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THE IMPACT OF THE STANDING RULES OF ENGAGEMENT (SROE) ON PEACE
ENFORCEMENT OPERATIONS

by

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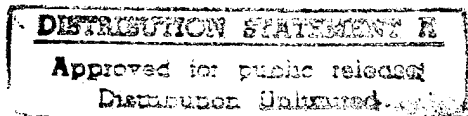
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The contents of this paper reflect my own personal views and are not necessarily
endorsed by the Naval War College or the Department of the Navy.

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Abstract of

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This paper reviews the PROE processes used in Operation Restore Hope and Operation Uphold Democracy; identifies the problems which occurred and how they were solved; demonstrates that the new SROE would neither have prevented nor solved these problems more easily; and concludes with recommendations for improving the SROE process for future peace enforcement operations.

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THE IMPACT OF THE SROE ON PEACE ENFORCEMENT OPERATIONS

INTRODUCTION

With the end of the Cold War, the National Military Strategy has shifted from a focus on countering Soviet aggression to a strategy of peacetime engagement; deterrence and conflict prevention; and a fight and win ability.¹ Within the strategy of deterrence and conflict prevention is peace enforcement, which are operations in the gray zone between peace and war, undertaken to restore or maintain peace, or to respond to acts of aggression.² The collapse of the Soviet Union has led to such an increase in peace enforcement operations that the United Nations (U.N.) is unable to keep up with the requirements. Therefore, the credibility and reputation of the U.S. Armed Forces in the future may well depend heavily on how they perform during peace enforcement operations. Peace enforcement operations offer a challenge not faced during a conventional conflict. There is usually no declaration of a hostile force. This entails that ROE must be carefully written to provide maximum protection to U.S. Forces, and, conversely, to prevent excessive use of force. Whenever U.S. Forces appear vulnerable or excessive in their use of force, both the public and political support diminish.

On 22 December 1994, after Operation Restore Hope and during Operation Uphold Democracy, the CJCS published the SROE. The stated purpose was "to provide implementation guidance on the inherent right and obligation of self-defense and the application of force for mission accomplishment."³ Superseding the PROE, the SROE became the current basis for drafting operations-specific ROE.

This paper will review the PROE process used in Operation Restore Hope and Operation Uphold Democracy; identify the problems which occurred and how they were solved; demonstrate that the new SROE would neither have prevented nor solved these problems more easily; and conclude with recommendations for improving the SROE process for future peace enforcement operations.

OPERATION RESTORE HOPE

After the overthrow of Somalia's President Siad Barre in 1991, the country lapsed into a state of clan warfare and anarchy. Those with weapons had food. Those who did not starved to death as the world watched. The U.N. authorized a U.S. led intervention in December 1992. The Commander in Chief, U.S. Central Command (CINCENT) established Joint Task Force (JTF) Somalia to perform Operation Restore Hope. The mission of Operation Restore Hope was to provide a secure environment to ensure the delivery of relief supplies.⁴ However, this mission was compounded in complexity by the dangers that existed in Somalia. Weapons were everywhere. U.S. Forces would be in the line of fire from clans contesting U.S. presence. The population was extremely excitable and could be easily incited to participate in a civil disturbance.

The process of developing the ROE had its basis in the PROE. The PROE directed CINCENT to exercise force consistent with the mandates of the U.N. Charter and international law. The PROE applied to all military operations and remained in effect until modified.⁵ CINCENT, recognizing the inherent dangers and complexities of the situation in Somalia, modified the PROE accordingly. Special language was developed to deal with the automatic weapon and mobile threat posed by the clans.⁶ Both the JTF staff and the

component commands were given the opportunity to review and make recommendations to the ROE. The resulting ROE were inclusive and key to the success of Operation Restore Hope as U.S. Forces maintained the ability to defend themselves against armed and unarmed threat (Appendix I).

Key to the PROE process is that once ROE are issued to the Commander JTF (CJTF), the CJTF and each subordinate commander are free to issue ROE specific to their unit, providing they are neither less restrictive nor inconsistent with the ROE from higher headquarters.⁷ Also, the ROE prepared for Operation Restore Hope were drafted such that the ROE never had to be changed as problems arose, only amplification or supplementary guidance was provided.⁸

Although the PROE were carefully tailored for Operation Restore Hope, numerous problems did occur. However, due to the flexible nature of the PROE process, these problems were readily solved. First, there were continual requests for clarification of the ROE based upon specific incidents units expected to occur. These requests centered around convoy operations and nonlethal uses of force against unarmed, yet hostile, crowds. A convoy commander's briefing guide was created and methods of nonlethal force were developed to control unarmed crowds.⁹ These methods included use of barbed wire around vehicles and the use of batons to repel the Somalis without injuring them. At all times these methods were adhered to by U.S. Forces.

Second, there was confusion over what took precedence, the rules governing the use of deadly force or the ROE. The rules governing the use of deadly force are much more permissive than the ROE. U.S. Forces are taught that deadly force may be used to protect

life, limb, or government property. The ROE restricted the use of deadly force to defense against attack, threat of attack, or to stop a hostile act. Therefore, to resolve this dilemma, it was continually stressed that the ROE gave the maximum flexibility to use deadly force if necessary to defend individuals or units; however, the degree of force used must be the minimum required to accomplish mission and proportional to the threat.¹⁰ Personnel in Somalia encountered the most difficult choices possible concerning when to respond with deadly force, requiring split second judgment. There were several incidents concerning excessive force which resulted in death or serious injury and received media attention. All were thoroughly investigated and charges referred when required. However, the real indicator that U.S. Forces clearly understood the ROE and the use of deadly force was that of the 25,000 U.S. personnel deployed to Somalia, only two were convicted at a court-martial for excessive use of force.¹¹

Third, although the coalition forces accepted the U.S. ROE due to respect for U.S. leadership and recognition that the ROE were optimally tailored for the mission, there were differences between Services on how ROE should be drafted. This difference was most pronounced between the Army and the Marine Corps (who formed the majority of the JTF staff to include the operations officer and the staff judge advocate). Army officers favored a more detailed approach to ROE to include describing circumstances under which a Soldier confronted "hostile intent."¹² The Marine Corps favored less descriptive rules, leaving the ROE in a format and language easy to understand, relying on the judgment of the individual vice confusing them with additional factors. This difference in approach could have led to a situation where one Service was viewed by the clans as being more hesitant to respond to

threats and therefore, more vulnerable to hostile elements. The PROE process allowed this to be resolved. The Army Forces operations officer and staff judge advocate proposed clarification and amplifications to the ROE to the CJTF which were readily approved. While the Marines relied on rational interpretation of the ROE, the Army initiated situational training exercises to train for the numerous, likely threat scenarios.

Fourth, the CJTF directed that weapons in the possession of Somali citizens be confiscated to eliminate the ability of the clans to attack U.S. Forces. This caused confusion as the ROE stated that U.S. Forces may not seize the property of others to accomplish mission. Also, to confiscate all weapons would leave those Somalis who were only using their weapon for legitimate protection vulnerable to bandits. The CJTF solved this by issuing weapons confiscation rules which only allowed weapons to be confiscated which were abandoned, aimed at U.S. Forces, automatic, or mounted on vehicles. The weapons confiscation rules clearly stated that the ROE were not modified in any way, did not restrict action to defend yourself and your unit, and authorized all necessary force, to include deadly force, to confiscate weapons.¹³ This was an optimal solution as commanders were reluctant to issue complex confiscation rules that required a legal interpretation.¹⁴

Fifth, the ROE authorizing detention of civilians for security reasons or for self-defense did not fully address the scope of the problem. Almost immediately after the first U.S. Forces arrived, the number of Somalis detained for security or self-defense greatly exceeded the physical capacity to detain them.¹⁵ Somalia did not have a functioning police nor court system. No courts had been conducted in over two years which allowed criminals total freedom. This resulted in the extremely high number of detainees when U.S. Forces arrived.

To solve this problem, the CJTF established a detainment standard which was issued as Commander's Policy Guidance Number One. When drafting this guidance, the CJTF accounted for the fact that Operation Restore Hope was not an armed conflict; U.S. Forces were not an occupying force; and therefore, U.S. Forces were not responsible nor authorized to solve problems of health, welfare, and safety.¹⁶ This policy guidance authorized detention for civilians suspected of such serious crimes that failure to detain them would be an embarrassment to the United States; suspected of violence against Unified Task Force, Somalia (UNITAF) personnel; or whose release would endanger UNITAF personnel.¹⁷ Again, the PROE process allowed the CJTF to quickly adapt to an unforeseen problem.

Finally, the ROE stated that when attacked by unarmed hostile elements, U.S. Forces should use minimum force necessary, proportional to the threat. A primary concern was how to use minimum and proportionate force while simultaneously allowing maximum protection to U.S. Forces. Somali civilians learned quickly that U.S. Forces would not use their weapons in response to being pushed, hit with rocks, or robbed. Humanely, the CJTF ruled out the use of riot control agents although they were authorized by the CINCENT.¹⁸ The rationale for this was the already poor state of health of the Somali people which could be further deteriorated by the use of riot control agents. Therefore, the solution to the problem of minimum proportionate force was the use of cayenne pepper spray. This proved to be a very effective deterrent and counter to unarmed hostile acts. The discomfort was enough to deter hostile elements; however, it was not severe enough to endanger the already unhealthy Somali population. The spray was so effective that just waving an aerosol can in the air

would ward off hostile Somalis.¹⁹ The use of cayenne pepper spray solved the problem of minimal, yet proportional, force.

With a PROE process that allowed immediate adaptability through supplemental guidance and new rules when required, success was virtually guaranteed as U.S. Forces confronted and overcame formidable challenges. All Services performed superbly. However, the U.S. Army's Task Force 2-87 best exemplifies the success of the PROE process in Operation Restore Hope. Elements of the battalion were directed on extremely short notice to quell a riot in Wanwaylen involving hundreds of Somalis on the verge of severe violence due to the shortage of food. Not only was the riot quelled, the Somalis were fed. While quickly moving his unit to Wanwaylen, the commander had provided his Soldiers with a modified five paragraph order: a review of the ROE.²⁰

OPERATION UPHOLD DEMOCRACY

After three years of international protest, economic embargo, and intense diplomacy, the junta led by Lieutenant General Cedras which had deposed of democratically elected Haitian President Jean-Bertrand Aristide remained in power and refused to step down. Despite the international sanctions and condemnation, the Haitian people had been brutalized for three years under Lieutenant General Cedras. President Clinton announced to the world that the United States would use force to reinstate President Aristide. U.S. Forces would face a loyal, determined force capable of inflicting severe casualties. This concern was stated by the CJTF Haiti who had planned for various levels of risk and for maximum power projection capability. This included taking howitzers to counter howitzer and mortar fire expected from the Haitian armed forces, a threat not experienced since Operation Desert Storm.²¹

Like Operation Restore Hope, the process of developing ROE for Operation Uphold Democracy had its basis in the PROE which directed the Commander in Chief, U.S. Atlantic Command (CINCUSACOM) to exercise force consistent with the U.N. Charter and international law.²² CINCUSACOM recognized that there were two diverse possibilities for operations in Haiti. There was the possibility of U.S. Forces as a warfighting force in a forcible entry operation or as a peace enforcement force allowed permissive entry. The PROE process allowed CINCUSACOM to easily modify the PROE and draft specific ROE for each of these two distinct possibilities. The forced entry plan was to employ ROE which declared the Haitian armed forces a hostile force (Appendix II) and the permissive entry plan was to utilize ROE that did not declare a hostile force, yet allowed the use of force in response to hostile actions (Appendix III). Even though the two sets of ROE were comprehensive, several problems did occur. However, these problems were not rooted in the PROE process. In fact, the PROE process lent itself to solving these problems.

First, the forced entry plan was reversed while the 82nd Airborne Division was airborne and other U.S. Forces were enroute resulting in the ROE changing from forcible entry to permissive entry. The PROE process permitted the CINCUSACOM to initiate immediate change. Within minutes of the President Carter delegation successfully convincing Lieutenant General Cedras that his fate had been sealed by the 82nd Airborne Division, the CJTF was notified. He immediately released the new ROE to his forces. Under the new ROE, no forces were declared hostile and the PROE remained in effect as the basis for the new permissive entry ROE.²³ U.S. Forces had been ready for any scenario and translated the new ROE into action. Prior to D-Day, U.S. Forces had been issued two cards, each a

different color with the two different ROE printed on them. Once the ROE changed, commanders simply had to pass what color card was in effect, virtually eliminating any possibility for misunderstanding.²⁴ This ease of transition was exemplified by the Special Purpose Marine Air Ground Task Force (SPMAGTF) Caribbean which had been assigned to land at Cap-Haitien. Prior to the landing, the SPMAGTF Commander was concerned that (due to the electrical outage) Haitian forces would not receive information that Lieutenant General Cedras had agreed to a permissive entry and would therefore meet the SPMAGTF with determined resistance.²⁵ However, the SPMAGTF smoothly adjusted its orientation and ROE for either a permissive or forced entry. After the landing, the SPMAGTF Commander met with the Haitian military commander, modified ROE as required, and fulfilled the commander's intent.

Second, coalition commanders in Operation Uphold Democracy were concerned that the ROE were not within the parameters established by their country regarding the use of force.²⁶ This was complicated by the fact that these coalition countries had never incorporated ROE into their training or doctrine, yet they had strong concerns regarding the use of deadly force and whether they should intervene to prevent harm to Haitian civilians from the Haitian police. Different approaches in these crucial areas could have had a significant negative impact if Haitian civilians and former military and police authorities perceived U.S. Forces to operate under more permissive ROE. This problem was recognized and staff judge advocates entered discussions on the issue prepared with completed draft ROE as a basis and worked to ensure the final product reflected the interests of all coalition members.²⁷

Third, endless changes to the ROE tended to confuse the issue resulting in commanders holding off until the last minute to pass the ROE.²⁸ These changes resulted in untimely dissemination of the ROE which could have allowed units to train more precisely for the mission. However, although units could not train to the precise mission, sufficient training was conducted to ensure mission accomplishment. Before and during operations, vignette training had a significant positive impact. This is exemplified by the situational training exercises conducted at Camp Santiago, Puerto Rico by both U.S. and Coalition Forces. Soldiers trained for nine days and conducted repetitive reinforcement drills, practicing until they achieved the highest standards.²⁹ Marine units were similarly trained to react with resolute skill when challenged with chaos and uncertainty.³⁰

Finally and most importantly, U.S. Forces were portrayed in the media as being unable to prevent the Haitian police from attacking and killing those loyal to President Aristide. The New York Times front page read "Haitian Police Crush Rally As American Troops Watch" complete with a photograph of a pro-Aristide supporter who had been beaten to death.³¹ Not only did U.S. Forces appear tentative, many Soldiers were frustrated that their months of training were blemished by this incident. This situation could have had a significant negative impact on both troop morale and public support. However, the PROE process had allowed planners to anticipate this type of violence and take action prior to the incident to have Haitian-on-Haitian violence incorporated into the ROE. On 18 September 1994, CINCUSACOM requested, and the CJCS approved, additional rules authorizing U.S. Forces to use deadly force against anyone who committed a serious criminal act. CINCUSACOM immediately transmitted the change to the CJTF.³² The CJTF then released

a message to his forces which stated that members of the Haitian military or police, or other armed persons who commit a hostile act or show hostile intent will be engaged using necessary force.³³ Unfortunately, this message was released the same day as the pro-Aristide supporter was killed, when U.S. Forces carried ROE cards dated 6 September 1994 which did not account for Haitian-on-Haitian violence.³⁴ Within 24 hours of the incident, ROE cards containing the new ROE to account for Haitian-on-Haitian violence were issued. Public affairs officers were able to successfully explain the incident by stating that U.S. Forces had an obligation to respect the agreement brokered by President Carter which had reserved a role for the Haitian armed forces. The press then turned their attention to other aspects of the operation and U.S. Forces experienced no further incidents regarding ROE.³⁵

Like Operation Restore Hope, the PROE process used during Operation Uphold Democracy allowed commanders the freedom to confront and solve all ROE problems which arose. Throughout the operation challenging cordon and search operations, which required continual contact with the civilian population, were conducted flawlessly with no incidents. U.S. Forces developed efficient, fair procedures utilizing intelligence, military police, and psychological operations assets and took the time to understand the Haitian culture. This resulted in the development of a cooperative rapport between the U.S. Forces and the Haitian civilians and a windfall of human intelligence.³⁶ Operation Uphold Democracy exemplifies superb execution of ROE.

IMPACT OF THE SROE IN OPERATION RESTORE HOPE AND OPERATION UPHOLD DEMOCRACY

Although the SROE were designed to improve the PROE process, the SROE would not have prevented nor solved the problems in either operation more easily. There are four

primary reasons for this. First, both processes are the same.³⁷ Both direct CINCS of the Unified Combatant Commands to exercise force consistent with the mandates of the U.N. Charter and to use all necessary means for self-defense. The CINC of the Unified Combatant Command with the CJCS tailor SROE for the specific mission.³⁸ The CINC then issues ROE to the CJTF, who, in turn, issues ROE to his subordinate commanders. In both processes, all commanders may modify ROE to meet mission requirements provided they are not less restrictive than ROE issued by higher headquarters.³⁹ Both processes give commanders at all levels maximum latitude.

Second, the basic premise of self-defense between the PROE and the SROE is the same. Under the PROE, the premise of self-defense stated "nothing in these rules negates a commander's obligation to take all necessary and appropriate action for his unit's self-defense."⁴⁰ Under the SROE, the basic premise of self-defense was modified only slightly: "these rules do not limit a commander's inherent authority and obligation to use all necessary means available and to take all appropriate action in self-defense of the commander's unit and other U.S. Forces in the vicinity."⁴¹ The primary difference is that the SROE expanded the commander's responsibility to other U.S. Forces in addition to his own. This would have had no effect in either operation.

Third, although the SROE provide ROE for specific types of operations, peace enforcement operations are not included. The SROE provide ROE for command and control; intelligence warfare; counterdrug operations; noncombatant evacuations; seaborne operations; defense and recovery of U.S. citizens and property; air operations; and land operations.⁴² Peace enforcement operations are not included. The guidance in the

SROE to commanders on peace enforcement operations is based on the same premise of flexibility as the PROE: "Due to the nature and potential volatility of peace operations, commanders at all levels must be prepared for operational flexibility and adaption in support of such operations. This may necessitate requesting supplemental ROE to meet the challenge of rapidly changing situations."⁴³

Fourth, the SROE contain annexes on ROE specific to the geographical area and threat faced by the Unified Combatant Commands. However, this improvement would have had no impact in Operation Restore Hope nor Operation Uphold Democracy as not all Unified Combatant Commanders have submitted their ROE for inclusion into the SROE.⁴⁴

CONCLUSION AND RECOMMENDATIONS

We as a nation should be grateful that we have the opportunity to confront the challenges of a post Cold War world and hope that no future generations will know the extreme threats of continued nuclear power confrontation between superpowers. As we now serve side by side in Bosnia with our old enemy, the responsibility is ours to ensure we retain our new ally and our respected standing in the world arena. Nowhere will our resolve be tested more than in peace enforcement operations where success or failure may depend on the careful drafting and execution of ROE.

The following recommendations will improve the SROE process and facilitate the commander's ability to train his unit for peace enforcement operations. First, ensure all Unified Combatant Commands input their ROE into the SROE. This will allow units to train specifically to the most likely threat as viewed by the CINC. Second, add peace enforcement operations to the list of specific operations covered by the SROE. The United States is

averaging one major peace enforcement operation a year. Extreme scrutiny is given peace enforcement operations by both the American public and the world community. Although the SROE state that commanders should maintain flexibility when conducting peace enforcement operations, this is not enough. With the number of peace enforcement operations we have conducted since 1991 (Iraq, Somalia, Haiti, and Bosnia) the foundation exists to develop SROE specifically for peace enforcement operations. If SROE exist for noncombatant evacuations and counterdrug operations, they must be developed for peace enforcement operations.

Third, review the SROE and declassify as much as possible to include SROE for peace enforcement operations once they are drafted. The National Security Strategy of Engagement and Enlargement, and the National Military Strategy are now declassified. It follows that more portions of the SROE could be declassified. This would have two effects. It would allow commanders and operations officers to easily develop training plans around the SROE. It would also allow Services to publish SROE in their training manuals and orient their operational training in both recruit training and follow-on schools around the SROE.

Fourth, the majority of peace enforcement operations have demonstrated that there are two types of forces we will encounter: hostile armed force and hostile unarmed force. This was clearly shown in both Somalia and Haiti. Therefore, SROE should be developed to cover both scenarios. This was not done in Operation Restore Hope and supplementary guidance had to be issued. Planners for Operation Uphold Democracy recognized this and two sets of ROE were developed which contributed significantly to overall mission success.

Developing two sets of ROE has another advantage in that it allows a unit to train to transition from opposing an unarmed force to opposing an armed force.

Finally, when drafting SROE, never make it a purely academic exercise. In addition to the expertise provided by the staff judge advocates, always ensure that personnel are included who are experienced operating in and have walked the ground during a previous operation. This will ensure that the SROE drafters take into account all aspects of the operation to include the realities of using deadly force and protecting U.S. Forces.⁴⁵

Operational success in peace enforcement operations is more dependent on ROE than on any other single factor. Our success can only be maintained if we continue to identify weakness' in the SROE, initiate methods for improvement, and train to face all threats inherent in peace enforcement operations. Our credibility as the world's leader depends on it.

APPENDIX I

**JTF FOR SOMALIA RELIEF OPERATION
GROUND FORCES RULES OF ENGAGEMENT**

NOTHING IN THESE RULES OF ENGAGEMENT LIMITS YOUR RIGHT TO TAKE APPROPRIATE ACTION TO DEFEND YOURSELF AND YOUR UNIT.

A. YOU HAVE THE RIGHT TO USE FORCE TO DEFEND YOURSELF AGAINST ATTACKS OR THREATS OF ATTACK.

B. HOSTILE FIRE MAY BE RETURNED EFFECTIVELY AND PROMPTLY TO STOP A HOSTILE ACT.

C. WHEN U.S. FORCES ARE ATTACKED BY UNARMED HOSTILE ELEMENTS, MOBS, AND/OR RIOTERS, U.S. FORCES SHOULD USE THE MINIMUM FORCE NECESSARY UNDER THE CIRCUMSTANCES AND PROPORTIONAL TO THE THREAT.

D. YOU MAY NOT SEIZE THE PROPERTY OF OTHERS TO ACCOMPLISH YOUR MISSION.

E. DETENTION OF CIVILIANS IS AUTHORIZED FOR SECURITY REASONS OR IN SELF-DEFENSE.

REMEMBER

1. THE UNITED STATES IS NOT AT WAR.
2. TREAT ALL PERSONS WITH DIGNITY AND RESPECT.
3. USE MINIMUM FORCE NECESSARY TO CARRY OUT MISSION.
4. ALWAYS BE PREPARED TO ACT IN SELF-DEFENSE.

Source: Colonel F.M. Lorenz, "Law and Anarchy in Somalia," Parameters, Winter 1993-94, 30.

APPENDIX II

ROE SOLDIER CARD FOR NONPERMISSIVE ENTRY

RULES OF ENGAGEMENT (ROE) DURING HOSTILITIES

NOTHING IN THESE ROE LIMITS YOUR OBLIGATION TO TAKE ALL NECESSARY AND APPROPRIATE ACTION TO DEFEND YOURSELF AND YOUR UNIT.

1. Treat as hostile and attack the FORCES ARMEES D' HAITI (FAD'H) and the national police until neutralized, destroyed or captured.
2. Confiscate the property of hostile forces, except captives' personal property and equipment necessary for their protection or welfare.
3. Employ only observed fire.
4. Employ indirect and air-to-ground fires only on order of CJTF 180; DCG TF 181; a task force commander; the DFACC; or the DG, 82d Abn Div, unless such fires are necessary for self-defense.
5. Do not use incendiary weapons (e.g., napalm or white phosphorous) against targets in populated areas. Tracer rounds, illumination rounds, and smoke are authorized in all areas.
6. You may employ claymore mines and anti-armor mines to protect US positions. Keep mines under continuous observation, and remove them when no longer necessary.
7. You may presume that civilians in public armed with crew-served weapons, automatic weapons, or rifle are members of the FAD'H National Police, or paramilitary groups and therefore, may treat them as hostile. Civilians in public armed with shotguns or pistols are presumed to be potentially hostile, but deadly force is not authorized unless such persons use or threaten armed force against US force, US citizens, or designated foreign nationals.
8. If circumstances permit, give a challenge before engaging civilians. Challenge by:
 - a. Shouting in English: "STOP; DON'T MOVE; HANDS UP"; or
 - b. Shouting in Creole: "STOP (STOP); PA BOUJE (PAH BOO-JAY); METE MEN OU AN LE (MAY-TAY MAY-OO ON-LAY),"
9. Do not engage civilian communication facilities with destructive force unless such facilities are being used in a manner that threatens the security of the force.

10. You may use riot control agents (RCA) on approval of a commander (06 or above), and pepper spray in your own discretion, only in defensive modes in areas under direct US military control.
11. You may stop civilians and check their identities. Search them for weapons, and seize any weapons found.
12. Detain civilians suspected of belonging to the FAD'H or national police or of committing a serious criminal act (e.g., homicide, aggravated assault, arson, rape, robbery, burglary, or larceny). Use the minimum force necessary, up to and including deadly force, to detain civilians who threaten human life or property designated as mission-essential by your commander. In all other cases, use only non-deadly force. Evacuate detainees to designated collection points as soon as circumstances permit.
13. You may also detain civilians when necessary to accomplish your mission or for their own safety, but must release them as soon as circumstances permit.
14. Seize private property only if it has military use (e.g., weapons, ammunition, communications equipment, or transportation) and your commander authorizes the seizure based on military necessity. Give a receipt to the owner, if available. TAKING WAR TROPHIES IS PROHIBITED.
15. Do not enter the DOMINICAN REPUBLIC unless necessary to recover friendly personnel or for self-defense.
16. The ROE Appendix to the OPORD provides more detail. Resolve conflicts between this card and the OPORD in favor of the OPORD.

Source: U.S. Army Dept., Law and Military Operations in Haiti, 1994-1995 Lessons Learned for Judge Advocates (Charlottesville, Virginia 1995), Appendix G.

APPENDIX III

ROE Soldier Card of 5 September 1994

Combined JTF Haiti
Rules of engagement (ROE) Card I
6 September 1994

Nothing in the ROE limits your right to use necessary force to defend yourself, your fellow service members, your unit, other JTF personnel, key facilities, and property designated by your commander.

1. Repel hostile acts with necessary force, including deadly force. Use only the amount of force needed to protect lives/property and accomplished mission. Engage targets with observed, direct, deliberately aim fire.
2. Do not hesitate to respond with force against hostile acts and signs with hostile intent.
3. You may use necessary force to stop, disarm, and detain members of the Haitian military, police, other armed persons, or other persons committing hostile acts or showing hostile intent. Stop and detain other persons who interfere with your mission. Evacuate detainees to a designated location for release to proper authorities. Treat all detainees humanely.
4. When a tactical situation permits, you should give a challenge before using deadly force. Challenge by:
 - a. Shouting in English "U.S. STOP OR I WILL FIRE!"
 - b. Shouting in Creole "US KANPE OUBIEN MAP TIRE!".
Phonetic: "U.S. kaHJnpey oobee EH(n) mahp tEErey!.
 - c. Fire warning shots into the air.
5. Treat all persons with dignity and respect.
6. Do not take private property without commander's permission.
7. Remember: no force has been declared hostile, including the Haitian Army and police. Use of deadly force must be based on hostile acts or clear indicators of hostile intent.

Source: U.S. Army Dept., Law and Military Operations in Haiti, 1994-1995 Lessons Learned for Judge Advocates (Charlottesville, Virginia 1995), Appendix I.

NOTES

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4. Jonathan T. Dworken, "Rules of Engagement Lessons from Restore Hope," Military Review, September 1994, 27.
5. Major Mark S. Martins, "Rules of Engagement for Land Forces: A Matter of Training, Not Lawyering," Military Law Review, Winter 1994, 23.
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7. Martins, 24.
8. Telephone conversation with Colonel F.M. Lorenz, Staff Judge Advocate I Marine Expeditionary Force, Marine Corps Base Camp Pendleton California, 15 December 1995.
9. Unified Task Force Somalia, Operation Restore Hope After Action Report/Lessons Learned (Mogadishu, Somalia: 1993), 26.
10. Colonel F.M. Lorenz, "Law and Anarchy in Somalia," Parameters, Winter 1993-4, 32.
11. Ibid., 33.
12. Dworken, 30.
13. Unified Task Force Somalia, Tab L, 1.
14. Lorenz, "Law and Anarchy in Somalia," 31.
15. Lorenz, "Confronting Thievery in Somalia," 52.
16. Lorenz, "Law and Anarchy in Somalia," 35.
17. Lorenz, "Confronting Thievery in Somalia," 52.

18. Lorenz, "Law and Anarchy in Somalia," 34.
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20. Major Martin N. Stanton, "A Riot in Wanwaylen," Army, December 1994, 26.
21. Patrecia Slayden Hollis, "Projecting America's Military Might," Field Artillery, April 1995, 6.
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28. Captain John T. Quinn, "Marine Expedition to Haiti: September-October 1994," Marine Corps Gazette, July 1995, 51.
29. U.S. Army Dept., Law and Military Operations in Haiti, 1994-1995 Lessons Learned for Judge Advocates, 40.
30. Colonel Thomas S. Jones, "Review the Ingredients: Commander's Insights from Cap-Haitien," Marine Corps Gazette, July 1995, 57.
31. John Kiffner, "Haitian Police Crush Rally As American Troops Watch - Pro-Aristide Protester is Beaten to Death in Streets of Capital," The New York Times, 21 September, 1:6.
32. U.S. Army Dept., Law and Military Operations in Haiti, 1994-1995 Lessons Learned for Judge Advocates, 38.
33. CJTF ONE EIGHT ZERO 2002157 Sep 94.
34. U.S. Army Dept., Law and Military Operations in Haiti, 1994-1995 Lessons Learned for Judge Advocates, 38.

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36. Major Christopher Hughes and Major Thomas G. Ziek, Jr., "Cordon and Search Operations," Infantry, July-August 1995, 9.
37. Interview with Major Ronald Scott McClain, Assistant Director for Amphibious Naval Warfare, Oceans Law and Policy Department, Center for Naval Warfare Studies, Naval War College, Newport, RI: 12 January 1996.
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39. Ibid., 24.
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42. U.S. Dept. of Defense, Standing Rules of Engagement for U.S. Forces, A-A-A-1 to A-D-3.
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