties.
- (17) The term "personnel" means all military personnel both of peacetime and reserve units in all formations and units in all institutions in all branches and services.
- (18) The term "Personal Representative" means the Personal Representative of the Chairman-in-Office of the OSCE or his/her designated agent(s), who is designated by the Chairman-in-Office in consultation with the Parties.
- (19) The term "military activity" means activities, including deployment, re-deployment, mobilization, concentration, movement of forces, exercise, training, etc. with the engagement of land, naval, air or air defense forces of any of the Parties under a single command.

- (20) The term "exit/entry point" means the geographic point at which foreign forces enter or leave the zone of application.
- (21) The term "military base" means a facility or a precisely delineated geographic location at which one or more military formations/units are permanently or temporarily based and where all unit activities take place except military exercises.
- (22) The term "IFOR" means the multinational military force established under Article I, paragraph 1(A) of Annex 1-A of the General Framework Agreement.
- (23) The term "unusual military activity" means any military activity which is threatening due to its size, location, direction of fire or other specific features of the activity.
- (24) The term "hazardous incident of a military nature" means accidents or other events caused by military vehicles, other military equipment or materiel threatening civilian population or the security of another Party.
- (25) The term "military exercise" means activities of units and/or formations envisaged by a training programme, carried out with weapons and equipment on permanent or temporary training sites/exercise sites or on other areas specially designated for such activities.
- (26) The term "mobilization" means the organized call-up of combat and combat support personnel and elements of commands to report to designated assembly sites where weapons and other military equipment are available or are being transported out of reserve storage and connected with the called up personnel. This process includes establishment of management and command for the formations and units being mobilized as well as a necessary minimum of refresher training for carrying assigned tasks.
- (27) The term "demobilization" means an activity by which mobilized personnel are dismissed from units and commands, and upon which materiel is returned to their owners or is stored at reserves storage, or is allocated to peacetime units. Demobilization is carried out in order to re-establish peacetime conditions after the state of war, or to disband units mobilized for training or military exercises.
- (28) The term "special operations" means the offensive activities of organized military or para-military groups, such as reconnaissance forward of force positions, and the preparation and carrying out of sabotage, diversions or assassinations.

- (29) The term "armed civilian group" means any group of three or more armed persons not wearing uniforms.
- (30) The term "conventional armaments and equipment" means armaments as defined in definitions 7, 8, 10, 11, 12, 13, and 14 above.
- (31) The term "foreign forces" means any armed and organized group or formation or individuals (civilian, police or military) coming from any country to the zone of application, whether entering illegally or coming with the approval of the relevant authorities of the Parties.
- (32) The term "storage site" means areas on the ground or underground shelters where weapons, ammunition, combat or non-combat vehicles, communication devices, fuel, mines or other explosive devices or other military equipment are or can be collected and kept.
- (33) The term "training site" means an area with appropriate infrastructure used for training of military formations or units which can be used by peacetime or wartime units without leaving their barracks/garrison, where such units are located.
- (34) The term "exercise site" means an area which is suitable for training in conditions similar to a possible conflict (war) situation. The deployment to such sites requires movement of formations and units from peacetime locations.
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## ARTICLE II

### Confidence- and Security-building Measures

#### Measure I

#### Exchange of Military Information

##### (I.) EXCHANGE OF INFORMATION

1. The Parties shall exchange information on their forces concerning the military organization, manpower, and major weapons systems, as specified below, in the zone of application. Information shall be exchanged annually on 15 December each year and shall be valid as of 01 January for the next year. In addition, for 1996 information shall also be exchanged on 15 June valid as of the following 01 July.

- The first exchange of information - exchange of baseline data - shall take place on 15 February 1996, and shall be valid as of 1 March 1996.
  - Information shall be provided in an agreed format (see Annex 2) to each Party as well as to the OSCE through the Personal Representative.
  - The information shall include all personnel and organizations with a military capability, including national guards, military reserves, military police, ministry of internal affairs special troops, police, and paramilitary troops with conventional armaments. On all other such organizations only the command structures and the overall personnel strength shall be included in the information.
2. The Parties shall include the following in their information:
- (A) Information on the command organization of all forces under the control of the Party or within the territory under its control, specifying the designation and subordination of all formations and units at each level of command down to and including brigade/regiment, independent battalion or equivalent level.
  - (B) Information on the Party's total equipment holdings in each of the categories as well as information on each military and civilian installation, storage site or production plant having battle tanks, armoured combat vehicles, artillery pieces, combat aircraft or combat helicopters, as well as formation and unit down to and including the brigade/regiment, independent battalion or equivalent level specifying:
    - (1) the designation and subordination;
    - (2) the location of its headquarters by exact geographic terms and coordinates;
    - (3) the personnel strength;
    - (4) the major organic weapons and equipment systems, specifying the numbers of each type of:
      - - battle tanks
      - - armoured combat vehicles (armoured personnel carriers, armoured infantry fighting vehicles, heavy armament combat vehicles)
      - - armoured personnel carrier look-alikes and armoured infantry fighting vehicle look-alikes)
      - - artillery pieces
      - - combat aircraft

- - combat helicopters
  - - anti-tank guided missile launchers, permanently/ integrally mounted on armoured vehicles
3. The information provided shall be verified in accordance with the provisions of the Protocol on Verification.
  4. The verification of the baseline data, i.e. data provided on 15 February 1996 shall only take place in 1996, shall start on 1 March 1996 and shall last 120 days.

## **(II.) DATA RELATING TO MAJOR WEAPON AND EQUIPMENT SYSTEMS**

1. The Parties shall exchange data relating to their major weapon and equipment systems.
2. Data on existing weapon and equipment systems shall be provided to each Party and to the OSCE through the Personal Representative not later than 1 March 1996.
3. Data on new types or versions of major weapon and equipment systems shall be provided by the Parties when its deployment plans for the systems concerned are provided in an agreed format (see Annex 2), for the first time on 1 March 1996 or, at the latest, when it deploys the systems concerned for the first time.
4. Each Party shall, at the time the data are presented, ensure that each Party and the OSCE through the Personal Representative are provided with photographs presenting the right or left side, top and front views for each of the types of major weapon and equipment systems concerned.

Photographs of armoured personnel carrier look-alikes and armoured infantry fighting vehicle look-alikes shall include a view of such vehicles so as to show clearly their internal configuration illustrating the specific characteristic which distinguishes each particular vehicle as a look-alike.

The photographs of each type shall be accompanied by a note giving the type designation and national nomenclature for all models and versions of the type which the photographs represent. The photographs of a type shall contain an annotation of the data for that type.

## **(III.) DEMONSTRATION OF NEW TYPES OF MAJOR WEAPON AND EQUIPMENT SYSTEMS**

1. The Party which deploys with its military forces a new type of major weapon and equipment system shall arrange at the earliest opportunity, but not later than 90 days after deployment has started, a demonstration for representatives of each Party and the Personal Representative. This demonstration may coincide with other events stipulated in this Agreement.
2. The modalities regarding demonstration of new types of major weapon and equipment systems shall, *mutatis mutandis*, conform to the provisions in paragraph (III) of Measure XI.
3. The invited Party may decide whether to send military and/or civilian visitors. Military visitors shall normally wear their uniforms and insignia during the visit.

#### **(IV.) INFORMATION ON PLANS FOR THE DEPLOYMENT OF MAJOR WEAPON AND EQUIPMENT SYSTEMS**

1. The Parties shall exchange annually information on their plans for the deployment of major weapon and equipment systems.
2. The information shall be provided in an agreed format to each Party and to the OSCE through the Personal Representative the first time on 15 May, 1996 and thereafter not later than 15 December of each year. It shall cover plans for the following year and shall include:
  - the type and name of the weapon/equipment systems to be deployed;
  - the total number of each weapon/equipment system;
  - whenever possible, the number of each weapon/equipment system planned to be allocated to each formation or unit;
  - the extent to which the deployment shall add to or replace existing weapon/equipment systems.

#### **(V.) INFORMATION ON DEFENCE RELATED MATTERS**

1. In a written statement the Parties shall inform each other and the OSCE through the Personal Representative, every year, two months after the military budget has been approved by the relevant authorities, in the form of a general description:
  - the size, structure, personnel, major weapon and equipment systems and deployment of their armed forces and the proposed changes thereto,
  - the training programs for their armed forces and planned changes thereto in the forthcoming years;

- the procurement of major equipment and major military construction programs on the basis of the categories as set out in the United Nations "Instrument for Standardized International Reporting of Military Expenditures" adopted on 12 December 1980 either ongoing or starting in the forthcoming years, if planned, and the implications of such projects, accompanied by explanations, where appropriate; and
  - the realization of the intentions previously reported under this paragraph.
2. In order to facilitate the understanding of the information provided, the Parties are encouraged to use illustrative charts and maps, wherever applicable.

## **Measure II**

### **Notification of Changes in Command Structure or Equipment Holdings**

Each Party shall notify each Party and the OSCE through the Personal Representative in an agreed format (see Annex 2) of:

1. Any permanent change in the command structure of its armed forces, not later than 10 days before such change occurs.
2. Any change of 10 per cent or more, lasting 20 days or more, in personnel, the holdings of battle tanks, armoured combat vehicles, artillery, combat aircraft and combat helicopters assigned to any of its military units, down to and including brigade/regiment, independent battalion or equivalent level. Such notification shall be provided not later than 10 days after such change occurs, indicating actual holdings after the notified change.
3. The information provided shall be verified in accordance with the provisions of the Protocol on Verification.

## **Measure III**

### **Risk Reduction**

#### **(A) Mechanism for Consultation and Co-Operation as Regards Unusual Military Activities**

1. The Parties shall consult and cooperate with each other about any unusual military activities.

2. The Party which has concerns, or the Personal Representative, shall in such a case transmit a request for an explanation to the other Party where the activity is taking place and shall, at the same time, also inform each Party and the Personal Representative.  
The request shall state the cause or causes of the concern and, to the extent possible, the type and location or area of the activity. The lack of precise data in the request cannot serve as a reason not to comply with the request.
3. The reply shall be transmitted to the requesting Party and the Personal Representative as soon as possible, but in any case within not more than 48 hours after receipt of the request.
4. The reply shall give answers to the questions raised, as well as contain any relevant information which might clarify the activity giving rise to concern.
5. The requesting Party and/or the Personal Representative, after considering the reply provided, shall have the right to request a meeting with the responding Party to discuss the matter. The request for such a meeting shall also be transmitted to each Party.
6. Such a meeting shall be convened immediately, but in any case not later than within 24 hours of receipt of a request.
7. Such a meeting shall be held at a venue mutually agreed upon by the requesting and the responding Party. If there is no agreement on the venue at least 8 hours before the meeting is scheduled, the venue shall be decided by the Personal Representative and shall be communicated to each Party without delay. In taking such a decision the Personal Representative shall consider the specific circumstances for all Parties to be able to attend the meeting.
8. Such a meeting shall be chaired by the Personal Representative. A factual report of the meeting shall be prepared by the Personal Representative and shall be transmitted to each Party without delay.
9. Should these procedures fail to produce an agreement on the clarification of the questions raised, the Personal Representative shall issue an impartial assessment of the situation and shall propose to the Parties any necessary steps to reduce tension.

**(B) Co-Operation as Regards Hazardous Incidents of a Military Nature**

1. The Parties shall cooperate by reporting and clarifying hazardous incidents of a military nature in order to prevent possible misunderstandings and mitigate the effects on another Party.
2. In the event of such a hazardous incident the Party whose forces are involved in the incident shall provide the information available on this incident to each Party and the Personal Representative without delay. Any Party and/or the Personal Representative shall have the right to request clarification of the incident, as appropriate. Such requests shall receive an answer within 24 hours.

## **Measure IV**

### **Notification and Observation of and Constraints on Certain Military Activities**

#### **(A) Notification**

1. The Parties shall notify in writing and agreed formats (see Annex 2) each Party and the Personal Representative 42 days or more in advance of the start of notifiable military activities.
2. Each of the following military activities conducted as a single activity at or above the levels defined below shall be notified.
3. The military activity shall be subject to notification when the forces or equipment engaged exceeds any one of the following categories at any time during the activity:
  - 1.500 troops, including support
  - 25 battle tanks
  - 40 armoured combat vehicles
  - 40 artillery pieces
  - 3 combat aircraft
  - 5 combat helicopters
4. The participation of the air forces of the Parties shall be included in the notification if in the course of the activity 60 or more sorties by combat aircraft or/and combat helicopters shall be flown, independently or in connection with the activities or land forces.
5. Notification shall be given separately of each notifiable military activity of the following:
  - general information;

- the designation of the military activity, including the tactical purpose of each phase of the activity;
- the general purpose of the military activity;
- the area in which the military activity is carried out delimited by geographic features and geographic coordinates;
- the level of command organizing and commanding the military activity;
- the designation, subordination, number and type of units;
- the total number of battle tanks, armoured combat vehicles, artillery pieces, combat aircraft, combat helicopters and troops;
- the total number of aircraft sorties;
- the purpose of air missions;
- the engagement of military forces in an amphibious landing, heliborne landing or parachute assault;
- in case of a notifiable landing, the point(s) of notifiable amphibious/ heliborne landing(s),
- the engagement of the Parties' forces in a transfer from/to outside the area of application and the arrival and/or concentration point(s);
- the start and end dates of the military activity.

**(B) Observation**

1. The Parties shall invite observers from each Party and the OSCE through the Personal Representative to the notifiable military activities.
2. Each Party may send up to two observers and the OSCE through the Personal Representative up to four observers to the military activity to be observed. The invited Party shall decide whether to send military and/or civilian observers. Military observers shall wear their uniforms and insignia while performing their tasks. No observer shall have weapons.
3. The observation shall last from the beginning until the end of the military activity.
4. The receiving Party shall be responsible for the security and safety of the observers during the entire period of their stay.
5. The observers may make additional requests with regard to the observation program. The receiving Party shall, if possible, accede to them.
6. The receiving Party shall ensure that the personnel and troops taking part in the observed military activity, as well as other armed personnel and military and civilian authorities, are

adequately informed of the presence, status, program and functions of observers.

7. The Parties shall, to the extent possible, permit media representatives from each Party to attend observed military activities in accordance with the concrete accreditation procedures. The general provisions of these accreditation procedures shall be set down by the Personal Representative (see Annex 6). Concrete instructions shall be issued, on this basis, by the receiving Party.
8. The presence of the observers shall not interfere with the normal activities of the units participating in the observed military activity. The presence of media representatives shall not interfere with the observers carrying out their functions nor with the flow of military activity.
9. The receiving Party shall provide the observers with transportation from a suitable location announced in the invitation to the military activity. This location shall be determined and transportation shall be organized in such a way that observers are in position before the start of the observation program. It shall also provide the observers with appropriate means of transportation in the area of the military activity and return the observers to the same or another suitable location, announced in the invitation, at the conclusion of the observation program.
10. The receiving Party shall provide the observers with board and lodging during the observation program and shall bear the costs for them. All other costs shall be born be the sending Party.

**(C) Constraining Measures**

1. No Party shall carry out in 1996 and 1997 more than one military activity involving more than any one of the following categories at any time during the activity:
  - 4.000 troops, including support
  - 80 battle tanks
  - 100 armoured combat vehicles
  - 100 artillery pieces
  - 15 combat aircraft
  - 20 combat helicopters
2. Thereafter no Party shall carry out within two calendar years more than one military activity involving more than any one of the following categories at any time during the activity:

- 16.000 troops, including support
  - 80 battle tanks
  - 100 armoured combat vehicles
  - 100 artillery pieces
  - 25 combat aircraft
  - 30 combat helicopters
3. No Party shall carry out within a calendar year more than three military activities involving more than any one of the following categories at any time during the activity:
    - 7.000 troops, including support
    - 75 battle tanks
    - 100 armoured combat vehicles
    - 100 artillery pieces
    - 15 combat aircraft
    - 20 combat helicopters
  4. Of these military activities no Party shall carry out more than three within a calendar year.
  5. Of these military activities no Party shall carry out two or more simultaneously.
  6. The duration of any exercise shall not exceed the duration specified in the annual calendar.
  7. The Parties shall communicate in writing and agreed format to each Party and the Personal Representative by 15 November each year, the first time by 15 March 1996, information - the annual calendar (see Annex 2)- concerning military activities subject to constraints as defined in this Measure. Such a communication shall include preliminary information on the activity, as to its general purpose, time-frame and duration, area, size, planned forces involved.
  8. If a Party does not forecast any such military activity, it shall so inform each Party and the Personal Representative in the same manner.
  9. No Party shall carry out a military activity subject to the provisions of this Measure, unless it has been the object of communication as defined above and unless it has been included in the annual calendar, not later than 15 November each year and 15 March in 1996, respectively.
  10. If notifiable military activities not subject to constraining measures but subject to prior notification shall be carried out, they should be limited to a minimum, agreed upon by the

Parties and the Personal Representative before the exchange of annual calendars.

## **Measure V**

### **Restrictions on Military Deployments and Exercises in Certain Geographic Areas**

1. All military activities shall be conducted in previously designated and specified cantonment/barracks or other designated areas as established and agreed to under the provisions of Annex 1-A during the mandate of the IFOR.
2. The Parties shall not conduct or participate in notifiable military activities as defined in Measure IV within 10 kilometers of:
  - an international border;
  - either side of the Inter-Entity Boundary Line between the Federation of Bosnia and Herzegovina and the Republika Srpska, as established under Article I of Annex 2 of the General Framework Agreement;
  - the city limits of the city of Gorazde and the boundaries of the all-weather road and/or interim routes to that city as specified in Article IV, paragraph 2 of Annex 1-A; the limitations regarding the interim routes only apply as long as they are in use;
  - the agreed city limits of the city of Brcko and all areas within the Posavina Corridor,
  - territory transferred from one entity to another entity under the provisions of Annex 2 for two years after the transfer;
3. The provisions of this Measure shall be verified in accordance with the provisions of the Protocol on Verification.

## **Measure VI**

### **Restraints on the Reintroduction of Foreign Forces**

1. All forces in Bosnia and Herzegovina as defined in Annex 1-A of the General Framework Agreement as of December 14, 1995 which are not of local origin, whether or not they are legally and militarily subordinated to Bosnia and Herzegovina or the Federation of Bosnia and Herzegovina or the Republika Srpska, in particular all foreign forces, including individual advisers, freedom fighters, trainers, volunteers and personnel from

neighbouring or any other states, which are withdrawn together with their armaments and equipment in accordance with Article III of Annex 1-A, shall not be reintroduced into the territory of Bosnia and Herzegovina.

2. The Parties shall notify each other and the Personal Representative on the first of each month on the status of any foreign military personnel that are physically present on their territory.
3. The provisions of this Measure shall be verified in accordance with the Protocol on Verification.

## **Measure VII**

### **Withdrawal of Forces and Heavy Weapons to Cantonments/Barracks or Other Designated Areas**

1. The Parties shall withdraw their forces and heavy weapons to cantonments/barracks or other designated areas by April 18, 1996 as provided in Annex 1-A.
2. The Parties shall inform each Party and the Personal Representative by 18 April 1996 of any forces or heavy weapons not removed to cantonments/barracks or other designated areas on that date.
3. The Parties not later than 18 April 1996 shall demobilize and disband any forces not removed to cantonments/barracks or other designated areas by 18 April, 1996. The Parties shall inform each Party and the Personal Representative on their steps taken for this purpose on that day.
4. The Parties shall not remove their forces or heavy weapons from the designated areas except as provided under paragraphs 5 and 6 of this Measure.
5. Heavy weapons and military forces may be removed for exercises. The Parties shall notify each Party and the Personal Representative of their intention to remove these forces and weapons, in writing and in an agreed format (see Annex 2) at least 21 days in advance stating:
  - the overall number of personnel to be removed,
  - the number of equipment to be removed by type,
  - the purpose of the removal,
  - the duration of the removal,

- the place where the weapons removed shall be deployed during their removal.
- 6. Heavy weapons and forces shall be returned immediately to cantonment/barracks or other designated areas at the conclusion of the exercise.
- 7. The provisions of this Measure shall be verified in accordance with the provisions of the Protocol on Verification.

## **Measure VIII**

### **Restrictions on Locations of Heavy Weapons**

1. The Parties shall, commencing April 18, 1996 maintain heavy weapons exclusively in cantonments/barracks or other areas designated by the IFOR Commander in accordance with the provisions of Annex 1-A.
2. The Parties shall not remove these heavy weapons from such areas at least until 31 December 1997.
3. Heavy weapons may be removed only in accordance with paragraphs 5 and 6 of Measure VII.
4. The provisions of this Measure shall be verified in accordance with the provisions of the Protocol on Verification.

## **Measure IX**

### **Notification of Disbandment of Special Operations and Armed Civilian Groups**

#### **(A) SPECIAL OPERATIONS**

1. The Parties shall inform each Party and the Personal Representative in writing and agreed format (See Annex 2) of all special operations groups by 1 March 1996.
2. The Parties shall not resume the operation of these groups.
3. The Parties agree that, in the event that a Party or the Personal Representative becomes aware that such a group is conducting activities, forbidden by Annexes 1-A and 1-B on the territory of Bosnia and Herzegovina, either in the Federation of Bosnia and Herzegovina or in the Republika Srpska, and informs the Party in whose territory such a group is active, the Party on whose territory the group is active shall immediately commence an

investigation of the group, in cooperation with the Personal Representative.

The Party carrying out the investigation shall present the results of the investigation to each Party and the Personal Representative not later than 48 hours after the receipt of the information.

If the investigation identifies the activities of such a group, the Party on whose territory the group is active shall ensure the immediate halting of the activities of the group within 48 hours and include the steps taken for this purpose in the investigation report.

## **(B) ARMED CIVILIAN GROUPS**

1. Taking into account that all armed civilian groups were to be disbanded in accordance with Annex 1-A, the Parties agree that, in the event that a Party or the Personal Representative becomes aware that an armed civilian group exists on the territory of Bosnia and Herzegovina and informs the Party in whose territory such a group is present, the Party on whose territory the group is present shall immediately commence an investigation of the group, in cooperation with the Personal Representative.
2. If the investigation determines the existence of an armed civilian group on the territory of any one Party, then the Party on whose territory such a group exists shall ensure the disbanding of that group immediately but not later than 48 hours after the conclusion of the investigation. The respective Party shall inform each party and the Personal Representative on the results of the investigation as well as the steps taken for the purpose of disbandment of such groups.
3. The provisions of this Measure shall be verified in accordance with the provisions of the Protocol on Verification.

## **Measure X**

### **Identification and Monitoring of Weapons**

#### **Manufacturing Capabilities**

1. The Parties shall provide each Party and the OSCE through the Personal Representative with a list of all weapon manufacturing facilities identifying their name and location by exact geographical coordinates not later than 12 April, 1996. Thereafter this information shall be provided annually, by 15 December each year.

The information shall include data on the production rates and disaggregated production of the manufacturing facilities.

2. Monitoring of notified weapon manufacturing facilities shall be carried out, at the request of any one Party or the Personal Representative, through visits. Such visits of any one facility shall not take place more frequently than once every month. The modalities for such a visit shall be in accordance with the provisions of Section II, III, IV, V, VI, VII, IX and X of the Protocol on Verification.

## **Measure XI**

### **Programme of Military Contacts and Co-operation**

#### **(I.) MILITARY CONTACTS**

To improve their mutual relations in the interest of strengthening the process of confidence- and security-building, the Parties shall voluntarily promote and facilitate:

- exchanges and visits between members of the armed forces at all levels, especially those between junior officers and commanders;
- contacts between relevant military institutions, especially between military units;
- exchanges and contacts between academics and experts in military studies and related areas;
- participation and contribution by members of the armed forces of the Parties, as well as civil experts in security matters and defence policy, to academic conferences, seminars and symposia;
- issuing of joint academic publications on security and defence issues;
- sporting and cultural events between members of their armed forces.

#### **(II.) MILITARY CO-OPERATION**

1. Joint military exercises and training  
The Parties shall conduct, on a voluntary basis and as appropriate, joint military training and exercises to work on tasks of mutual interest.
2. Provision of experts

The Parties express their willingness to provide to any other Party available experts to be consulted on matters of defence and security.

The modalities regarding provision of experts shall be agreed directly between the Parties concerned.

**3. Seminars on co-operation in the military field**

Subject to the approval of the appropriate OSCE bodies, the Conflict Prevention Center shall organize seminars on co-operation between the armed forces of the Parties.

The agenda of the seminars shall concentrate primarily on OSCE-oriented tasks, including the participation of the armed forces in peacekeeping operations, in disaster and emergency relief, in refugee crises, and in providing humanitarian assistance.

**4. Exchange of information on agreements on military contacts and co-operation**

The Parties shall exchange information on agreements on programs of military contacts and co-operation concluded with other Parties within the scope of these provisions.

### **(III.) VISITS TO MILITARY BASES**

- 1. Each Party with military formations/units reported under Measure I shall arrange visits for representatives of each Party and the Personal Representative to one of its normal peacetime military bases where such formations/ units are located in order to provide the visitors with the opportunity to view the activity at the military base, including preparations to carry out the functions of the formation/unit and to gain an impression of the basic mission of the formation/unit stationed there.**
- 2. No Party shall be obliged to arrange more than two such visits every year.**
- 3. As a rule, up to two visitors from each Party and the Personal Representative shall be invited.**
- 4. The invited Party may decide whether to send military and/or civilian visitors. Military visitors shall normally wear their uniforms and insignia during the visit.**
- 5. The visit to the military base shall last for a minimum of 24 hours.**
- 6. In the course of the visit, the visitors shall be given a briefing on the purpose and functions of the military base and on its current activities, including appropriate information on the force**

structure and operations so as to explain the specific role and subordination of the military base. The Party arranging the visit shall provide the visitors with the opportunity to view routine activities at the military base during the visit.

7. The visitors shall have the opportunity to communicate with commanders and troops, including those of support/logistic formations/units located at the military base. They shall be provided with the opportunity to view all types of equipment located at the military base.
8. At the close of the visit, the Party arranging the visit shall provide an opportunity for the visitors to meet together and also with Party officials and senior military base personnel to discuss the course of the visit.

#### **(IV.) ESTABLISHMENT OF MILITARY LIAISON MISSIONS**

The Parties reiterate their obligation to comply with the Provisions of the Protocol on the Establishment of Military Liaison Mission, adopted on January 5, 1996 in Vienna.

##### **Measure XII**

##### **Principles Governing Non-Proliferation**

The Parties shall contribute to efforts to prevent the proliferation of nuclear weapons, the acquisition, development, production, stockpiling and use of chemical and biological weapons and to control the transfer of missiles capable of delivering weapons of mass destruction and their components and technology.

##### **Measure XIII**

##### **Verification and Inspection Regime**

1. The information provided in accordance with the provisions of this Agreement shall be verified in accordance with the provisions of the Protocol on Verification.
2. The verification of the information provided shall be carried out, as a rule, through on-site inspections, observation and monitoring. Different measures may require different verification procedures. Nothing in this Agreement shall inhibit the use of technical means of verification.

3. Verification shall be the responsibility of the Parties. The OSCE shall assist the Parties in the implementation.
4. Detailed verification procedures are set out in the Protocol on Verification.

## **Measure XIV**

### **Communications**

1. The Parties shall establish direct communication lines between the Commanders/Chiefs of Armed Forces of the Parties as well as with the Personal Representative not later than 1 March 1996.
2. Initially, these lines shall provide for direct connection. Later on the lines may be upgraded to provide for on-line computer connection. Secure lines may also be added.
3. The Personal Representative shall support the Parties' efforts to establish these communication lines.
4. Detailed procedures for communications are set out in the Protocol on Communication.

## **Measure XV**

### **Implementation Assessment**

1. The Parties shall create a Joint Consultative Commission. The Joint Consultative Commission shall be composed of one high-level representative of each Party and the Personal Representative.
2. The Personal Representative shall chair the meetings of the Joint Consultative Commission in 1996 and in 1997. Thereafter the Joint Consultative Commission shall be chaired by the Parties on the basis of rotation. The Personal Representative shall remain a member of the Joint Consultative Commission. Decisions of the Joint Consultative Commission shall be taken by consensus. In urgent matters, when delay would endanger the implementation of this Agreement, the Personal Representative shall, in 1996 and 1997 propose to the Parties steps to facilitate the implementation of the Agreement.
3. Detailed procedures for the functioning of the Joint Consultative Commission are set out in the Protocol on the Joint Consultative Commission.

## **ARTICLE III**

The provisions of this Agreement do not apply to the IFOR, the International Police Task Force referred to in the General Framework Agreement, or other elements referred to in Article I, paragraph 1(c) of Annex 1-A of the General Framework Agreement.

## **ARTICLE IV**

### **Privileges and Immunities**

1. To exercise their functions effectively, for the purpose of implementing the Agreement and not for their personal benefit, inspectors, crew members, observers, monitors and visitors, and Representatives in the Joint Consultative Commission shall be accorded the following privileges and immunities:
  - their person shall be inviolable. He/she shall not be liable to any form of arrest or detention. The receiving Party shall treat them with due respect and shall take all appropriate steps to prevent any attack on his/her person, freedom or dignity;
  - their residence shall enjoy the same inviolability and protection as the working premises. His/her papers, correspondence and his/her property shall likewise enjoy inviolability, except in an action outside his/her official functions;
  - they shall enjoy immunity from criminal jurisdiction of the receiving Party and also enjoy immunity from its civil and administrative jurisdiction. They shall not be obliged to give evidence as a witness. Their immunity from the jurisdiction of the receiving Party shall not exempt them from the jurisdiction of the sending Party;
  - they shall be exempted from all dues and taxes, personal or real, national, regional or municipal;
  - they shall be exempted from all personal services, from all public service of any kind whatsoever, and from military obligations such as those connected with requisitioning, military contributions and billeting;
  - they shall be permitted entry of, and granted exemption from all custom duties, and related charges other than charges for storage, cartage and similar services on, articles for the official use of the mission and articles for their personal use.

2. The transportation means of the inspection team shall be inviolable, except as otherwise provided for in the Agreement.
  3. The inspecting Party may waive the immunity from jurisdiction of any of its inspectors or crew members, observers, monitors and visitors, members of Military Liaison Missions and Representatives in the Joint Consultative Commission in those cases when it is of the opinion that immunity would impede the course of justice and that it can be waived without prejudice to the implementation of the provisions of the Agreement. Waiver must always be express.
  4. The privileges and immunities provided for in this Article shall be accorded to inspectors, crew members, observers, monitors and visitors, members of and Representatives in the Joint Consultative Commission:
    - (A) while transiting through the territory of any Party;
    - (B) throughout their presence on the territory of the Party where the inspection is carried out; and
    - (C) thereafter with respect to acts previously performed in the exercise of official functions as an inspector, crew member, observer, monitor and visitor, and Representatives in the Joint Consultative Commission.
  5. If the inspected Party considers that an inspector, crew member, observer, monitor and visitor, member of Military Liaison Missions and Representative in the Joint Consultative Commission has abused his or her privileges and immunities, then the provisions set forth in Section III paragraph 4, 5 and 7 of the Protocol on Verification shall apply. At the request of any of the Parties concerned, consultations shall be held between them in order to prevent a repetition of such an abuse.
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## **ARTICLE V**

### **APPLICATION OF THE GENERAL FRAMEWORK AGREEMENT**

The Parties hereby agree and understand that nothing contained in this Agreement or its Annexes shall be interpreted or understood to alter, change, amend, or otherwise modify any of the conditions, provisions, commitments, responsibilities, or obligations of the

Parties contained in the General Framework Agreement For Peace in Bosnia and Herzegovina.

## **AMENDMENTS AND RIGHT OF WITHDRAWAL**

This Agreement shall be of unlimited duration. It may be supplemented by amendments or an additional Agreement. The Parties, however, hereby specifically agree not to withdraw from this Agreement during the calendar years of 1996 and 1997. Following the end of calendar year 1997, each Party shall have the right to withdraw from this Agreement if it determines that extraordinary events related to the subject matter of this Agreement have jeopardized its interests. A Party intending to withdraw shall give notice of its decision to do so to each Party and to the OSCE through the Personal Representative. This notice shall be in writing and shall include a statement of the extraordinary events that the Party intending to withdraw regards as having jeopardized its interests. The withdrawal shall take effect 2 months after such notification.

Any Party may propose amendments to this Agreement. In 1996 and 1997 the text of a proposed amendment shall be submitted to the Personal Representative, who shall circulate it to each Party. The Personal Representative may decide to convene a meeting of the Joint Consultative Commission to discuss the proposed amendment. Thereafter proposed amendments shall be submitted to the Chairman of the Joint Consultative Commission who shall convene its meeting. If an amendment is approved by all the Parties it shall enter into force in accordance with the procedures set forth in this Article governing the entry into force of this Agreement.

## **REVIEW CONFERENCE**

The OSCE, by the Personal Representative shall convene a Review Conference on February 15, 1998. After that the Parties shall decide to hold Review Conferences regularly, at least once every second year.

## **ENTRY INTO FORCE**

This Agreement shall enter into force at 24.00 on January 26, 1996.

Done in Vienna on the 26 January, 1996 in the English language. Authentic translation into the languages of the Parties shall be provided by the Personal Representative.

Annex 1: Protocol on Verification

- Annex 2: Protocol on Exchange of Information and Notification**
- Annex 3: Protocol on Existing Types**
- Annex 4: Protocol on Communications**
- Annex 5: Protocol on the Joint Consultative Commission**
- Annex 6: Media Guidelines**
- Annex 7: Protocol on the Establishment of Military Liaison Missions**

***Appendix E(7): Agreement on Sub-Regional Arms Control (Florence Agreement, 14 June 1996) and Outline of Protocols***

*The following is the body of the Florence Agreement and an outline of the Protocols thereto. For complete text of the agreement and/or protocols, contact the Center for Law and Military Operations (CLAMO). Full text of these agreements is also available at the internet web address: <http://www.fsk.ethz.ch/osce/docs/bosnia.htm>.*

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## **Agreement on Sub-Regional Arms Control**

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**Guided by the General Framework Agreement for Peace in Bosnia and Herzegovina, Annex 1-B, Agreement on Regional Stabilisation, Article IV, signed in Paris on 14 December 1995, and having engaged in negotiations under the auspices of the Organisation for Security and Co-operation in Europe (hereinafter "the OSCE") in Vienna from 4 January 1996,**

**Bosnia and Herzegovina, the Republic of Croatia, the Federal Republic of Yugoslavia, the Federation of Bosnia and Herzegovina and the Republika Srpska, hereinafter, for the purposes of this Agreement, referred to as the "Parties",**

**Recalling the agreement of the Parties, as set forth in Article I, Annex 1-B, Agreement on Regional Stabilisation, that establishment of measures for regional stability and arms control is essential to creating a stable peace in the region,**

**Committed to the objective of establishing new forms of cooperation in the field of security aimed at building transparency and confidence and achieving balanced and stable defence force levels at the lowest numbers consistent with the Parties' respective security and the need to avoid an arms race in the region,**

**Conscious of the common responsibility of the Parties for seeking to achieve greater stability and security in the region,**

Have agreed as follows :

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## ARTICLE I

1. Each Party shall carry out the obligations in accordance with provisions set forth in this Agreement relating to the armaments limited by the Agreement: battle tanks, armoured combat vehicles, artillery, combat aircraft and attack helicopters.
  2. Each Party also shall carry out the other obligations set forth in this Agreement.
  3. The Parties affirm that nothing contained in this Agreement or its Protocols shall be interpreted or understood to alter, change, amend, or otherwise modify any of the conditions, provisions, commitments, responsibilities, or obligations of the Parties contained in the General Framework Agreement for Peace in Bosnia and Herzegovina.
  4. This Agreement incorporates the Protocol on Reduction; the Protocol on Procedures Governing the Reclassification of Specific Models or Versions of Combat-Capable Trainer Aircraft Into Unarmed Trainer Aircraft, hereinafter referred to as the Protocol on Aircraft Reclassification; the Protocol on Exchange of Information and Notifications, hereinafter referred to as the Protocol on Information Exchange; the Protocol on Existing Types of Armaments, hereinafter referred to as the Protocol on Existing Types; the Protocol on Inspection; the Protocol on The Sub-Regional Consultative Commission. Each of these documents constitutes an integral part of this Agreement.
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## ARTICLE II

For the purposes of this Agreement:

1. The term "area of application" means the entire land territory of the Parties within Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia.
2. The term "armaments limited by the Agreement" means battle tanks, armoured combat vehicles, artillery, combat aircraft and attack helicopters subject to the numerical limitations set forth in Article IV of this Agreement.
3. The term "battle tank" means a self-propelled armoured fighting vehicle, capable of heavy firepower, primarily of a high muzzle

velocity direct fire main gun necessary to engage armoured and other targets, with high cross-country mobility, with a high level of self-protection, and which is not designed and equipped primarily to transport combat troops. Such armoured vehicles serve as the principal weapon system of ground-force tank and other armoured formations.

Battle tanks are tracked armoured fighting vehicles which weigh at least 16.5 metric tonnes unladen weight and which are armed with a 360-degree traverse gun of at least 75 millimetres calibre. In addition, any wheeled armoured fighting vehicles entering into service which meet all the other criteria stated above shall also be deemed battle tanks.

4. The term "armoured combat vehicle" means a self-propelled vehicle with armoured protection and cross-country capability. Armoured combat vehicles include armoured personnel carriers, armoured infantry fighting vehicles and heavy armament combat vehicles.

The term "armoured personnel carrier" means an armoured combat vehicle which is designed and equipped to transport a combat infantry squad and which, as a rule, is armed with an integral or organic weapon of less than 20 millimetres calibre.

The term "armoured infantry fighting vehicle" means an armoured combat vehicle which is designed and equipped primarily to transport a combat infantry squad, which normally provides the capability for the troops to deliver fire from inside the vehicle under armoured protection, and which is armed with an integral or organic cannon of at least 20 millimetres calibre and sometimes an antitank missile launcher. Armoured infantry fighting vehicles serve as the principal weapon system of armoured infantry or mechanised infantry or motorised infantry formations and units of forces.

The term "heavy armament combat vehicles" means an armoured combat vehicle with an integral or organic direct fire gun of at least 75 millimetres calibre, weighing at least 6.0 metric tonnes unladen weight, which does not fall within the definitions of an armoured personnel carrier, or an armoured infantry fighting vehicle or a battle tank.

5. The term "unladen weight" means the weight of a vehicle excluding the weight of ammunition; fuel, oil and lubricants; removable reactive armour; spare parts, tools and accessories;

- removable snorkelling equipment; and crew and their personal kit.
6. The terms "armoured personnel carrier look-alike" and "armoured infantry fighting vehicle look-alike" mean an armoured vehicle based on the same chassis as, and externally similar to, an armoured personnel carrier or armoured infantry fighting vehicle, respectively, which does not have a cannon or gun of 20 millimetres calibre or greater and which has been constructed or modified in such a way as not to permit the transportation of a combat infantry squad. Taking into account the provisions of the Geneva Convention "For the Amelioration of the Conditions of the Wounded and Sick in Armed Forces in the Field" of 12 August 1949 that confer a special status on ambulances, armoured personnel carrier ambulances shall not be deemed armoured combat vehicles or armoured personnel carrier look-alikes.
  7. The term "artillery" means large calibre systems capable of engaging ground targets by delivering primarily indirect fire. Such artillery systems provide the essential indirect fire support to combined arms formations. Large calibre artillery systems are guns, howitzers, artillery pieces combining the characteristics of guns and howitzers, mortars and multiple launch rocket systems with a calibre of 100 millimetres and above. In addition, any future large calibre direct fire system which has a secondary effective indirect fire capability shall be counted against the artillery ceilings. For the purposes of this Agreement, "artillery" shall also include those systems with a calibre less than 100 millimetres but greater than 75 millimetres listed in Section I, paragraph 3 of the Protocol on Existing Types.
  8. The term "combat aircraft" means a fixed-wing or variable-geometry wing aircraft armed and equipped to engage targets by employing guided missiles, unguided rockets, bombs, guns, cannons, or other weapons of destruction, as well as any model or version of such an aircraft which performs other military functions such as reconnaissance or electronic warfare. The term "combat aircraft" does not include primary trainer aircraft.
  9. The term "combat helicopter" means a rotary wing aircraft armed and equipped to engage targets or equipped to perform other military functions. The term "combat helicopter" comprises attack helicopters and combat support helicopters.

The term "combat helicopter" does not include unarmed transport helicopters.

10. The term "attack helicopter" means a combat helicopter equipped to employ anti-armour, air-to-ground, or air-to-air guided weapons and equipped with an integrated fire control and aiming system for these weapons. The term "attack helicopter" comprises specialised attack helicopters and multi-purpose attack helicopters.
  11. The term "specialised attack helicopter" means an attack helicopter that is designed primarily to employ guided weapons.
  12. The term "multi-purpose attack helicopter" means an attack helicopter designed to perform multiple military functions and equipped to employ guided weapons.
  13. The term "combat support helicopter" means a combat helicopter which does not fulfil the requirements to qualify as an attack helicopter and which may be equipped with a variety of self-defence and area suppression weapons, such as guns, cannons and unguided rockets, bombs or cluster bombs, or which may be equipped to perform other military functions.
  14. The term "reduction site" means a clearly designated location where the reduction of armaments limited by the Agreement will take place.
  15. The term "reduction liability" means the number in each category of armaments limited by the Agreement that a Party commits itself to reduce during the period of 16 months following 1 July 1996 in order to ensure compliance with Article IV.
  16. The term "Personal Representative" means the Personal Representative of the Chairman-in-Office of the OSCE or his/her designated agent(s), who is designated by the Chairman-in-Office in consultation with the Parties in order to assist the Parties in the implementation of this Agreement.
  17. The term "armed forces" means all organisations which possess armaments limited by the Agreement other than those designed and structured to perform peacetime internal security functions.
  18. The term "export site" means a designated location at which armaments are prepared for export and from which they are shipped to a location outside the territory of the exporting Party.
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### ARTICLE III

1. For the purposes of this Agreement, the Parties shall apply the following counting rules:  
All battle tanks, armoured combat vehicles, artillery, combat aircraft and attack helicopters, as defined in Article II and either in the possession of or belonging to the Parties, within the area of application shall be subject to the numerical limitations and other provisions set forth in Article IV with the exception of those which in a manner consistent with a Party's normal practices:
  - a. are in the process of manufacture, including manufacturing-related testing;
  - b. are used exclusively for the purposes of research and development;
  - c. belong to historical collections;
  - d. are awaiting disposal, having been decommissioned from service in accordance with the provisions of Article VII;
  - e. are awaiting, or are being refurbished for, export or re-export and are temporarily retained within the area of application. Such battle tanks, armoured combat vehicles, artillery, combat aircraft and attack helicopters shall be located elsewhere than at sites declared under the terms of Section III of the Protocol on Information Exchange or at no more than 10 such declared sites which shall have been notified in the previous year's annual information exchange. In the latter case, they shall be separately distinguishable from armaments limited by the Agreement;
  - f. are, in the case of armoured personnel carriers, armoured infantry fighting vehicles, heavy armament combat vehicles or multi-purpose attack helicopters, held by organisations designed and structured to perform in peacetime internal security functions; or
  - g. are in transit through the area of application from a location outside the area of application to a final destination outside the area of application, and are in the area of application for no longer than a total of seven days.
2. If, in respect of any such battle tanks, armoured combat vehicles, artillery, combat aircraft or attack helicopters, the notification of which is required under Section IV of the Protocol on Information Exchange, a Party notifies an unusually

high number in more than two successive annual information exchanges, it shall explain the reasons in the Sub-Regional Consultative Commission, if so requested.

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## **ARTICLE IV**

### **SECTION I. LIMITATIONS ON ARMAMENTS.**

1. In recognition of the importance of achieving balanced and stable defence force levels at the lowest numbers consistent with the respective Parties' security, the Parties agree that the establishment of a stable military balance based on the lowest level of armaments will be an essential element in the establishment of peace and security and the building of confidence.
2. All battle tanks, armoured combat vehicles, artillery, combat aircraft and attack helicopters, as defined in Article II, within the area of application and in the possession of or belonging to the Parties shall be subject to the numerical limitations and other provisions of this Article, except as provided for in Articles III, VII and XI.
3. Within the area of application, as defined in Article II, each Party shall limit and, as necessary, reduce its battle tanks, armoured combat vehicles, artillery, combat aircraft and attack helicopters, so that 16 months from 1 July 1996 and thereafter, the armament holdings of any individual Party do not exceed the following ceilings:

**The Federal Republic of Yugoslavia:**

- (1) 1025 battle tanks;
- (2) 850 armoured combat vehicles;
- (3) 3750 pieces of artillery;
- (4) 155 combat aircraft; and
- (5) 53 attack helicopters.

**The Republic of Croatia:**

- (1) 410 battle tanks;
- (2) 340 armoured combat vehicles;
- (3) 1500 pieces of artillery;
- (4) 62 combat aircraft; and
- (5) 21 attack helicopters.

**Bosnia and Herzegovina:**

- (1) 410 battle tanks;**
  - (2) 340 armoured combat vehicles;**
  - (3) 1500 pieces of artillery;**
  - (4) 62 combat aircraft; and**
  - (5) 21 attack helicopters.**
- of which:**

**The Federation of Bosnia and Herzegovina:**

- (1) 273 battle tanks;**
- (2) 227 armoured combat vehicles;**
- (3) 1000 pieces of artillery;**
- (4) 41 combat aircraft; and**
- (5) 14 attack helicopters.**

**The Republika Srpska:**

- (1) 137 battle tanks;**
- (2) 113 armoured combat vehicles;**
- (3) 500 pieces of artillery;**
- (4) 21 combat aircraft; and**
- (5) 7 attack helicopters.**

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**ARTICLE V**

- 1. The numerical limits on armaments limited by the Agreement as set forth in Article IV of this Agreement shall be achieved only by means of reduction in accordance with the Protocol on Reduction, the Protocol on Aircraft Reclassification, or by export in accordance with Article VI of this Agreement. The Parties shall have the right to implement all the procedures of the reduction of armaments limited by the Agreement in accordance with the Protocol on Reduction or the Protocol on Procedures Governing the Reduction of Conventional Armaments and Equipment Limited by the Treaty on Conventional Armed Forces in Europe.**
- 2. The categories of armaments limited by the Agreement subject to reduction are battle tanks, armoured combat vehicles, artillery, combat aircraft and attack helicopters. The specific types are listed in the Protocol on Existing Types.**

- a. Battle tanks and armoured combat vehicles shall be reduced by destruction, export, conversion for non-military purposes, placement on static display, or use as ground targets.
  - b. Artillery shall be reduced by destruction, export or placement on static display, or, in the case of self-propelled artillery, by use as ground targets.
  - c. Combat aircraft shall be reduced by destruction, export, placement on static display, use for ground instructional purposes, or, in the case of specific models or versions of combat-capable trainer aircraft, reclassification into unarmed trainer aircraft.
  - d. Attack helicopters shall be reduced by destruction, export, placement on static display, or use for ground instructional purposes.
3. Armaments limited by the Agreement shall be deemed to be reduced upon execution of the procedures and satisfaction of the criteria established in the Protocol on Reduction or in the Protocol on Procedures Governing the Reduction of Conventional Armaments and Equipment Limited by the Treaty on Conventional Armed Forces in Europe, and upon notification as required by this Agreement. Armaments so reduced shall no longer be counted against the numerical limitations set forth in Article IV of this Agreement.
4. Reductions shall be effected in two phases and completed no later than 16 months after 1 July 1996. The Parties undertake to start the process of reduction as soon as possible after that date, so that:
- a. by the end of the first reduction phase, that is, no later than 6 months after 1 July 1996, each Party shall have ensured that at least the following portions of its total reduction liability for each of the categories of armaments limited by the Agreement have been reduced:
    - (1) 40 percent of its total reduction liability for artillery;
    - (2) 40 percent of its total reduction liability for combat aircraft;
    - (3) 40 percent of its total reduction liability for attack helicopters;
    - (4) 20 percent of its total reduction liability for tanks; and
    - (5) 20 percent of its total reduction liability for armoured combat vehicles.



3. **Armaments limited by the Agreement exported and counted against a Party's reduction liability shall have been notified as being held by that Party in the 21 June 1996 exchange of information.**
4. **Armaments limited by the Agreement must be exported outside of the territory of the Party no later than 15 months after 1 July 1996 in order to count against the reduction liability notified in accordance with Article V of this Agreement. Armaments limited by the Agreement which are not exported must be reduced in accordance with the Protocol on Reduction by the end of the reduction period.**
5. **Each Party shall have the right to inspect, without right of refusal, armaments limited by the Agreement to be exported, in accordance with this Article, at the export site. Inspections of armaments to be exported in accordance with this Article shall be conducted in accordance with the provisions in Sections I, II, III, IV, V, VI, X and XI of the Protocol on Inspection and the following:**
  - a. **Inspections of armaments to be exported under this Article shall not count against the quotas established in Section II of the Protocol on Inspection. Inspection teams conducting such inspections shall be composed of inspectors of the Parties to this Agreement. The inspected party shall not be obliged to accept more than two inspections at a time at each export site.**
  - b. **Inspections of armaments to be exported shall not interfere with the on-going activities at the export site or unnecessarily hamper, delay or complicate the export process.**
  - c. **In addition to the notification of approximate amounts of armaments to be exported in accordance with paragraph 2 of this Article, each Party will notify the other Parties and the Personal Representative no later than the 15th of each month the numbers of armaments to be exported the next calendar month. Such notifications shall include:**
    - (1) **the date(s) of export;**
    - (2) **the export site(s);**
    - (3) **the dates the armaments to be exported will be present for inspection;**
    - (4) **the number(s) and type(s) of armaments that will be exported;**

- (5) The object of inspection(s) from which the armaments have been withdrawn.
- d. For the purposes of inspection, such armaments shall be present at the export site for a minimum of three days during the calendar month they are to be exported. The inspection team shall have the right to arrive or depart at any time during these three days, or the day prior to the first day. Throughout the period that the inspection team remains at the export site, it shall have the right to observe the armaments to be exported.
  - e. In accordance with the provisions set forth in this Article, the inspection team shall have the right to freely record factory serial numbers from the armaments to be exported.
  - f. At each export site, the inspection team shall be provided with shipping invoice document numbers, shipping vessel name or railroad schedule information, and country of destination of the armaments to be exported.
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## ARTICLE VII

1. Other than removal from service in accordance with the provisions of Articles V and VI, battle tanks, armoured combat vehicles, artillery, combat aircraft and attack helicopters within the area of application shall be removed from service only by decommissioning, provided that:
  - a. such armaments limited by the Agreement are decommissioned and awaiting disposal at no more than eight sites which shall be notified as declared sites in accordance with the Protocol on Information Exchange and shall be identified in such notifications as holding areas for decommissioned armaments limited by the Agreement. If sites containing armaments limited by the Agreement decommissioned from service also contain any other armaments, the decommissioned armaments limited by the Agreement shall be separately distinguishable; and
  - b. the numbers of such decommissioned armaments limited by the Agreement do not exceed, in the case of any individual Party, one percent of its ceilings for holdings of armaments limited by the Agreement pursuant to Article IV, or a total of 100, whichever is greater, of which no more than 75 shall be battle tanks, armoured combat vehicles and pieces of

artillery, and no more than 25 shall be attack helicopters and combat aircraft.

2. Notification of decommissioning shall include the number and type of armaments limited by the Agreement decommissioned and the location of decommissioning and shall be provided to all other Parties in accordance with Section III of the Protocol on Information Exchange.
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## **ARTICLE VIII**

1. For the purpose of ensuring verification of compliance with the provisions of this Agreement, each Party shall provide notifications and exchange information pertaining to its personnel and armaments in accordance with the Protocol on Exchange of Information and Notifications.
  2. Such notifications and exchange of information shall be transmitted in written form through diplomatic or other official channels as may be agreed by the Parties.
  3. Each Party shall be responsible for its own information; receipt of such information and of notifications shall not imply validation or acceptance of the information provided.
  4. Information shall be exchanged annually by 15 December each year and shall be valid as of 01 January for the next year and one additional exchange of information at the end of the reduction period valid as of the date of the end of the reduction period. In addition, for 1996 information shall be exchanged by 21 June valid as of 01 July.
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## **ARTICLE IX**

1. For the purposes of ensuring verification of compliance with the provisions of this Agreement, each Party shall have the right to conduct, and the obligation to accept, within the area of application, inspections in accordance with the Protocol on Inspection.
2. The purpose of such inspections shall be:
  - a. to verify, on the basis of the information pursuant to the Protocol on Exchange of Information and Notifications, the compliance of the Parties with the numerical limitations set forth in Article IV of this Agreement;

- b. to monitor the process of reduction of armaments limited by the Agreement carried out at reduction sites in accordance with Article V of this Agreement and the Protocol on Reduction;
        - c. to monitor the export of armaments limited by the Agreement used to decrease a reduction liability in accordance with Articles V and VI of this Agreement; and
        - d. to monitor the certification of reclassified combat-capable trainer aircraft carried out in accordance with the Protocol on Aircraft Reclassification.
  3. Verification shall be the responsibility of the Parties. The Personal Representative shall assist the Parties in the implementation.
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## **ARTICLE X**

1. The Parties shall create a Sub-Regional Consultative Commission. The Sub-Regional Consultative Commission shall be composed of one high-level representative of each Party. The Personal Representative shall be present for the meetings of the Sub-Regional Consultative Commission.
  2. Chairmanship of the Sub-Regional Consultative Commission shall rotate alphabetically among the Parties, beginning with Bosnia and Herzegovina, changing after every meeting, unless otherwise decided by the Parties.
  3. Decisions of the Sub-Regional Consultative Commission shall be taken by consensus. Consensus shall be understood to mean the absence of any objection by any representative of a Party to the taking of a decision or the making of a recommendation.
  4. Detailed procedures for the functioning of the Sub-Regional Consultative Commission are set out in the Protocol on the Sub-Regional Consultative Commission.
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## **ARTICLE XI**

1. Armoured infantry fighting vehicles held by organisations of a Party designed and structured to perform in peacetime internal security functions, which are not structured and organised for ground combat against an external enemy, are not limited by

- this Agreement. The foregoing notwithstanding, in order to enhance the implementation of this Agreement and to provide assurance that the number of such armaments held by such organisations shall not be used to circumvent the provisions of this Agreement, armoured infantry fighting vehicles assigned by a Party to organisations designed and structured to perform in peacetime internal security functions in excess of the aggregate number held by such organisations at the time of signature of the Agreement, as notified pursuant to Article VIII, shall constitute a portion of the permitted levels specified in Article IV. If the number of such armoured infantry fighting vehicles reported was less than the maximum agreed number for such armoured infantry fighting vehicles, each Party shall have the right to increase its holdings of such armoured infantry fighting vehicles up to the maximum agreed number. Maximum agreed numbers for such armoured infantry fighting vehicles shall be:
- a. Federal Republic of Yugoslavia 152
  - b. Republic of Croatia 76
  - c. Bosnia and Herzegovina 76
  - d. of which
  - e. Federation of Bosnia and Herzegovina 38
  - f. Republika Srpska 38
2. A Party that intends to reassign battle tanks, armoured infantry fighting vehicles, artillery, combat aircraft and attack helicopters in service with its armed forces to any organisation of that Party not a part of its armed forces shall notify all other Parties no later than the date such reassignment takes effect. Such notification shall specify the effective date of the reassignment, the date such armaments are physically transferred, as well as the numbers, by type of the armaments limited by the Agreement being reassigned.
- 

## **ARTICLE XII**

1. This Agreement shall be of unlimited duration. It may be supplemented by a further Agreement by the Parties within the framework of the Review Conference pursuant to Article XIV of this Agreement.
2. The Parties hereby specifically agree not to withdraw from this Agreement during the first 42 months after entry into force of the Agreement. Following the first 42 months after entry into

force of the Agreement, each Party shall have the right to withdraw from this Agreement if it determines that extraordinary events related to the subject matter of this Agreement have jeopardized its interests. A Party intending to withdraw shall give notice of its decision to do so to each Party and to the Personal Representative at least 150 days prior to the intended withdrawal from this Agreement. This notice shall be in writing and shall include a statement of the extraordinary events that the Party intending to withdraw regards as having jeopardized its interests.

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### **ARTICLE XIII**

Any Party may propose amendments to this Agreement. In 1996 and 1997 the text of a proposed amendment shall be submitted to the Chairman of the Sub-Regional Consultative Commission who shall circulate it to each Party. The Chairman shall convene a meeting of the Sub-Regional Consultative Commission to discuss the proposed amendment. If an amendment is approved by all the Parties it shall enter into force in accordance with the procedures governing the entry into force of this Agreement.

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### **ARTICLE XIV**

The Chairman of the Sub-Regional Consultative Commission shall convene a Review Conference on June 11, 1998. After that the Parties shall decide to hold Review Conferences regularly, at least once every second year.

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### **ARTICLE XV**

The original of this Agreement, of which the English text is authentic, shall be deposited by each Party. Duly certified copies of this Agreement in Bosnian, Croatian and Serbian shall be transmitted by the Personal Representative to all the Parties.

Done at Florence, 14 June 1996

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### **Entry into Force**

This Agreement shall enter into force upon signature.

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**For the Republic of For Bosnia and For the Federal  
Croatia Herzegovina Republic of Yugoslavia**

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**For the Federation of For the Republika Srpska  
Bosnia and Herzegovina**

**Witnessed by:**

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**For the French Republic For the Federal For the Russian  
Republic of Germany Federation**

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**For the Republic of For the United Kingdom For the United States  
Italy of Great Britain and of America  
Northern Ireland**

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*The following is merely an outline of the contents of the Protocol on Reduction, which gave specific guidance on how weapons systems were to be destroyed, converted or stored. There were also Protocols on (1) Procedures Governing Reclassification of Specific Models or Versions of Combat-Capable Trainer Aircraft into Unarmed Trainer Aircraft, (2) Exchange of information and Notifications, (3) Existing Types of Armaments, (4) Inspection, and (5) the Sub-Regional Consultative Commission . These Protocols contain details on the implementation of the above Florence Arms Control Agreement. Full text of these agreements is available at the internet web address:  
<http://www.fsk.ethz.ch/osce/docs/bosnia.htm>*

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## **PROTOCOL ON REDUCTION**

**The Parties hereby agree upon procedures and criteria governing the reduction of armaments limited by the Agreement on Sub-Regional Arms Control (hereinafter referred to as "the Agreement") as set forth in Articles V and VI of the Agreement.**

**SECTION 1. General Requirements for Reduction**

1. Armaments limited by the Agreement shall be reduced in accordance with the procedures and criteria set forth in this Protocol.
2. Each Party shall have the right to use any technical means it deems appropriate to implement the procedures and meet the criteria for reducing armaments limited by the Agreement while making every effort to prevent causing pollution.
3. Each Party shall have the right to remove, retain and use those components and parts of armaments which are not themselves subject to reduction in accordance with the provisions of Section II of this Protocol, and to dispose of debris.
4. Unless otherwise provided for in this Protocol, armaments limited by the Agreement shall be reduced through irreversible damage to parts and elements, as defined in Sections III through XII of this Protocol. Irreversible damage to the parts and elements of items of armaments means damage to the extent to render them incapable of their further use or restoration for military purposes.
5. After entry into force of the Agreement, additional procedures for reduction may be proposed by any Party. Such proposals shall be communicated to all Parties and to the Personal Representative, and shall provide the details of such procedures in the same format as the procedures set forth in this Protocol. Any such procedures shall be deemed sufficient to carry out the reduction of armaments limited by the Agreement so long as they shall meet the criterion of irreversibility specified above, and upon a decision to that effect by the Sub-Regional Consultative Commission.

**SECTION II. Standards for Presentation at reduction Sites****SECTION III. Procedures and Criteris for Reduction of Battle Tanks by Destruction****SECTION IV. Procedures for the reduction of Armoured Combat Vehicles by Destruction****SECTION V. Procedures for the Reduction of Artillery by Reduction****SECTION VI. Procedures for the reduction of Combat Aircraft by Destruction**

**SECTION VII. Procedures for the Reduction of Attack Helicopters by Destruction**

**SECTION VIII. Rules and Procedures for Reduction of Armaments Limited by the Agreement by Conversion for Non-Military Purposes**

**SECTION IX. Procedure for Reduction in the Event of Destruction by Accident**

**SECTION X. Procedure for Reduction by Means of Static Display**

**SECTION XI. Procedure for reduction by Use as Ground Targets**

**SECTION XII. Procedure for reduction by Use for Ground Instructional Purposes**

*Appendix E(8): SOFA Between NATO and Croatia*

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*NATO - Croatia SOFA***Agreement Between the Republic of Croatia and the North Atlantic Treaty Organisation (NATO) Concerning the Status of NATO and its Personnel**

The Republic of Croatia and the North Atlantic Treaty Organisation have agreed as follows:

1. For the purposes of the present agreement, the following expressions shall have the meanings hereunder assigned to them:

- "the Operation" means the support, implementation, preparation and participation by NATO and NATO personnel in a peace plan in Bosnia and Herzegovina or a possible withdrawal of U.N. Forces from former Yugoslavia;

- "NATO personnel" means the civilian and military personnel of the North Atlantic Treaty Organisation with the exception of personnel locally hired;

- "NATO" means the North Atlantic Treaty Organisation, its subsidiary bodies, its military Headquarters and all its constituent national elements/units acting in support of, preparing and participating in the Operation;

- "Facilities" means all premises and land required for conducting the operational, training and administrative activities by NATO for the Operation as well as for accommodations of NATO personnel.

2. The provisions of the Convention on the Privileges and Immunities of the United Nations of 13 February 1946 concerning experts on mission shall apply mutatis mutandis to NATO personnel involved in the Operation, except as otherwise provided for in the present agreement. Moreover NATO, its property and assets shall enjoy the

privileges and immunities specified in that Convention and as stated in the present agreement.

**3. All personnel enjoying privileges and immunities under this Agreement shall respect the laws of the Republic of Croatia, insofar as it is compatible with the entrusted tasks/mandate and shall refrain from activities not compatible with the nature of the Operation.**

**4. The Government of Croatia recognizes the need for expeditious departure and entry procedures for NATO personnel. They shall be exempt from passport and visa regulations and the registration requirements applicable to aliens. NATO personnel shall carry identification which they may be requested to produce for Croatian authorities but operations, training and movement shall not be allowed to be impeded or delayed by such requests.**

**5. NATO military personnel shall normally wear uniforms, and NATO personnel may possess and carry arms if authorized to do so by their orders. Croatian authorities shall accept as valid, without tax or fee, drivers' licenses and permits issued to NATO personnel by their respective national authorities.**

**6. NATO shall be permitted to display the NATO flag and/or national flags of its constituent national elements/units on any NATO uniform, means of transport or facility.**

**7. NATO military personnel under all circumstances and at all times shall be subject to the exclusive jurisdiction of their respective national elements in respect of any criminal or disciplinary offenses which may be committed by them in the Republic of Croatia. NATO and Croatian authorities shall assist each other in the exercise of their respective jurisdictions.**

**8. As experts on mission, NATO personnel shall be immune from personal arrest or detention. NATO personnel mistakenly arrested or detained shall immediately be turned over to NATO authorities.**

**9. NATO personnel shall enjoy, together with their vehicles, vessels, aircraft and equipment, free and unrestricted passage and unimpeded access throughout Croatia including Croatian airspace and territorial waters. This shall include, but not be limited to, the right of bivouac,**

maneuver, billet, and utilization of any areas or facilities as required for support, training, and operations. NATO shall be exempt from providing inventories or other routine customs documentation on personnel, vehicles, vessels, aircraft, equipment, supplies, and provisions entering, exiting, or transiting Croatian territory in support of the Operation. The Croatian authorities shall facilitate with all appropriate means all movements of personnel, vehicles, vessels, aircraft or supplies, through ports, airports or roads used. Vehicles, vessels and aircraft used in support of the Operation shall not be subject to licensing or registration requirements, nor commercial insurance. NATO will use airports, roads and ports without payment of duties, dues, tolls or charges. However, NATO shall not claim exemption from reasonable charges for services requested and received, but operations/movement and access shall not be allowed to be impeded pending payment for such services.

10. NATO personnel shall be exempt from taxation by the Republic of Croatia on the salaries and emoluments received from NATO and on any income received from outside the Republic of Croatia

11. NATO personnel and their tangible movable property imported into or acquired in Croatia shall also be exempt from all identifiable taxes by the Republic of Croatia, except municipal rates for services enjoyed, and from all registration fees and related charges.

12. NATO shall be allowed to import and export free of duty or other restriction equipment, provisions, and supplies, necessary for the Operation, provided such goods are for the official use of NATO or for sale via commissaries or canteens provided for NATO personnel. Goods sold shall be solely for the use of NATO personnel and not transferable to other parties.

13. NATO shall be allowed to operate its own internal mail and telecommunications services, including broadcast services. Telecommunications channels and other communications needs which may interfere with Croatian telecommunication services shall be coordinated with appropriate Croatian authorities free of cost. It is recognized by the Government of Croatia that the use of communications channels shall be necessary for the Operation.

**14. The Government of Croatia shall provide, free of cost, such facilities NATO needs for the preparation for and execution of the Operation. The Government of Croatia shall assist NATO in obtaining, at the lowest rate, the necessary utilities such as electricity, water and other resources necessary for the Operation.**

**15. Claims for damage or injury to Croatian Government personnel or property, or to private personnel or property shall be submitted through Croatian governmental authorities to the designated NATO Representatives.**

**16. NATO shall be allowed to contract direct with suppliers for services and supplies in the Republic of Croatia without payment of tax or duties. Such services and supplies shall not be subject to sales or other taxes. NATO may hire local personnel who shall remain subject to local laws and regulations. However, local personnel hired by NATO shall:**

**(a) be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;**

**(b) be immune from national services and/or national military service obligations;**

**(c) be exempt from taxation on the salaries and emoluments paid to them by NATO.**

**17. NATO may in the conduct of the Operation, have need to make improvements or modifications to certain Croatian infrastructure such as roads, utility systems, bridges, tunnels, buildings, etc. Any such improvements or modifications of a non-temporary nature shall become part of and in the same ownership as that infrastructure. Temporary improvements or modifications may be removed at the discretion of the NATO Commander, and the facility returned to as near its original condition as possible.**

**18. Failing any prior settlement, disputes with regard to the interpretation or application of the present agreement shall be settled between Croatia and NATO Representatives by diplomatic means.**

**19. The provisions of this agreement shall also apply to the civilian and military personnel, property and assets of national elements/units of NATO states, acting in connection to the Operation or the relief for the civilian population which however remain under national command and control.**

**20. Supplemental arrangements may be concluded to work out details for the Operation also taking into account its further development.**

**21. The Government of Croatia shall accord non-NATO states and their personnel participating in the Operation the same privileges and immunities as those accorded under this agreement to NATO states and personnel.**

**22. The provisions of this agreement shall remain in force until completion of the Operation or as the Parties otherwise agree.**

**23. This Agreement shall enter into force upon signature.**

**Done at Wright-Patterson Air Force Base, Ohio on November 21, 1995 and at \_\_\_\_\_ on \_\_\_\_\_, 1995.**

**For the Republic of Croatia:**

**For the North Atlantic Treaty Organisation:**

*Appendix E(9): Transit Agreement Between NATO and Federal Republic of Yugoslavia*

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*NATO-Federal Republic of Yugoslavia Transit Agreement*

**Agreement Between the Federal Republic of Yugoslavia and the North Atlantic Treaty Organisation (NATO) Concerning Transit Arrangements for Peace Plan Operations**

**Considering that the North Atlantic Treaty Organization is conducting contingency planning in coordination with the United Nations to support the implementation of a peace plan in Bosnia and Herzegovina or a possible withdrawal of U.N. Forces from former Yugoslavia, and may be requested by the United Nations to execute either such operation;**

**Considering the necessity to establish adequate transit arrangements for the execution/implementation of this Operation;**

**It is agreed that:**

**1. For the purposes of the present agreement, the following expressions shall have the meanings hereunder assigned to them:**

**- "the Operation" means the support, implementation, preparation and participation by NATO and NATO personnel in a peace plan in Bosnia and Herzegovina or a possible withdrawal of U.N. Forces from former Yugoslavia;**

**- "NATO personnel" means the civilian and military personnel of the North Atlantic Treaty Organization with the exception of personnel locally hired;**

**- "NATO" means the North Atlantic Treaty Organization, its subsidiary bodies, its military Headquarters and all its constituent national elements/units acting in support of, preparing and participating in the Operation.**

**2. The Government of the Federal Republic of Yugoslavia shall allow the free transit over land, rail, road, water or through air of all personnel and cargo, equipment, goods and material of whatever kind, including ammunition required by NATO for the execution of the Operation, through the territory of the Federal Republic of Yugoslavia including Federal Republic of Yugoslavia airspace and territorial waters.**

**3. The Government of the Federal Republic of Yugoslavia shall provide or assist to provide, at the lowest cost, such facilities or services as determined by NATO as are necessary for the transit.**

**4. NATO shall be exempt from providing inventories or other routine customs documentation on personnel, equipment, supplies, and provisions entering, exiting, or transiting the Federal Republic of Yugoslavia territory in support of the Operation. The Federal Republic of Yugoslavia authorities shall facilitate with all appropriate means all movements of personnel, vehicles and/or supplies, through ports, airports or roads used. Vehicles, vessels and aircraft in transit shall not be subject to licensing or registration requirements, nor commercial insurance. NATO shall be permitted to use airports, roads and ports without payment of duties, dues, tolls or charges. NATO shall not claim exemption for reasonable charges for services requested and received, but transit shall not be allowed to be impeded pending negotiations on payment for such services. The modes of transport will be communicated by NATO to the Government of the Federal Republic of Yugoslavia in advance. The routes to be followed will be commonly agreed upon.**

**5. The provision of the Convention on the Privileges and Immunities of the United Nations of 13 February 1946 concerning experts on mission shall apply mutatis mutandis to NATO personnel involved in the transit, except as otherwise provided for in the present Agreement. Moreover, NATO, its property and assets shall enjoy the privileges and immunities specified in that Convention and as stated in the present agreement.**

**6. All personnel enjoying privileges and immunities under this Agreement shall respect the laws of the Federal Republic of Yugoslavia, insofar as respect for said laws is compatible with the**

**entrusted tasks/mandate and shall refrain from activities not compatible with the nature of the Operation.**

**7. The Government of the Federal Republic of Yugoslavia recognizes the need for expeditious departure and entry procedures for NATO personnel. They shall be exempt from passport and visa regulations and the registration requirements applicable to aliens. NATO personnel shall carry identification which they may be requested to produce for Federal Republic of Yugoslavia authorities, but transit shall not be allowed to be impeded or delayed by such requests.**

**8. NATO military personnel shall normally wear uniforms, and NATO personnel may possess and carry arms if authorized to do so by their orders. The Federal Republic of Yugoslavia authorities shall accept as valid, without tax or fee, drivers' licenses and permits issued to NATO personnel by their respective national authorities.**

**9. NATO shall be permitted to display the NATO flag and/or national flags of its constituent national elements/units on any NATO uniform, means of transport or facility.**

**10. NATO military personnel under all circumstances and at all times shall be subject to the exclusive jurisdiction of their respective national elements in respect of any criminal or disciplinary offenses which may be committed by them in the Federal Republic of Yugoslavia. NATO and the Federal Republic of Yugoslavia authorities shall assist each other in the exercise of their respective jurisdictions.**

**11. As experts on mission, NATO personnel shall be immune from personal arrest or detention. NATO personnel mistakenly arrested or detained shall immediately be turned over to NATO authorities.**

**12. NATO personnel and their tangible movable property in transit through the Federal Republic of Yugoslavia shall also be exempt from all identifiable taxes by the Government of the Federal Republic of Yugoslavia.**

**13. NATO shall be allowed to operate its own telecommunications services. This shall include the right to utilize such means and services as required to assure full ability to communicate, and the right to use all of the electro-magnetic spectrum for this purpose, free**

of cost. In implementing this right, NATO shall make every reasonable effort to coordinate with and take into account the needs and requirements of appropriate Federal Republic of Yugoslavia authorities.

14. Claims for damage or injury to Federal Republic of Yugoslavia Government personnel or property, or to private persons or property shall be submitted through the Federal Republic of Yugoslavia governmental authorities to the designated NATO Representatives.

15. Failing any prior settlement, disputes with regard to the interpretation or application of the present agreement shall be settled between the Federal Republic of Yugoslavia and NATO Representatives by diplomatic means.

16. The provisions of this agreement shall also apply to the civilian and military personnel, property and assets of national elements/units of NATO states, acting in connection to the Operation of the relief for the civilian population which however remain under national command and control.

17. Supplemental arrangements may be concluded to work out details for the transit also taking into account its further development.

18. The Government of the Federal Republic of Yugoslavia shall accord for the transit of non-NATO states and their personnel participating in the Operation the same privileges and immunities as those accorded under this agreement to NATO states and personnel.

19. The provisions of this agreement shall remain in force until completion of the Operation or as the Parties otherwise agree.

20. This Agreement shall enter into force upon signature.

Done at Wright-Patterson Air Force Base, Ohio on November 21, 1995  
and  
at \_\_\_\_\_ on \_\_\_\_\_, 1995.

For the Federal Republic of Yugoslavia:

For the North Atlantic Treaty Organisation:

*Appendix F: Sample Mission Statements***IFOR Mission Focus (MAY 1996)<sup>1</sup>**

- Ensure compliance by all parties with the withdrawal and redeployment of forces within the agreed time frames and established Zone of Separation (ZOS).
- Demarcate the ZOS.
- Establish liaison with local authorities and international organizations.
- Separate Former Warring Factions (FWFs).
- Establish/maintain Zone of Separation.
- Enforce demobilization of FWFs and establish heavy weapons cantonment sites.
- Provide "secure environment" for civil implementation of the GFAP.
- Help establish International Police Task Force.
- Help establish Office of High Representative.
- Initial round of national elections.

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<sup>1</sup> Bosnia Country Handbook (IFOR, May 1996) at 1-2.

**SFOR Mission**

**Stabilization Force executes military tasks of the General Framework Agreement for Peace within the Area of Responsibility for 18 months, deters hostilities, stabilizes Bosnia-Herzegovina and assists in the consolidation of the peace in order to contribute to a secure environment and foster ongoing civil implementation plans.**

**MND (North) MISSION**

**Conduct Peace Operation in sector as outlined in the GFAP, maintain force protection, ensure EAF military compliance with Annex 1A of the GFAP, and promote a secure and stable environment to foster the ongoing civilian and international community implementation of the GFAP. On order, set the conditions for and execute a transition to follow-on forces and withdraw from sector.**

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*Appendix G: Rules of Engagement Cards*

**HUNGARY ROE CARD**

**ROE CARD FOR HUNGARY**

1. The Mission.
  - The U.S. is not at war with anyone.
  - You are here at the invitation of the host nation.
  - Your mission is to assist in providing logistical support to the Implementation Force (IFOR).
2. Right of Self-Defense.
  - You always have the right and duty to defend yourself.
  - If anyone commits a hostile act against you (an attack which could cause death or serious injury) or is about to attack you, you may use all means necessary to defend yourself, consistent with the principles set forth below.
  - You may also use force to defend other U.S. Forces.
3. Attempt to Control the Situation Without Use of Force.
  - Use force only as a last resort.
  - If circumstances permit, attempt to warn first.
4. Use the Minimum Force Necessary to Defend Yourself and Others.
  - If circumstances permit, attempt to use non-deadly force before resorting to deadly force.

**Front Side**

**HUNGARY ROE CARD**

**5. If You Have to Use Deadly Force:**

- Fire only aimed shots;
- Fire no more rounds than necessary;
- Try not to injure anyone other than your target;
- Try not to unnecessarily destroy property - Stop firing as soon as the situation permits; and
- Care for the sick and wounded.

**6. Respect Private Property at All Times.**

- Do not take anything that does not belong to you.

**7. Immediately Report Any Incidents or Violations of the Law of Land Warfare.**

**8. Show Courtesy in Executing Your Duties.**

- Learn local, social, and religious customs and respect them at all times.

**Reverse Side**

**IFOR ROE CARD**  
**AS OF 10 JAN 96**

NATO UNCLASSIFIED

**IFOR - OPERATION DECISIVE ENDEAVOR**  
**Commander's Guidance on Use of Force**

***MISSION***

Your mission is to stabilize and consolidate the peace in Bosnia and Herzegovina

***SELF DEFENSE***

1. You have the right to use force (including authorized weapons as necessary) in self defense.
2. Use only the minimum force necessary to defend yourself.

***GENERAL RULES***

1. Use the minimum force necessary to accomplish your mission.
2. Hostile forces/belligerents who want to surrender will not be harmed. Disarm them and turn them over to your superiors.
3. Treat everyone, including civilians and detained hostile forces/belligerents, humanely.
4. Collect and care for the wounded, whether friend or foe.
5. Respect private property. Do not steal. Do not take "war trophies".
6. Prevent and report all suspected violations of the Law of Armed Conflict to superiors.

***CHALLENGING AND WARNING SHOTS***

1. If the situation permits, issue a challenge:  
In English: "IFOR! STOP OR I WILL FIRE!"  
or in Serbo-Croat: "IFOR! STANI ILI PUCAM!"  
Pronounced as: "IFOR! STANI EEL LEE PUTSAM!"
2. If the person fails to halt, you may be authorized by the on-scene commander or by standing orders to fire a warning shot.

NATO UNCLASSIFIED

**Front Side**

**IFOR ROE CARD**  
**AS OF 10 JAN 96**

NATO UNCLASSIFIED

***OPENING FIRE***

1. You may open fire only if you, friendly forces, or persons or property under your protection are threatened with deadly force.

This means:

- a. You may open fire against an individual who fires or aims his weapon at you, friendly forces, or persons with designated special status under your protection.
- b. You may open fire against an individual who plants, throws, or prepares to throw an explosive or incendiary device at you, friendly forces, or persons with designated special status or property with designated special status under your protection.
- c. You may open fire against an individual who deliberately drives a vehicle at you, friendly forces, persons with a designated special status or property with designated special status under your protection.

2. You may also fire against an individual who attempts to take possession of friendly force weapons, ammunition, or property with designated special status, and there is no other way of avoiding this.

***MINIMUM FORCE***

1. If you have to open fire, you must:

- Fire only aimed shots, and
- Fire no more round as necessary, and
- Take all reasonable efforts not to unnecessarily destroy property, and
- Stop firing as soon as the situation permits.

2. You may not intentionally attack civilians or property that is exclusively civilian or religious in character, except if the property is being used for military purpose and engagement is authorized by your commander.

NATO UNCLASSIFIED

**Reverse Side**

**SFOR ROE CARD**  
**AS OF 20 DEC 96**

NATO UNCLASSIFIED

**SFOR - OPERATION CONSTANT GUARD**  
**Commander's Guidance on Use of Force**

***MISSION***

Your mission is to stabilize and consolidate the peace in Bosnia and Herzegovina

***SELF DEFENSE***

1. You have the right to use force (including authorized weapons as necessary) in self defense.
2. Use only the minimum force necessary to defend yourself.

***GENERAL RULES***

1. Use the minimum force necessary to accomplish your mission.
2. Hostile forces/belligerents who want to surrender will not be harmed. Disarm them and turn them over to your superiors.
3. Treat everyone, including civilians and detained hostile forces/belligerents, humanely.
4. Collect and care for the wounded, whether friend or foe.
5. Respect private property. Do not steal. Do not take "war trophies".
6. Prevent and report all suspected violations of the Law of Armed Conflict to superiors.

***CHALLENGING AND WARNING SHOTS***

1. If the situation permits, issue a challenge:  
In English: "SFOR! STOP OR I WILL FIRE!"  
or in Serbo-Croat: "SFOR! STANI ILI PUCAM!"  
Pronounced as: "SFOR! STANI EEL LEE PUTSAM!")
2. If the person fails to halt, you may be authorized by the on-scene commander or by standing orders to fire a warning shot.

NATO UNCLASSIFIED

**Front Side**

**SFOR ROE CARD**  
**AS OF 20 DEC 96**

NATO UNCLASSIFIED

**OPENING FIRE**

1. You may open fire only if you, friendly forces, or persons or property under your protection are threatened with deadly force. This means:
  - a. You may open fire against an individual who fires or aims his weapon at you, friendly forces, or persons with designated special status under your protection.
  - b. You may open fire against an individual who plants, throws, or prepares to throw an explosive or incendiary device at you, friendly forces, or persons with designated special status or property with designated special status under your protection.
  - c. You may open fire against an individual who deliberately drives a vehicle at you, friendly forces, persons with a designated special status or property with designated special status under your protection.
2. You may also fire against an individual who attempts to take possession of friendly force weapons, ammunition, or property with designated special status, and there is no other way of avoiding this.
3. You may use minimum force, including opening fire, against an individual who unlawfully commits, or is about to commit, an act which endangers life, or is likely to cause serious bodily harm, in circumstances where there is no other way to prevent the act.

**MINIMUM FORCE**

1. If you have to open fire, you must:
  - Fire only aimed shots, and
  - Fire no more rounds than necessary, and
  - Take all reasonable efforts not to unnecessarily destroy property, and
  - Stop firing as soon as the situation permits.
2. You may not intentionally attack civilians or property that is exclusively civilian or religious in character, except if the property is being used for military purpose and engagement is authorized by your commander.

NATO UNCLASSIFIED

Reverse Side

*This para. 3. Is the key difference between the previous IFOR card and this, the SFOR card.*

*This para. 3. Is the key difference between the previous IFOR card and this, the SFOR card.*

**OPERATION JOINT FORGE**  
**STANDING ROE 24 AUGUST 1998**

**SELF-DEFENSE**

1. NOTHING IN THESE RULES PROHIBITS YOU FROM EXERCISING YOUR INHERENT RIGHT TO DEFEND YOURSELF, SFOR SOLDIERS AND PERSONS WITH DESIGNATED SPECIAL STATUS.
2. Use the minimum force necessary when you use force.
3. You may use deadly force to defend yourself, SFOR soldiers and persons with designated special status from immediate threat of serious injury or death.
4. You do not need permission to act in self-defense.

**PROTECTION OF PROPERTY**

1. Use the min. force necessary, which may include deadly force (Five S's), to protect classified documents and property, weapons, ammo, explosives, and property with designated special status.
2. Use the min. force necessary, BUT NOT deadly force, to protect all other SFOR property.

**MISSION ACCOMPLISHMENT**

1. IAW command guidance, the senior leader present is authorized to direct the use of force, including deadly force (Five S's), to accomplish the mission.

**Front Side**

**OPERATION JOINT FORGE**  
**STANDING ROE 24 AUGUST 1998**

2. REMEMBER, even in absence of command guidance or orders from the senior leader present, you may always use force to defend yourself, SFOR soldiers, and persons with designated special status from immediate threat of serious injury or death.

**SERIOUS CRIMINAL ACTS**

You may use the min. force necessary (Five S's), including deadly force, to stop and detain persons committing, or about to commit, in your presence, serious criminal acts upon other persons (murder, rape, serious assault).

**MINIMUM FORCE**

1. Evaluate the threat using Hand-SALUTE. Identify what is in the person's hand, then apply the standard SALUTE factors.

2. **FIVE S's**. When possible, use the following degrees of force:

- a. SHOUT verbal warnings to halt! ("STANI")
- b. SHOW your weapon and demonstrate intent to use it.
- c. SHOVE. Use non-lethal physical force.
- d. SHOOT a WARNING shot after issuing a verbal challenge. In English: "NATO! STOP OR I WILL FIRE!" In Serbo-Croat: "NATO! STANI EEL LEE PUTSAM!"
- e. SHOOT to eliminate the threat. Fire only aimed shots. Stop firing when the threat is gone.

**\* Respect civilians and their property. Treat all people humanely and with dignity.**

**Reverse Side**

**IFOR SOFA CARD FOR BOSNIA-  
HERZEGOVINA**

NATO UNCLASSIFIED

**IFOR SOFA CARD (BOSNIA-HERZEGOVINA)**

**Privileges and Obligations for IFOR personnel under the Status of Forces Agreement with the Republic of BOSNIA-HERZEGOVINA.**

- IFOR personnel, both military and civilian, are entitled entry into the Republic of BOSNIA-HERZEGOVINA based upon national military or IFOR identity cards without requirement for passport or Visa.

- Military personnel are entitled to wear uniforms, and carry arms. Civilian personnel may be authorized to carry arms if required. IFOR and national flags and insignia may be displayed.

- All IFOR personnel are required to respect the laws of the Republic of BOSNIA-HERZEGOVINA. However, IFOR personnel are entitled to immunity (total for military, with limitations for civilians) from BOSNIA-HERZEGOVINA criminal and civil jurisdiction. They are immune from personal arrest or detention.

If questions arise involving BOSNIA-HERZEGOVINA military or civilian police notify your command authorities immediately.

- IFOR is exempt from taxation, duties, tolls or other governmental charges. Services actually provided may be paid for. IFOR is entitled to import goods and supplies into BOSNIA-HERZEGOVINA for the mission without tax or duty.

- IFOR is entitled to freedom of movement within BOSNIA-HERZEGOVINA on land, sea or air. They are exempt from inventories and customs documentation requirements. They are not subject to licensing, registration or commercial insurance requirements. BOSNIA-HERZEGOVINA authorities will assure that IFOR transportation is not impeded.

- Claims for damage to government or third person property should be made through BOSNIA-HERZEGOVINA authorities to the designated NATO representative. However, incidents which may give rise to claims should be reported immediately and investigated by IFOR authorities to prevent false claims. Claimants should be instructed to go through their government to present the claim.

- IFOR is entitled to operate mail and telecommunications services. Coordination with BOSNIA-HERZEGOVINA authorities is required.

Facilities are to be provided free of cost as agreed between IFOR and BOSNIA-HERZEGOVINA authorities.

- Contracting and hiring of personnel is authorized as prescribed by IFOR regulations.

IF there are any questions in regard to any of these SOFA provisions you should immediately notify IFOR HQ through command channels.

NATO UNCLASSIFIED

**IFOR SOFA CARD FOR CROATIA**

**NATO UNCLASSIFIED**

**IFOR SOFA CARD (CROATIA)**

Privileges and Obligations for IFOR personnel under the Status of Forces Agreement with the Republic of Croatia.

- IFOR personnel, both military and civilian, are entitled entry into the Republic of Croatia based upon national military or IFOR identity cards without requirement for passport or Visa.

- Military personnel are entitled to wear uniforms, and carry arms. Civilian personnel may be authorized to carry arms if required. IFOR and national flags and insignia may be displayed.

- All IFOR personnel are required to respect the laws of the Republic of Croatia. However, IFOR personnel are entitled to immunity (total for military, with limitations for civilians) from Croatian criminal and civil jurisdiction. They are immune from personal arrest or detention.

If questions arise involving Croatian military or civilian police notify your command authorities immediately.

- IFOR is exempt from taxation, duties, tolls or other governmental charges. Services actually provided may be paid for. IFOR is entitled to import goods and supplies into Croatia for the mission without tax or duty.

- IFOR is entitled to freedom of movement within Croatia on land, sea or air. They are exempt from inventories and customs documentation requirements. They are not subject to licensing, registration or commercial insurance requirements. Croatian authorities will assure that IFOR transportation is not impeded.

- Claims for damage to government or third person property should be made through Croatian authorities to the designated NATO representative. However, incidents which may give rise to claims should be reported immediately and investigated by IFOR authorities to prevent false claims. Claimants should be instructed to go through their government to present the claim.

- IFOR is entitled to operate mail and telecommunications services. Coordination with Croatian authorities is required.

- Facilities are to be provided free of cost as agreed between IFOR and Croatian authorities.

- Contracting and hiring of personnel is authorized as prescribed by IFOR regulations.

If there are any questions, in regard to any of these SOFA provisions you should immediately notify IFOR HQ through command channels.

**NATO UNCLASSIFIED**

*Appendix H(1): Legal Appendix by USAREUR*

HQ, USAREUR & 7th ARMY  
APO AE 09014 APRIL 1998

(U) APPENDIX 4 (LEGAL) to ANNEX E (PERSONNEL AND  
ADMINISTRATION) (S) TO SUPPLAN 003 (REDPLOYMENT) TO  
USAREUR OPOD 4246 OPERATION JOINT GUARD

REFERENCES

- a. The United Nations Charter.
- b. Conventions on the Privileges and Immunities of the United Nations, 13 February 1946.
- c. General Framework Agreement for Peace GFAP in Bosnia and Herzegovina.
- d. NATO Status of Forces (NATO SOFA) and Supplementary Agreement (SA).
- e. SACEUR OPLAN 10407.
- f. COMSFOR OPLAN 31407.
- g. USAREUR CAMPLAN 40105.
- h. Army FM 27-10, Law of Land Warfare.
- i. DA Pamphlet 27- 1, Treaties Governing Land Warfare.
- j. DA Pamphlet 27-1-1, Protocols to the Geneva Conventions of 12 August 1949.
- k. DA Pamphlet 27-161 -2, International Law, volume H.
- l. USEUCOM Directive 45- 1. Law of War Program, IS NUY 1989.
- m. DA Pamphlet 27-162, Claims.
- n. AR 27-20, Claims.

- o. DoDD 5519, 8, Assignment of Single Service Claims Responsibility.
- p. Memo, 12 March 1996, DoD Office of the General Counsel, Subject: Assignment under DoDD 5518.8 of the Department of the Army as the Single Service Claims Authority for Operation Joint Endeavor.
- q. Partnership for Peace (PIP) Status of Forces Agreement (SOFA).
- r. Omnibus Agreement between the United States of America and Hungary.
- s. U.S. - Hungary Amendment to the "Administrative Arrangement Concerning Procedures for the Operation of the Joint Claims Oversight commission and the Settlement of Claims Arising from the Activities of U.S. Forces in Connection with the Peace Implementation Force."
- t. Claims Annex to the Technical Arrangement between the Republic of Bosnia and Herzegovina and the Implementation Force
- u. Claims Annex to the Technical Arrangement between the Republic of Croatia and the Implementation Force.
- v. The Protocol made on 4 April 1996 between the Minister of Justice of the Republika Srpska and the WOR Claims Officer.
- w. USACSEUR Standard Operating Procedure (SOP), Affirmative Claims for Property Damage, U.S. Forces in Croatia and Bosnia and Herzegovina.
- x. OPORD 4246, Technical Implementing Guidance - Processing of Claim (Demand for Payment) for Rent (the Use of Real Property) for which there is no lease.
- y. M Manual for Courts-martial, United States, 1996.
- z. AR27-10, Military Justice.
- aa. UP, 27-10, Military Justice.
- bb. AR 27-3, Army Legal Assistance Program.
- cc. EUCOM General Order # 1.

dd. COMSFOR General Order # 1.

ee. COMSFOR General Order 0 2.

1. (U) GENERAL. This annex prescribes policies and procedures for legal support and services provided to U.S. organizations that are members of the NATO peace Stabilization Force (SFOR).

a. (U) NEO Authority Operations will be conducted IAW national law and Chapter VII of the UN Charter, UNSCR 1088 (or its successor), the General Framework Agreement for Peace GFAP USAREUR OPOD 4246, and pertinent international agreements.

b. (U) Impartiality. The operational environment is influenced by the degree to which the Forces act in an impartial and neutral manner and also the degree to which the Forces are perceived to be partial or impartial by both friendly or unfriendly elements.

2. (U) ASSUMPTIONS. Commander, Task Force Eagle (TFE) will be designated as the single GCMCA for U.S. Army personnel assigned to the SFOR mission within the geographical boundaries of the SFOR Theater Area of Operations (TAOO).

3. (U) SPECIFIC RESPONSIBILITIES

a. (U) Legal Personnel. Subordinate U.S. commands deploy with adequate legal assets to include judge advocates (JAs) to support legal operations including claims, legal assistance, military justice, international and operational law, administrative law, fiscal and contract law, and environmental law.

b. (U) International and Operational Law.

(1) Captured Property and War Trophies. USCINCEUR General Order I and COMSFOR General Order I contain provisions concerning the acquisition of public and/or private property and "war trophies." Commanders must consult and comply with the provisions of these General Orders as well as U.S. national law and military regulation regarding the importation of firearms, ordnance, and other dangerous items.

(a) Individual members of SFOR are prohibited from taking, possessing, or shipping captured or confiscated public or private

property (to include weapons seized in the course of military operations) for personal and/or private use. All personnel participating in the SFOR mission are also prohibited from importing, exporting, purchasing, or possessing weapons, ammunition, or ordnance (other than those officially issued) while in the SFOR TAOO.

(b) As an exception to this rule, units may retain property other than firearms or ammunition obtained during the course of military operations within the SFOR TAOO as unit "historical artifacts," provided they do so in accordance with "war trophy and historical artifact" memorandum to be published by the USAREUR Judge Advocate and approved by CG, USAREUR. As described in that memorandum, no "war trophy firearms" are allowed to be retained by units participating in the SFOR mission.

(c) Commanders will aggressively control conduct concerning confiscated or captured public and/or private and "war trophies" and will brief their personnel on policies which apply to them.

## (2) Rules of Engagement.

(a) U. S. forces under NATO SFOR OPCON will continue to follow NATO SFOR ROE, found at Annexes E, (Rules of Engagement) to SACEUR OPLAN 10407 and COMSFOR OPLAN 31407. U.S. forces under U.S. national control that are operating in the SFOR TAOO will follow NATO SFOR ROE. Nothing in these ROE limit either the individual or collective right of self-defense.

(b) US forces that are operating outside of the NATO SFOR TAOO will continue to use the JCS Standing ROE (JCS SROE, CJSSI 3121 -01, October 1994).

(c) Close adherence to the applicable ROE will prevent violations of the Laws of Armed Conflict, the General Framework Agreement for Peace in Bosnia and Herzegovina, international law, and U.S. national law and policy. Commanders will ensure that all personnel participating in this Peace Enforcement Operation are properly briefed on the applicable ROE, Laws of Armed Conflict, and other U.S. and NATO/SFOR OPLANS governing this operation. Any violation of the Laws of Armed Conflict, the ROE, and other laws listed above must be reported promptly through both the unit's U. S. national chain of command and the NATO SFOR operational chain of command. At a minimum, a report must

be rendered to HQSFOR.

c. (U) Law Enforcement and Regulatory functions. Same as USAREUR OPOD 4246 and USAREUR CAMPLAN 40105.

d. Immunity from host nation criminal prosecution. In accordance with agreements between NATO and the governments of Bosnia and Herzegovina, Croatia, and the Federal Republic of Yugoslavia (found in the Appendices to Annex I A of the General Framework Agreement for Peace in Bosnia and Herzegovina), all NATO personnel participating in the SFOR mission shall enjoy "envoys on mission status" and be immune from personal arrest or detention by host nation authorities.

e. (U) Detainees Refugees, and Asylum Seekers.

(1) TAW COMSFOR OPLAN 31407, persons detained during SFOR operations will be released to host nation law enforcement authorities as soon as possible. Any confrontation resulting in detention should be reported through the chain of command.

(2) When allegations against a detainee appear to warrant detention beyond 24 hours, the matter must be reviewed by the servicing legal advisor of the command seeking to extend the detention. The commander seeking to extend the detention beyond 24 hours should consult the unit judge advocate prior to doing so.

(3) IAW U.S. law and policy, commanders may not grant "political asylum" to foreign nationals. Any requests for asylum will be coordinated with the servicing U.S. Embassy and forwarded via immediate message to the Assistant Secretary of Defense (International Security Affairs). "Temporary refuge" may be granted to foreign nationals who are under immediate threat of death or serious bodily harm. Applicants for asylum or temporary refuge will not be surrendered to foreign powers without approval from HQDA or higher.

f. (U) Claims. The claims program in effect during the previous phases of the operation will be continued. The U.S. Army has been assigned Single-Service Claims responsibility (SSR) for all U.S. forces during this operation. This responsibility extends to those countries and areas comprising the former Yugoslavia, the Czech Republic, Hungary, and Slovakia. The US Army already has SSR for Austria.

(1) The US Army Claims Service Europe (USACSEUR) will continue to be the executive agent for the U.S. Army claims program and will maintain technical supervision over all claims activities in the TAOO.

(2) USACSEUR will coordinate with the U.S. form in the TAOO to ensure that adequate claims personnel are available to provide the appropriate level of support for deployed USAREUR Judge Advocates and responsible Staff Judge Advocates who provide legal support to U.S. forces in the TAOO.

(3) Other national elements operating in conjunction with US forces are responsible for processing the claims of their own force personnel suffering damage to or loss of personal property.

(4) Unit Claims Officers (UCOs) and Maneuver/Convoy Damage Control Officers (MDCOs) will continue to document and investigate incidents of foreign property damage and personal injury or death to foreign nationals or governments allegedly caused by U.S. military personnel and members of the civilian component as they depart the TAOO.

(5) UCOs and MDCOs will ensure final coordination of their claims activities with servicing Judge Advocates (JAs) or Foreign Claims Commissions (FCCs) during redeployment. JAs and FCCs will coordinate with USACSEUR will continue coordination with SFOR Claims Offices in Sarajevo and Zagreb.

(6) Affirmative Claims in Bosnia and Herzegovina and Croatia will be processed in accordance with USACSEUR Standard Operating procedures (SOP), Affirmative Claims for Property Damage, U.S. Forces in Croatia and Bosnia and Herzegovina.

g. (U) Legal Assistance. Same as USAREUR OPORD 4246-97 and USAREUR CAMPLAN 40105.

h. (U) Military Justice. U.S. commanders have no authority to discipline members of foreign armed forces.

(1) General Court-Martial Convening Authority (GCMCA) for all U.S. Army personnel assigned to duty in Bosnia and Herzegovina, Croatia, and Hungary will be exercised in accordance with the orders of the CG,

USAREUR as published in a Jurisdictional memorandum by the USAREUR Judge Advocate.

(2) The USAREUR Judge Advocate is responsible for coordinating adequate Judicial support. The SJA, Task Force Eagle is responsible for coordinating all Trial Defense Service Support. All requests for TDS support will be made to the TDS, Tuzla Office. Requests for judicial support will be made to the Chief Circuit Judge 5th Judicial Circuit, Mannheim.

i. (U) Status of Forces and Host Nation Support (HNS).

(1) All phases of the operation addressed by USAREUR OPORD 4246 and USAREUR CAMPLAN 40105, and the other applicable plans, will be conducted in compliance with relevant international agreements by which the U.S. is bound, including those obligations under customary international law. Currently the Partnership for Face Status of Forces Agreement (SOFA) with the addition of the Hungarian Omnibus Agreement are in effect with Hungary. These documents incorporate by reference the NATO SOFA of June 19, 1951. SOFA agreements exist between NATO/SFOR and Croatia, the Federal Republic of Yugoslavia (FRY), and Bosnia-Herzegovina. These agreements were adopted as part of the Dayton Peace Accords and will remain in effect during all phases of the operation.

(2) The availability and extent of host nation support will depend on the capabilities of each host nation and the specific provision of the SOFA and other implementing arrangements with that nation. Supplemental agreements, contingency contracts, and other agreements may not be entered into without proper authority.

(3) Problems which arise with host nation authorities that cannot be resolved will be referred to the HO, SFOR, ATTN: Legal Advisor, for coordination with appropriate diplomatic authorities for resolution

j. (U) Environmental Law. Protecting the environment of the host nation must be a priority of commanders as they depart the TAOO. The international community is increasingly vigilant in its oversight of the environmental consequences of military operations. Deployed judge advocates in support of this operation must ensure that commands are aware of the applicable rules (such as COMSFOR Campaign Directive 24) and the requirement to comply with them. Failure to comply with

environmental concerns can jeopardize current and future operations, and produce costly claims.

k. (U) Contract Law.

(1) Since this operation has been declared a contingency operation by the Secretary of Defense for contracts awarded and performed outside the US simplified acquisition procedures are appropriate for contractual actions up to \$200,000. Full and Open Competition is required for contractual actions over \$ 200,000.00. These procedures will continue.

(2) The primary means for filling anticipated repetitive needs for supplies or services during redeployments will be Blanket Purchase Agreements (BPA). Competition requirements for micropurchases up to \$2,500 will consist of acquiring one oral quotation, if the Contracting Officer finds the price to be fair and reasonable.

(3) It is important to emphasize that although this is a declared "contingency operation," the normal requirements of U.S. law are generally in effect. Purchases must be made through a Contract Officer (KO) or a Field Ordering Officer (FOO). The Office of the USAREUR Judge Advocate, Contract Law Division (KLD), will review the Logistics Annex of this plan to ensure that redeploying units have planned for purchasing emergency food, fuel, and lodging while returning enroute to the Central Region.

4. (U) SERVICE AND SUPPORT. See Basic Plan.

5. (U) COMMAND AND SIGNAL. See Basic Plan.

*Appendix H(2): Legal Appendix by 1st Cavalry Division***APP. 4 (LEGAL) TO ANNEX I (SERVICE SUPPORT) TO 1ST CAV. DIV.  
OPLAN 98-04 (PEGASUS FORGE)**

## References:

1. AR 27-3, The Army Legal Assistance Program, 10 Sep 95.
2. AR 27-10, Military Justice, 24 Jun 96.
3. AR 27-20, Claims, 1 Aug 95.
4. AR 27-40, Litigation, 19 Sep 94.
5. AR 190-8, Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees, 1 Oct 97.
6. AR 190-14, Carrying of Firearms and Use of Force for Law Enforcement and Security Duties, 12 Mar 1993.
7. AR 550-1, Procedure for Handling Requests for Political Asylum and Temporary Refuge, 1 Oct 81.
8. Chairman, Joint Chiefs of Staff, Instruction 3121.01, Standing Rules of Engagement for US Forces (SROE) (1 Oct. 1994) (Change 1) (note that portions of this document are classified SECRET).
9. COMSFOR OPLAN 31407.
10. Conventions on the Privileges and Immunities of the United Nations, 13 February 1946.
11. Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, Jan. 13, 1993, 32 I. L. M. 800 [hereinafter CWC].
12. DA Pamphlet 27-1, Treaties Governing Land Warfare.
13. DA Pamphlet 27-1-1, Protocols to the Geneva Conventions of 12 August 1949.
14. DA Pam 27-162, Claims, 1 Apr 98..
15. Department of Defense Instruction 1000.1, ID Cards Required by the Geneva Convention, 5 Jun 91.
16. Department of Defense 2000.11, Procedures for Handling Requests for Political Asylum and Temporary Refuge, 3 March 1972, ASD (ISA), thru Ch 1, 17 May 73.
17. Department of Defense Directive 5100.77 (DOD Law of War Program), 10 Jul 79.
18. Department of Defense Directive, Assignment of Single Service Claims Responsibility.
19. Department of Defense Directive 5530.3 International Agreements, 11 Jun 87 w/C1 18 Feb 91.
20. FM 27-10, Law of Land Warfare, July 1956.

21. FM 27-100, Legal Operations, 3 Sep 91.
22. FORSCOM Message, Subject: Review of Operations Plans (292030 Oct 84).
23. General Framework Agreement for Peace in Bosnia and Herzegovina (GFAP), Paris, 14 December 1995.
24. General Order #1, USEUCOM, 28 December 1995.
25. General Order #1, SFOR, 20 January 1997.
26. General Order #2, SFOR, 20 January 1997.
27. General Order #1, TFE, 2 May 1998.
28. JA 422, Operational Law Handbook, The Judge Advocate General's School, 1997.
29. Joint Chiefs of Staff Memoranda, Subject: Implementation of DOD Law of War Program (MJCS 59-83, 1 Jun 83, and MJCS 0124-88, 4 Aug 88).
30. Joint Pub 3-07.3, Joint Tactics, Techniques, and Procedures (TTP) for Peacekeeping Operations, April 1994.
31. Manual for Courts-Martial, United States, 1984.
32. Memorandum, 12 March 1996, DoD Office of the General Counsel, Subject: Assignment under DoDD 5518.8 of the Department of the Army as the Single Service Claims Authority for Operations Joint Endeavor.
33. NATO Status of Forces (NATO SOFA) and Supplementary Agreement.
34. Omnibus Agreement between the United States of America and Hungary, 28 November 1995.
35. The Protocol made on 4 April 1996 between the Minister of Justice of the Republika Srpska and the IFOR Claims Officer.
36. U.S.- Hungary: Amendment to the "Administrative Arrangement Concerning Procedures for the Operations of the Joint Claims Oversight Commission and the Settlement of Claims Arising from the Activities of U.S. Forces in Connection with the Peace Implementation Force."
37. The United Nations Charter.
38. Weapons and Their Destruction, January 13, 1993, 32 I.L.M. 800 [hereinafter CWC].
39. SACEUR OPLAN 40105.
40. USEUCOM Directive 45-1, Law of War Program, 18 May 1989.
41. USAREUR CAMPLAN 40105
42. 1st Cavalry Division Reg 350-1, First Team Training, 10 Mar 97
43. 1st Cavalry Division Supp. to AR 27-10, Military Justice, 8 August 94.

1. (U) SITUATION.

- a. Enemy. See ANNEX B, INTELLIGENCE.
- b. Friendly. See ANNEX A, TASK ORGANIZATION.

2. (U) MISSION. The Office of the Staff Judge Advocate (OSJA) provides legal advice, guidance, and legal services to 1st Cavalry Division commanders and soldiers as far forward as possible and at all echelons of command throughout the operational continuum.

3. (U) EXECUTION.

a. General.

(1) This annex prescribes policies and procedures for legal support and services provided to U.S. organizations who are members of the NATO Peace Stabilization Force (SFOR).

(2) Operations will be conducted in accordance with national law and Chapter VII of the UN Charter, UNSCR 1088<sup>1</sup> (or its successor, the General Agreement for Peace in Bosnia and Herzegovina (GFAP), USAREUR OPOD 4246, and pertinent international agreements.

(3) The operational environment is influenced by the degree to which the forces act in an impartial and neutral manner and also the degree to which the forces are perceived to be partial or impartial by both friendly or unfriendly elements.

b. Assumptions. Commander, Task Force Eagle (TFE) will be designated as the single GCMCA for U.S. Army personnel assigned to the SFOR mission within the geographical boundaries of the SFOR Theater Area of Operations (TAOO).

c. Specific Responsibilities.

(1) Legal personnel. Subordinate U.S. commands deploy with adequate legal assets to include judge advocates (JAs) to support legal operations including claims, legal assistance, military justice, international and operational law, administrative law, fiscal and contract law, and environmental law.

(2) Operational law. Commanders will seek legal review of any targeting decision involving targets other than weapons systems, troop formations, military bases or where collateral damage or injuries to civilians may be significant.

d. International Law.

(1) Rules of engagement. See ANNEX E (RULES OF ENGAGEMENT) TO OPLAN 98-04 (PEGASUS FORGE)

**(a) NOTHING IN THESE ROE LIMIT EITHER THE INDIVIDUAL OR COLLECTIVE RIGHT OF SELF-DEFENSE.**

(b) Report any use of force against civilians, women, children, hungry mobs, and rioters. Use graduated force, the 5S's (Shout, Show weapons, Shove, warning Shots, Shoot to kill).

(c) U.S. forces under NATO SFOR OPCON will continue to follow NATO SFOR ROE, found at Annex E, (Rules of Engagement) to SACEUR OPLAN 10407 and COMSFOR OPLAN 31407. U.S. forces under U.S. national control that are operating in the SFOR AO will follow NATO SFOR ROE.

(d) U.S. forces that are operating outside of the NATO SFOR TAOO will continue to use the JCS Standing ROE (JCS SROE, CJSSI 3121.01, October 1994).

(e) Close adherence to the applicable ROE will prevent violations of the Laws of Armed Conflict, the General Framework Agreement for Peace in Bosnia and Herzegovina, international law, and U.S. national law and policy. Commanders will ensure that all personnel participating in this Peace Enforcement Operation are properly briefed on the applicable ROE, Laws of Armed Conflict, and other U.S. and NATO/SFOR OPLANS governing this operation. Any violation of the Laws of Armed Conflict, the ROE, and other laws listed above must be reported promptly through both the unit's U.S. national chain of command and the NATO SFOR operational chain of command. At a minimum, a report must be rendered to HQ, SFOR.

(f) Law Enforcement and Regulatory Functions. Same as USAREUR OPOD 4246 and USAREUR CAMPLAN 40105.

(g) Immunity from host nation criminal prosecution. In accordance with agreements between NATO and the governments of Bosnia and Herzegovina, Croatia, and the Federal Republic of Yugoslavia (found in the Appendices to Annex 1A of the General Framework Agreement for Peace in Bosnia and Herzegovina), all NATO personnel participating in the SFOR mission shall enjoy "expert on mission status" and be immune from personnel arrest or detention by host nation authorities.

(2) Detainees, refugees, and asylum seekers.

(a) In accordance with COMSFOR OPLAN 31407, persons detained during SFOR operations will be released to host nation law enforcement authorities as soon as possible. Each confrontation resulting in detention should be reported through the chain of command.

(b) When allegations against a detainee appear to warrant detention beyond 24 hours, the matter must be reviewed by the servicing legal advisor of the command seeking to extend the detention. The commander seeking to extend the detention beyond 24 hours should consult the unit judge advocate prior to doing so.

(c) In accordance with U.S. law and policy, commanders may not grant "political asylum" to foreign nationals. Any requests for asylum will be coordinated with the servicing U.S. Embassy and forwarded via immediate message to the Assistant Secretary of Defense (International Security Affairs). "Temporary refuge" may be granted to foreign nationals who are under immediate threat of death or serious bodily harm. Applicants for asylum or temporary refuge will not be surrendered to foreign powers without approval from HQDA or higher.

(3) Status of forces and host nation support (HNS).

(a) All phases of the operation addressed by USAREUR OPORD 4246, USAREUR CAMPLAN 40105, and the other applicable plans will be conducted in compliance with relevant international agreements by which the U.S. is bound, including those obligations under customary international law. Currently the Partnership for Peace Status of Forces Agreement (SOFA) with the addition of the Hungarian Omnibus Agreement are in effect with Hungary. These documents incorporate by reference the NATO SOFA of June 19, 1951. Status of Forces Agreements exist between NATO and Croatia, the Federal Republic of Yugoslavia (FRY), and Bosnia-

Herzegovina. These agreements were adopted as part of the GFAP and will remain in effect during all phases of the operation.

(b) The availability and extent of host nation support will depend on the capabilities of each host nation and the specific provision of the SOFA and other implementing arrangements with that nation. Supplemental agreements, contingency contracts, and other agreements may not be entered into without proper authority.

(c) Problems which arise with host nation authorities that cannot be resolved will be referred to the HQ, SFOR, ATT: Legal Advisor for coordination with appropriate diplomatic authorities for resolution.

(4) Reporting law of war violations. Any person with knowledge of a suspected law of war violation will immediately report the incident through the servicing JA to the SJA. The SJA will forward the report to the appropriate commanders.

(5) Protected persons investigations. Commanders will promptly investigate all suspected law of war violations or incidents involving injury or death of protected persons, whether by or against friendly personnel. Commanders should immediately report the incident through the servicing JA to the SJA.

(6) Responsibility for foreign units. Commanders are responsible for the conduct of all personnel under their operational control, regardless of their nationality.

(7) Identification cards. Ensure that all personnel, including medical, religious, and nonmilitary personnel accompanying the unit (civilian contractors), possess proper identification cards as required by SFORCOM and TFECOM.

(8) Respect for civilians. Treat the local populace and civilian detainees strictly in accordance with the local customs, the Law of Land Warfare, applicable international law, and the Geneva and Hague Conventions. Respect their personal property.

(9) Do not enter into international agreements. Commanders may not enter into any international agreement. Authority to enter into

international agreements must be specifically authorized by the cognizant approval authority in accordance with DOD Directive 5530.3.

(10) Interpreting agreements. Direct all questions concerning the interpretation or implementation of international agreements to the servicing JA.

(11) International incidents. Commanders will immediately report any serious incident that could have international impact, soldiers confronting someone claiming diplomatic immunity. See [TAB C].

e. Claims.

(1) Commanders will handle claims brought against the United States Government in accordance with AR 27-20.

(2) Commanders of separate companies, detachments, battalions, and brigades will ensure that they have appointed and trained:

(a) A primary and an alternate unit claims officer appointed in writing and trained to investigate and report all incidents which may give rise to claims by or against the U.S. Government as a result of the unit's activities or occurring in the unit's AO. The unit claims officer may be a commissioned officer, warrant officer, non-commissioned officer or qualified civilian employee.

(b) Assistant claims officers, as necessary, to ensure each subordinate unit geographically separated from its parent unit can promptly investigate and report claims incidents resulting from their activities.

(3) The claims program in effect during the previous phases of the operation will be continued. The U.S. Army has been assigned Single-Service Claims Responsibility (SSR) for all U.S. forces during this operation. This responsibility extends to those countries and areas comprising the former Yugoslavia, the Czech Republic, Hungary, and Slovakia.

(a) The U.S. Army Claims Service, Europe (USACSEUR) will continue to be the executive agent for the U.S. Army claims program and will maintain technical supervision over all claims activities in the TAOO.

(b) USACSEUR will coordinate with the U.S. forces in the TAOO to ensure that adequate claims personnel are available to provide the appropriate level of support for deployed USAREUR judge advocates and responsible staff judge advocates who provide legal support to U.S. forces in the TAOO.

(c) Other national elements operating in conjunction with U.S. forces are responsible for processing the claims of their own force personnel suffering damage to or loss of personal property.

(d) Unit claims officers (UCOs) and maneuver damage control officers (MDCOs) will continue to document and investigate incidents of foreign property damage and personal injury or death to foreign nationals or government allegedly caused by U.S. military personnel and members of the civilian component as they depart the TAOO.

(e) UCOs and MDCOs will ensure final coordination of their claims activities with servicing judge advocates (JAs) or foreign claims commissions (FCCs) during redeployment. JAs and FCCs will coordinate with USACSEUR; USACSEUR will continue coordination with SFOR Claims Offices in Sarajevo and Zagreb.

(f) Affirmative claims in Bosnia and Herzegovina and Croatia will be processed in accordance with USACSEUR Standard Operating Procedures (SOP), Affirmative Claims for Property Damage, U.S. Forces in Croatia and Bosnia and Herzegovina.

f. Contract Law.

(1) Only properly warranted contracting officers can enter into and sign contracts on behalf of the U.S. Army or U.S. Government. Personnel making unauthorized commitments risk personal liability and administrative or disciplinary action. Commanders will promptly report all unauthorized commitments through the SJA to the G4 using the Serious Legal Incident Report provided in Tab C.

(2) Commanders of brigades, battalions, and separate companies will ensure that they have appointed and trained:

(a) Two class A agents on formal appointment orders and trained to disburse funds for authorized purchases by the unit's field ordering officers. Class A agents may not also serve as field ordering officers.

(b) Two field ordering officers trained and placed on orders by the applicable directorate of contracting.

(3) Contracting matters will be coordinated with the U.S. Army Contracting Agency.

(4) Commanders must ensure that U.S. funds and resources are used in accordance with applicable fiscal limitations. Fiscal law questions should be directed to the servicing JA and comptroller.

**g. Fiscal Law.**

(1) Operation and maintenance appropriations (O&M funds). O&M funds may not be used for:

(a) Procurement of end items costing over \$100,000.

(b) Exercise-related construction that is not truly temporary in nature.

(2) This operation has been declared a contingency operation by the Secretary of Defense. For contracts awarded and performed outside the U.S., simplified acquisition procedures are appropriate for contractual actions up to \$200,000.00. Full and Open Competition is required for contractual actions over \$200,000.00. See JA 422, Operational Law Handbook, Chapter 12.

(3) The primary means for filling anticipated repetitive needs for supplies or services during redeployments will be Blanket Purchase Agreements (BPA). Competition requirements for micropurchases up to \$2,500.00 will consist of acquiring one oral quotation, if the Contracting Officer finds the price to be fair and reasonable.

(4) It is important to emphasize that although this is a declared "contingency operation," the normal requirements of U.S. law are generally in effect. Purchases must be made through a contract officer or a field ordering officer. The office of the USAREUR judge advocate, contract law division, will review the LOGISTICS ANNEX of this OPORD to ensure that redeploying units have planned for purchasing emergency food, fuel, and lodging while returning enroute to the Central Region.

h. Administrative Law.

(1) Captured property and war trophies. A war trophy is any enemy property obtained, collected, retained, possessed, distributed, transferred or transported for private purposes.

(a) USCINCEUR General Order #1 and COMSFOR General Order #1 contain provisions concerning the acquisition of public and private property and "war trophies." Commanders must consult and comply with the provisions of these general orders as well as U.S. national law and military regulation regarding the importation of firearms, ordinance, and other dangerous items.

(b) Individual members of SFOR are prohibited from taking, possessing or shipping captured or confiscated public or private property (to include weapons seized in the course of military operations) for personal and private use. All personnel participating in the SFOR mission are also prohibited from importing, exporting, purchasing or possessing weapons, ammunition or ordinance (other than those officially issued) while in the SFOR TAOO.

(c) Commanders will aggressively control conduct concerning confiscated or captured public and private property or war trophies. Commanders will brief their soldiers on policies that apply to them.

(2) Environmental law. Protecting the environment of the host nation must be a priority of commanders as they depart the TAOO. The international community is increasingly vigilant in its oversight of the environmental consequences of military operations. Judge advocates who deploy in support of this operation must ensure that commands are aware of the applicable rules (such as COMSFOR Campaign Directive 24) and the requirement to comply with them. Failure to comply with environmental concerns can jeopardize current and future operations and produce costly claims.

i. Military Justice. Commanders may initiate nonjudicial punishment and administrative actions. Soldiers attached for UCMJ purposes will be attached for administrative purposes. Unit or individual soldier orders will be issued specifying attachment for UCMJ and administrative purposes.

(1) U.S. commanders have no authority to discipline members of foreign armed forces.

(a) General Court-martial Convening Authority (GCMCA) for all U.S. Army personnel assigned to duty in Bosnia and Herzegovina, Croatia, and Hungary will be exercised in accordance with the orders of the CG, USAREUR, as published in a jurisdictional memorandum by the USAREUR Judge Advocate.

(b) The USAREUR Judge Advocate is responsible for coordinating adequate judicial support. The SJA, Task Force Eagle, is responsible for coordinating all Trial Defense Service support. All requests for TDS support will be made to the TDS, Tuzla Office. Requests for judicial support will be made to the Chief Circuit Judge, 5th Judicial Circuit, Mannheim.

(2) Foreign criminal jurisdiction.

(a) Commanders will not surrender any person under their command or any U.S. civilian to local authorities without coordination with the SJA. Only the Commander, 1st Cavalry Division, may approve the release of a U.S. soldier or civilian to local authorities.

(b) All courts-martial will be conducted IAW applicable agreements with the host nation.

(c) Report any incident involving U.S. soldiers and foreign personnel which could result in police or judicial action by foreign authorities to the SJA.

j. Legal Assistance. Commanders will coordinate with the servicing trial counsel or civil law attorney for legal assistance support.

4. (U) SERVICE SUPPORT.

a. Technical assistance will be provided by the SJA office of the next higher command.

b. Questions regarding this appendix should be addressed to the Staff Judge Advocate, 1st Cavalry Division.

5. (U) COMMAND AND SIGNAL. See OPLAN 98-04 (PEGASUS FORGE).

ACKNOWLEDGE

BYRNES  
MG

OFFICIAL:

LISOWSKI  
SJA

TAB A (SUSPECTED FRATRICIDE INCIDENT REPORT)  
TAB B (LAW OF WAR VIOLATIONS AND PROTECTED PERSONS  
INCIDENTS)  
TAB C (REPORT OF SERIOUS LEGAL INCIDENT)  
TAB D (REQUESTS FOR POLITICAL ASYLUM OR TEMPORARY  
REFUGE)  
TAB E (CLAIMS AGAINST THE U.S. GOVERNMENT)

**TAB A (SUSPECTED FRATRICIDE INCIDENT REPORT)**

1. (U) **PURPOSE:** Ensures the division commander meets his obligation to report, investigate, and take appropriate corrective actions concerning all suspected fratricide incidents. Also ensures that each incident is quickly investigated and that the commander has complete and accurate information before an incident is publicized.

2. (U) **REFERENCE.** III Corps and Fort Hood Regulation 27-2 (III Corps Law of War Program)

3. (U) **WHEN REPORT REQUIRED AND WHO REPORTS:** Every soldier will immediately report any suspected fratricide incident caused by US or allied forces. Commanders at company level and higher will submit reports by the fastest available means in the attached format, in writing, if possible. Any commander or staff officer who receives a fratricide incident report will note it in the unit or staff journal and will immediately forward a written report through command channels to the 1st Cavalry Division ACofS, G1; G2, ACofS, G3, PMO; SJA; and PAO. After consulting with the CG (or CofS), the SJA will forward a report in the same format to Commander, III Corps through the III Corps ACofS, G1, G2, ACofS, G3, PMO; SJA, and PAO. Initial reports will not be delayed for unknown information.

4. (U) **REPORT FORMAT:** See [Next Page]

SUSPECTED FRATRICIDE REPORT

AFVA-\_\_\_\_\_ 19\_\_\_\_

MEMORANDUM THRU Commander, 1st Cavalry Division, ATTN: ACofS,  
Staff Judge Advocate, G1, G2, ACofS, G5; Provost  
Marshal, Public Affairs Officer.

FOR Commander, III Corps and Fort Hood, ATTN: ACofS, G2; ACofS, G5;  
Provost Marshal, Staff Judge Advocate

SUBJECT: Suspected Fratricide Report

1. (U) Description of the incident (who reported the incident, what appears  
to have happened, number of casualties): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. (U) Location of the incident (grid location or location near a known point):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. (U) Time of occurrence and time of discovery: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. (U) Unit(s) involved in the incident: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. (U) Name of witnesses (w/unit or address): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. (U) Unit point of contact: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**TAB B (LAW OF WAR VIOLATIONS AND PROTECTED PERSONS INCIDENTS)**

1. (U) **PURPOSE:** This appendix outlines the responsibilities of commanders to report and investigate incidents involving suspected law of war violations and protected persons incidents. Reports of enemy violations provide information higher authorities need to determine an appropriate US response.

2. (U) **REFERENCES:**

a. (U) FM 27-10, Law of Land Warfare, July 1956;

b. (U) 1st Cavalry Division Regulation 350-1, First Team Training, 10 Mar 97.

3. (U) **WHEN REPORTS ARE REQUIRED AND WHO REPORTS:** Every soldier will immediately report any suspected law of war violation committed by US, allied, or enemy forces, and any incident or death or injury to a protected person as a result of combat operations or combatant conduct. Commanders at company level and higher will submit reports in the attached format, in writing, if possible. Any commander or staff officer who receives a law of war/protected person incident report will forward it through command channels to the Commander, 1st Cavalry Division, ATTN: Chief of Staff, SJA, G2, G5, Provost Marshal, and PAO.

4. (U) **EXAMPLES:**

a. (U) **Grave Breaches of the Geneva Convention:**

(1) (U) Willful killing, especially DCs, EPWs, or sick and wounded;

(2) (U) Willfully causing great suffering or serious injury (rape, torture, beatings) to civilians, EPWs, or other protected persons;

(3) (U) Taking hostages;

(4) (U) Extensive destruction of property not justified by military necessity;

b. (U) **Simple Breaches of the Geneva Convention:**

- (1) (U) Maltreatment or mutilation of dead bodies;
- (2) (U) Firing on localities which are undefended and without military significance;
- (3) (U) Misuse of the Red Cross emblem;
- (4) (U) Improper use of privileged buildings for military purposes;
- (5) (U) Stealing personal property from civilians or prisoners;
- (6) (U) Purposeless destruction of non-military targets;
- (7) (U) Compelling prisoners of war to perform prohibited labor;
  - (a) (U) Work which is of military character and purpose;
  - (b) (U) Work that is inherently dangerous or demeaning
- (8) (U) Compelling civilians to perform prohibited labor;
  - (a) (U) Clearing mines;
  - (b) (U) Forced to join US forces;
  - (c) (U) Work that is inherently dangerous or demeaning;
- (9) (U) Using poisoned or forbidden arms or ammunition;
- (10) (U) Feigning a request for surrender;
- (11) (U) Abuse of or firing on the flag of truce;
- (12) (U) Use of civilian clothing to conceal military character during battle;
- (13) (U) Poisoning wells or streams.

5. (U) REPORT FORMAT: See [NEXT PAGE].  
**REPORT OF LAW OF WAR VIOLATIONS AND PROTECTED PERSONS  
INCIDENTS**

AFVA-\_\_\_\_\_ 19\_\_\_\_

MEMORANDUM FOR Commander, 1st Cavalry Division, ATTN: Chief of Staff, SJA, G2, G5, Provost Marshal, and PAO.

SUBJECT: Suspected Law of War Violation and Protected Person Incident Report

1. Description of the incident/suspected violation (who reported the incident and what appears to have happened): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Location of the incident/suspected violation (grid location or near a known point): \_\_\_\_\_  
\_\_\_\_\_

3. Time of occurrence and time of discovery: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Who caused (if known) the incident/suspected violation or identity of the friendly or enemy units operating in the immediate area (if known): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Name of witnesses (w/unit or address): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Unit point of contact: \_\_\_\_\_  
\_\_\_\_\_

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TAB C (REPORT OF SERIOUS LEGAL INCIDENTS)

1. (U) PURPOSE. Ensures that the commander, 1st Cavalry Division, is made aware of serious incidents (not covered by other reports in this annex) in the 1st Cavalry Division sector which may have a significant legal impact upon the division.
2. (U) REFERENCE. Army Regulation 27-100, Legal Operations, 3 Sep 91.
3. (U) REPORTING REQUIREMENTS: Any commander or trial counsel will immediately report any information related to serious incidents encountered by US or allied forces which may have a significant legal impact upon the 1st Cavalry Division. Commanders and trial counsel at company level and higher will submit reports by the fastest available means in the attached format, in writing, if possible. Any commander or staff officer who receives a serious legal incident report will note it in the unit or staff journal and will immediately forward a written report through command channels to the Commander, 1st Cavalry Division, ATTN: Staff Judge Advocate, Provost Marshall, and Public Affairs Officer.
4. (U) EXAMPLES:
  - a. Any deliberate criminal act committed by a US soldier against another US or allied soldier or host nation civilian (stealing, rape, murder, assault).
  - b. Claim of diplomatic immunity by third country nationals.
  - c. Detention or death of civilians related to US military operations.
  - d. Claims made against the United States Government.
  - e. Mass civilian transfers or evacuations ordered by 1 CD Commanders.
  - f. Accidents or deliberate actions by US or other forces that will have a significant environmental impact (fuel spills, industrial chemical releases, discovery of mass graves).
  - g. Recovery of formally captured US or allied personnel.

5. REPORT FORMAT: See [PREVIOUS PAGE]

**TAB D (REQUESTS FOR POLITICAL ASYLUM OR TEMPORARY REFUGE)**

1. (U) **PURPOSE.** Establishes procedures for handling requests by foreign nationals for political asylum or temporary refuge in areas outside of the United States.

2. (U) **REFERENCES.**

a. (U) AR 550-1, Procedure for Handling Requests for Political Asylum and Temporary Refuge, 1 Oct 81.

b. (U) Department of Defense Directive 2000.11 Procedures for Handling Requests for Political Asylum and Temporary Refuge, March 3, 1972, ASD (ISA), thru Ch 1, May 17, 1973.

3. (U) **GUIDANCE.**

a. (U) Commanders "MAY NOT" grant political asylum. Only the State Department or Department of Justice has that authority.

b. (U) Commanders "MAY" grant temporary refuge if the person requesting temporary refuge is in imminent danger. See below.

c. (U) All requests for temporary political asylum or temporary refuge will be treated as requests for temporary refuge. These requests may become politically sensitive or generate media interest. Report requests using the form provided in Appendix 2 to Annex V to Part II to 1st Cavalry Division Regulation 525-40. **INITIAL REPORTS WILL NOT BE DELAYED PENDING COMPLETE DEVELOPMENT OF INFORMATION.**

d. (U) Once temporary refuge is granted, the person will be protected and temporary refuge will end only when directed by the Commander, 1 CD.

4. (U) **DEFINITIONS.**

a. (U) Political asylum is protection and sanctuary that may be granted by the United States (US), within areas of exclusive US control to any foreign person who applies for protection and sanctuary from persecution

or well-founded fear of persecution, because of race, religion, nationality, political opinion, or membership in a particular group.

b. (U) Temporary refuge is protection for humanitarian reasons to any person requesting such protection, afforded under conditions of urgency and in order to secure the life or safety of such person against imminent danger (such as pursuit by a mob).

5. (U) RESPONSIBILITIES.

a. (U) Commander, 1st Cavalry Division provides procedures for political asylum or temporary refuge in accordance with (IAW) DOD Directive 2000.11 and AR 550-1, and coordinates with the nearest United States Embassy in all cases.

b. (U) Brigade commanders ensure that all subordinate commanders are aware of procedures applicable to requests for political asylum and temporary refuge.

c. (U) Report to the DMAIN and SJA whenever political asylum or temporary refuge has been requested using the form provided in Appendix 2 to Annex V to Part II to 1st Cavalry Division Regulation 525-40.

6. (U) POLICIES.

a. (U) Political asylum.

(1) (U) Once requesting political asylum, no individual will be left unprotected under circumstances where there is an imminent threat to the individual's safety or liberty. In such cases, persons seeking political asylum will be regarded as seeking temporary refuge and treated accordingly pending referral to the US Embassy.

(2) (U) Immediately consult the SJA.

(3) (U) Do not surrender persons to foreign jurisdiction.

(4) (U) In response to inquiries, say that "the case has been referred to higher headquarters" for instructions.

(5) Report all requests for political asylum through command channels to the Army Operations Center (AOC).

b. (U) Temporary refuge.

(1) (U) Requests will not be arbitrarily or summarily refused. In cases of imminent danger, the senior officer present will provide temporary refuge.

(2) (U) Once granted, temporary refuge will not be terminated unless directed by Commander, 1CD. An applicant will be released only to the authorities designated in the termination message. If the individual himself demands release, force (up to, but not including deadly force) will be used to prevent the individual from leaving. Coordinate all cases with the SJA.

## TAB E (CLAIMS AGAINST THE U.S. GOVERNMENT)

1. (U) PURPOSE. Provide guidance to commanders on the policy and procedures for handling claims made by friendly or unfriendly nationals against the United States Government.

2. (U) REFERENCE: Chapter 10, Foreign Claims Act, AR 27-20, Claims.

3. (U) GENERAL.

a. (U) Applicability. The Foreign Claims Act (FCA) applies outside the United States (US). The inhabitants of a receiving state and all levels of its government, national and local, are proper claimants. Enemy or "unfriendly" nationals or governments, insurers and subrogees, US inhabitants, and US military and civilian component personnel, if in the receiving state incident to service, are all potential claimants.

b. (U) Causation. To be allowable, the claim must result from non-combat activity (see glossary) or a negligent or wrongful act or omission. Damage, injury, or loss of property incident to combat (except the lawful seizure of personal property), whether in time of war or not, are excluded.

c. (U) Combat acquisitions. Although enemy property may be "seized" as the need arises in combat, the appropriation of private property for such purposes may result in allowable claims for damage or destruction of property. The combat exclusion found at AR 27-20, paragraph 10-9a may obviate many such claims, but the US may still be liable for damage or destruction of the property if it was surrendered to US forces under either an express or implied agreement. AR 27-20, paragraph 10-8d(2).

4. (U) PROCEDURE.

a. (U) Commanders will refer claims to appointed and trained unit claims officers (UCOs).

b. (U) Unit claims officers will use DA Form 1208 or its equivalent to thoroughly investigate and report all incidents (see Appendix 6) which may give rise to a claim by or against the US government. Units will forward these reports through the servicing JA to the SJA, 1st Cavalry Division for processing. Reports will include, as a minimum, the facts and circumstances of the incident, name and unit/address of the personnel

involved, and action taken or contemplated. The claims officer will contact the servicing JA if he is unsure whether to conduct an investigation.

c. (U) Units will immediately report (see Appendix 6) to their servicing JA incidents involving non-US property or persons and those which may give rise to a claim against the US government in excess of \$25,000.00. Under no circumstances will any person who is not empowered to adjudicate claims make any promise of payment to any claimant or potential claimant. Financial liability and disciplinary action may result from such a commitment.

***Appendix I: General Order Number One and Exceptions***

*The following is only a sample of General Order Number One and its exceptions and modifications. This should not be taken as the authoritative source of any General Order now in place.*

GENERAL ORDER GO-1  
OPERATION BALKAN ENDEAVOR

28 Dec 1995

TITLE: Prohibited Activities for US Personnel Serving in Operation Balkan Endeavor

AUTHORITY: Title 10 United States Code Section 164(c)(?)(?) and the Uniform Code of Military Justice (Title 10 United States Code Section 801-940).

APPLICABILITY: this General Order is applicable to all US military personnel and to US personnel serving with or accompanying the armed forces of the United States who are deployed in the USEUCOM Area of Operations in support of Operation Balkan Endeavor. For the purposes of this order, the Area of Operations consists of the territory and the airspace of Croatia, Bosnia and Herzegovina, Serbia, Montenegro, Hungary, Austria, Slovakia, Czech Republic, Slovenia.

**1. STATEMENT OF MILITARY PURPOSE AND NECESSITY:**

Restrictions upon certain activities are essential to maintain the security, health and welfare of the US forces; to prevent conduct prejudicial to good order and discipline or of a nature to bring discredit upon the US armed forces; and to improve US relations with the region. These restrictions are also essential to preserve US relations with host nations and the combined operations of US, NATO, and other friendly forces. Furthermore Operation Balkan Endeavor places US Armed Forces into countries where local laws and customs may prohibit or restrict certain activities. It is the purpose of this General Order to ensure good order and discipline is maintained and host nation laws are respected to the maximum extent consistent with mission accomplishment.

**2. PROHIBITED ACTIVITIES:**

- a. Taking, possessing or shipping for personal use captured weapons.
- b. Introduction, possession, use, sale, transfer, manufacture, or consumption of any alcoholic beverage.
- c. Possessing, touching, using, or knowingly approaching without legal authority any unexploded munitions or ordnance, or any kind or description whatsoever. "Without legal authority" means any act or activity undertaken by US personnel which is not done at the direction of a commander or as a result of military necessity during the performance of military duties.
- d. Purchase possession, sale or introduction of privately owned fire arms, ammunition and explosives.
- e. Gambling of any kind, including sports pools, lotteries and raffles.
- f. Selling, bartering, or exchanging any currency other than at the official host nation exchange rate.
- g. Entrance into a mosque or other site of Islamic religious significance by non-Muslims unless directed by military authorities or compelled by military necessity.
- h. Removing, possessing, selling, transferring, defacing, or destroying archeological artifacts or national treasures.

3. **PUNITIVE ORDER.** This order is punitive. Persons subject to the Uniform Code of Military Justice who violate this order may be punished under Article 92, UCMJ, for violating a lawful general order. Civilians accompanying the US Armed Forces may face adverse administrative action.

4. **INDIVIDUAL DUTY.** All persons subject to this General Order are charged with the individual duty to become familiar with and respect the laws, regulations, and customs of the host nations insofar as they do not interfere with the execution of their official duties. Individual acts of disrespect or flagrant violations of host nations laws, regulations, and customs may be punished as a violation of the Uniform Code of Military Justice. Civilians accompanying the US Armed Forces may face adverse administrative action.

5. **UNIT COMMANDER RESPONSIBILITY:** Unit commander and supervisors are charged to ensure all, repeat all, personnel are briefed about the prohibited activities.
6. **CONTRABAND:** Items which are determined to violate this General Order may be considered contraband and may be confiscated. Before the destruction of the contraband, commanders or law enforcement personnel should coordinate with their servicing staff judge advocates.
7. **EFFECTIVE DATE:** This General Order is effective immediately. Except for alcoholic beverages, an amnesty period of 72 hours is granted, from the effective date of this General Order, for personnel to surrender or dispose of items which violate this General Order. Individuals or commanders may arrange for safekeeping of personal firearms with their unit military law enforcement activity.
8. **EXPIRATION:** This General Order will expire upon the completion of Operation Balkan Endeavor unless rescinded, waived or modified.
9. **WAIVER AUTHORITY:** Because mission requirements may permit and host nation tolerance may allow for the consumption of alcohol in portions of the USEUCOM Area of Operations authority to waive or modify the prohibitions of this order relative to alcoholic beverages is delegated to the EUCOM Component Commanders. Before granting a waiver to a geographical area where personnel from more than one service are deployed, each component commander with personnel who will be affected by the waiver must agree to the terms of the waiver. In situations where a consensus cannot be reached, the request will be forwarded to the DCINC, USEUCOM for resolution.
10. Staff Judge Advocates for the waiver authorities will provide the USEUCOM Legal Advisor with copies of all waivers granted to this order.

GEORGE A. JOULWAN  
General, US Army  
CINCEUR

DEPARTMENT OF THE ARMY  
HEADQUARTERS. UNITED STATES ARMY EUROPE AND SEVENTH  
ARMY  
THE COMMANDER IN CHIEF  
UNIT 23351  
APO AE 09014

MEMORANDUM FOR HQ USEUCOM, ATTN: USEUCOM Legal Adviser,  
Unit 30400, Box 1000, ADO AR 091284209

SUBJECT: Exception to USEUCOM General Order 1

1. Reference USEUCOM General Order I (GO-1), 28 December 1995, Prohibited Activities for U.S. Personnel serving in Operation Balkan Endeavor.

2. According to the waiver authority granted in GO-I, paragraph 9, the following exception to GO-I, paragraph 2b, is granted:

Members of the U.S. Forces and U.S. personnel accompanying the U.S. Forces in Austria, Bosnia and Herzegovina, Croatia, the Czech Republic, Hungary, Montenegro, Serbia, Slovakia and Slovenia who are taking part in Joint Military Commissions or official ceremonies involving foreign national officials may consume alcoholic beverages according to local custom.

3. This exception applies to USAREUR, USNAVEUR, and USAFE.

WILLIAM W. CROUCH  
General, USA  
Commander in Chief

DEPARTMENT OF THE ARMY  
HEADQUARTERS. UNITED STATES ARMY. EUROPE AND SEVENTH  
ARMY  
THE COMMANDER IN CHIEF  
UNIT 23351  
APO AE 09014

MEMORANDUM FOR HQ, USEUCOM, ATTN USEUCOM Legal Advisor,  
Unit 30400, Box 1000, APO AE 09128-4209

SUBJECT: Exception to General Order 1

1. Reference USEUCOM General Order 1 (GO 1), 28 Dec 95, Prohibited Activities for US Personnel Serving in Operation Balkan Endeavor.

2. According to the waiver authority granted in GO 1, paragraph 9, the following exemption is to GO 1, paragraph 2b, is granted:

Members of the US Forces and US personnel accompanying the accompanying the U.S. Forces in Austria, Bosnia and Herzegovina, Croatia, the Czech Republic, Hungary, Montenegro, Serbia, Slovakia, and Slovenia, who are on special pass participating in the OPERATION JOINT ENDEAVOR Fighter Management Program in Budapest, Hungary may consume alcohol beverages. Those who are on special pass in the Lake Balaton, Hungary, may also consume alcoholic beverages, but only at facilities approved for MWR use. Additionally, US Forces and US personnel accompanying the forces may consume alcoholic beverages in the MWR tent established at the ISB LSA. Guidelines for the consumption of alcoholic beverages at Lake Balaton and the ISB LSA will be published by USAREUR (Forward).

3. This exception applies to USAREUR, USNAVEUR, and USAFE.

WILLIAM W. CROUCH  
General, US Army  
Commander in Chief

DEPARTMENT OF THE ARMY  
HEADQUARTERS, U.S. ARMY EUROPE and SEVENTH ARMY  
THE COMMANDER IN CHIEF  
UNIT 2935  
APO AE 09014

AEAJA-MC

20 January 1997

MEMORANDUM FOR HQ, USEUCOM. ATTN: USEUCOM Legal Advisor1  
Unit 30400, Box 1000. APO AE 091284209

SUBJECT: Exception to USEUCOM General Order #1

1. Reference USEUCOM General Order#1 (GO-i). 28 Dec 95, Prohibited Activities for US Personnel Serving in Operation Balkan Endeavor.
2. According to the waiver authority granted in GO-1. paragraph 9, the following exception to GO-1, paragraph 2b, is granted:

Members of the U.S. Forces and U.S. personnel accompanying the U.S. forces in Austria, Bosnia and Herzegovina, Croatia, the Czech Republic, Hungary, Montenegro, Serbia, Slovakia, and Slovenia who are located in Zagreb, Croatia, and Sarajevo, Bosnia and Herzegovina, may consume alcoholic beverages. Guidelines for the consumption of alcoholic beverages in Zagreb, Croatia, will be published by the Deputy Commander. Support Command, SFOR, and guidelines for the consumption of alcoholic beverages in Sarajevo, Bosnia and Herzegovina, have been published by the Commandant, HQ. SFOR.

WILLIAM W. CROUCH  
General, USA  
Commander-in-Chief

DEPARTMENT OF THE ARMY  
HEADQUARTERS, U.S. ARMY EUROPE and SEVENTH ARMY  
THE COMMANDER IN CHIEF  
UNIT 29351  
APO AE 09014

AEAJA-MC

21 January 1997

MEMORANDUM FOR HQ, USEUCOM, ATTN: USEUCOM Legal Advisor,  
Unit 30400, Box 1000, APO AE 09128-4209

SUBJECT: Exception to USEUCOM General Order #1

1. Reference USEUCOM General Order #1 (GO-1). 28 DEC 95, Prohibited Activities for U.S. Personnel Serving in Operation Balkan Endeavor.
2. According to the waiver authority granted in GO-1, Paragraph 9, the following exception to GO-1, paragraph 2b. is granted:

Members of the U.S. Forces and U.S. personnel accompanying the US Forces in Austria, Bosnia and Herzegovina, Croatia, the Czech Republic, Hungary, Montenegro, Serbia, Slovakia, and Slovenia who, in the conduct of their official duties with allies, local national officials, former warring faction personnel or other foreign counterparts, deem it advisable to consume alcohol in order to establish and maintain rapport may consume alcohol in moderation, using common sense, self-discipline and good judgment to ensure that any consumption does not limit their ability to perform the mission at hand.

WILLIAM W. CROUCH  
General, USA  
Commander-in-Chief

HEADQUARTERS  
STABILIZATION FORCE  
Sarajevo, Bosnia - Herzegovina

FOR COMMANDER

GENERAL ORDER GO-1  
OPERATION CONSTANT GUARD

20 Jan 1997

1. **APPLICABILITY.** This order is applicable to all military and civilian personnel of the Peace Stabilization Force (SPOR) serving in support of Operation CONSTANT GUARD while located within the Theater Area of Operations (TAOO) as defined by SFOR Operations Order 31406, dated 17 December 1996. This includes both NATO and non-NATO personnel assigned or attached to SFOR.

2. **PURPOSE** These rules are established to provide uniformity in regard to certain basic forms of conduct which are objectionable both to good order and good relations with host state authorities. They do not exclude further national enforcement of other disciplinary rules as appropriate:

3. **PROHIBITED ACTIVITIES.**

a. Taking of trophies. No weapon, munitions, or military article, or private or public property seized during military operations may be taken, possessed, kept, or shipped as personal property.

b. Purchase, possession, sale, transfer, or use of privately owned firearms, ammunition, or explosives, or the introduction of these items into the TAOO. Private weapons officially authorized to be carried in connection with duty are an exception to this rule.

c. Possessing, touching, using, or knowingly approaching without legal authority any unexploded munitions or ordnance, of any kind or description whatsoever. "Without legal authority" means an act or activity undertaken by SFOR personnel which is not done at the direction of a commander or as a result of military necessity during the performance of military duties.

d. Removing, possessing, selling, transferring, defacing, or destroying archaeological artifacts or national treasures.

e. Selling, bartering, or exchanging any currency other than at the official host nation exchange rate.

f. Entrance into a mosque or other site of Islamic religious significance by non-Muslims unless directed by military authorities or compelled by military necessity.

4. **PUNITIVE ORDER.** This order is punitive. US military personnel who violate this order are subject to punishment under Article 92, Uniform Code of Military Justice. For violating a lawful general order. Military personnel of other nations who violate this order are subject to punishment/disciplinary action by their national military element. Civilian personnel who violate this order are subject to adverse administrative action.

5. **INDIVIDUAL DUTY.** All persons subject to this General Order are charged with the individual duty to become familiar with and respect the laws, regulations, and customs of the host nations insofar as they do not interfere with the execution of their official duties. Individual acts of disrespect or flagrant violations of host nation laws, regulations, and customs may be punished as a violation of national element laws or regulations. Civilians accompanying the SFOR may face adverse administrative action.

6. **UNIT COMMANDER RESPONSIBILITY.** Unit commanders and supervisors are charged to ensure all personnel are briefed about the prohibited activities.

7. **CONTRABAND.** Items which are determined to violate this General Order may be considered contraband and may be confiscated. Before destruction of contraband, commanders or law enforcement personnel should coordinate with their servicing legal advisors.

8. **EFFECTIVE DATE.** This General Order is effective immediately. An amnesty period of 72 hours is granted, from the effective date of this General Order, for personnel to surrender or dispose of items which violate this General Order. Individuals or commanders may arrange for safekeeping of personal firearms with their unit military law enforcement activity.

9. EXPIRATION. This General Order will expire upon the completion of Operation CONSTANT GUARD and any successor operation, unless rescinded, waived, or modified.

WILLIAM W. CROUCH  
General, US Army  
Commander

HEADQUARTERS  
STABILIZATION FORCE  
Sarajevo, Bosnia and Herzegovina

FOR COMMANDER

GENERAL ORDER GO-2  
OPERATION CONSTANT GUARD

20 January 1997

1. All provisions of USCINCEUR General Order #1, dated 28 December 1995, Prohibited Activities for U.S. Personnel Serving in Operation Balkan Endeavor, apply to all U.S. military personnel and U.S. personnel serving with or accompanying the US Forces who are part of the Peace Stabilization Force (SFOR) serving in support of Operation CONSTANT GUARD while located within the Theater Area of Operations as defined by SFOR Operation Order 3 1406 dated 17 December 1996.
2. This General Order is effective immediately.
3. This General Order will expire upon completion of OPERATION CONSTANT GUARD, or any successor operation, unless rescinded, waived or modified.

WILLIAM W. CROUCH  
General, US Army  
Commander, SFOR

DEPARTMENT OF THE ARMY  
HEADQUARTERS, U.S. ARMY EUROPE AND SEVENTH Army  
THE COMMANDER IN CHIEF  
UNIT 29351  
APO AE 09014

AEAJA-NC

19 May 1997

MEMORANDUM FOR HQ (USEUCOM, ATTN: USEUCOM Legal Advisor,  
Unit 30400, Box 1000, APO AB 09129-4209

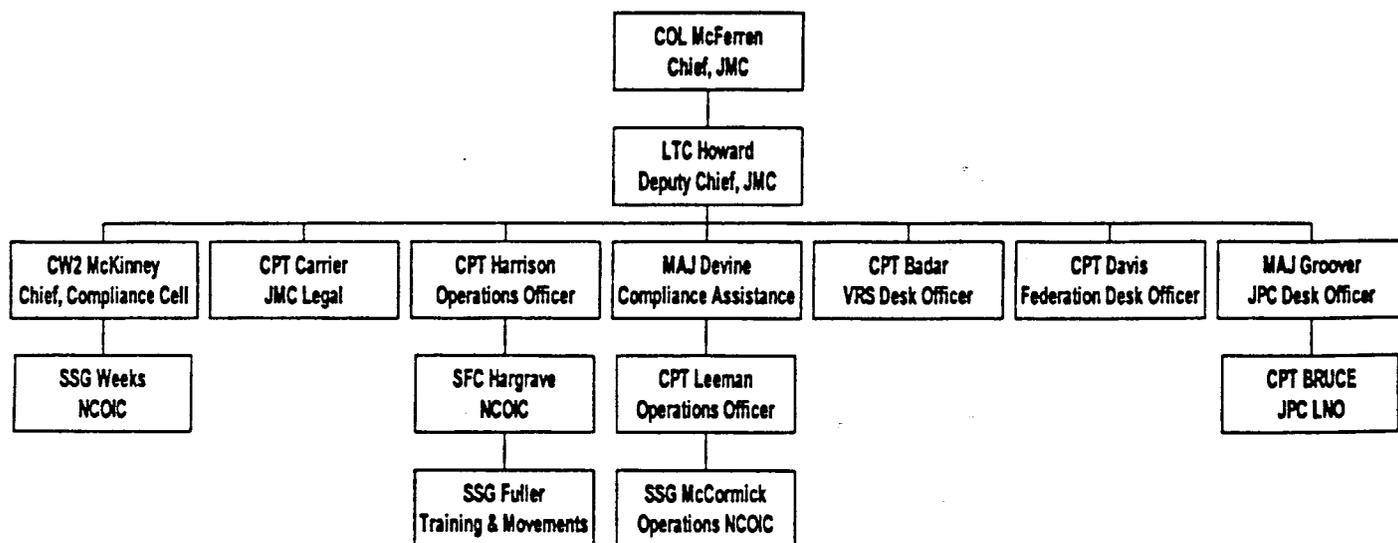
SUBJECT: Exception to USEUCOM General Order #1

1. Reference USEUCOM General Order#1 (GO-1). 28 Dec 95, Prohibited Activities for US Personnel Serving in Operation Balkan Endeavor.
2. According to the waiver authority granted in GO-1. paragraph 9, the following exception to GO-1, paragraph 2b, is granted:

Members of the U.S. Forces and U.S. personnel accompanying the U.S. forces in Austria, Bosnia and Herzegovina, Croatia, the Czech Republic, Hungary, Montenegro, Serbia, Slovakia, and Slovenia who engage in Rest and Recuperation (R&R) on leave or pass status in the Croatian cities of Dubrovnik, Split, Trogir, Makarska, Brac Island, Hvar Island, Opatija, and Ionce, may consume alcohol in moderation, using common sense, self discipline, and good judgment. Guidelines for consumption of alcoholic beverages in these areas will be published by the Deputy Commander, Support Command, SFOR.

William. W. CROUCH  
General, USA  
Commander-in-Chief

*Appendix J: Joint Military Commission (JMC) Structure for  
MND(N)*



***Annex K: Extract of Joint Military Commission (JMC) Handbook***

*The following is an extract from the 6th Edition of the Joint Military Commission Policy and Planning Guidance Handbook. This Handbook was instrumental to communicating the commander's intent and specific tasks and guidance throughout the Balkan Operations. It was distributed down to company level, and often to individual persons, teams and platoons.*

*This Handbook was a collaborative effort. However, the Judge Advocate led the way in its creation. Legal interpretation, guidance and authorship was necessary for most every section of the handbook. This Handbook provided commanders and soldiers an immediate answer for most of the issues and questions faced in theater. It should serve as a model product for future missions. The Combat Training Centers have used it to guide their training and evaluation of units.*

*For full text of this Handbook, or of its prior editions, contact the Center for Law and Military Operations (CLAMO). Below is merely a representative sample of the 6th Edition's first several chapters.*

**JOINT MILITARY COMMISSION**

**Policy and Planning  
Guidance Handbook  
12 JANUARY 1998**



**6th Edition**

**JOINT MILITARY COMMISSION POLICY AND PLANNING GUIDANCE  
HANDBOOK, 6<sup>TH</sup> EDITION**

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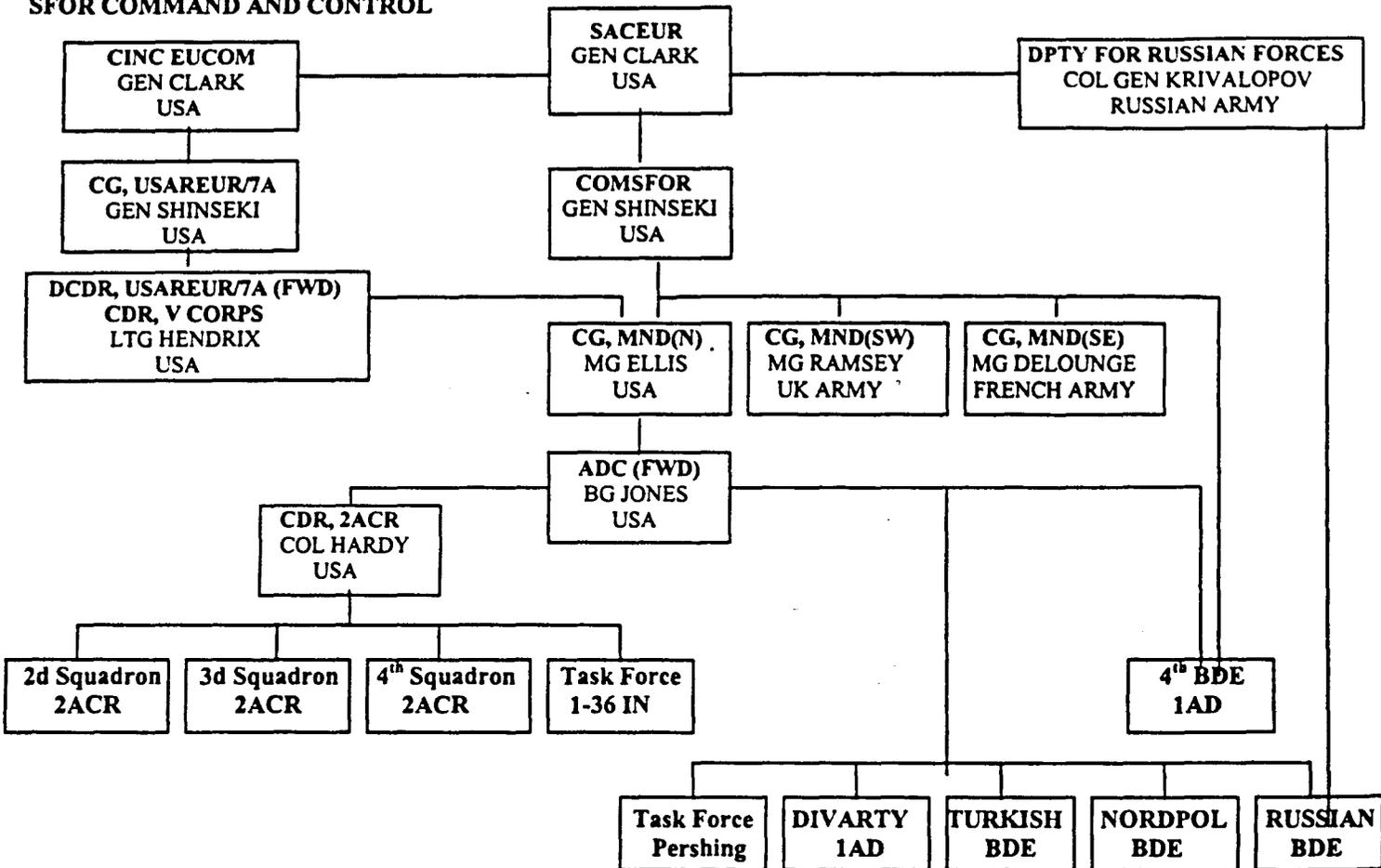
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**Chapter 1 SFOR MISSION AND STRUCTURE**

References: General Framework Agreement for Peace (GFAP); United Nations Security Council Resolution 1031; United Nations Security Council Resolution 1088.

- ◆ In December 1995, acting under Chapter VII of the United Nations Charter, the Security Council authorized member states to establish a multinational Implementation Force (IFOR) to deter a resumption of hostilities in Bosnia-Herzegovina by implementing the military aspects of the General Framework Agreement for Peace.
- ◆ In December 1996, the Security Council created a Stabilization Force (SFOR) as legal successor to IFOR.
- ◆ SFOR is led by NATO, but includes 17 non-NATO countries. There are about 31,000 troops in SFOR.
- ◆ Essential Tasks:
  - Ensure force protection and deter a resumption of hostilities or new threats to peace.
  - Control the airspace over Bosnia-Herzegovina and control military traffic over key ground routes.
  - Monitor the movement and training of Entity Armed Forces (EAF).
  - Ensure safe conditions for the implementation of the non-military aspects of the Dayton Peace Accords.
  - Assist the United Nations High Commissioner for Refugees (UNHCR) and other international organizations in their humanitarian missions.
  - Prevent serious crimes or interference with civilian freedom of movement.
  - Monitor and support the clearance of minefields by the Bosnians.

SFOR COMMAND AND CONTROL



**Chapter 2 TASK FORCE EAGLE AREA OF RESPONSIBILITY**



**Chapter 3 THE GENERAL FRAMEWORK AGREEMENT FOR PEACE (GFAP)**

References: GFAP; Agreement on Confidence and Security-Building Measures in Bosnia-Herzegovina (Vienna Agreement), 31 January 1996; Agreement on Subregional Arms Control (Florence Agreement), 14 June 1996.

- The official name of the Dayton Peace Accords is the General Framework Agreement for Peace (GFAP).
- The Parties who signed the GFAP in Paris on 14 December 1995 were the Federal Republic of Yugoslavia, the Republic of Croatia, and the Republic of Bosnia-Herzegovina (the U.S. is not a Party to the GFAP).
- Bosnia-Herzegovina remains a single state, but comprised of two Entities. The Entities are the Muslim and Croat Federation of Bosnia-Herzegovina, and the Bosnian Serb Republika Srpska.
- The Parties' forces ceased all hostilities and withdrew behind a 2-km zone of separation (ZOS).
- Bosnia-Herzegovina has a central government in Sarajevo. The Parties agreed to a constitution for Bosnia-Herzegovina that creates a three-member presidency, a two-house legislature, and a constitutional court.
- All of Bosnia-Herzegovina's people have the right to move freely throughout the country without harassment or discrimination. Displaced persons and refugees (DPREs) have the right to return home or obtain compensation from civil authorities.
- The Parties committed to cooperate fully with the prosecution of persons indicted for war crimes (PIFWCs) and violations of international and humanitarian law.
- The Parties reported to IFOR, and must continue to provide updated reports to SFOR, on the following:
  - ◆ Positions and descriptions of all known unexploded ordnance, explosive devices, demolitions, minefields, booby traps, wire entanglements and other physical hazards to safe movement.
  - ◆ Locations of lanes through the Agreed Zone of Separation (ZOS) that are free of all such hazards.
  - ◆ Positions and descriptions of fortifications, barriers and other man-made obstacles, ammunition dumps, command headquarters and communication networks.

- ◆ Positions and descriptions of all surface-to-air missiles and launchers, including mobile systems, supporting radars, and associated command and control systems.
- ◆ Locations, types, and quantities of any toxic chemical or biological warfare agents (including irritants).
- ◆ Locations, types, and strengths of personnel and weaponry of all forces.
- ◆ Locations and descriptions of all fixed and rotary wing aircraft.
- ◆ Any other information of a military nature requested by SFOR.
- In furtherance of the GFAP, the Organization for Security and Cooperation in Europe (OSCE) sponsored additional agreements signed by the Parties in Vienna and Florence.
  - ◆ The January 1996 Vienna Agreement (which expanded on the GFAP, Annex 1B, Art. II) established procedures for the Parties to monitor each other's military forces, under OSCE supervision.
  - ◆ The June 1996 Florence Agreement (which expanded on the GFAP, Annex 1B, Art. IV) established limits for the Parties' weapons in five key categories: artillery, main battle tanks, armored combat vehicles, helicopters, and combat aircraft.

<b>Chapter 4 REGULATING THE POSSESSION OF WEAPONS</b>
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References: GFAP, Annex 1A, Art. IV, para. 2(b) and para. 6; SFOR SOPs 3400 and 3403; SFOR FRAGO 317; SFOR Commander's Instructions to the Parties (COMSFOR's ITP); TFE FRAGOs 274, 315, 1563, 1942, and 2211.

***Bottom Line: Persons carrying weapons must have a permit or fall into a permitted category described in this Section. SFOR commanders may confiscate unauthorized weapons. Report weapons confiscations to MND(N) HQ, which must approve their destruction or return.***

- **Civilians, including off-duty EAF** may carry side arms or hunting and sporting weapons ("civilian weapons") subject to the following requirements:
  - ◆ When in possession of a civilian weapon, a civilian must have a valid civilian weapons permit (see sample in section 2 of this chapter), *and* the weapon must be registered at the local police station.
  - ◆ If a civilian is carrying a concealed side arm in public, he or she must have a **concealed** weapon permit issued by the local police, in addition to the ordinary weapons permit.
  - ◆ Hunting and sporting weapons must be used only for shooting sports or hunting.
  - ◆ *In the ZOS*, civilian weapons permits must be endorsed by an MND. MND(N) has not yet granted any such endorsements. Therefore, civilian weapons found in the ZOS, even with a valid permit, may be subject to confiscation. If a civilian is truly using the weapon for hunting, the commander on the ground has the discretion to allow the person to retain the weapon, with a warning that weapons are not otherwise allowed in the ZOS.
  - ◆ Even if a civilian has a valid permit issued by the local police, SFOR may confiscate a weapon if it is carried or used in a threatening or negligent manner.
- ◆ **Armed civilian groups** will be disarmed and disbanded, and may be detained by the civilian police, the IPTF, or SFOR.
  - ◆ The Vienna Agreement defines an armed civilian group as "any group of 3 or more armed persons not wearing uniforms." (Art. I, para. 29).
  - ◆ However, our policy is that the on-scene commander decides what is or is not an armed civilian group that needs to be disbanded. For example, a legitimate hunting party may not need to be disarmed and disbanded.

- ◆ **Privately-owned businesses** may not use long barreled or military weapons to guard their businesses.
- ◆ Civilian guards may only carry side arms in visible holsters, and they must have a valid civilian weapons permit.
- ◆ The Entity governments may classify privately-owned businesses as sensitive government sites, which are guarded by an armed police force (consult SFOR CJ2 for approved sites).
- **Civilian Police:** See Law Enforcement chapters for rules on their carriage of weapons.
- **Military Officers:**
  - ◆ *Outside the ZOS*, any general officer and his party of three (3) bodyguards or MPs, may carry unconcealed side arms when performing official duties in uniform.
  - ◆ *In the ZOS*, any general officer and his party of three (3) bodyguards or MPs may carry unconcealed side arms while in or transiting the ZOS on SFOR business, with prior MND(N) approval. If the general officer has an SFOR Faction Commander's ZOS Permit (see chapter on SFOR checkpoints), presume he has prior MND(N) approval and do not search his vehicle at SFOR checkpoints unless reasonable grounds warrant a search. Only the general officer must have a Commander's permit.
  - ◆ *Outside the ZOS*, military officers below the rank of one-star general who have a legitimate civilian weapons permit may carry side arms. Officers who do not have a legitimate weapons permit, but who have written authority from their Corps or separate Division HQ to carry side arms, may do so only while on duty and in uniform.
- **Military Personnel:**
  - ◆ Military personnel going to, conducting, or returning from MND-approved military events or training are authorized to carry the weapons listed on the approved movement and training request. Ammunition and weapons must be moved in separate vehicles.
  - ◆ Military personnel with weapons going to or from a remote authorized place of duty must have individual proof of a standing arrangement between the MND and the lowest practical level of command (company or battalion). The military personnel must have an SFOR Permit for the Carriage of Long Barreled Weapons, as shown in this Handbook, and an SFOR-stamped letter of explanation.
  - ◆ MNDs may grant written permission in exceptional circumstances for soldiers to carry long barreled weapons and ammunition to escort arms, ammunition, or sensitive items. Such escorts must carry an SFOR permit.
- **EAF Military Police:**

- ◆ EAF MPs may carry side arms on authorized official duty, while in uniform, with clearly identifiable MP insignia. See the section on EAF MPs.
- ◆ EAF MPs are allowed to carry side arms in the ZOS when escorting OSCE inspection parties. The following conditions apply: (1) not more than eight MPs; (2) clearly identifiable with OSCE forms 10, 11, or 19; and (3) traveling in MP vehicles only.
- **Military Sites Guards:**
  - ◆ Military guards may carry side arms within fifty meters of authorized sites. Guards must be in uniform with their side arms not concealed.
  - ◆ Military guards may carry long barreled weapons only within the perimeter of the site.
- ◆ **Ordnance Factory Guards:**
  - ◆ HQ MND(N) approves each site's number of guards, who must be civilians from a private security force or from the Ministry of Defense.
  - ◆ These civilian guards may carry unconcealed side arms, within the perimeter of the site, if they have valid civilian weapons permits.
  - ◆ The guards may carry long barreled weapons in emergency situations if they have an IPTF permit.
- **Sensitive Government Installation Guards:**
  - ◆ These guards must be either civilian or specialist police, who as police may carry side arms without permits.
  - ◆ If carrying long barreled weapons, they must remain within the perimeter (or under exceptional circumstances, within fifty meters of the perimeter) of the installation they are guarding. Guards carrying long barreled weapons outside the perimeter must have an IPTF permit.
- **Foreign Civilians:**
  - ◆ To carry a weapon, foreign (non-Bosnian) civilians (non-SFOR) and their official civilian bodyguards must have either a Diplomatic Identification Card or an SFOR Weapons Authorization Certificate.
  - ◆ MND(N) personnel encountering armed foreign civilians should request one of the above listed items, and may confiscate the weapons of individuals unable or unwilling to produce one. Issue a receipt for any weapon confiscated.
  - ◆ HQ SFOR decides whether to issue weapons permits for bodyguards and other authorized personnel on a case by case basis, and will generally authorize only the possession of side arms. Foreign civilians may not carry weapons without advance authorization.
  - ◆ Personnel belonging to NGOs, private organizations, and governmental charity organizations are not authorized to carry weapons in BiH.

- MND(N) soldiers are not authorized under normal circumstances to carry weapons when dressed in civilian clothes. Only HQ SFOR Force Protection Branch can grant exceptions.

Section 2 SAMPLE WEAPONS PERMITS



**SFOR PERMIT FOR THE CARRIAGE OF LONG BARRELED WEAPONS**

Div Serial No : \_\_\_\_\_

This permit is granted to: \_\_\_\_\_

Of (Unit): \_\_\_\_\_

For the purpose of the temporary carriage of:

Valid from (DTG): \_\_\_\_\_ Until (DTG): \_\_\_\_\_

for the purpose of: \_\_\_\_\_

SIGNED: \_\_\_\_\_

NAME IN BLOCK LETTERS: \_\_\_\_\_

POSITION / APPOINTMENT: \_\_\_\_\_

DATE / \_\_\_\_\_ 19. \_\_\_\_\_



UNITED NATIONS

NATION UNIES

United Nations Mission in Bosnia and Herzegovina  
Mission de Nations Unies en Bosnie-Herzégovine  
Srebrenica  
International Police Task Force

**POLICE WEAPONS PERMIT**

This permit is granted to \_\_\_\_\_,  
Police Chief at \_\_\_\_\_ police station,  
and authorises the following police personnel: \_\_\_\_\_

to carry the under described firearms: \_\_\_\_\_

at \_\_\_\_\_ on ( date ) \_\_\_\_\_,  
for the purpose of \_\_\_\_\_

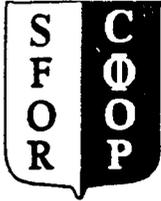
SIGNED: \_\_\_\_\_

NAME IN BLOCK LETTERS: \_\_\_\_\_  
IPTF DISTRICT COMMANDER

IPTF DISTRICT HQ: \_\_\_\_\_

DATE: \_\_\_\_\_ 1996.

SAMPLE WEAPONS PERMIT FOR FOREIGN CIVILIANS:



**HEADQUARTERS  
STABILIZATION FORCE**

SARAJEVO



AUTHORIZATION FOR CARRIAGE OF WEAPONS BY MEMBERS OF THE INTERNATIONAL  
COMMUNITY

SFOR CERTIFICATE SERIAL NUMBER: .....

1. The following individual is authorized to carry weapons on his person in order to carry out his official duties of **Civilian**

**Bodyguard/ Civilian Pay Agent/ \_\_\_\_\_ (Other) (Delete As Necessary)**

- a. Name(s):
- b. Nationality:
- c. I.D. number:
- d. Organization name, contact phone number and Fax number:
- e. Type of weapon:
- f. Weapon serial number:
- g. Period of activity:
- h. Date of expiration:

2. Any extensions to this authorization must be in writing and approved in the form of another authorization certificate.

SFOR STAMP

Signed .....

Date .....

**COPY TO: -INDIVIDUAL/ORGANIZATION  
-ALL MNDS**

**-HQ SFOR CJI OPS  
-HQ SFOR CJ3 COORD**

**SAMPLE WEAPONS PERMIT FOR BOSNIAN CIVILIANS:**  
**FRONT:**

**Промене уписаних података**  
**Promjene upisanih podataka**

Ново пребивалиште и адреса; нови рег. број оружног листа; ново лично име; нови рег. број личне карте; нови дио оружја и његов број датум уписа нових података

Novo prebivalište i adresa; novi reg. broj oružnog lista; novo lično ime; novi reg. broj lične karte; novi dio oružja i njegov broj datum upisa novih podataka

**(CHANGES TO PERMIT)**

Упис нових података оверева се потписом овлашћеног радника и печатом органа  
Upis novih podataka ovrjeva se potpisom

ovlašćenog radnika i pečatom organa

СОЦИЈАЛИСТИЧКА ФЕДЕРАТИВНА  
РЕПУБЛИКА ЈУГОСЛАВИЈА  
СОЦИЈАЛИСТИЧКА РЕПУБЛИКА  
БОСНА И ХЕРЦЕГОВИНА  
SOCIJALISTIČKA FEDERATIVNA REPUBLIKA  
JUGOSLAVIJA  
SOCIJALISTIČKA REPUBLIKA  
BOSNA I HERCEGOVINA

Општина  
Орџина

**(MUNICIPALITY)**

ОРУЖНИ ЛИСТ  
ORUŽNI LIST **(WEAPON CARD)**

Презиме и име

Prezime i ime **(LAST NAME, FIRST NAME)**

Адреса стана **(ADDRESS)**

Adresa stana

Јединствен мат. број

Jedinstven mat. broj

**(SSN)**

Рег. број личне карте

Reg. broj lične karte

**(ID #)**

БХ НО

ВН НО

**(B-H NUMBER)**

**SAMPLE WEAPONS PERMIT FOR BOSNIAN CIVILIANS:**

**BACK:**

<p>A. Vrsta A. Vrsta <b>(TYPE)</b></p> <p>Марка Marka <b>(MAKE)</b></p> <p>Фабрички број Fabrički broj <b>(SERIAL NUMBER)</b></p> <p>Калибар Kalibar <b>(CALIBER)</b></p> <p>Снајпер Snajper <b>(SNIPER)</b></p> <p>Марка и број Marka i broj <b>(MAKE AND NUMBER)</b></p> <p>Регистарски број Registarski broj <b>(REGISTRATION #)</b></p> <p>МП      Потпис овлашћеног лица MP      Potpis ovlašćenog lica</p> <p><b>SIGNATURE OF AUTHORIZED PERSON</b></p>	<p>ПОДАЦИ О ОРУЗЈУ <b>(WEAPONS INFO)</b></p> <p>Ц. Vrsta C. Vrsta</p> <p>Марка Marka</p> <p>Фабрички број Fabrički broj</p> <p>Калибар Kalibar</p> <p>Снајпер Snajper</p> <p>Марка и број Marka i broj</p> <p>Регистарски број Registarski broj</p> <p>МП      Потпис овлашћеног лица MP      Potpis ovlašćenog lica</p>
<p>Б. Vrsta B. Vrsta</p> <p>Марка Marka</p> <p>Фабрички број Fabrički broj</p> <p>Калибар Kalibar</p> <p>Снајпер Snajper</p> <p>Марка и број Marka i broj</p> <p>Регистарски број Registarski broj</p> <p>МП      Потпис овлашћеног лица MP      Potpis ovlašćenog lica</p>	<p>Д. Vrsta D. Vrsta</p> <p>Марка Marka</p> <p>Фабрички број Fabrički broj</p> <p>Калибар Kalibar</p> <p>Снајпер Snajper</p> <p>Марка и број Marka i broj</p> <p>Регистарски број Registarski broj</p> <p>МП      Потпис овлашћеног лица MP      Potpis ovlašćenog lica</p>

### Section 3 CONFISCATION OF CARRIED WEAPONS

References: GFAP, Annex 1A, Art. IV, para. 2(b) and para. 6; SFOR SOP 3400; COMSFOR's ITP; TFE FRAGOs 274, 315, and 1563.

- ◆ SFOR commanders have the authority to confiscate any military or civilian weapons carried without a valid permit or other proper authorization.
- ◆ After confiscating weapons, MSCs must submit a Request for Destruction/Return to MND(N) JMC within forty-eight hours (see chapter 12).
- The senior ground commander always has the authority to confiscate a weapon, even if the bearer has a permit, if:
  - ◆ the individual poses a potential or actual threat to SFOR or its mission.
  - ◆ the validity of the permit is questionable.
  - ◆ the weapon is used or carried in a threatening or negligent manner.
- If you confiscate a weapon because of the civilian's weapons permit is questionable, coordinate with the IPTF to deliver the weapon to the civilian police.
- Use the minimum force necessary to confiscate unauthorized weapons or detain individuals. Deadly force is only authorized in response to hostile intent or acts.

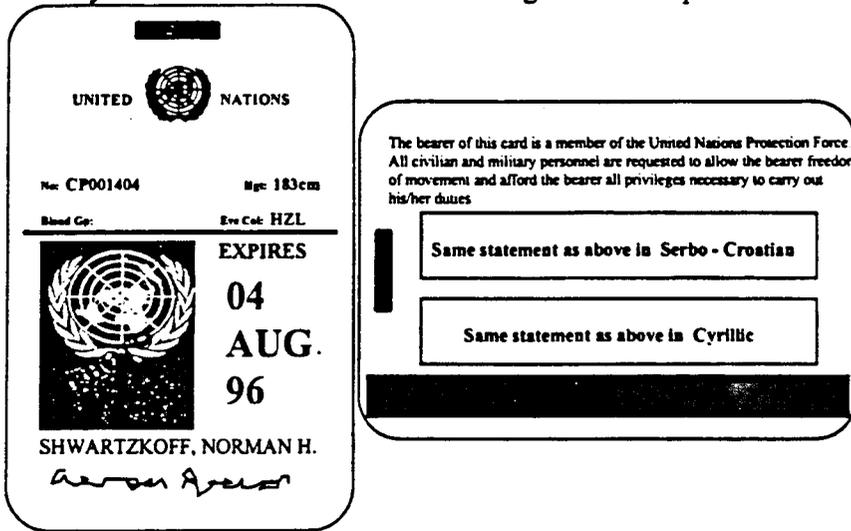
### Chapter 5 FOR CHECKPOINTS

References: SFOR SOP 3400; COMSFOR's ITP; TFE FRAGO 2672.

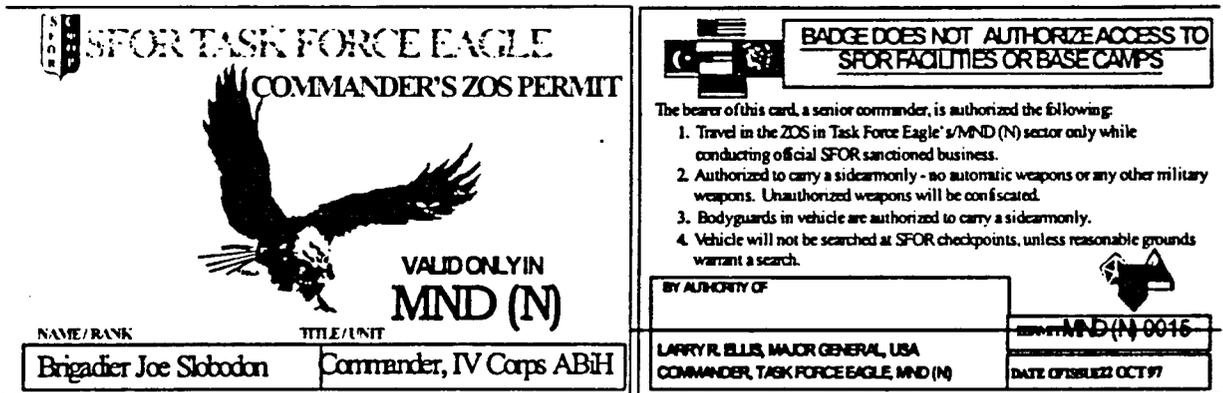
***Bottom Line: SFOR uses checkpoints to ensure force protection, to keep weapons out of the ZOS, and to compel compliance with treaty provisions.***

- **Purposes of SFOR checkpoints:**
  - ◆ Securing approaches and entrances to SFOR locations.
  - ◆ Securing the population and sensitive areas from infiltrated weapons or armed groups.
  - ◆ Enforcing treaty provisions, including keeping unauthorized weapons and soldiers out of the ZOS, and preventing interference with civilian freedom of movement.

- **UN and IPTF personnel** and vehicles will not be searched unless suspicious activity warrants a search. The following is an example of UN identification:



- **EAF personnel with a Commander's ZOS Permit** will not be searched unless suspicious activity warrants a search.
  - ◆ Faction Commander's ZOS Permits authorize commanders and their bodyguards (up to three) to carry side arms (not long barreled weapons) while in the ZOS on SFOR business.
  - ◆ The following is an example of this permit:



- **Nongovernmental Organizations (NGOs):**
  - ◆ The International Council of Volunteer Agencies (ICVA) issues credentials for NGOs operating in BiH. All NGOs in BiH, except UNHCR "implementing partners," should have the following blue ICVA ID card with the acronym "ICVA" superimposed over a crimson flash on its face.

- ◆ If NGO personnel do not have an ICVA card, they should carry, as a minimum, credentials from their own organization.
- ◆ The following is an example of the ICVA card:

<b>icva</b>	
	ID Card No:
	Organization:
	Name:
	Title:
	Date of Birth:
<p>The bearer of this card is a staff member of a humanitarian organisation operating in former Yugoslavia. You are kindly requested to afford him/her all possible assistance in the fulfilment of his/her duty. ICVA is not responsible for the activities of the agency.</p> <p>Nosilac ove karte je osoba zaposlena u humanitarnoj organizaciji koja djeluje na području bivše Jugoslavije. Molimo Vas da vlasniku ove karte pružite potrebnu pomoć u ispunjavanju dužnosti. ICVA nije odgovorna za djelatnost ove organizacije.</p> <p>Носилац ове карте је особа запослена у хуманитарној организацији које делује на подручју бивше Југославије. Молимо Вас да власнику ове карте пружите потребну помоћ у пружавању дужности. ICVA није одговорна за дјелатност ове организације.</p>	
Certified by: _____	

- **Diplomatic Personnel:**
  - SFOR personnel should identify and not unnecessarily detain diplomatic personnel. The letter "A" in the center of the license plate indicates a member of the Diplomatic Corps (see diagram below).
  - Diplomatic personnel should have a diplomatic passport or other diplomatic identification (see diagram below; a diplomatic passport may also have the letters "CMD" on its face rather than "CD").
  - MND(N) checkpoints will expedite the passage of diplomats. Once you have confirmed their identity, do not search or delay, unless there is:
    - ◆ Clear evidence of unauthorized arms or ammunition (they may carry civilian weapons to protect themselves);
    - ◆ Clear evidence that they have committed a serious crime; or
    - ◆ The vehicle license or identification documents are suspect.
  - If you suspect misconduct by diplomatic personnel that does not jeopardize force protection, allow them to proceed and report the misconduct.
  - Report any problems with diplomatic personnel to the MND(N) HQ Battle Captain.

#### DIPLOMATIC REGISTRATION PLATES IN BOSNIA-HERZEGOVINA:

France	10 - A - 001 to 004	Great Britain	20 - A - 001 to 003
USA	11 - A - 001 to 022	Libya	24 - A - 001 to 005
Iran	12 - A - 001 to 006	Lebanon	25 - A - 001 to 005
Croatia	13 - A - 001 to 013	Slovenia	28 - A - 001 to 002
Turkey	14 - A - 001 to 005	OSCE	29 - A - 001 to 010
Germany	15 - A - 001 to 007	Sweden	32 - A - 001

Austria	16 - A - 001 to 007	United Nations	35 - A - 001
Italy	18 - A - 001 to 008	Pakistan	36 - A - 001

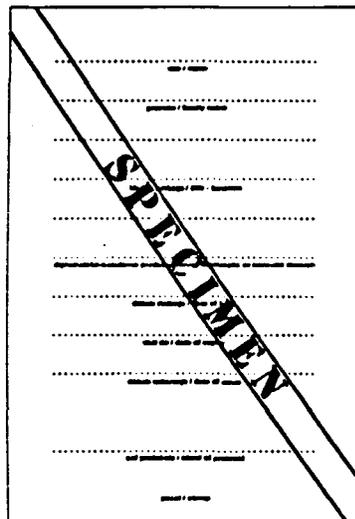
**SPECIMENS OF DIPLOMATIC PASSPORTS**

1. The following are specimens of internationally accepted Diplomatic passports issued in Bosnia & Herzegovina:

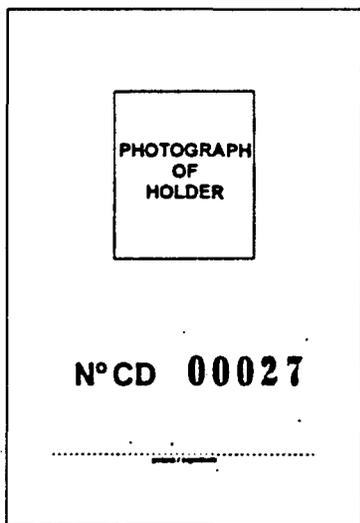
a. Corps Diplomatique (CD).



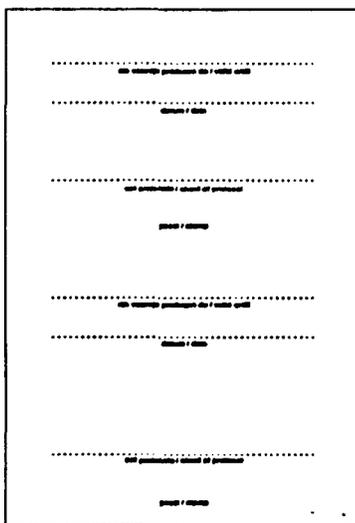
Front cover



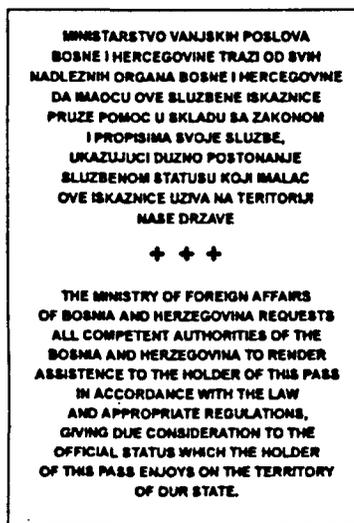
Page 1



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<b>Chapter 6 DETAINING CIVILIANS OR HOSTILE FORCES</b>
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References: GFAP, Annex 1A, Art. IV, para. 2(b) and para. 6; SFOR SOPs 3409 and 3412; SFOR OPLAN 31406, Annex I; TFE FRAGOs 1086, 1550, 2161, and 2178.

***Bottom Line: SFOR personnel may detain anyone who obstructs friendly forces, interferes with the execution of the SFOR mission, or commits a serious crime in the presence of SFOR personnel.***

- ◆ **A detainee** is a person involuntarily taken into SFOR custody. Persons should be detained if SFOR personnel see them commit or attempt to commit murder, rape, robbery, aggravated assault, or any other serious crime.
- ◆ **A serious crime** is any act that causes, or could reasonably be expected to cause, death or serious bodily harm to anyone.
- **Whom SFOR may detain:**
- Persons who obstruct friendly forces or SFOR progress:
  - ◆ Persons who attack SFOR property.
  - ◆ Members of armed civilian groups.
  - ◆ Persons engaged in violent demonstrations or riots.
  - ◆ Persons who commit or threaten to commit serious crimes.
  - ◆ Persons conducting surveillance or suspicious, repetitive behavior that might indicate surveillance against MND(N) forces, base camps, and convoys. MND(N) troops may confiscate film from persons conducting unauthorized surveillance on MND(N) forces. MND(N) will implement a proactive and vigorous counter-surveillance program for all base camps to minimize the threat of surveillance.
- **Report** all detentions immediately through command channels, and exhaust all appropriate non-forcible means before detention.
- **Length of detention:**
- SFOR will hold detainees only long enough to investigate fully the circumstances that caused their detention.
  - ◆ SFOR will normally release detainees within seventy-two hours.
  - ◆ Should it be necessary to hold detainee for more than seventy-two hours, obtain a legal review by the Staff Judge Advocate (MSE 553-3568).
  - ◆ Give temporary refuge to anyone who surrenders to SFOR, and obtain instructions from the MND(N) Commander through the chain of command. Do not turn over detainees to local authorities without the approval of the MND(N) Commander.

- **Detention Standards:**
  - ◆ Disarm detainees. Confiscate only items that pose an immediate threat.
  - ◆ Do not use searches to humiliate, harass, or molest. Use a scanner or same-sex search when possible.
  - ◆ Provide armed SFOR cover when conducting a search.
  - ◆ The senior SFOR soldier present is authorized to release any detained person, if appropriate.
  - ◆ Treat detainees humanely. Provide food, water, and first aid.
  - ◆ Do not physically or sexually abuse detainees.
  - ◆ Do not exchange money or gifts.
  - ◆ Do not use detainees for manual labor or subservient tasks.
  - ◆ Keep detailed records on all detainees.

<b>Chapter 7 PERSONS INDICTED FOR WAR CRIMES (PIFWCs)</b>
---

References: GFAP, Annex 1A, Art. VI, para. 2(c), and Arts. IX and X; SFOR SOP 3409; HQ SFOR Campaign Directive No. 13 to OPLAN 31405 dated 20 November 1996; HQ SFOR OPLAN 31406 dated 17 December 1996; TFE FRAGOs 2261, 2692, and 3106.

***Bottom Line: If the situation permits, SFOR will detain PIFWCs encountered during the execution of normally assigned duties, such as monitoring checkpoints. SFOR will not conduct manhunts.***

- **Note:** MSCs will disseminate PIFWC posters down to squad level.
- **Detain** PIFWCs identified during the regular course of duty, if the situation permits.
  - ◆ The MSC commander decides whether to attempt detention.
  - ◆ On-scene commanders will apply the rules of engagement (ROE) and prudent military judgment.
- ◆ **Report** detention to MND(N) HQ Battle CPT (MSE 553-2301/553-3356/556-4704).
  - ◆ Task Force Eagle CP will use Blue Dart to notify of PIFWC detention.
  - ◆ MND(N) Commander will inform COMSFOR, who decides whether to detain or release.
- ◆ **Do not** question the PIFWC.
- ◆ **Read**, as soon as practical, the following rights warning to the detainee in a language he will understand:

**“You are detained as a person believed to be indicted for war crimes by the International Criminal Tribunal for the Former Yugoslavia. You will soon be transferred to their custody, and they will provide you details of the charges against you. I caution you that you are not obliged to say anything unless you wish to do so, but that whatever you say will be recorded and may be given in evidence. Do you understand that?”**

- ◆ After the initial detention, and preferably through a U.S. interpreter, read this secondary caution to the PIFWC in a language he understands:
 

**“You are detained as a person believed to be indicted for war crimes by the International Criminal Tribunal for the Former Yugoslavia. You have been charged in that indictment with having committed serious violations of international humanitarian law on the territory of the former Yugoslavia since 1991. Arrangements will now be made for you to be transferred without delay to the international tribunal in The Hague to answer these charges. The tribunal has been informed of your detention, and members of the prosecutor’s office will meet you as soon as possible. They will give you full details of the charges against you when they arrive. The tribunal will, as appropriate, ensure that you can consult with legal counsel. You are not obliged to say anything unless you wish to do so but whatever you say will be recorded and may be given in evidence. Nothing else is going to happen until you are transferred to the custody of the tribunal. Do you understand?”**
- ◆ Troops may search the detainee. Searches must not be intended to humiliate or embarrass, and should be conducted by a member of the same sex if possible.
- ◆ Treat detained PIFWCs in accordance with the Detention Standards in the previous Section.
- **Evacuate** PIFWCs according to the above references and orders from your chain of command.

**Chapter 8 WAR CRIME SCENES**

References: GFAP, Annex 1A, Art. II, para. 2; Art. IX, para. 2; and Art. X; SFOR SOPs 3407, 3408, 3409, and 3412; Campaign Directive 16 to OPLAN 31405; TFE FRAGOs 309, 315, 981, 1086, 1299, 1406, 2012, and 2171.

**Bottom Line: SFOR is not responsible for seeking out and investigating war crimes. However, if SFOR soldiers discover a suspected war crime scene, they will preserve the evidence under the guidelines below, and report it through the chain of command to MND(N) HQ, who will forward it to SFOR CJ3 COORD.**

- SFOR will not investigate or excavate any suspected evidence, but will provide a secure environment for investigators from the International Criminal Tribunal for the Former Yugoslavia (ICTY).
- Report suspected mass graves or dead bodies as fully as possible in the following format:
  - ◆ Line 1- Time of discovery.
  - ◆ Line 2- Location, including the vicinity name and eight digit grid coordinates.
  - ◆ Line 3- What was found?
  - ◆ Line 4- Why it is suspicious?
  - ◆ Line 5- If reported to military authorities by a civilian, his or her name, address, and contact details.
- Make initial reports as soon as the tactical situation permits.
- On order, MND(N) units may conduct reconnaissance of specified locations to identify and report possible tampering with suspected mass graves. Tasked units will perform a visual ground and/or air reconnaissance on suspected mass graves, including still and video photography, and will report signs of possible tampering (e.g., the presence of excavation, or heavy equipment in the vicinity of the possible grave site).
- If tampering is discovered at any identified mass gravesites, be prepared to establish observation posts (OPs) or checkpoints (CPs) to monitor access to the site. If a patrol finds someone tampering with a site under surveillance, it should act to prevent any further damage to the site. The patrol may detain the individual(s) involved, and hand them over to the civil authorities after making a full report through the chain of command. Be prepared to prevent excavation equipment from entering gravesites.
- Deter further tampering with suspected gravesites through patrolling and force presence.
- MND(N) soldiers will not:
  - ◆ Clear mines for ICTY;
  - ◆ Transport ICTY personnel, equipment, or evidence; or
  - ◆ Protect witnesses, except in accordance with the ROE rule about preventing serious crimes.
- MND(N) may provide to the ICTY on a case-by-case basis:
  - ◆ A liaison team to the ICTY team investigating a specific mass grave or suspected war crime site.

- ◆ Billeting (although ICTY will usually “live on the economy”).
- ◆ Area security to prevent military intervention in the vicinity of the investigation site.
- ◆ Emergency medical care and medical evacuation.
- ◆ ICTY vehicle recovery and repair within limits of technical knowledge and parts availability.
- Liaison Teams: SFOR has no duty to provide direct security for ICTY investigators. However, MND(N) may direct that a liaison team, a low profile security team, be assigned to an ICTY investigation. Liaison teams remain removed from evidence collection activity, but within sight and communications range of ICTY team. The ICTY teams understand that they must defer to the tactical decisions of the senior liaison team member.
- Media Inquiries:
  - ◆ All questions regarding the investigation should be directed towards ICTY.
  - ◆ Be prepared to respond to ICTY-generated media inquiries about the discovery of war crimes evidence.
  - ◆ ICTY, not SFOR, determines the significance of war crimes evidence.
- ROE note: ICTY personnel are persons with designated special status.
- Reporting procedures: Provide oral report of ICTY activities daily to MND(N) G3 Battle CPT, MSE 553-2301. Follow this with a complete written report in the CDR's ASSESSREP.
- Non-ICTY exhumations. The OHR, IPTF, UNHCR, and the civilian police may coordinate legitimate non-ICTY exhumations with the consent of the Entities. Exhumations taking place in the ZOS must be coordinated with SFOR.

### Chapter 9 PRISONER RELEASE

References: GFAP, Annex 1A, Art. II, para. 3; Art. IX, para. 1; Annex 6, Art. I; and Annex 11, Art. I, para. 1; SFOR SOP 3411; SFOR Memorandum on Prisoner Exchanges, 29 December 1996; TFE FRAGO 2312; MND(N) Policy on Prisoner Release, distributed at MND(N) JMC on 20 August 1997.

- The Parties agreed in the GFAP (Annex 1A, Article IX) to release by 19 January 1996 all prisoners taken during the conflict. Therefore, anyone still imprisoned is an illegally-held “prisoner,” and not a POW.
- In the fall of 1997, the VRS and AFBiH commanders in the MND(N) AOR declared in writing that they have no knowledge of any former POWs still in their custody.
- ICRC is responsible for prisoner releases.

- The IPTF should be called if civilian police have held the prisoners.
- MND(N) units should not volunteer their facilities for prisoner releases. SFOR will support ICRC and IPTF prisoner releases only by providing requested area security, emergency logistical support, or intelligence.
- SFOR will never offer payment or payment in kind for prisoners.

<b>Chapter 10 CIVILIAN CROWDS OR DEMONSTRATIONS</b>
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References: GFAP, Annex 1A, Art. II, para. 3; and Annex 11, Art. 1, para. 1; COMSFOR's Guidance on Property, Presence, Crowds, and Police (March 1997); CALL Newsletter No. 96-11; 28 April 1996 Information Paper; TFE FRAGO 2667.

***Bottom Line: Civilian law enforcement agencies, not SFOR, are responsible for maintaining civil order and ensuring civilian freedom of movement. SFOR is not structured for civil disturbance or riot control and should avoid getting involved in efforts by the local civilian authorities to quell civil disorder through appropriate measures. Unless a crowd, armed or unarmed, presents a threat to SFOR, its mission, or another party, the Entities must take responsibility for police work.***

- ◆ **Indicators that a crowd movement may be a threat:**
  - Groups of more than fifty people, and groups that are entirely or mostly military-age males.
  - Gatherings of women and children as a screen for a following crowd of military-age males.
  - Advance media promotion.
  - Failure to coordinate with police and government authorities on both sides of the IEBL, or with UNHCR or IPTF.
  - Gatherings of counter-demonstrators, or persons intending to oppose the movement.
  - Presence of weapons or any expression of hostile intent.
- ◆ **SFOR will:**
  - Immediately bring the crowd action to the attention of the local police.
  - Take actions to delay, defuse, frustrate, or otherwise influence the crowd to disperse, if necessary:
    - ◆ Close established checkpoints when a hostile confrontation is expected.
    - ◆ Establish temporary checkpoints to control the movement of hostile crowds.
    - ◆ Disarm hostile civilian groups outside the ZOS.

- Take a position of tactical advantage over the crowd, regardless of whether the police are present, and observe, record (taking photographs if possible), and report.
- Disengage before being surrounded by the hostile crowd. Use force in accordance with the ROE.
- Support legitimate, controlled, non-threatening movement across the IEBL.
- ◆ Arrange advance meetings of IPTF, local political authorities, local police, and UNHCR.
- ◆ Enlist the support of faction military commanders. Ensure they understand that their forces may not become involved directly either to provide security or to block movement. Military faction support is limited to using their influence with civil authorities.
- ◆ Monitor properly coordinated events.
- Hold the Parties accountable when they fail to meet their responsibilities to ensure freedom of movement and to control civil violence.
- ◆ **SFOR will not:**
  - Assume responsibility for controlling civil disturbances.
  - Provide security for demonstrators.
  - Interpose themselves between a crowd and its possible objective, or between crowds.
  - Enter a crowd (except in accordance with the ROE to stop a serious crime).
- ◆ **Legal notes:**
  - ◆ A civilian crowd that meets peacefully and moves with no hostile intent is not illegal. However, such a crowd has the potential to become a mob and commit criminal acts.
  - ◆ COMSFOR is the release authority for the use of riot control measures.
- ◆ **Tactics, Techniques, and Procedures:**
  - The most likely confrontation sites are at the IEBL.
  - The next most likely confrontation site is the marchers' destination (e.g., a cemetery or village).
  - Keep the crossing or visiting group on a bus.
    - ◆ Check passengers for weapons.
    - ◆ Halt the bus before it reaches a confrontation site.
    - ◆ Do not allow passengers to dismount if there is an uncontrollable crowd at the destination.
  - Prevent a counter-protest group from forming at the confrontation site.
    - ◆ Establish temporary checkpoints on routes leading to the confrontation site.
    - ◆ Check for weapons.

- ◆ Halt vehicles as far away as METT-T permits; force personnel to walk to the confrontation site.
- ◆ Avoid conspicuous, stationary SFOR presence at a location where such a presence may draw a hostile crowd (i.e., next to a political party headquarters).
- When a hostile crowd gathers:
  - ◆ Inner Ring:
    - ◆ Connect IPTF with the local police.
    - ◆ Connect the SFOR MSC Commander with senior town officials.
    - ◆ Keep civil police in front if a crowd gathers.
    - ◆ Confiscate weapons from unauthorized persons.
    - ◆ Using caution, get photos and video of participants, particularly agitators, and others who are not working to defuse the situation.
  - ◆ Outer Ring:
    - ◆ Be prepared to seal off Weapons Storage Sites that could affect situation.
    - ◆ Be prepared to counter a misinformation campaign.
    - ◆ Be prepared to meet with senior local officials.
    - ◆ Be prepared to stop all traffic through affected SFOR checkpoints.

*For complete text of the Joint Military Commission Handbook, 6th Edition, or any previous edition, contact the Center for Law and Military Operations (CLAMO). The above is merely an exemplary extract of the first several chapters.*

*Appendix L: Status of ACSA Agreements*

AEAJA-KL

1 February 1998

MEMORANDUM FOR THE JUDGE ADVOCATE

SUBJECT: Status of ACSA Agreements

1. EUCOM has completed cross-servicing agreements (ACSAs) and implementing arrangements (IAs) with the following countries and international organization:

Belgium	Czech Republic	Denmark	France
Germany	Greece	Hungary	Italy
Lithuania	Luxembourg	Norway	Poland
Portugal	SHAPE	Tunisia	Turkey
United Kingdom			

An ACSA/IA exists with Canada, but Atlantic Command (ACOM) administers it and must approve its use. Support to NORDPOL Bde nations via Norwegian ACSA is authorized.

2. EUCOM has completed cross-servicing agreements (ACSAs), but no implementing arrangements (IAs), with the following countries and international organization:

Israel	NAMSA	Netherlands	Spain
--------	-------	-------------	-------

It is EUCOM policy that there will be no cross servicing with the above countries, except for emergencies, until the IAs are concluded.

3. EUCOM has authority from OSD to negotiate cross-servicing agreements, but has not yet concluded the agreements, with the following countries:

Albania	Austria	Botswana
Bulgaria	Cote D'Ivoire	Cyprus
Estonia	Finland	FYROM (Macedonia)
Ghana	Kyrgyzstan	Latvia
Morocco	Namibia	Romania

Russia  
Slovenia  
Uganda

Senegal  
Sweden  
Ukraine

Slovakia  
Turkmenistan

4. Estimating the completion date for concluding an ACSA or IA with any given country is virtually impossible. KLD will keep you posted.
5. The enclosed chart depicts the status of ACSAs.

Encl

ANTHONY M. HELM  
LTC, JA  
Chief, Contract Law Division

**STATUS OF ACSA Cross-Servicing Agreements (9 May 97)**

Country	Year Signed	Approved for Negotiation	In Active Negotiation?
Albania		Feb. 1996	No
Austria			Yes
Belgium	1982/1997		
Botswana			Yes
Bulgaria		Feb. 1996	Yes
Canada	1993	NEED ACOM APPROVAL TO USE	
Cote D'Ivoire		Feb. 1996	Yes
Cyprus			Yes
Czech Republic	1996		
Denmark	1982/1998		
Estonia			Yes
France	1987		
Finland		Nov. 1995	Yes
FYROM (Macedonia)		Feb. 1996	Yes
Germany	1983		
Ghana		Feb. 1996	Yes
Greece	1996/1998		
Hungary	1996		

Israel	1988		Yes (IA)
Italy	1983		
Kyrgyzstan		Feb. 1996	Yes
Latvia		Feb. 1996	Yes
Lithuania	1996		
Luxembourg	1983		
Morocco			Yes
NAMSA	1982		Yes (IA)
Namibia		Feb. 1996	Yes
Netherlands	1983		Yes (IA)
Norway	1982		
Poland	1996		
Portugal	1998		
Romania		Feb. 1996	Yes
Russia		Nov. 1995	Yes
Senegal			Yes
SHAPE	1995		
Slovakia		Feb. 1996	Yes
Slovenia		Feb. 1996	Yes
Spain	1984		Yes (IA)
Sweden		Nov. 1995	Yes
Turkey	1996		
Turkmenistan		Feb. 1996	Yes
Tunisia	1994		
Uganda		Feb. 1996	Yes
Ukraine		Feb. 1996	Yes
United Kingdom	1984		

#### Other Unified Command ACSAs

ACOM

Canada

PACOM

Australia

Japan

Korea

CENTCOM

Bahrain

Malaysia

Jordan

Thailand

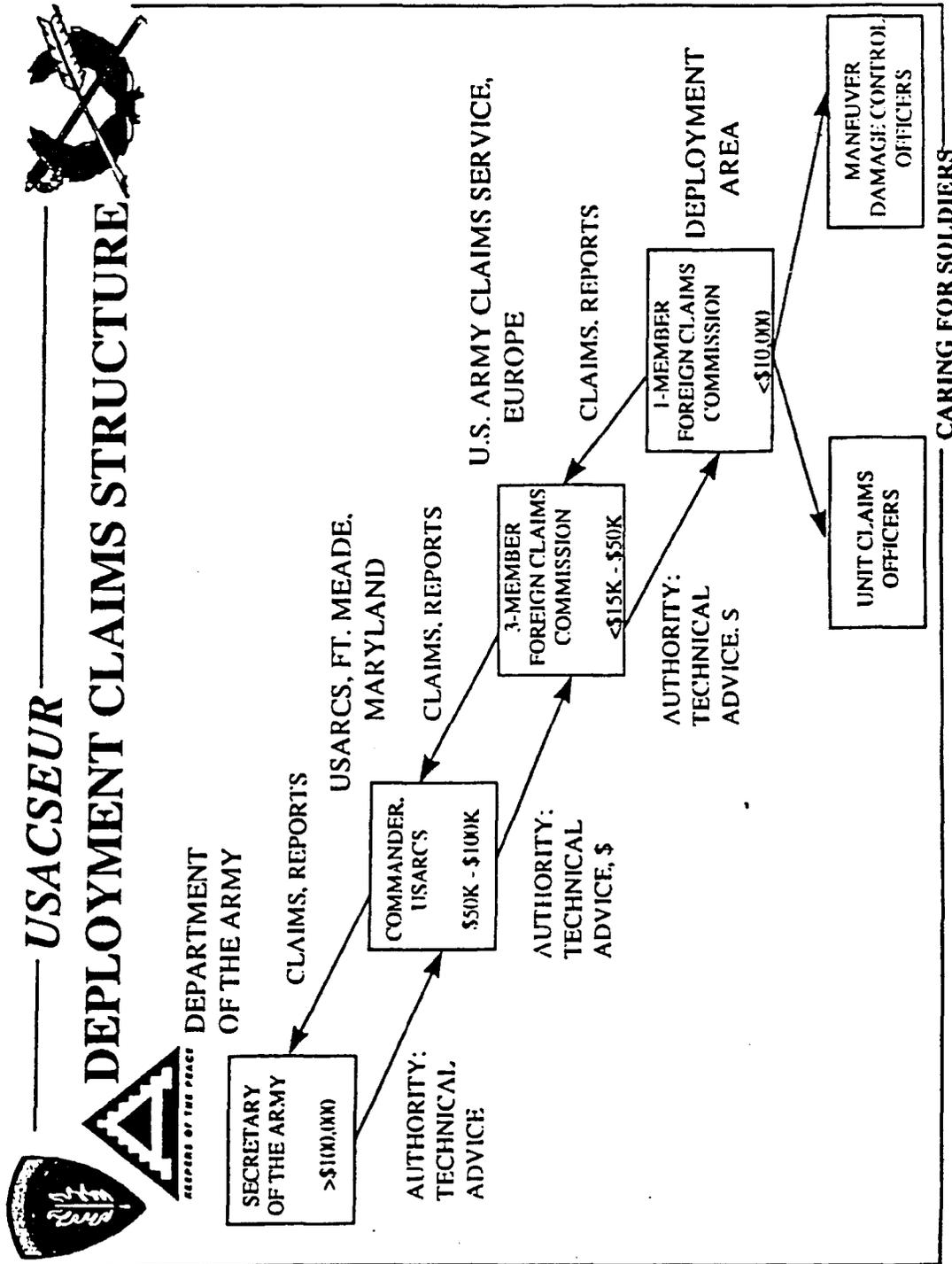
**Appendix M: Matrix of Authorized Support for Non-U.S. Military Organizations**

**SUPPORT MATRIX<sup>1</sup>**

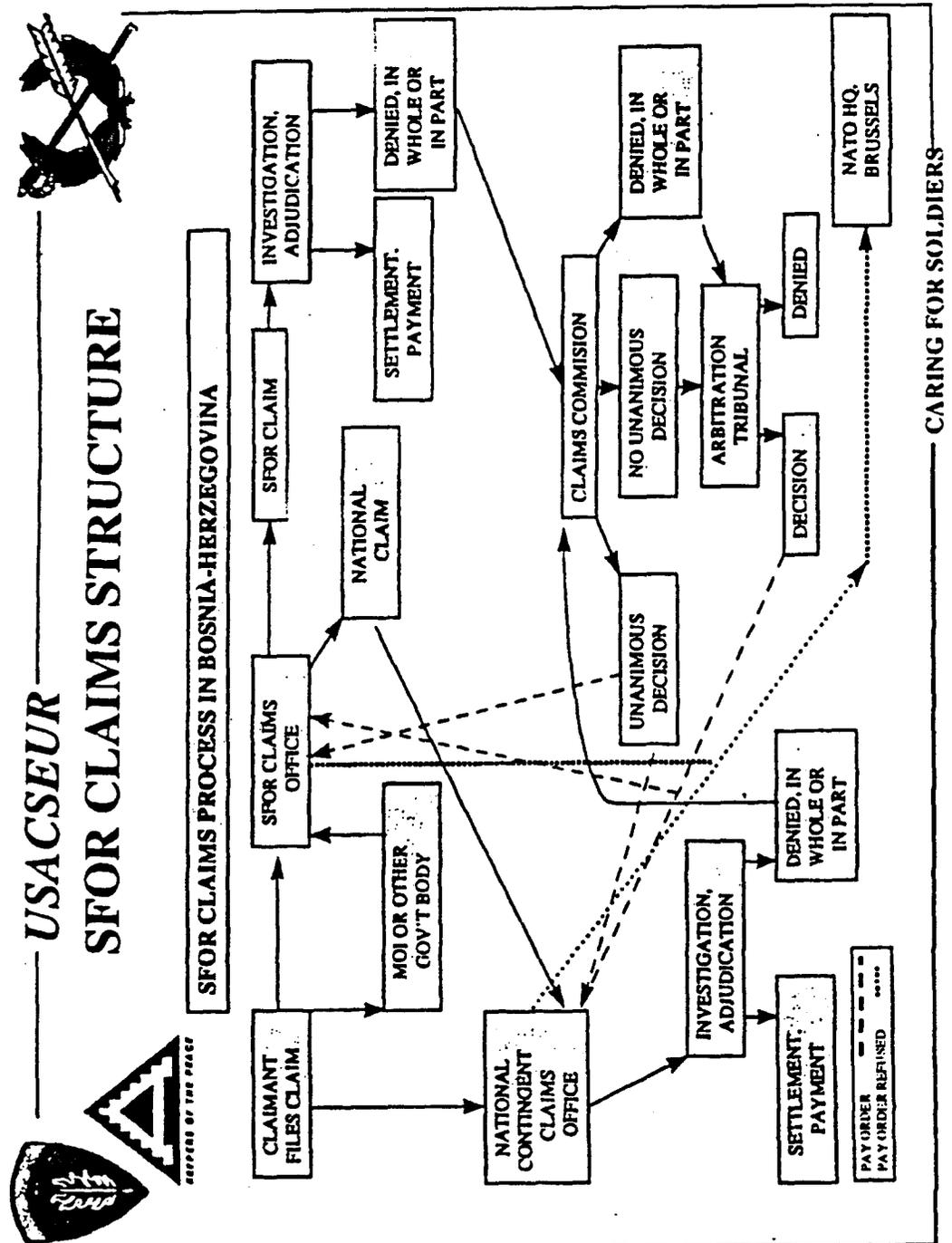
Category	Water	Food	Fuel	PX Priv	Medical
Local Nationals	No	No	No	No	No
Local Nationals (Contractors)	2	2	No	No	No
Translators	Yes	Yes	No	No	No
IPTF	3	3	No		4 No
UN	3	3	No	No	No
MPRI	No	No	No	No	5 No
Turk Bde	Recip 6	Recip 6	Reimb 7	Yes	Reimb 7
Nord Pol	Recip 6	Recip 6	Reimb 7	Yes	Reimb 7
Russ Bde	Recip 6	Recip 6	No	8 Yes	No 8
NATO	Recip 6	Recip 6		9 Yes	9
Non-NATO Allies	Recip 6	Recip 6		9 Yes	9
FWF	No	No	No	No	No
MWR Personnel	Yes	Yes	No	Yes	3
Brown & Root	Yes	Yes		10 Yes 11	Yes 11
Private Organizations	No	No	No	No	No
Red Cross	3	3	3	3	3

1. Requests for other types of support must be forwarded to Division for approval. Fuel may be provided in deminimis quantities when based on operational necessity. Food, water, and medical care may be provided in deminimis quantities when necessary to save life or limb.
2. Support to Local National contractor personnel is dependent upon the contract terms. JCC or OSJA must be consulted prior to provision of support.
3. This issue is still being researched.
4. American IPTF personnel may use the PX. Other IPTF personnel are not authorized to use the PX.
5. Retired military personnel employed by MPRI are not authorized to use U.S. PX facilities in BiH. They do not have access to U.S. camps in BiH, but may cash checks at U.S. finance offices.
6. Multi-national forces (NATO and non-NATO allies) are provided food and water pursuant to a reciprocal agreement. We are required to account for the number of meals provided to ensure the exchange is of equal value.
7. Fuel and medical support may be provided to these groups on a reimburseable basis only. A form 3381 must be completed and submitted to G4. The form is used to compute the value of the goods or services rendered and to bill the recipient. Prior approval is required.
8. Requests for assistance from the Russian BDE must first be approved by SHAPE HQ. Russia has not signed the type of agreement used to provide support to the Turk and NORDPOL BDEs.
9. Support may be provided to NATO and non-NATO allies only if the country in question has signed a Standardization Agreement (STANAG). 1ID does not have authority to enter into STANAGs.
10. Fuel is provided to Brown & Root according to the terms of the contract.
11. Local hire Brown and Root employees are not authorized to receive PX or Medical support.

Appendix N(1): Deployment Claims Structure



Appendix N(2): SFOR Claims Structure



**Appendix O: Claims Convoy Checklist and Sample Convoy Brief**

**JAG CLAIMS CONVOY CHECKLIST**

Date: \_\_\_\_\_

VEHICLE #/SECTION/DRIVER	PASSENGERS
HQ99/SJA SPC	1. CPT      2.      3.
TR29/HQ CMDT SPC	1. SFC      2.      3.
HB106/G-2 (A2C2) SPC	1. MAJ      2.      3.
HQ71/MSR PFC	1. SSG      2.      3.
X-7/MDNG 29TH MPAD SGT	1. CPT      2.      3.
	1.      2.      3.

ITEM	G/NG	ITEM	G/NG
4 IFOR VEHICLES	G	MRE's, ONE BOX	G
DRIVER/TC	G	WATER, ONE CASE	G
M60, 50 CAL	G		
SINCGARS	G		
PRC-127	G		
DIGITAL CAMERA	G		
MAPS	G		

OIC: \_\_\_\_\_  
 NCOIC: \_\_\_\_\_  
 ROAD CONDITIONS: \_\_\_\_\_

*Below is the transcript of a typical brief given to a claims convoy before departure. It is very telling from many aspects. It talks about the mission from the top down to the specific mission of the claims convoy. It discusses Rules of Engagement, attitudes of the Serbs toward the United States, and more. Bottom line: even the seemingly smallest of tasks and missions was a major undertaking, requiring planning and preparation.*

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**VERBATIM TRANSCRIPT OF FOREIGN CLAIMS CONVOY BRIEFING  
9 AUGUST 1996  
CPT \_\_\_\_\_  
OIC, FOREIGN CLAIMS CONVOY COMMANDER**

Good Morning! I'm Captain \_\_\_\_\_. I'm the convoy commander this morning. I'm the OIC for the mission. Sergeant First Class \_\_\_\_\_, who's driving the lead vehicle, also from the JAG Office, is the NCOIC of the mission. Today we're going out to pay claims. We're going to pay six claimants on the Serb side-six Serbian claimants for maneuver damage.

As you know, when our tanks are rolling across the countryside, they ten up a lot of stuff. And today, we're going out to compensate individuals. These are not government officials. These are just regular people who had their property damaged by the United States Army.

We typically have to go on back roads to find the claimants. There are two cases today. We do not know exactly where we're going because all we have is the claimants name and his hometown. So we have to go to the town and our interpreter hops out and asks people in that town, "Where does this guy live?," and then we go find the guy. So, it makes for interesting conveying. But, many times we have to turn our vehicles around.

So what I'm going to do this morning is I'm going to talk about safety and I'm going to talk about the accomplishment of our mission.

First, I want to talk about safety. We have five vehicles in the convoy today, and I'm going to talk to you about the order of the vehicles in a minute. But, the five vehicles are supposed to stay together at all times. If we have any kind of problem today with any of the vehicles, we're all stopping, okay? We are a unit. We operate as a unit today. We're not going to be getting too far separated. I want the five vehicles to stay together. When we are passing through the Zone of Separation, we can go a little bit further apart because of the danger of mines. But, other than that, when we are in regular non-mine territory, try to stay close together, okay?

Now, let's look at the route first. We're leaving Dubrave Air Base and we are heading east on Route Hawk and then we're going to Osmaci which is a small Serb village.

We're going to pay a claimant there. Then we're getting back on Route Sparrow and we're going to Zvornik and we're going to pay a claimant in Zvornik and then we are going to take Route Camel south, which is one of the prettiest routes I've seen in Bosnia. It's right on the Drina River the whole way. And we'll be passing a lot of beautiful scenery there, going through some mountain tunnels.

We're going to end up in Vlasenica where the 1st Brigade Headquarters is located. We're going to pay two claimants there and hopefully a third claimant there, if we can find him. We're going to eat lunch there at the 2'd BDE dining Hall which is one of the best chow halls in theater. On the way back, we're going to pay one claimant. We should be back as early as 3:30- as late as 5:30 this afternoon, okay?

Now, when we cross the Zone of Separation here, in the Kalesija-Melici area, it's important you follow certain guidelines when you're driving your vehicles. First and foremost, you do not stop your vehicle on the side of the road. Everybody knows that. But, I want to reiterate it. That means that the way this vehicle is parked right now is not acceptable if we're stopping in the ZOS because the driver has to get out on dirt, okay?

So, it should be further over here, so that people on both sides of the vehicle when they're getting out are getting out on hardtop. Does everybody understand that?

[Affirmative response from everybody.]

I don't want any feet anywhere near grass an)where near the ZOS. Is everybody clear on that?

[Affirmative response from everybody.]

Okay. Let's talk about traffic control. When we stop our five vehicles on the side of the road when we're going to pay a claimant, I'm going to put an NCO in charge of the convoy while Sergeant \_\_\_\_\_ and I and others go in to pay the claimant, okay? Sergeant \_\_\_\_\_ is also the Class A agent on this mission. That means, that he actually has the money that we're going to pay the people in cash.

I'm the Foreign Claims Commissioner. I'm the one that decides how much they get paid. Sergeant \_\_\_\_\_ is, in the sense, the banker. He's the one that has the money. I'm not supposed to touch the money. He's the one that has the money, okay?

So, Sergeant \_\_\_\_\_ has to go in and pay the claimants with me today. I see some other good NCOs here today. So, I'm going to put one of you in charge when we go in. And you're going to be in charge of security of our vehicles and raffle control.

Now hopefully, we're going to be able to park each time in a situation where our vehicles are off the road. But if our vehicles have to be in the road blocking one of the lanes of traffic I'm going to require you to put one person on each end. I want you to stop the traffic. I don't want you to kind of slow it down. I want you to stop it at both ends and then let it pass one direction at a time.

Now, in order to stop a vehicle in Bosnia, you have to get in front of the vehicle, okay? You have to stand in its way and stop it. They do not know what these Army hand signals mean. They do not know what this means [gesturing]. Okay? So you have to literally get in front of them. And especially with trucks, that can be a real interesting experience because they're not really interested in stopping. And you have to stop them.

The reason I say that is, we could have a serious injury if a truck is going past our convoy 25-30 kilometers and somebody is walking out from behind a Humvee. Humvees make a lot of noise when they're running. You can't hear the traffic that's coming by.

So, I want any vehicles that are going past our convoy to be crawling past. So, I'm going to ask—alright, we've got three interpreters on this mission. So we're fortunate. I'm going to ask the interpreters to also help out to be able to teach the person at either end how to say "sporija," which means "slowly." You're going to tell the people to go slowly, okay? And if they don't go slowly enough, then you're going to go back to them, stop them again, and tell them, "puno sporija," which means, "very slowly," okay? And you're going to emphasize that until they go slowly enough.

Let me talk to you about if we get into a bad situation today. Now, we've been here in Bosnia for over seven months now. We have not had any fighting to speak of. Today could be the first day. We need to be prepared for that. I know that everyone kind of acts lulled to sleep. But we need to be prepared for something bad happening.

If something happens, we're going to react to it. First of all, when we leave base today we're going to put a magazine in our weapons. We are not going to chamber rounds. We are not going to take our weapons off safe. Does everybody understand that? Everybody knows that, right?

[Affirmative response from everybody.]

Okay. The only time that you're going to load your weapon off safe and chamber a round is if I tell you to. Or, if I'm not able to tell you to, then you're going to use the good training the Army has given you, okay?

We're going to follow the chain of command. We have a Major here today, we have NCOS, we have a Lieutenant. If I'm incapacitated, obviously, people who are supposed to take charge, I expect you to take charge. I expect you to do what you are trained to do, okay? Most importantly, I expect everybody to use their good common sense.

It's not our job to engage the enemy, okay? It is our job to safely return to this base tonight. Our job is to pay foreign claims today. So, if we get into a situation where we are being fired on, our primary goal is to protect ourselves and get to a safe position. There are plenty of M1 Tank commanders and Bradley commanders in 2nd Brigade that have been itching to fire ever since we came to Bosnia. And they will be more than willing to fire all of their large weapons. That is their mission when needed. Today we have only five Humvees and a M-60. So, we are not prepared to do major combat.

First and foremost, we are going to use our vehicles to escape the situation, okay? If we are able to, we're going to try to drive out of the Situation. Drive forward, backward, sideways. Whichever way we have to go to get away. If we cannot use our vehicles, we're going to go to plan B. What is plan B? I don't know what plan B is. But, we'll come up with it at the time.

I will be in charge. I will give orders. I expect everybody to follow those orders just as if we were in an organized unit okay? And that includes the way in which the rules of engagement work. In other words, decisions about whether or not we're going to actually fire our weapons, depends on the degree of threat with which are being confronted.

Okay. We're going to have a good time today- We always have a good time on our claims missions. I know Sergeant Day has been before. I think you're the only that's been before. I got a lot of new people that haven't been on our missions before.

This is our 20th mission. We've gotten to see a great deal of the countryside because we go on a lot of the back roads to find the claimants. The damage is usually done on a main MSR route. BUL the claimants don't live where the damage was done. They live up on a mountainside in a small house. So, we have to go find them

The rear vehicle is going to be in charge of the speed of the convoy. The rear vehicle decides how fast we go. Obviously, the front vehicle to a degree decides how fast we go. But, if there's one of the vehicles that can't keep up with the lead vehicles, the rear vehicle radios us and tells us. The rear vehicle is going to tell us every time we go through a turn, that they have completed the turn. So, the first four vehicles go through the turn. When the fifth vehicle goes through the turn, "New York" calls "North Carolina" and says, "North Carolina, we're through the turn---over." If we're going past a slow moving tractor, same thing. Many times when you're in the mountains, the front vehicle cannot see the rear vehicle because of the curves.

When we pass a vehicle, many times the front vehicle makes a decision to pass a slow moving vehicle with enough space for perhaps two vehicles to get around, okay? Those first two vehicles are going to then slow down and wait for a spare for the next three vehicles to have a chance to pass. There's very few places in Bosnia where there's enough room for

five vehicles to pass a slow moving vehicle. Especially in the mountains. So, you just got to be patient. Don't do anything that's dangerous.

If you're in the third, fourth, or fifth vehicle, I don't want you to hurry and try to make a dangerous pass. We're going to be up there waiting for you. We're going to go slow until you have a chance to pass. So, wait for a good space to pass. Okay?

The order of the vehicles today is... the Civic Center from Tuzia West underneath Lieutenant \_\_\_\_\_ is the fourth vehicle, and the Air Force vehicle is the fifth vehicle. Okay-any questions'?

All of you have been well trained by the United States Air Force and United States Army. We are going to be on the Serbian side today. I always like to remind people that our efficient United States Air Force bombed the Serbs for about eighteen months. So, there's always going to be some people over there that don't like us.

We have found that most people treat us very friendly because we are paying them. But, you know, if you see a situation that you're worried about I want you to bring it to my attention or one of the NCO's attention immediately, okay?

The most important thing today is safety and security. I want everybody to come back safe. And if you got any situation that you're concerned about—if you see anybody with weapons--there's going to be one place where you're going to see a VRS soldier guarding a place that's right across the street from where we're going to pay the water company. Don't worry about that. That's an army post. That is a containment area. They're allowed to have their people there. But, if you see somebody with a weapon—even worse, if you see somebody pointing a weapon, that's a serious thing that everybody needs to know about immediately, okay? Don't take your time coming up to tell me about it. I want you to run and tell me about it, okay?

Alright. We're going to go out the east gate and we're going to turn right when we get to the east gate. Any questions?

[Convoy member asked a question.]

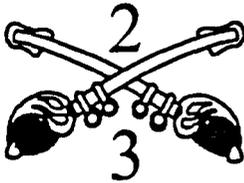
Yeah. It's on the front page of your itinerary. Did you get one?

[Affirmative response from convoy member.)

Okay. Frequencies and passwords-good question. On the front page of your itinerary.

Okay. Let's rock and roll.

*Appendix P: One Base Camp Judge Advocate's Description of His Duties (Chart)*



**CPL Greer**

- Inprocess All Foreign Claims
- Maintain FCC Database
- Process Article 15 Requests
- Maintain Article 15 Log and Database
- Process Chapter Requests
- Maintain Chapter Log
- Inprocess Legal Asst. Clients
- Maintain Legal Assistance Stats
- Provide Weekly Updates to Tuzla
- Office Administration
- Pursue Personal College Education Credits

**CPT Dauenheimer**

- Advise Commanders on LOW, GFAP, etc.
- Adjudge Foreign Claims w/i Jurisdiction
- Review Article 15s - Advise Commanders
- Review Chapters - Advise Commanders
- Counsel Legal Asst. Clients
- Attend Command Briefings to include the Joint Military Commission
- Oversee Office Administration Teach with Local Colleges

***Appendix Q(1): Sample Operational Law Weekly Report***

MEMORANDUM FOR DSJA

16 November 1997

SUBJECT: Operational Law Weekly Report, 10 November – 15 November 1997

1. Daily meetings are: 0730 Staff BUB (except Sundays), 0800 J3-G3 VTC, 0830 Commander's Conference (except Sunday), 1800 Commander's BUB (except Sundays), 1900 VTC.

2. Weekly meetings are: R&S Meetings – Thursdays & Saturdays, Synch Meetings – Saturdays, Vision Meetings – Sundays, Force Protection Meetings – Fridays, Election Meetings – Fridays, Civil & Military Operations Coordination Meeting – Tuesdays & Thursdays, and IO Working Groups – Wednesdays.

3. The following is a summary of this week's significant activities, appointments and actions:

<u>DAY</u>	<u>DAILY ASSESSMENT</u>	<u>MEETINGS, BRIEFS, OR APPOINTMENTS</u>	<u>ACTIVITIES &amp; DESCRIPTION</u>
SUN 9 NOV	Overall a quiet day. Prepared to deploy with the DTAC to Dobj for Operation Full House.	Election Meeting	<ol style="list-style-type: none"> <li>1. Reviewed FRAGOs.</li> <li>2. Deployed to NORDPOL Bde Headquarters with the DTAC.</li> <li>3. Worked on the Minesweeper 2000 letter for the Division Engineers.</li> </ol>
MON 10 NOV	It was a quiet day at the NORDPOL Bde Headquarters. Operation Full House went forward without any difficulties. At first the Danish Battalion Commander did not want to go into the		<ol style="list-style-type: none"> <li>1. G2: MAJ Lewallen informed me about a Russian soldier who was caught at SWEDBAT with an expired SFOR ID card that did not belong to him. The ID card belonged to a Russian officer. The soldier was a Russian private. Action taken: Talked to the Chief of Staff, drafted a letter for MG</li> </ol>

	<p>Specialist Police Headquarters and begin the confiscation procedures until he received further guidance. MG Ellis met with Gen. Saric and Saric agreed to allow TFE to go in and complete the mission. Although Saric at first did everything to delay informing the Dobož Specialist Police he did so after MG Ellis threaten to go in with force. Fortunately the operation went down without any injuries or casualties.</p>		<p>Ellis' signature to the Russian Bde Commander notifying him of the situation and recommending that he take appropriate action.</p>
<p>TUE 11 NOV</p>	<p>Shots were heard on Eagle Main. MPs went to investigate a possible negligent discharge in the clearing barrel in front on the DEFAC. Nothing was ever discovered. 2-2 reported an explosion outside Dobož. IPTF did not find anything.</p>	<p>TJAG visit</p>	<ol style="list-style-type: none"> <li>1. Reviewed FRAGOs.</li> <li>2. Reviewed a PMO memo for the CG's signature that would provide SFOR assistance to the IPTF in their restructuring effort.</li> <li>3. Was asked about creating a temporary restriction zone in Dobož around the Specialist Police station.</li> <li>4. Was asked what kind of SOFA protection local companies that contract with SFOR have when confronted by local police check points.</li> <li>5. Wrote a legal opinion about the legality of moving the POL to another site on Tuzla Main.</li> <li>6. Wrote a legal opinion about constructing new routes on</li> </ol>

<p>WED 12 NOV</p>	<p>A report was received from NORDPOL that 3 – 4 pistol shots were fired in the area of 2 Danish soldiers riding in a Gelande Wagon. The incident occurred 5 km south of Zenica. The two soldiers drove away from the scene and the other car disappeared. IPTF and local police conducted an investigation but the perpetrators were not found.</p>	<p>LIWA IO Meeting.</p>	<p>Tuzla Main.</p> <ol style="list-style-type: none"> <li>1. Reviewed FRAGOs.</li> <li>2. Received a question about crossing the border between Croatia and B-H.</li> <li>3. Received a question about crossing the IEBL. Had to explain that the IEBL is not an international border and that the people of B-H have the right to cross it freely.</li> <li>4. Received a general question about the SSCRA-how does it apply in postponing court dates.</li> </ol>
<p>THURS 13 NOV</p>	<p>At 1930 the previous night a report was received that a B&amp;R truck had broken down at the intersection of Ostrich and Hawk and that a mob had formed around it. The mob threatened to burn the truck. The B&amp;R security was called in and the truck was safely retrieved. At another demonstration that same day in which a UN bus was pelted with rocks, it turned out that 141<sup>st</sup> Signal had soldiers in that</p>	<p>OPD: US Ambassador to B-H spoke to the Staff Primaries and field grade officers.</p>	<ol style="list-style-type: none"> <li>1. Reviewed Fragos.</li> <li>2. Reviewed a Ch. 14 and prepared a legal review.</li> </ol>

	area. Fortunately the Russian Bde retrieved the soldiers and brought them to their base camp for safety.		
FRI 14 NOV	Claims convoy.		
SAT 15 NOV	A report was received about an unidentified helicopter in the Turk AO. A Turkish patrol was sent out to Zenica airfield to count the aircrafts and check the tail numbers. The patrol did not find any discrepancies. There were no warm engines. The patrol reported that the helicopter was not from the Zenica airfield. All MND (N) units deny having aircrafts in that area. This is still a mystery. Also, a group of young, military age men managed to get up to one of the radio towers in MND (SE).	R&S meeting. Force Protection Drill.	<ol style="list-style-type: none"> <li>1. Reviewed FRAGOs.</li> <li>2. Received a question about FRAGO 5 and if it is permissible to OPCON US helicopters to a US rapid deployment unit that operates outside of MND (N). According to LTC Muir, G3, FRAGO 5 is still in effect. More to follow as to how his credence now plays into this growing black hole.</li> <li>3. ROE Question: Who has release authority for illumination rounds and for mortars.</li> </ol>

	They snuck through the mine-riddled forest. MND (SE) soldiers managed to hold them off and eventually the men left. MND (N) spun up its force protection measures at Mt. Zep and the two hill tops. Preparing for the worse case scenerio.		
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4. POC for this report is the undersigned.

SUSANNE A. MILLER  
MAJ, JA  
Operational Law Attorney

***Appendix Q(2): Sample SJA Weekly Status Report***

DEPARTMENT OF THE ARMY  
Headquarters, 1st Armored Division (Forward)  
Office of the Staff Judge Advocate  
Tuzla, Bosnia-Herzegovina  
APO AE 09789

AETV-THH-JA

1 February 1998

MEMORANDUM FOR JUDGE ADVOCATE, HQ, USAREUR & 7TH ARMY,  
UNIT #29351, APO AE 09014

SUBJECT: SJA Weekly Status Report for the Week of 25 - 31 January  
1998

1. Personnel.

a. Present For Duty, Officer/ Enlisted: 9/13. Assigned personnel consist of three 1AD JAs, one USAREUR JA, three 2d ACR JAs, one JA each from I Corps, III Corps, V Corps, and XVIII Airborne Corps, and one USATDS JA. There are four enlisted soldiers from 1AD, three from Fort Polk, two from V Corps, and six from assorted CONUS installations. SGT Patrice Jones of Fort Gordon redeployed to CONUS on 31 January. SGT James Mersfelder of White Sands Missile Range and SPC Michael Enright of Fort Leonard Wood arrived from CONUS on 27 January. SSG Ricky Simpson of V Corps arrived at Comanche Base on 27 January.

b. Leave or TDY, Officers/Enlisted: 1/0. CPT Jeria Ward, USATDS, is TDY to Central Region from 24 January – 3 February.

c. R&R Leave/Pass, Officer/Enlisted: 2/2. SGT Mike Cantu, 2d ACR, is on R&R leave from 18 January – 3 February. CPT Carlene Christie is on R&R leave from 23 January - 6 February. CPT Chad Sarchio is on R&R pass to Budapest until 2 February. CPL Martin Greer, 3/2 ACR, returned from R&R leave on 31 January.

d. Hospital, Officers/Enlisted: 0/1. SPC \_\_\_\_\_ of \_\_\_\_\_ was hospitalized at the Blue Factory the night of 30 January due to acute abdominal pain. Medical personnel have ruled out

appendicitis. SPC Kraft is doing well and is expected to be released on 2 February.

e. Killed/Injured/Missing, Officer/Enlisted: 0/0

2. Contract/Fiscal/Administrative Law.

a. Contracts.

(1) Number of Claims Filed: None

(2) Amount of Claim: None

(3) Number of Bid Protests: None

(4) Unauthorized Procurements/Amount: None

(5) Other: N/A

b. International Logistics.

(1) ACSA Transfers by Country/\$ Amount: TFE provided helicopter support to the Danish Prime Minister and his 30 member delegation on 28 and 29 January. Service was pursuant to the new ACSA and IA with Denmark at a cost of approximately \$10,000. Other routine food/water/fuel/ammunition transfers with SFOR troop contributing nations.

(2) Requests for Donations of Equipment/Country: None reviewed.

c. Administrative Law.

(1) Report of Survey Legal Reviews: 3

(2) PAO Article reviews: 0

(3) 15-6 Investigation Advice/Review: 3/4

(4) Other Admin Law: 3

3. Military and Civil Law [This section does not include any actions from the 1AD rear area of operations].

- a. Soldiers in Pretrial Confinement: 0.
- b. Summary Courts-Martial Preferred/Tried: 0/0
- c. Special Courts-Martial Preferred/Referred/Tried: 0/0/0

d. BCD Special Courts-Martial Preferred/Referred/Tried: 1/0/0. PVT Lawrence Propst, 2/2 ACR, is charged with two brief AWOLs (in CONUS), disobeying an NCO, disobeying an officer x 2, and concealing stolen property (4 compact discs). Charges were preferred on 26 January.

e. General Courts-Martial Preferred/Referred/Tried: 2/0/0. PFC Donald O'Connor and SPC Kenneth Schwarz, 3/2 ACR were charged with desertion. Charges were preferred (in absentia) on 7 and 6 January respectively. The soldiers failed to return from R&R leave and surrendered to military control about 30 days later. They have been returned from CONUS to be tried here.

f. Nonjudicial Punishment, Summarized/CG/FG/GO: 1/6/2/0,  
Enlisted/Officers: 9/0

g. Chapter 10's: 0

h. Administrative Boards: 0

i. Chapter actions: 0

#### 4. Legal Assistance.

a. Clients seen this week: 72

b. Legal Separations/Divorce Counseling: 1/4

c. POAs: 38

(1) General/Specials: 14/24

(2) To Whom Given: Spouse/Parent/Friend.

(3) If General POA, Length of POA: 2 years

## (4) Revocations of POAs: 1

- d. Notarizations: 19
- e. Wills: 0
- f. S.S.C.R.A: 2
- g. Tax Counseling: 3
- h. Attorney Counseling: 12
- i. Other (not involving attorney counseling): 4

## 5. Reported incidents of Misconduct by:

- a. US Contractor Personnel: None.
- b. GS Employees Accompanying the Force: None.
- c. UN Employees Accompanying the Force: None.

## 6. Claims:

- a. Number of Claims filed by US Personnel: 0 Cumulative: 8
- b. Number of Claims adjudicated: 0 Cumulative: 7  
(paid: 0; denied: 0; transferred: 0)
- c. Amount paid this week: 0 Cumulative: \$325
- d. Number of Bosnia Foreign Claims filed this week: 7  
Cumulative: 151
- e. Number of Bosnia Foreign Claims adjudicated: 7  
(paid: 5 denied: 2; transferred: 0) Cumulative: 188\*
- f. Amount paid this week: 4,345 DM  
Cumulative: 254,802 DM

\*Includes both 1ID and 1AD Claims since TOA on 22 October 1997.

7. International Law; Number of Personnel Confined by Civil Authorities:  
None

8. Assessment: The delivery of legal services remains green.

9. Summary of Operational Law issues and events.

(1) The OPSJA continued her review of various CONPLANS, OPLANS and MND(N) FRAGOs.

(2) The DSJA and OPSJA attended numerous planning meetings pertaining to an anticipated meeting of the Vares municipal council. The council meeting was ultimately postponed until the week of 1-7 February. Vares is a contentious area with significant tensions between the Croat and Bosniac population. It was the site of a violent confrontation on 4 December.

STEVEN T. SALATA  
LTC, JA  
Staff Judge Advocate

*Appendix Q(3): Sample Claims Status Report***SAMPLE CLAIMS STATUS REPORT**

The following is a summary of the claims received at the Tuzla Airbase SJA. This report includes potential claims and claims filed at the Brigade SJA Offices.

<u>Name</u>	<u>Date of Incident</u>	<u>Amount Claimed</u>	<u>Neg. Amount</u>	<u>Date Paid</u>
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**CLAIMS PAID**

Mr. Selimovic Safet	13 Jan 1996	3,300 DM	550 DM	22 Feb 96
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A U.S. Apache helicopter flew over Mr. Safet's house. The rotor wash knocked off 180-200 roof tiles, knocked over a fence, filed his house with soot, knocked over a stack of hay, and frightened his wife and children. I estimated that the tiles cost 2 DM a piece and the loss of about 1/3 of the hay was worth 60 DM. A professional roofer earns 35 DM per day. The remainder of the agreed amount was for the other miscellaneous damages.

Mr. Glavinic Hamdija	13 Jan 96	64 DM	64 DM	22 Feb 96
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A U.S. Apache helicopter flew over Mr. Haindija's house. The rotor wash knocked off 22 roof tiles and tore off metal flashing. I estimated that the tiles cost 1.5 DM a piece and the metal cost 20 DM. Since this was the most reasonable claim I have received, I was not going to squabble over the remaining few marks.

Mr. Mandalovic Seiko	14 Jan 96	4,800 DM	4,350 DM	22 Feb 96
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The vehicle accident claim involves a U.S. Soldier. The accident occurred in Zivincie. The vehicle is a 1985 Opel Askona-C diesel. Originally the claim and estimate of repairs were for 9,839 DM. However, Mr. Seiko stated he could get the repairs done at a cheaper repair shop. He stated that he paid 7,000 DM for the vehicle in August 1995. He has no receipts for the vehicle. According to Mr. Setko the diesel engine is brand new. The U.S. driver was cited for excessive speed. The only issue is the value of the vehicle vs. costs of the repairs.

**CLAIMS RECOMMENDED FOR APPROVAL**

Durakavid Redzo	20 Jan 96	500 DM	500 DM	Pending
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A U.S. bulldozer buried about a 100 meters of his fence. His property is below a helicopter landing site. When they expanded the parking lot, they covered his fence with tons of dirt. The owner does not want us to remove the dirt. He only wants to replace his barb wire and wood post fence. Barb wire fences and posts cost about 6 DM per meter. This claim could be a lot higher. I will not argue about the price.

**CLAIMS VOUCHERS SUBMITTED FOR PAYMENT**

Kovacevic Samid      19 Jan 96      2,239 DM      989 DM      Pending

This vehicle accident involved a U.S. soldier. The claimant is claiming 1000 DM for stress, 250 DM for lost wages, and 989 DM for damage to his vehicle. According to the repair shop, the 1980 Zastava was totaled. They estimated the value at 1522 DM less 533 DM for salvage value. They used a standard 35% for salvage value. We settled on the cost of the vehicle (989 DM)

Mrs. Zulic Devieta      23 Jan 96      500 DM      350DM      Pending

A U.S. vehicle damaged the corner of her home and destroyed a few fruit trees. The woman is poor, elderly, and blind. There appears to be about 70 tiles missing and some structural roof damage. In my opinion, the value of the damage is about 300 DM. I will negotiate a fair settlement.

**Appendix R: Internet Web Sites**

*Most every Judge Advocate interviewed indicated the internet was an invaluable resource for research and communication. Accordingly, this list of potentially relevant internet websites is provided. The Operational Law Handbook<sup>1</sup> also contains a list of internet sites, from which many of these sites were obtained.*

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**Bosnia Links**

**DOD Bosnia Link** <http://www.dtic.mil/bosnia/> **Outstanding source of information with many links.**

**NATO IFOR & SFOR**

**Homepage** <http://www.nato.int/>

**General information** <http://www.nato.int/ifor/ifor.htm>

**Fact Sheets** <http://www.nato.int/ifor/general/facts.htm>

**The GFAP** <http://www.nato.int/ifor/qfa/qfa-home.htm>

**USAREUR HQs homepage** <http://www.hqusareur.army.mil/>

**Task Force Eagle's Homepage** <http://www.tfeagle.army.mil/>

**UN**

**International Criminal Tribunal for Former Yugoslavia**

<http://www.un.org/icty/>

**Office of the High Representative** <http://www.ohr.int/>

**UN Security Council Resolutions**

<gopher://gopher.undp.org/11/undocs/scd/scouncil>

**OSCE-Agreements** <http://www.fsk.ethz.ch/osce/docs/bosnia.htm>

**Educational Resources on Bosnia**

<http://www.law.vill.edu/vcilp/bosnia/bosurls.htm>

<http://www.cco.caltech.edu/~bosnia/bosnia.html>

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<sup>1</sup> The product of the International and Operational Law Department, The Judge Advocate General's School, Charlottesville, Virginia.

**Acquisition Deskbook Homepage**

<http://deskbook.wpafb.af.mil/deskbook/newletr.html>

**AirForce**

**Material Command** [www.afmc.wpafb.af.mil](http://www.afmc.wpafb.af.mil)

**Publications** <http://farsite.hill.af.mil/vfaffar.htm>

**Air Power Journal** <http://www.cdsar.af.mil/apje.html>

**ABA** <http://www.abanet.org>

**Armed Forces Staff College** [http://www.ndu.edu/ndu/afsc/afsc\\_top.html](http://www.ndu.edu/ndu/afsc/afsc_top.html)

**Army**

**Acquisition** <http://acqnet.sarda.army.mil/>

**Homepage** <http://www.army.mil/>

**Material Command** <http://amc.citi.net/index.html>

**Regulations** <http://www-usappc.hoffman.army.mil>

**Field Manuals/TNG Cir./ Graphic TNG aids** <http://www.atsc-army.org/atdls.html>

**Associated Press** [http://www1.trib.com/new/f\\_listintro.html](http://www1.trib.com/new/f_listintro.html)

**Association of the United States Army** <http://www.ausa.org/>

**Automated Historical Archives System** <http://leav-www.army.mil/akn/ahas.htm>

**Battle Labs (TRADOC)** <http://157.185.5.3/DefaultBL.html>

**Brookings Institution** <http://www.brook.edu/>

**Cable News Network**

<http://www.cnn.com/>

<http://www.allpolitics.com/> (CNN/TIME AllPolitics)

**Center for Army Lessons Learned** <http://call.army.mil:1100/call.html>  
<http://www.call.army.mil>

**Center for Defense Information** <http://www.cdi.org/>

**Center for Disaster Management & Humanitarian Assistance**

<http://website.tamc.amedd.army.mil/>

**Center for Nonproliferation Studies** <http://cns.miis.edu/>

**Center for Strategic and International Studies** <http://www.csis.org/>

**Center for Strategic Leadership** <http://carlisle-www.army.army.mil.usacsl/>

**Central Intelligence Agency** <http://www.odci.gov/CIA>

**Centre for Strategic Studies** <http://www.vuw.ac.nz/css/>

**China News Digest** <http://www.cnd.org>

**CNET** <http://www.cnet.com> (a news and information service)

**Coast Guard** [www.dot.gov/dotinfo/uscg](http://www.dot.gov/dotinfo/uscg)

**Code of Federal Regulations** <http://www.access.gpo.nara/cfr> OR  
[www.law.cornell.edu/regs.html](http://www.law.cornell.edu/regs.html)

**College and University Home Pages**

<http://www.mit.edu:8001/people/cdemello/univ.html>

**Combined Arms Research Library** <http://www-cqsc.army.mil/cqsc/carl/carl.htm>

**Commander's Conference** <http://204.7.227.67/force21/confrence/conf-toc.html>

**Comptroller General Decisions**

<http://www.gao.gov/decisions/decision.html>

**Conflict Studies Research Centre**

[gopher://marvin.stc.nato.int:70/00/secdef/csrg/csrgmain.txt](mailto:gopher://marvin.stc.nato.int:70/00/secdef/csrg/csrgmain.txt)

**Congressional E-mail Directory**

<http://www.webslingerz.com:80/jhoffman/congress-e-mail.html>

**Congress**

[gopher://gopher.senate.gov](mailto:gopher@gopher.senate.gov)

<http://www.house.gov>

<http://thomas.loc.gov>

**Congressional Record** [http://www.access.gpo.gov/su\\_docs](http://www.access.gpo.gov/su_docs)

**Country Studies (DoS)** [http://www.access.gpo.gov/su\\_docs/aces820.html](http://www.access.gpo.gov/su_docs/aces820.html)

**Court opinions**

<http://www.mindspring.com/~wmundy/opinions.html> (11th Cir.)

<http://www.law.emory.edu> (includes decisions for 4th, 6th, and 11th Cir.)

<http://www.law.vill.edu> (includes decisions for 3rd & 9th Cir.)

**Court of Appeals for the Armed Forces** [www.armfor.uscourts.gov](http://www.armfor.uscourts.gov)

**Criminal Justice sites** <http://broadway.vera.org/pub/ocjsites.html>

**Defense Federal Acquisition Regulations (DFARS)** [www.dtic.mil/dfars](http://www.dtic.mil/dfars)

See also Federal Acquisition Virtual Library, *infra*.

**Defense Financial Accounting System (DFAS)** [www.dfas.mil/](http://www.dfas.mil/)

**Defense Intelligence Agency** <http://www.dtic.dla.mil:80/defenselink/>

**Defense Link** <http://www.dtic.dla.mil/defenselink>

**Defense Technical Information Web** <http://www.dtic.dla.mil/dtiw/>

**Demining** <http://www.demining.brtrc.com>

**Department of the Army Publications**

<http://www-usappc.hoffman.army.mil/>

<http://books.hoffman.army.mil/cgi-bin/bookmgr/Shelves>

**Department of the Army Information Management Homepage**

<http://www.aeaim.hqusareur.army.mil/>

**Department of Defense** <http://www.defenselink.mil/>

460. *CENTER FOR LAW AND MILITARY OPERATIONS*

**Department of Defense Directives and Instructions**

<http://web7.whs.osd.mil/corres.htm>

<http://web7.whs.osd.mil/>

**Table of DOD Directives with links**

<http://web7.whs.osd.mil/dodiss/directives/direct2.htm>

**Table of DOD Directives with links**

<http://web7.whs.osd.mil/dodiss/directives/direct7.htm>

**Department of National Defence** <http://www.dnd.ca/dnd.htm>

**Department of Justice** <http://www.usdoj.gov>

**Department of State** <http://dosfan.lib.uic.edu:80/dosfan.html> See also  
<http://www.state.gov> and gopher: dosfan.lib.uic.edu port 70

**Department of Treasury** <http://www.ustreas.gov>

**Early Bird** <http://iiacsun1.army.mil/earlybrd/>

**Electronic Headquarters for the Acquisition of War Knowledge  
(EHAWK)** <http://www.olcommerce.com/cadre/index.html>

**Embassies** <http://www.embassy.org>

**Environmental Protection Agency** <http://www.epa.gov>

**Europa** <http://www.cec.lu/>

**European Line** <http://www.europeonline.com> (provides latest info on  
events in europe)

**Executive Orders** <http://www2.whitehouse.gov/request=ExecutiveOrder>

**Federal Acquisition Regulations** <http://www.gsa.gov/far> (includes FAR  
Circulars)

**Federal Acquisition Virtual Library**

<http://159.142.1.210/References/References.html>

**Federal Bureau of Investigations (FBI)** <http://www.fbi.gov>

**Federal Communications Commission** <http://www.fcc.gov>

**Federal Emergency Management Agency (FEMA)** <http://www.fema.gov>

**Federal Register** [http://www.access.gpo.gov/su\\_docs/aces/aces/40.html](http://www.access.gpo.gov/su_docs/aces/aces/40.html)

**FedWorld** <http://www.fedworld.gov/> - FedWorld (a one-stop location to locate/order USG documents)

**Fletcher Forum** <http://www.tufts.edu/fletcher/forum.html>

**Force XXI** <http://204.7.227.67/f21home.html>

**Forces Command (FORSCOM)** [www.forscom.army.mil/jag](http://www.forscom.army.mil/jag)

**Foreign Affairs** [http://www.eneews.com:80/magazines/foreign\\_affairs](http://www.eneews.com:80/magazines/foreign_affairs)

**Foreign Military Studies Office** <http://leav-www.army.mil/fmso/fmso.htm>

**Foreign Policy** [http://www.eneews.com:80/magazines/foreign\\_policy](http://www.eneews.com:80/magazines/foreign_policy)

**France Defence** <http://www.ensmp.fr/~scherer/adminet/min/def/>

**General Accounting Office** <http://www.gao.gov>  
GAO Comptroller General Decision  
[http://www.access.gpo.gov/su\\_docs/aces/aces170.shtml?desc017.html](http://www.access.gpo.gov/su_docs/aces/aces170.shtml?desc017.html)

**General Service Agency** <http://www.legal.gsa.gov> (contains over 1,400 site links)

**German Information Center** <http://lanqlab.uta.edu/langpages/GIC.html>

**Government Printing Office (GPO) Access**  
[http://www.access.gpo.gov/su\\_docs/aces/aaces001.html](http://www.access.gpo.gov/su_docs/aces/aaces001.html) or  
<http://thorplus.lib.purdue.edu/gpo/>

**Hoover Institution** <http://hoover.stanford.edu/>

**House National Security Committee**  
<http://policy.net/capweb/House/HComm/hns.html>

**House of Representatives** <http://www.house.gov/>

**Human Rights** <http://www.umn.edu/humanrts> (Univ. Of Mn. Human Rights library)

**Industrial College of the Armed Forces**  
<http://www.ndu.edu/ndu/icafe/icafehp.html>

**Information Warfare** <http://www.infowar.com>

**Institute for National Strategic Studies**  
<http://www.ndu.edu/ndu/inss/insshp.html>

**Institute for the Advanced Study of Information Warfare**  
<http://www.psycom.net/iwar.1.html>

**IntelWeb** <http://www.awpi.com/IntelWeb/>

**Intelligence Related links**  
<http://www.fas.org/pub/gen/fas/irp/intelwww.html>

**Internal Revenue Service (IRS)** <http://www.irs.ustreas.gov/prod/>

**International Committee of the Red Cross** <http://www.icrc.org>

**International Court of Justice Opinions** <http://www.law.cornell.edu/icc/> or  
[www.icj-cij.org/](http://www.icj-cij.org/)

**International Criminal Tribunal For the Former Yugoslavia**  
<http://www.icty.org/tribunal>  
or <http://www.un.org/icty/>

**International Institute for Strategic Studies** <http://www.fsk.ethz.ch/d-reok/fsk/iiss/iisshome.html>

**International Laws and Treaties**  
<http://www.tufts.edu/departments/fletcher/multilaterals/warfare.html>  
[gopher://gopher.peachnet.edu](http://gopher.peachnet.edu) (Eastern European Info)  
<http://solar.rtd.utk.edu/~nikforov/main.html> (Russia legal info)  
<http://www.jura.uni-sb.de> (contains German & European codes)

**International Tribunal Resources**

<http://jagor.srec.hr/~mprofaca/tribunal.html> (includes Tokyo & Nuremburg)

<http://www.umn.edu/~vuksan/mario/tribunal.html>

**International Organizations**

<gopher://gopher.eneews.com/11/magazines/alphabetic/all/iorg>

**International Security**

[gopher://gopher.eneews.com/11/magazines/alphabetic/all/int\\_security](gopher://gopher.eneews.com/11/magazines/alphabetic/all/int_security)

**International Security Network** [http://www.fsk.ethz.ch/d-reok/fsk/defs\\_hom.html](http://www.fsk.ethz.ch/d-reok/fsk/defs_hom.html)

**Jaffe Center for Strategic Studies** <http://www.tau.ac.il/jcss/>

**JAG Homepage**

<http://www.jagcnet.army.mil/jagcnet/jagcnet/site1.nsf/webbody?openform>

**Janes's Information Store** <http://www.janes.com/janes.html>

**Joint Chiefs of Staff** <http://www.dtic.dla.mil:80/defenseink/jcs/>

**Joint Doctrine** <http://www.dtic.mil/doctrine>

**Joint Electric Library (JEL)** <http://www.dtic.mil/doctrine/jel/index.html>

**Joint Forces Quarterly** <http://www.dtic.mil/doctrine/jel/jfq-pubs/index.htm>

**Journal of Humanitarian Assistance** <http://www-jha.sps.cam.ac.uk>

**Joint Readiness Training Center** <http://www.jrtc-polk.army.mil>

**Judge Advocate General Corps (Army)**

<http://160.147.194.13/jagcnet/jagcnet/site.nsf/?open>

**Judicial sources** [http://www.yahoo.com/government/judicial\\_branch](http://www.yahoo.com/government/judicial_branch)

**Justice Information Center (NCJRS)** <http://www.ncjrs.org/drqs.docs.htm>  
(drugs & crime Docs)

**Legal Research**

<http://lawsearch.com/index.htm>

<http://www.lawcrawler.com>

**Legislative Information**

<http://thomas.loc.gov>

<http://www.law.cornell.edu/uscode> (access to the U.S.C.)

**Library of Congress**

<http://www.loc.gov/>

<http://lcweb.loc.gov/homepage/lchp.html>

<http://thomas.loc.gov>

**Marine Link** <http://www.usmc.mil> or <http://www.hqmc.usmc.mil>

**Marshall Center** <http://www.marshall.adsn.int/marshall.html>

**Military Spending Working Group** <http://www.clark.net/pub/gen/mswg/>

**MILNET** <http://www.onestep.com/milnet/>

**Ministry of Defense (U.K.)** <http://www.mod.uk/>

**Ministry of Foreign Affairs** <http://www.nttlis.co.jp/infomofa/>

**Multilateral Treaties** <gopher://gopher.law.cornell.edu/11/foreign/fletcher>

**National Archives and Records Administration** <http://www.nara.gov>

**National Defense University** <http://www.ndu.edu/>

**National Public Radio** <http://www.npr.org/>

**National Security Agency** <http://www.fas.org/pub/gen/fas/irp/nsa/>

**National Technical Information Service**

<http://www.fedworld.gov/ntis/ntishome.html>

**National War College** <http://www.ndu.edu/ndu/nwc/nwchp.html>

**NATO** <http://www.nato.int/>

**NavyOnLine** <http://www.ncts.navy.mil/>

**Naval Postgraduate School** <http://www.nps.navy.mil/>

**Net Surfer Digest** <http://www.netsurf.com/nsd>

**New York Times** <http://www.nytimes.com/>

See also <http://nytimesfax.com>

**News Briefings from the ANC** <http://pantheon.cis.yale.edu/~jadwat/anc/>

**News** <http://www.leadstory.com> (summary of leadstories in major newspapers)

**OMRI (Open Media Research Institute) Daily Digest**

<http://www.omri.cz/Publications/digests/digestindex.html>

**Organization of American States** <http://www.oas.org/>

**Peacekeeping Institute** <http://carlisle-www.army.mil/usacsl/pki/pki.htm>

**PERSCOM Homepage** <http://www-perscom.army.mil/>

**Personnel Command (Army)** <http://www-perscom.army.mil>

**RAND Corporation** <http://www.rand.org/>

**Search tools** <http://www.lycos.com>

<http://www2.infoseek.com>

<http://www.excite.com>

<http://www.altavista.digital.com>

<http://www.yahoo.com>

<http://www.mckinley.com>

<http://www.pointcom.com>

**Senate** <http://www.senate.gov>

**Senate Armed Services Committee**

<http://policy.net/capweb/Senate/SenateCom/Armed.html>

**Smithsonian Institution** <http://www.si.edu>

**Social Security Administration** <http://www.ssa.gov>

**Standards of Conduct** <http://www.dtic.mil/defenseink/dodqc/>

**Stockholm International Peace Research Institute (SIPRI)**  
<http://www.sipri.se/>

**Strategic Studies Institute** <http://carlisle-www.army.mil/usassi/>

**Time Magazine** <http://www.pathfinder.com>

**TRADOC** <http://www-tradoc.army.mil/>

**Treaties** See United Nations

#### **Unified Commands**

<http://www.dtic.dla.mil:80/defenseink/unified.html>

<http://www.acom.mil> (ACOM)

<http://ustcweb.safb.af.mil/ustel.html> (TRANSCOM)

<http://199.56.154.3/> (EUCOM)

<http://www.dtic.dla.mil/defenseink/factfile/chapter1/pacom.html>  
(PACOM)

<http://www.dtic.dla.mil/defenseink/factfile/chapter1/southcom.html>  
(SOUTHCOM)

<http://www.dtic.dla.mil/defenseink/factfile/chapter1/centcom.html>  
(CENTCOM)

<http://www.dtic.dla.mil/defenseink/factfile/chapter1/spacecom.html>  
(SPACECOM)

<http://www.dtic.dla.mil/socom.mil> (SOCOM)

**United Nations** <http://www.un.org/>

<http://www.un.org/cgi-bin/Treaty2.pl/> (provides direct access to the UN's Treaty data base)

<http://www.un.org/depts/dhl/pkrep.htm> (UN PKOs)

#### **United Nations Scholars' Workstation**

<http://www.library.yale.edu/un/unhom.htm>

**USAREUR, HQ FWD OJA** (in support of IFOR)

<http://199.123.110.242/jaghome.htm>

**United States Agency for International Development**

<http://www.info.usaid.gov>

**U.S. Army Command and General Staff College** <http://leav->

[www.army.mil/](http://www.army.mil/)

**United States Code (U.S.C.)**

<http://www.law.cornel.edu/uscode>

<http://law.house.gov/usc.htm>

**U.S. Congress (Thomas)**

<http://thomas.loc.gov/>

<http://law.house.gov> (lots of hypertext links to other law homepages)

**U.S. Government (General)** <http://www.fedworld.gov>

**U.S. Institute of Peace** <http://witloff.sjsu.edu/peace/usip.html>

**U.S. Information Agency** <http://www.usia.gov>

**U.S. Marine Corps:** See MarineLink

**U.S. Military Academy** <http://www.usma.edu/>

**U.S. News & World Report** <http://www.usnews.com>

**U.S. State Department** <http://www.state.gov/>

**U.S. Supreme Court Info** <http://www.law.cornell.edu/supct/supct.table.html>

See also <http://www.uscourts.gov>

**USA Today** <http://www.usatoday.com/>

**Veterans Affairs** <http://www.va.gov>

**Virtual law library** <http://www.law.indiana.edu/law/lawindex.html>

**Voice of America** <http://niss.ac.uk/news/voiceofam.html>

**Weather info** <http://www.nws.noaa.gov> (Nat'l Weather Service)

<http://cirrus.sprl.umich.edu/wxnet>

**Web Crawler** <http://webcrawler.com/>

**West's Legal Directory** <http://www.wld.com>

**White House** <http://www.whitehouse.gov/>  
Executive Orders  
<http://www2.whitehouse.gov/?request=ExecutiveOrder>

**World News Connection** <http://wnc.fedworld.gov/haroldkl/index.html>

**Yahoo WWW Server** <http://www.yahoo.com/Government/law>

*Appendix S: Key References*

**REFERENCE LIST**

*The following are recommended references for all Judge Advocates deploying to the Balkans. These references are in addition to those required for specific legal disciplines (Claims, Legal Assistance, etc.):*

1. Operational Law Handbook (JA 422), 1998 Ed.
2. UN Charter, Chap. VII.
3. UN Resolution 1031.
4. The General Framework Agreement (for Peace) (GFAP), (Dayton Accord) 15 December 1995.
5. The Agreement on Confidence and Security Building Measures in Bosnia and Herzegovina, (Vienna) 31 January 1996.
6. The Agreement on Sub-Regional Arms Control, (Florence) 18 June 1996.
7. The Agreements of the Peace Implementation Council, (London) December 1996 and 1997.
8. The Sintra (Portugal) Declaration of the Peace Implementation Council Steering Board, 30 May 1997.
9. COMSFOR's Instructions to the Parties, as amended.
10. SFOR SOPs 3400, as amended, and 3110.
11. The Task Force Eagle Joint Military Commission Policy and Planning Guidance Handbook, 6<sup>th</sup> Edition, 12 January 1998.
12. The MND(N) Cantonment Sites Compliance SOP, 2<sup>nd</sup> Edition, 2 October 1997.

13. JTF Commander's Handbook for Peace Operations, 16 June 1997 (with accompanying CD-ROM).
14. Legal Guide to Peace Operations, 1 May 1998 (US Army Peacekeeping Institute).
15. JAGC LAAWS CD-ROM, September 1998.
16. FM 100-23, Peace Operations, December 1994.

### *Appendix T: Glossary of Terms*

**Acquisition and Cross-Servicing Agreements (ACSA)**—Agreements between governments for acquisitions and for mutual logistics support. Allows reimbursement of supplies and services in kind, cash or trade of support, services or supplies of equal value. Authority lies in Title 10 U.S.C. Subchapter 138.

**ACU**—Area Common User telephone system. A secure network of multichannel radios and automatic switchboards used in the division and corps areas and extending down to major subordinate commands. Currently, MSE fulfills this requirement at division level.

**Administrative/Logistics Order**—Sets forth the plan for the combat service support of the command during a combat operation or maneuver.

**After Action Review (AAR)**—A retrospective examination of the conduct of an action and those issues arising therein. Conducted in Socratic method, with a view toward improving future performance.

**Air Liaison Officer (ALO)**—Air Force officer who advises Army command and staff on capabilities, limitations, and employment of tactical air operations.

**Administration-Logistics Operations Center (ALOC)**—This is where supply, maintenance, and personnel actions in a brigade are planned and coordinated. The logistics officer (S-4) and adjutant (S-1) share the ALOC.

**Allied Rapid Reaction Corps (ARRC)**—This was the operational headquarters between Task Force Eagle and IFOR. This headquarters was removed when IFOR became SFOR.

**ANGLICO**—Marine Air Naval Gunfire Liaison Company

**Army Airspace Command and Control (A<sup>2</sup>C<sup>2</sup>)**—The effort necessary to coordinate airspace use for concurrent employment of multiple aircraft and weapons systems.

**Attachment**—Temporary assignment of a force to another higher headquarters. Along with tactical control, the new commander must insure full logistical support for the attachment.

**Battlefield Operating Systems (BOS)**—Seven distinct functions recognized as those which the Army must perform in order to accomplish the military objective:

- Command and Control (Battle Command)
- Maneuver
- Intelligence
- Fire Support
- Mobility and Survivability
- Air Defense
- Combat Service Support (Logistics)

**Battle Task**—a mission essential task which is critical to the next higher organization's performance of its own mission essential task.

**Bosnia and Herzegovina**—A picturesque, mountainous country located in the heart of Europe. It has a total land area of approximately 20,000 square miles and its traditional borders, established in medieval times, are the Sava River on the north, the Drina River on the east and southeast, and the Dinaric Alps on the west. Its capital city is Sarajevo, and its southwestern region (around the town of Mostar) is known as Herzegovina (“the Duchy”).

**Brigade Support Area (BSA)**—The center of logistical services and supplies for a brigade.

**Brown and Root Services Corporation (B&R)**—An American corporation and U.S. Government contractor. The largest government contractor in the Balkans.

**Button-up**—Close the hatches on an armored vehicle. Generally, vision is greatly limited when the hatches are closed.

**C-Day**—The unnamed day on which a deployment operation begins. For Operation Joint Endeavor it was 2 December 1995.

**Center for Army Lessons Learned (CALL)**—Collects and disseminates lessons learned from real-world army operations and from rotations at the Combat Training Centers.

**Center for Law and Military Operations (CLAMO)**—Center established to collect, analyze, and disseminate judge advocate lessons learned from real-world military legal operations (See inside front cover of this book).

**Chain of Command**—Pre-established organization consisting of subordinate leaders bearing the title of commander and having analogous responsibility for their units.

**Circular Error Probable (CEP)**—An indicator of the delivery accuracy of a weapon system, used as a factor in determining probable damage to a target. It is the radius of a circle within which half of the projectiles are expected to fall. This factor, along with bursting radius of a particular projectile, is key in determining the lawfulness of targeting decisions.

**Civil Affairs**—The area of operations which concerns the interaction between military operations and the civilian populace. Responsibility in this functional area usually falls to the G-5 (a special staff assistant to the commander) and the Staff Judge Advocate.

**Combat Maneuver Training Center (CMTC)**—The Army's European CTC for maneuver located in Hohenfels, Germany.

**Combat Decision-Making Process**—An expedited decision-making process during operations. Allows staffs to amend decisions after operations commence

**Combat Training Center (CTC)**—Specially designed training facilities where military units engage in collective training. They include NTC, JRTC, CMTC and BCTP. Typically, brigade- or battalion-sized elements deploy and train as a unit under strictly controlled conditions.

**Combined Arms Assessment Team (CAAT)**—A team of subject matter experts from all the TRADOC schools that observes and collects lessons learned for CALL.

**Combined Arms Live Fire Exercise (CALFEX)**—A training mission involving the integration of all direct fire, indirect fire, Army aviation, and Air Force close air support.

**Combined Operations**—Operations involving the military forces of two or more nations acting in concert.

**Command Post (CP)**—A facility employed by a commander to command and control operations

**Commander's Critical Information Requirements (CCIR)**—Criteria which identify that information which is so crucial to the commander's decision making process that its exclusion might seriously affect the likelihood of success in an operation.

**Commander's Estimate**—Step in the decision making process which incorporates METT-T, commander's knowledge, and staff estimates.

**Company team**—A combined arms organization of tank and mechanized infantry platoons under a tank or mechanized infantry headquarters.

**Coordinating Staff Group**—The principal assistants to the commander, consisting of the S1 - S5 at Battalion and Brigade levels (G1 - G5 at Division and Corps levels). Together, they coordinate the plans, activities and operations of the command.

**Concept**—One of the final stages of the decision-making process, this is how the commander visualizes the conduct of the operation.

**Cross-attachment**—The exchange of one or more mechanized infantry platoons from a mechanized infantry company for one or more tank platoons from a tank company.

**CS**—a riot control chemical agent (RCA) creating acrid fumes which affect the respiratory tract and exposed skin surfaces. CS causes tears, skin irritation, and possibly nausea. It is also used as a chemical warfare training aid by U.S. forces.

**Combat Service Support (CSS)**—Combat service support; supply, personnel administration, maintenance and medical services.

**Contingency Plan (CONPLAN)**—A plan for using military forces in an emergency caused by natural disasters, terrorists, subversives, or by required military operations.

**Deep Attack**—Attack characterized by long-range attacks focused on specific enemy regiments or other priority targets. Usually accomplished by Army attack helicopters, Air Force Close Air Support, and long-range artillery.

**Deliberate Decision-making Process (DDP)**—The classic military decision-making process, characterized by elaborate staff/command

interaction resulting in the formulation and execution of operations plans or orders.

**Deputy Fire Support Coordinator (DFSCOORD)**—The assistant fire support coordinator. Serves as member of fire support element and targeting cell.

**Direct Support (DS)**—This relationship requires one support unit (engineers, field artillery, e.g.) to furnish priority support to a designated unit. A direct support unit responds to the needs of this single element, rather than to the force as a whole.

**Displacement**—Planned movements of segments or entirety of units in order to increase security and avoid detection. Usually referred to as “jumping.”

**Division**—The largest integrated Army unit that trains and fights as a unit. Commanded by a major general, a division typically consists of approximately 14,000 troops, has three maneuver brigades and support elements allowing it to exist, train and fight on its own.

**Division Main Command Post (D-Main)**—The division's main command post – See *TOC*. The D-MAIN normally plans and coordinates future operations (and “deep” or strategic operations).

**Division Rear Command Post (D-Rear)**— The division's equivalent of an *Administrative-Logistics Operations Center (ALOC)*.

**Division Tactical Command Post (D-TAC) or Assault Command Post (ACP)**—The forward division command post. The D-TAC normally controls current operations (the close-in, tactical operations).

**Engagement Area (EA)**—An targeted area in which the commander intends to trap and destroy a force with the massed fires of all available weapons.

**Enhanced Position Location Reporting System**—Computer-based communications system designed to provide secure, jam-resistant contention-free, data transmission and distribution.

**Estimates**—Prepared by the coordinating staff officers in reliance upon the restated mission and any planning guidance, estimates reflect an

interactive dynamic process which analyzes relevant factors and their effect on potential courses of action.

**Family of Scatterable Mines (FASCAM)**—Encompasses all self-destructing mines designated for quick emplacement in front, to the flanks, the rear, or on top of advancing enemy forces

**Fire Support Team (FIST)**—The artillery forward observers/fire planners sent over to direct artillery, mortars, and close air support for infantry and armored companies.

**Fire Support Element (FSE)**—Functional element of TOC providing centralized targeting, coordination, and integration of fires.

**Fire Support Coordinator (FSCOORD)**—The senior field artillery officer at each echelon above maneuver platoon who serves as the principal advisor to the commander for the planning and coordination of all available fire support.

**Foreign Claims Act (FCA)**—Legislation at 10 USC 2734 as amended, included in AR 27-20, which authorizes payments by the United States in local currency to inhabitants of foreign countries for personal injury, death, or property loss caused by United States military personnel outside the United States.

**Former Warring Factions (FWFs)**—The forces of the Bosnian Serbs, Bosnian Muslims, and Croatian National factions.

**Forward Arming and Refueling Point (FARP)**—A temporary facility that provides fuel and ammunition for combat aviation (helicopters).

**Fragmentary Order (FRAGO)**—An abbreviated operations order, which supplements (or changes) instructions to a current operations order while the operation is in progress.

**G-Day**—The day when the deployment of the main body of the IFOR commenced (16 December 1995).

**General Support (GS)**—A command relationship requiring one support unit to respond to the force as a whole. A GS unit has the flexibility to provide support to the needs of several units or the requests of the supported commander.

**General Framework Agreement for Peace (GFAP)**—The official title of the Bosnian Peace Plan negotiated in Dayton, Ohio, and signed in Paris. Also called the “Dayton Accord.”

**Global Positioning System (GPS)**—Navigational system used to pinpoint present location, routes to desired locations and routes of return. The system receives signals transmitted by satellites.

**High Payoff Target List (HPTL)**—A list of set targets, the attack of which would contribute substantially to the success of the mission. The list is assembled by the targeting cell and submitted to the Chief of Staff.

**High Value Target List (HVTL)**—A precursor to the HPTL. These are targets identified by the targeting cell of which loss to the enemy could be expected to substantially degrade one or more of his battlefield operating systems.

**IFOR**—Implementation Force. The military force that originally had the mission of enforcing the GFAP.

**IMA**—Individual Mobilization Augmentee. Members of the Reserve Component, usually the USAR, who are called to active duty to augment active forces.

**Individual Deployment Site Battalion (IDSB)**—Organization for processing soldiers through the Fort Benning deployment station.

**Intermediate Staging Base (ISB)**—Area in which units assemble prior to deployment. Final preparations, such as equipment maintenance, and logistic disbursement are usually performed here in preparation for operations. USAREUR has an ISB in Hungary.

**International Police Task Force (IPTF)**—UN organization established to monitor and train police in the Balkans.

**IRT**—Individual Replacement Training. Course of training conducted to prepare personnel for entry into the Bosnian Theater of Operations.

**Joint Commission Officer (JCO)**—An impartial officer who ensures that all sides understand and enforce the GFAP.

***Joint Endeavor (OJE)***— IFOR Operations in the Balkans (from 20 Dec 95 – 20 Dec 96).

***Joint Forge (OJF)***— Current SFOR Operations in the Balkans (from 20 Jun 98 - Present).

***Joint Guard (OJG)***— SFOR Operations in the Balkans (from 20 Dec 96 – 20 Jun 98).

***Joint Military Commission (JMC)***—A forum for coordination of effort between military leaders of the Former Warring Factions and IFOR/SFOR.

***Joint Readiness Training Center (JRTC)***—Army CTC for maneuver focusing on light forces, low-to-mid intensity conflict, and joint training. Located at Fort Polk, Louisiana.

***Joint Operation Planning and Execution System (JOPES)***—Multi-volume publication that details a coordinated Joint Staff Procedure by which a commander in Chief of a Combatant Command determines the best method to complete assigned tasks and to direct actions necessary for mission accomplishment.

***Joint Tactical Information Distribution System (JTIDS)***—Joint system used by Army Air Defense Artillery and the Air Force which distributes encrypted information at high rates and is resistant to jamming in a hostile electromagnetic environment.

***Liaison Control Element (LCE)***—A special operations detachment used to establish links with multinational forces and assist with their integration into TF Eagle.

***Live Fire Training (LFT)***—Live ammunition is used, usually against automated targets.

***Liaison Officers (LNOs)***—Representatives of the commander at other headquarters.

***Listening Posts (LPs)***—Listening posts; usually used at night.

***LOGSTAT***—Logistical Statistics Report provided by the S-4. The LOGSTAT normally contains statistics on status of all supply.

**Low-Intensity Conflict**—Political-military conflict between contending states or groups below conventional war and above the routine, peaceful competition amongst states. It frequently involves protracted struggles over competing principles or ideologies and may range from aid and assistance to an allied government to full combat operations against a hostile force.

**LTL**—Less Than Lethal. Category of weapons employed with the intent to compel or deter adversaries by acting on human capabilities or materiel while minimizing fatalities and damage to equipment or facilities. Also known as Nonlethal Capabilities.

**Mechanized**—U.S. infantry units that employ armored personnel carriers or combat fighting vehicles to convey troops.

**METT-TC**—Six factors considered by U.S. commanders in the military decision-making process. They are: mission, enemy, terrain, troops, time available and civilians. The change from METT-T (the inclusion of civilians), represents the trend toward OOTW.

**Mid-Intensity Conflict (MIC)**—armed confrontations against conventional regular armed forces of hostile regional powers.

**Mission Analysis**—The second stage of the decision-making process. At this stage the commander performs a formal analysis of the situation to determine what requirements exist. Tasks are identified, a purpose is determined, and a time scheduled is established.

**Mission Essential Task List (METL)**—Because a unit cannot achieve and sustain proficiency in every possible training task, units formulate those tasks upon which they will concentrate in order to accomplish the mission. The METL is this list.

**Mission Oriented Protective Posture (MOPP)**—The use of chemical protective overgarments including mask, suit, gloves, and boots in various combinations as dictated by weather and combat conditions.

**MSE**—Mobile Subscriber Equipment. U.S. military tactical phone system.

**Multi-National Divisions (MNDs)**—The main peacekeeping forces in the Balkans, each composed of forces from several Nations. IFOR and SFOR both had 3 MNDs – MND-N (with a U.S. HQ), MND-SE (with a French HQ), and MND-SW (with a UK HQ)

**Multi-National Divisions (North) (MND-N, a.k.a. Task Force Eagle)**—The multinational division for the North Sector of SFOR's AOR. This division has a U.S. HQ, and forces from the U.S., Russia, Turkey, Norway, Sweden, Denmark and Poland.

**NATO**—The North Atlantic Treaty Organization, its subsidiary bodies, its military Headquarters and all its constituent national elements/units acting in support of, preparing and participating in the Operation.

**Observer-Controllers (OCs)**—Personnel who observe and train units during rotations to the Combat Training Centers (CTCs).

**Observation Post (OP)**—A position from which military observations (visual, audible, or other means) are made, or fire is directed and adjusted, and that possesses appropriate communications; it may also be airborne.

**Operational Control (OPCON)**—Command relationship in which a subordinate unit is placed under another headquarters for tactical orders only. The parent formation retains supply and administrative responsibility.

**Operations Order (OPORD)**—A five-paragraph document giving subordinate commanders the essential information needed to carry out an operation. The order consists of the situation, mission, commander's concept of the operation, assignment of tasks, and support to be provided.

**Operations Plan (OPLAN)**—The operation plan is developed by the staff in response to guidance from the commander, specifying that at a particular time or under certain conditions the OPLAN will be issued as an Operations Order.

**Phase Lines (PL)**—A line used for control and coordination of military operations. It is usually a recognizable terrain feature extending across the zone of action. Units usually report crossing phase lines, but do not halt unless specifically directed. Phase lines are often used to prescribe the timing of delay operations. Designated on map by *PL* followed by name (e.g., *PL DELTA*).

**Planning Guidance**—After the commander restates the mission in the decision-making process, he may provide staff members with guidance as necessary at this stage or any other of the process.

**Precision Lightweight Global Positioning System Receiver (PLGR)**—Hand-held navigational unit which receives signals from pre-positioned satellites, enabling the user to determine present location, and routes (pronounced “plugger”).

**Priority Intelligence Requirements (PIR)**—Commander's stated priorities for intelligence to be used in planning and decision making; PIR are frequently disseminated in OPLANs and OPORDs.

**Psychological Operations (PSYOPS)**—A planned psychological activity in peace and war directed toward the enemy, friendly, and neutral audiences, in order to create attitudes and behavior favorable to the achievement of political and military objectives.

**“Pull” Logistics**—The use of requests to supply centers, followed by pick-up of requested supplies by the acquiring unit.

**“Push” Logistics**—also called “Logpacks,” the assembly of ready-made collections of food, fuel, and ammunition, brought forward to fighting units by escorted convey under battalion task force supervision.

**Receipt of Mission**—The initial stage of the decision-making process, when information is received from higher headquarters or deduced by a commander from circumstances.

**Restated Mission**—The third step of the decision-making process following the mission analysis. At this stage, the commander reforms the mission based upon his analysis of the facts at hand.

**Rocket Propelled Grenade (RPG)**—A man-portable weapon; usually an antitank weapon.

**Rules of Engagement (ROE)**—Directives issued by competent authority that delineate the circumstances and limitations under which United States forces will initiate and/or continue combat engagement with other forces encountered.

**S-1**—Adjutant; personnel officer (G-1 at Division and Corps).

**S-2**—Intelligence officer (G-2 at Division and Corps).

**S-3**—Operations officer (G-3 at Division and Corps).

**S-4**—Logistics officer (G-4 at Division and Corps).

**Single-Channel Ground and Airborne Radio System (SINCGARS)**—secure voice and data transmission radio system featuring frequency-hopping technique which decreases risk of signal degradation.

**Special Forces**—Specifically organized, trained, and equipped units which conduct all of the principal special operations missions and collateral activities.

**Special Staff Group**—Assists the commander in professional, technical and other functional areas. Members prepare plans, orders and reports and also supervise their own staff sections, providing input to the commander on the level of training throughout the command. This staff is frequently composed of the JA, IG, PAO, Chaplain, Finance Officer and Surgeon.

**Stabilization Force (SFOR)**—The military force with the mission of enforcing the GFAP.

**Staff Estimate**—Report prepared by a staff member which involves analysis of relevant information for developing, within the time limits and available information, the best solution to a problem.

**Standardized Integrated Command Post System (SICPS)**—Pronounced "sic-ups." These are a family of CP tents, most common being the 11'x11' tent with interchangeable side walls, any of which can be removed for combining two or more tents or systems.

**Standing Operating Procedures (SOPs)**—These are standing orders that prescribe routine methods to be followed in operations. An SOP usually expedites actions as it establishes set procedures to be employed upon the occurrence of events.

**Suppression of Enemy Air Defenses (SEAD)**—That activity that neutralizes, destroys, or temporarily degrades enemy air defense systems.

**Tactical Assembly Area (TAA)**—Area in which force prepares or regroups for further action.

***Tactical Operations Center (TOC)***—command Post where combat operations are planned and controlled. Operations, intelligence and fire support cells comprise the TOC, along with affiliated communications and security elements. The Operations Officer (S-3) is responsible for internal TOC structure and function. The Headquarters Commandant is responsible for moving and securing the TOC.

***Tactical Satellite Radios (TACSAT)***—Secure, single-channel, satellite radios which provide highly mobile and flexible transmission links.

***Task Force Eagle (TFE)***—See ***Multi-National Division (North) (MND-N)***

***Team***—A portion of an infantry squad, or a company-sized combined arms organization.

***Time-Phased Force and Deployment List (TPFDL)***—Part of the joint operations plan, identifies types of units and actual units required to support the plan and indicates the origin of those units, their points of debarkation or their ocean area of operation. It also established the sequence in which units deploy relative to other forces. The list is generated from a database known as the TPFDD.

***TOW***—Tube-launched, optically-tracked, wire-guided antitank missile.

***Trains***—Logistic facilities. At each progressive level, the logistic facility grows larger and becomes less mobile.

***Troop list***—A list of all subordinate units, assigned, attached, or under the operational control of the unit that will participate in the BCTP exercise.

***Unified Command***—Military command composed of forces from two or more military departments, usually with broad continuing missions.

***Warning Order***—Gives preliminary notice of actions or orders that are to follow. Its purpose is to provide maximum preparation time.

*Appendix U: Acronyms*

AA	acquisition arrangement
AAA	Army Audit Agency
AACG	arrival airfield control group
AAFES	Army and Air Force Exchange Service
AAR	after action review
ABCT	airborne combat team
AC	active component
ACE	Allied Command Europe; analysis and control element; air combat element; assistant corps engineer
ACIU	allied counterintelligence unit
ACS	Army Community Service
ACSA	acquisition cross servicing agreements
ACSRM	assistant chief of staff, resource management
ACTORD	activation order
ACTREQ	activation request
AD	armored division
ADAMS	Allied Deployment and Movement System
ADC	assistant division commander
ADCATT	Air Defense Combined Arms Tactical Trainer
ADCON	administrative control
ADC-S	assistant division commander, support
ADCSOPS	assistant deputy chief of staff, operations
ADCSPER	assistant deputy chief of staff, personnel
ADP	automated data processing
ADSW	active duty, special work
ADT	active duty for training
AE	aerial exploitation
AETCAE	Army Europe Technical Control and Analysis Element
AFBiH	Bosnia-Herzegovina
AFCS	Army Facilities Components System
AFEB	Award Fee Evaluation Board
AFN	Armed Forces Network
AFPEO	Armed Forces Professional Entertainment Office
AFRC	Armed Forces Recreation Center
AFRTS	Armed Forces Radio and Television Service
AFSOF	(U.S.) Air Force Special Operation Forces
AFSOUTH	Allied Forces Southern Europe
AGCCS	Army Global Command and Control System
AGR	Active Guard and Reserve

AHA	ammunition holding area
ALO	authorized level of organization
AMC	Army Materiel Command; Air Mobility Command
AMCC	ACE Movement Control Center
AMEDCOM	Army Medical Command
AMEDD	Army Medical Department
AMF(L)	ACE Mobile Force Land
AMMAD	anti-magnetic mine activating device
AMOPES	Army Mobilization and Operations Planning and Execution System
AMRMC	Army Medical Research and Materiel Command
AMT	Aerial Mail Terminal
AO	area of operations
AOC	air operations center
AOCG	airlift operations coordination group
AOR	area of responsibility
APOD	aerial port of debarkation
APOE	aerial port of embarkation
AR 94	Atlantic Resolve 94
ARCOM	Army Reserve Command
ARFOR	army forces
ARI	aviation restructure initiative
ARL	aerial reconnaissance low
ARNG	Army National Guard
ARRC	Allied Rapid Reaction Corps. TF Eagle's operational higher headquarters.
ARSOF	Army Special Operations Forces (U.S.)
ASCC	Army service component command
ASG	area support group
ASL	authorized stockage list
ASP	ammunition supply point
AT	annual training
ATAF	allied tactical air force
ATC	army training center
ATM	air tasking message
ATMCT	air terminal movement control team
ATP	ammunition transfer point
AUEL	automated unit equipment list
AVIM	aviation intermediate maintenance
AVLB	armored vehicle launched bridge
AVUM	aviation unit maintenance
AWE	Advanced Warfighting Experiment

AWN	Automated Weather Network
AWR	Army War Reserve
BAC	Brcko Arbitration Commission
BASOPS	base operations support
BBPC&T	blocking, bracing, packing, crating, and tiedown
BBPT	Better Business Practices Team
BBT	blocking, bracing and tiedown
BCCA	Base Camp Construction Agency
BCT	brigade combat team
BCTP	Battle Command Training Program
BDU	battle dress uniform
B-H	Bosnia-Herzegovina
BMCT	branch movement control team
BOS	battlefield operating system
BOSS	better opportunities for single soldiers
BRSC	Brown & Root Services Corporation
BSB	base support battalion
C2	command and control
C3	command, control and communications
C31	command, control, communications, and intelligence
C4	command, control, communications, and computers
C41	command, control, communication, computers, intelligence
CA	civil affairs
CAAT	combined arms assessment team. A team of subject matter experts from all the TRADOC schools that observes and collects lessons learned for CALL.
CALL	Center for Army Lessons Learned. An organization based at Fort Leavenworth, Kansas, that gathers observations, lessons learned, and recommendations from ongoing training events and Army operations around the world.
CAOC	combined air operations center
CAPS	Commercial Accounts Payable System
CAT	crisis action team
CATT	combined arms tactical trainer
CAX	computer assisted exercise
CBS	Corps Battle Simulation (System)
CCA	Contingency Construction Agency
CCIR	commander's critical information requirements
CCIRM	collection coordination intelligence requirements management

CDAT	civil disturbance assessment team
C-DAY	The unnamed day on which a deployment operation begins. For OJE it was 2 December 1995.
CEGE	Combat Equipment Group, Europe
CETAE	Army Corps of Engineers Transatlantic Program Center, Europe
CEWI	combat electronic warfare intelligence
CHE	container handling equipment
CHOP	change of operational control
CI	counterintelligence
CIF	central issue facility
CIMIC	civil military information center
CINC	commander in chief
CINCEUCOM	Commander in Chief, U. S. European Command
CINCSOUTH	Commander in Chief, Allied Forces Southern Europe
CINCUSAREUR	Commander in Chief, U.S. Army Europe
CINCUSNAVEUR	Commander in Chief, U.S. Navy Europe
CJCCC	combined joint communications control center
CJCS	Chairman, Joint Chiefs of Staff (U.S.)
CJTF	combined joint task force
CMB	Capacity Management Board
CMMC	corps materiel management center
CMTC	combat maneuver training center
COA	course of action
COCOM	combatant command
COG	Chief, Operations Group, 7th ATC
COMAIRSOUTH	Commander, Allied Air Forces Southern Region
COMARRC	Commander, Allied Rapid Reaction Corps.
COMEAGLE	Commander, Task Force Eagle.
COMEX	communications exercise
COMFIVEATAF	Commander, Fifth Allied Tactical Air Force
COMIFOR	Commander, Implementation Force
COMINT	communications intelligence
COMLANDCENT	Commander, Land Forces, Central Command
COMMZ	communications zone
COMNAVSOUTH	Commander, Allied Naval Forces Southern Europe
COMPASS	Computerized Movement Planning and Status System.
COMSEC	communications security
CONOPS	contingency operations
CONUS	Continental United States
COR	contracting officer's representative- concept of requirements
COSCOM	corps support command

COTS	commercial-off-the-shelf
CPX	command post exercise
CR	Central Region (NATO)
CRC	CONUS Replacement Center
CREST	contingency real estate support team
CS	combat support
CSA	Chief of Staff, U.S. Army
CSB	corps support battalion
CSC	convoy support centers; combat stress control
CSCE	Conference on Security and Cooperation in Europe
CSG	corps support group
CSH	combat support hospital
CSS	combat service support
CSSAMO	CSS Automation Management Office
CSSCS	CSS Control System
CSSSTAMIS	CSS Standard Army Management Information Systems
CSSTSS	CSS Training Simulation System
C-SPT	commander for support
CST	chaplain support team
CTC	combat training center
CTF	combined task force
DA	Department of the Army
DAC	Department of the Army Civilian
DACG	departure airfield control group
DAMMS-R	Department of the Army Movements Management System Redesign
DBB	Deutsches Bundesbahn
DBOF	Defense Business Operations Fund
DCA	director of community support
DCAA	Defense Contract Audit Agency
DCG	deputy commanding general
DCGUSAREUR	Deputy Commanding General, USAREUR
DCINC	deputy commander in chief
DCINCEUCOM	Deputy Commander in Chief, U.S. European Command
DCMC-1	Defense Contract Management Command, Internal
DCPDS	Defense Civilian Personnel Data System
DCSHNA	deputy chief of staff, host nation affairs
DCSIM	deputy chief of staff, information management
DCSINT	deputy chief of staff, intelligence
DCSLOG	deputy chief of staff, logistics

DCSOPS	deputy chief staff, operations
DCSPER	deputy chief of staff, personnel
DCSRM	deputy chief of staff, resource management
D-DAY	The unnamed day on which operations commence or are scheduled to commence. For OJE it was 20 December 1995.
DDRE	Defense Depot Region East
DEPEX	deployment exercise
DEPLOYEX	deployment exercise
DEROS	date of estimated return from overseas
DFAS	Defense Finance and Accounting Service
DFRE	Defense Fuel Region, Europe
DFSC	Defense Fuel Supply Center
DHS	Defense HUMINT Service
DISA	Defense Information Systems Agency
DISCOM	division support command
DISE	deployable intelligence support element
DJMS	Defense Joint Military Pay System
DJMS-AC	Defense Joint Military System, Active Component
DJMS-RC	Defense Joint Military System, Reserve Component
DLA	Defense Logistics Agency
DMA	Defense Mapping Agency
DMMC	division materiel management center
DNZ	National Democratic Union
DOC	division operations center
DOD	Department of Defense
DODAAC	Department of Defense activity address code
DOPS	Disbursing Operations Processing System
DOS	Department of State; days of supply
DOT	Director of Training
DPA	Dayton Peace Agreement
DPSC-E	Defense Personnel Support Center, Europe
DS	direct support
DSG	deployment control group
DSN	Defense Switched Network
DSU	direct support unit
DTLOMS	doctrine, training, leader development, organizations, materiel, and soldier considerations
DTO	division transportation office
DTRACS	Defense Transportation Tracking System
DTS	Defense Transportation System
DTTS	Defense Transportation Tracking System

DUIC	derivative unit identification code
DX	direct exchange
EAC	echelons above corps
EAD	echelons above division
EAF	Entity Armed Forces
EC	European Community
ECHO	European Community Health Organization
ECOMOG	Economic Community of West African States Military Observer Group
ECWCS	Extended Cold Weather Clothing System
EDD	explosives detector dog
ELINT	electronics intelligence
ENCOM	Engineer Command
ERF	European Redistribution Facility
ERMC	European Regional Medical Command
ETRAC	Enhanced Tactical Radar Correlator
EU	European Union
EUAM	European Union Administration of Mostar
EW	electronic warfare
EXEVAL	external evaluation
EXORD	execution order
FAA	functional area assessment
FAC	family assistance center
FACEX	family assistance center exercise
FACNET	Federal Acquisition Network
FAR	Federal Acquisition Regulation
FARA	Federal Acquisition Reform Act
FASA	Federal Acquisition Streamlining Acts
FB	finance battalion
FBS	Finance Battlefield System
FCX	fire coordination exercise
FINCOM	finance command
FIP	Facilities Improvement Program
FISTEX	fire support team exercise
FLE	forward logistics element
FMD	Force Modernization Division
FOB	forward operations base
FOO	field ordering officer
FORSCOM	U.S. Army Forces Command
FP	force protection

FPIR	Force Protection Information Report
FRAGO	fragmentary order
FRY	Former Republic of Yugoslavia
FSB	forward support battalion
FSE	forward support element; forward surgical element
FSG	family support group
FSOP	field standing operating procedures
FSS	Family Support System
FST	forward surgical team
FSTE	foreign service tour extension
FTX	field training exercise
FWF	Former Warring Factions. The forces of the Bosnian Serbs, Bosnian Muslims, and Croatian National factions.
FY	fiscal year; former Yugoslavia
FYROM	Former Yugoslav Republic of Macedonia
GAO	General Accounting Office
GCCS	Global Command and Control System
GCSS	Guardrail Common Sensor System
G-Day	The day (16 December 1995) when the deployment of the main body of the IFOR commenced.
GDP	general defense plan
GDS	Civic Democratic Party
GFAP	General Framework Agreement for Peace. The official title of the Bosnian peace plan brokered in Dayton, Ohio, and signed in Paris. Also referred to as "The Agreement."
GOCOM	General Officer Command
GP	German Police
GRA	government relations advisor
GS	general support
GSR	ground surveillance radar
GSU	Garrison Support Unit
GTN	Global Transportation Network
GTA	Grafenwoehr Training Area
HAST	humanitarian assistance survey team
HCA	Head of Contracting Agency
HDZ	Croatian Democratic Union (political party)
HET	heavy equipment transporter
HMMVVV	high mobility multipurpose wheeled vehicle
HN	host nation
HNS	host nation support

HQ	headquarters
HSS-BH	Croatian Peasant Party BH
HUMINT	human intelligence
HVO	Croatian Defense Council
IA	implementing agreements
IATS	Integrated Army Travel System
IAW	in accordance with
ICFY	International Conference on the Former Yugoslavia
ICTY	International Criminal Tribunal for the Former Yugoslavia
ICRC	International Confederation of Red Cross and Red Crescent
ID	infantry division
IDA	Institute for Defense Analyses
IDNX	Integrated Digital Network Exchange
IDSB	individual deployment site battalion. Organization for processing soldiers through the Fort Benning deployment station.
IEBL	Inter-Entity Boundary Line
IEW	intelligence electronic warfare
IFBS	Interim Finance Battlefield System
IFOB	intelligence forward operating base
IFOR	Implementation Force. The military force with the mission of enforcing the General Framework Agreement for Peace.
IFRC	International Federation of Red Cross
IFSTE	involuntary foreign service tour extension
IG	inspector general
IGNET	Inspector General World Wide Network.
ILAP	Integrated Logistical Analysis Program
IMA	individual mobilization augmentee
INMARSAT	International Maritime Satellite
IMINT	imagery intelligence
IPB	intelligence preparation of the battlefield battlespace)
IPR	in-process review; in-progress review
IPTF	International Police Task Force, Bosnia
IRACO	Internal Review and Audit Compliance Office
IRR	individual ready reserve
IRS	Internal Revenue Service
IRT	individual replacement training
ISB	intermediate staging base
ISM	intelligence synchronization matrix
ITV	in-transit visibility

JAB	joint acquisition board
JAC	joint analysis center
JARB	joint acquisition review board
JCC	joint civilian commission; joint contracting center
JCO	joint commission officer. An impartial officer who ensures that all sides understand the proper legal implementation of the GFAP.
JCS	Joint Chiefs of Staff (U.S.)
JDISS	Joint Deployable Intelligence Support System
JFACC	joint force air component commander
JFIT	joint field intelligence teams
JIB	joint information bureau
JINTACCS	Joint Interoperability of Tactical Command & Control Systems
JLOC	joint logistics operations center
JMC	joint military commission. A forum for coordination of work and implementation of the GFAP between military leaders of the FWF and IFOR.
JMCC	joint movement control center
JMCT	joint military contact team
JMRO	Joint Medical Regulating Office
JOPEX	Joint Operation Planning and Execution System
JPEC	Joint Planning and Execution Community
JSCP	Joint Strategic Capabilities Plan
JSO	joint service officer
JTAV	Joint Total Asset Visibility
JTB	Joint Transportation Board
JTF	joint task force
JTFPP	Joint Task Force Provide Promise
JVB	joint visitors bureau
KCC	contracting coordination center
KIC	Kaiserslautern Industrial Complex
KM	kilometer
LAN	local area network
LANDCENT	Land Forces, Central Command
LBO	Liberal Bosnian Organization (political party)
LCE	liaison coordination element. A special operations detachment used to establish initial links with multinational forces and assist their integration into TF Eagle.
LD	Logistics Directorate
LES	leave and earnings statement
LFX	live fire exercise

LNO	liaison officer
LOADEX	load exercise
LOC	lines of communications
LOGCAP	Logistics Civil Augmentation Program
LOGNET	Logistics Data Network
LPB	logistics preparation of the battlefield
LPT	logistics preparation of the theater
LRMC	Landstuhl Regional Medical Center
LSA	logistics support area; life support area
LSE	logistics support element-, life support element
LTA	local training area
LTL	less than lethal
MACOM	major Army command
MARFOREUR	(U.S.) Marine Forces Europe
MASF	medical aeroevacuation staging facility
MASH	mobile army surgical hospital
MASINT	measurement and signature intelligence
MBO	Muslim Bosniac Organization (Political Party)
MC	military committee (NATO)
MCB	Movement Control Board
MCC	movement control center
MCT	movement control team
MDD	mine detector dog
MEL	master events list
MERC	medical evacuation regulating cell
MET	Military Engineering and Topography Office
METL	mission-essential task list
METT-T	mission, enemy, terrain, troops, and time available
MGB	medium girder bridge
MHE	materiel handling equipment
MI	military intelligence
MMC	material management center
MMPA	Master Military Pay Account
MND	multinational division
MND(N)	Multinational Division (North)
MND(S)	Multinational Division (South)
MND(SE)	Multinational Division (Southeast)
MNLS	multinational logistics support
MOB	main operating base
MOBPLAN	mobilization plan
MOB SPT CTR	mobilization support center

MOC	movement operations center, media operations center
MOD	ministry of defense
MOG	maximum on ground
MOI	memorandum of instruction
MOL	Ministry of Logistics (Hungary)
MOS	military occupational specialty
MP	military police
MRT	movement regulating team; mobile radio-telephone
MSB	main support battalion
MSC	major subordinate command
MSE	mobile subscriber equipment
MSEL	master scenario events list
MSR	main supply route
MST	maintenance support team
MTMC	Military Traffic Management Command
MTOE	modified table of organization and equipment
MTP	mission training plan
MTT	mobile training team
MUP	Ministry of Interior Police
MUTA	multiple unit training assemblies
MWD	military working dog
MWR	morale, welfare, and recreation
NAC	North Atlantic Council
NACC	North Atlantic Cooperation Council
NACOSA	NATO Communication Support Activity
NAEWF	North Atlantic Treaty Organization Airborne Early Warning Force
NAI	named areas of interest
NAMSA	NATO Maintenance and Supply Activity
NATO	North Atlantic Treaty Organization
NBC	nuclear, biological, chemical
NCA	National Command Authorities (U.S.)
NCMC	national collection management cell
NCO	non-commissioned officer
NDD	narcotics detector dog
NEO	noncombatant evacuation operations
NES	Network Encryption System
NGB	National Guard Bureau
NGO	non-governmental organization
NICP	national inventory control point
NIST	national intelligence support team

NLT	not later than
NMCB	naval mobile construction battalion
NSA	National Security Agency
NSC	National Security Council
NSE	national support element
OC	observer-controller
OCAR	Office, Chief of Army Reserve
OCE	operational control elements
OCHAP	Office of the Chaplain
OCIE	organizational clothing and individual equipment
OCPA	Office of the Chief, Public Affairs
OCSURG	Office of the Command Surgeon
ODCSENG	Office of the Deputy Chief of Staff, Engineers, HQ USAREUR&7A
ODCSINT	Office of the Deputy Chief of Staff, Intelligence, HQ USAREUR&7A
ODCSIM	Office of the Deputy Chief of Staff, Information Management, HQ USAREUR&7A
ODCSLOG	Office of the Deputy Chief of Staff, Logistics, HQ USAREUR&7A
ODCSOPS	Office of the Deputy Chief of Staff, Operations, HQ USAREUR&7A
ODCSPER	Office of the Deputy Chief of Staff, Personnel, HQ USAREUR&7A
ODCSRM	Office of the Deputy Chief of Staff, Resource Management, HQ USAREUR&7A
ODS	Operation Desert Storm
ODT	overseas deployment for training
OHR	Office of the U.N. High Representative
OIG	office of the inspector general
OJA	office of the judge advocate
OJE	Operation Joint Endeavor
OJG	Operation Joint Guard
OMA	Operations & Maintenance, Army
OPCOM	operational command. Authority granted to a commander to assign missions or tasks to subordinate commanders, to deploy units, reassign forces, and to retain or delegate operational or tactical control as deemed necessary. It does not necessarily include administration or logistics. (NATO)
OPCON	operational control. Authority granted to a commander to direct forces assigned so the commander can accomplish

	specific missions or tasks, usually limited by function, time, or location; to deploy units concerned, and to retain or assign tactical control of those units. It does not necessarily include administration or logistics.
OPLAN	operations plan. A plan for a single or series of connected operations to be carried out simultaneously or in succession.
OPM	Office of the Provost Marshal
OPORD	operations order. A directive, usually formal, issued by a commander to subordinate commanders to effect the execution of an operation.
OPSEC	operational security. The process of denying adversaries information about friendly capabilities and intentions by identifying, controlling, and protecting indicators associated with military operations.
OPTEMPO	operating tempo
ORB	officer record brief
ORF	operational readiness float
ORH	Operation Return Home
OSC	objective supply capability
OSCE	Organization for Security and Cooperation in Europe
OSINT	open source intelligence
PAO	public affairs officer
PARC	Principal Assistant Responsible for Contracting
PAS	personnel accounting system
PBAC	program budget advisory committee
PC	personal computer
PCH	press camp headquarters
PCs	permanent change of station
PERSCOM	personnel command
PERSTAT	Personnel Status Report
PF	Parties' Forces
PfP	Partnership for Peace
PG	personnel group
PIFWC	Person Indicted for War Crimes
PIFWCDETREP	PIFWC Detainment report
PIO	Public Information Office (NATO)
PIR	priority intelligence requirements
PLL	prescribed load list
PLS	palletized loading system
POD	point of departure; point of debarkation
POE	point of embarkation

POI	program of instruction
POL	petroleum, oils, and lubricants
POLAD	political advisor
POL-MIL	political-military
POMCUS	pre-positioning of materiel configured to unit sets
PRB	personnel replacement battalion
PROFIL	Professional Filler System
PSB	personnel services battalion
PSG	personnel support group
PSRC	Presidential Selective Reserve Call-up
PSS	personnel service support
PSYOP	psychological operations
PUD	parent unit designator
PUL	pre-configured unit loads
PVO	private volunteer organization
QOL	quality of life
QRF	quick reaction force
QRO	quick response option
RA	requiring activity; risk analysis
RAOC	rear area operations center
R & R	rest and recuperation
RC	reserve component-, replacement company
RCTDAP	Reserve Component Training Development Action Plan
RCTP	Reserve Component Training Command
RD	replacement detachment, rear detachment
RDC	rear detachment commander
RDD	required delivery date
RED HORSE	Rapid Engineer Deployable, Heavy Operational Repair Squadron, Engineer (U.S.A.F.)
REFORGER	Return of Forces to Germany
REMBASS	Remotely Monitored Battlefield Sensor Systems
RF	radio frequency
RFI	request for information
RLD	ready to load date
RM	resource management
RMMT	rail movement management team
ROC	redeployment operations center; replacement operations center
ROE	rules of engagement. Directives issued by competent authority which delineate the circumstances and limitations

	under which United States military forces will initiate or continue engagement with other forces.
ROI	rules of interaction. Directives issued by competent military authority that set out the circumstances and limitations under which military forces will interact with other forces and civilian populations in an operation. They may incorporate ROE and are useful in stability operations where the mission is not exclusively characterized by combat.
ROM	rough order of magnitude
RRF	rapid reaction force
RS	Republika Srpska
RSA	railhead support activity
RSB	redeployment staging base
RSN	role specialist nation
RSOI	reception, staging, onward movement, and integration
RSR	required supply rate
RTOC	rear tactical operations center
RTT	redeployment training team
RVT	remote vehicle terminal
S & S	supply and service
SACEUR	Supreme Allied Commander, Europe (NATO)
SACONS/EDI	Standard Army Contracting System/Electronic Data Interchange
SAILS	Standard Army Integrated Logistics System
SAMS	Standard Army Maintenance System
SARSS	Standard Army Retail Supply System
SARSS-0	Standard Army Retail Supply System, Objective
SATCOM	satellite communications
SbiH	Party for Bosnia-Herzegovina (coalition)
SCI	sensitive compartmented information
SCIF	sensitive compartmented information facility
SDA	Party for Democratic Action (political party)
SDP	Social Democratic Party (political party)
SDS	Serbian Democratic Party (political party)
S-Day	The day when the President authorizes selective reserve call-up. For OJE it was 8 December 1995.
SEABEE	construction battalion (U.S.N.)
SECDEF	Secretary of Defense
SETAF	See USASETAF
SFOB	special forces operating base
SFOR	stabilization force

SHAPE	Supreme Headquarters, Allied Powers Europe (NATO)
SIDPERS	Standard Installation/Division Personnel System
SIMEX	simulation exercise
SINGARS	single channel ground and airborne radio system
SOCEUR	Special Operations Command Europe (U.S.)
SOCIFOR	Special Operations Command IFOR
SOF	special operations forces
SOFA	status of forces agreement
SOP	standing operating procedures
SOR	statement of requirement. A NATO document that identifies the requirements of fielding the type force to accomplish a specific mission.
SOTP	senior officer training program
SOW	statement of work
SPOD	sea port of debarkation
SPOE	sea port of embarkation
SPRS	Socialist Party RS (political party)
SRJOIC	Southern Region Joint Operations Intelligence Center
SRP	Soldier Readiness Program
SRS	Serbian Radical Party
SSA	supply support activity
SSJ	Party of Serbian Unity
SSS	Serb Republic Peasant's Party
STACCS	Standard Theater Army Command and Control System
STAMIS	Standard Army Management Information System
STANAGS	Standardization Agreements (NATO)
STANAVFORMED	Standing Naval Force Mediterranean (NATO)
STON	short ton
STOW	synthetic theater of war
STX	situational training exercise
SUPPLAN	supporting plan. An operations plan prepared by a supporting commander or a subordinate commander to satisfy the requests or requirements of the supported commander's plan.
SWA	Southwest Asia
SWO	staff weather operations
TAA	tactical assembly area
TAACOM	theater army area command
TAAD	The Army Authorization Document
TAC	type address code
TACCS	Tactical Automated Command and Control System

TACON	tactical control. Detailed and usually local direction and control of movements or maneuvers needed to accomplish missions or tasks assigned.
TACP	tactical control party
TACSIM	tactical simulation
TADSS	training aids, devices, simulators and simulations
TALCE	tanker airlift control element
TAML	Theater Army Medical Laboratory
TAMMC	theater army materiel management center
TAOR	tactical area of responsibility
TAQ	Total Army Quality
TAT	to accompany troops
TAV	total asset visibility
TC-ACCIS	Transportation Coordinator's Automated Command and Control Information System
TCN	troop contributing nations
TCS	temporary change of station
TE	tactical exploitation
TF	task force
TFE	Task Force Eagle
TFV	Task Force Victory
TMB	Transportation Management Board
TMCA	Theater Movement Control Agency
TMDE	test measurement and diagnostic equipment
TO	theater of operations
TOA	transfer of authority
TOC	tactical operations center
UBSD	Union of Social Democrats
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Emergency Fund
UNSCR	United Nations Security Council Resolution
USAID	United States Agency for International Development
USASC	U.S. Army Signal Command
USASETAF	U.S. Army Southern Europe Task Force
USASOC	U.S. Army Special Operations Command
USATB	U.S. Army Training Board
USC	U.S. Code
USCENTCOM	U.S. Central Command
USEUCOM	U.S. European Command

USMC	U.S. Marine Corps
USNIC	U.S. National Intelligence Center
USSSOCOM	U.S. Special Operations Command
USTRANSCOM	U.S. Transportation Command
UWF	unified weather forecast
VFSTE	voluntary foreign service tour extension
VRS	Army of Republika Srpska
VTC	video teleconferencing
WASP	Wartime Augmentation of Safety Personnel
WES	Waterways Experiment Station
WEU	Western European Union
WPC	Warrior Preparation Center
Ws	weather squadron (U.S.A.F.)
WWMCCS	Worldwide Military Command and Control System
ZOS	Zone of Separation. The two km zone on either side of the agreed cease fire line (ACFL) in Bosnia-Herzegovina.

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## LAW AND MILITARY OPERATIONS IN THE BALKANS

*No language can describe adequately the condition of that large portion of the Balkan Peninsula—Serbia, Bosnia, Herzegovina and other provinces—political intrigues, constant rivalries, a total absence of all public spirit. . . hatred of all races, animosities of rival religions and absence of any controlling power. . . nothing short of an army of 50,000 of the best troops would produce anything like order in these parts.*

UK Prime Minister Benjamin Disraeli  
August 1878 in the House of Lords

*I have lived through most of this century. I remember that it began with a war in Sarajevo. Mr. President, you must not let it end with a war in Sarajevo.*

Pope John Paul II  
November 1995, speaking to President  
William Clinton

*As I speak to you, NATO is completing its planning for IFOR, an international force for peace in Bosnia of about 60,000 troops. . . Implementing the agreement in Bosnia can end the terrible suffering of the people—the warfare, the mass executions, the ethnic cleansing, the campaigns of rape and terror. . . Now the war is over. American leadership created the chance to build a peace and stop the suffering.*

President William Clinton  
27 November 1995, Statement to the Nation