

Legal Services  
III CORPS LAW OF WAR PROGRAM

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**SUMMARY.** This regulation implements DOD Directive 5100.77 “DOD Law of War Program” and ensures observance of United States (US) law, US policy, and international agreements during training and combat operations.

**APPLICABILITY.** This regulation applies to all personnel assigned, attached, serving, or under operational control of III Corps and its subordinate units. This regulation applies both within and outside the US, during both peacetime and wartime, and applies to all military operations and related activities during armed conflicts, regardless how such conflicts are characterized. The punitive aspects of this regulation are highlighted in block 8.

**SUPPLEMENTATION.** Supplementation of this regulation is prohibited without prior approval from the Staff Judge Advocate.

**INTERIM CHANGES.** Interim changes to this regulation are not official unless they are authenticated by the Directorate of Information Management (DOIM). Users will destroy interim changes on their expiration dates unless sooner superseded or rescinded.

**SUGGESTED IMPROVEMENTS.** The proponent agency of this regulation is the Staff Judge Advocate. Users are invited to send comments and suggested improvements directly to the Commander, III Corps and Fort Hood, ATTN: AFZF-JA-OPS, Fort Hood, Texas 76544-5056.

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**OVERVIEW**

		<u>1</u>
Purpose	To implement DOD Directive 5100.77 “DOD Law of War Program” and ensure observance of US law, US policy, and international agreements during training and combat operations.	<u>1a</u>
References	Related publications are listed in appendix A.	<u>1b</u>
Abbreviations and Terms	Abbreviations and special terms used in this regulation are explained in the glossary.	<u>1c</u>

**POLICY**

		<u>2</u>
Command	It is the policy of this command to ensure that <ul style="list-style-type: none"><li>• the Law of War (see definition in glossary) and the obligations of the US Government under that law are observed and enforced by Headquarters (HQ) III Corps and its subordinate commands.</li><li>• a training program, designed to prevent violation of the Law of War, is implemented by HQ, III Corps and its subordinate commands.</li><li>• alleged violations of the Law of War, whether committed by or against US or enemy personnel, are</li></ul>	

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- Command (cont)
- promptly reported,
  - thoroughly investigated, and
  - where appropriate, remedied by corrective action.
- property acquisition during deployment is in accordance with (IAW) applicable laws and regulations.
  - units are properly prepared to contract for needed goods during deployment.
  - claims for damage allegedly caused by US forces during training or deployment are properly investigated and paid if cognizable and meritorious IAW applicable laws and regulations.
  - alleged incidents of friendly fire (see definition in glossary) deaths, injury, or equipment damage are promptly reported and thoroughly investigated.

2a

**RULES OF ENGAGEMENT (ROE)/ PLANS REVIEW**

3

Plans and Orders

All plans and orders will comply with the Law of War.

The III Corps Standing Peacetime Rules of Engagement found at appendix B apply unless amended by an operation plan (OPLAN) or operation order (OPORD) that has been reviewed for legal sufficiency by the servicing judge advocate (JA).

ROE cards (or other written documents) will be distributed to soldiers prior to all deployments.

The Assistant Chief of Staff (ACofS), G3 or unit S3 for deploying units is responsible for requesting legal review of supplemental ROE to support the mission and for the preparation and distribution of ROE cards (or other written documents).

The ACofS, G3 or unit S3 will coordinate all OPLANs and OPORDs with their servicing JA, including review of

- the ROE,
- targeting,
- processing of enemy prisoners of war (EPWs) and detainees, and
- general compliance with the Law of War.

The servicing JA will review all OPLANs, OPORDs, and requests for supplemental ROE for compliance with the Law of War.

If a servicing JA to a III Corps subordinate commander lacks the requisite security clearance to review an OPLAN or OPORD, requests for review will be forwarded to the III Corps JA, ATTN: Chief, Operational Law.

Servicing JAs (if they have requisite security clearances) will have access to tactical operations centers to participate in operations planning.

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Plans and Orders (cont)

The servicing JA will prepare a legal annex for all OPLANs and OPORDs, including provisions for

- military justice,
- legal assistance,
- claims,
- operations law,
- administrative law, and
- contracting.

3a

**WAR CRIMES REPORTING**

4

Violations

Law of War violations (see glossary)

- are immoral,
- are illegal,
- damage mission accomplishment, and
- undermine unit discipline.

Violations also raise intelligence and public affairs issues which may hinder our war effort.

Soldiers who observe a suspected Law of War violation by US, allied, or enemy personnel, or receive reports about an alleged Law of War violation, will report their knowledge orally or in writing immediately to their supervisor or anyone higher in the chain of command.

Supervisors and commanders will continue to forward such reports up the chain of command.

Company-level commanders and higher commanders should make a written report using the format at appendix C.

If reporting to the chain of command or supervisor is not possible, oral or written reports may be made directly to the Staff Judge Advocate, Chaplain, Provost Marshal, or Inspector General.

Any commander or staff officer who receives an oral or written Law of War violation report will annotate the report in the unit or staff journal and immediately forward a written report through command channels for distribution to the III Corps Staff Judge Advocate; the III Corps ACofS, G2; the III Corps Provost Marshal; and the III Corps ACofS, G5.

All incidents of death or injury to protected persons (see definition in glossary) as a result of combat operations or combatant conduct (enemy or friendly) must be reported using the format at appendix C immediately using the procedures described above (this includes deaths or injuries that apparently do not violate the Law of War).

Investigation of suspected Law of War violations, or protected person incidents will be conducted pursuant to block 6.

Do not delay reports for unknown information.

Forward reports by the fastest available means of communication.

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Violations (cont)      Submit follow-up reports as information becomes available.

Classify reports about protected person incidents and suspected Law of War violations committed by US Forces SECRET NOFORN.

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4a

**FRIENDLY FIRE INCIDENTS**

5

Reporting and Investigating      All incidents of death, injury, or equipment damage suspected to have been caused by friendly fire will be investigated and reported.

Investigation of suspected friendly fire incidents will be conducted pursuant to block 6.

Soldiers who observe a suspected friendly fire incident violation by US or Allied personnel, or receive reports about such alleged friendly fire incident, will report their knowledge orally or in writing immediately to their supervisor or anyone higher in the chain of command.

Supervisors and commanders forward such reports up the chain of command.

Company-level commanders and higher commanders should make a written report using the format at appendix D.

If reporting to the chain of command or supervisor is not possible, oral or written reports may be made directly to the

- Staff Judge Advocate,
- Chaplain,
- Provost Marshal, or
- Inspector General.

Any commander or staff officer who receives a friendly fire incident report will record the report in the unit or staff journal and immediately forward the written report through command channels for distribution to the III Corps Staff Judge Advocate; the III Corps ACofS, G1; the III Corps Provost Marshal; and the III Corps ACofS, G3.

Do not delay reports for unknown information.

Forward reports by the fastest available means of communication.

Submit follow-up reports as information becomes available.

Classify reports about friendly fire incidents SECRET NOFORN.

**LAW OF WAR, PROTECTED PERSON INCIDENTS, AND FRIENDLY FIRE INCIDENTS**

6

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Investigations      Investigation of suspected Law of War violations, protected persons incidents, and friendly fire incidents will commence as quickly as the tactical situation allows.

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Investigations  
(cont)

All suspected incidents will be investigated.

The servicing JA will coordinate investigative support from the Provost Marshal or Criminal Investigation Division (CID).

If such support is not available, or not within the investigative jurisdiction of criminal investigators, the servicing JA will recommend the commander appoint an investigator IAW the provisions of AR 15-6.

The servicing JA will brief AR 15-6 investigating officers before initiation of the investigation, or at the earliest opportunity.

Investigative findings will include, but need not be limited to

- whether the alleged incident occurred;
- the time and place and circumstances of discovery of the alleged incident;
- the time and place of occurrence;
- identity of persons or organizations responsible for the alleged violation;
- identity, address, or organization of witnesses;
- identity, address, or organization of victims;
- the location of all physical evidence gathered;
- whether there was compliance with blocks 4 and 5 (as applicable) of this regulation.

The report of investigation will include

- medical reports,
- photographs or videotapes of the alleged victim(s) and location of the alleged incident,
- sworn witness statements,
- other documentary evidence (duty logs, maps, etc.), and
- physical evidence.

**NOTE:** Evidence that cannot be preserved must be photographed carefully.

6a

**PROPERTY ACQUISITION/CLAIMS**

7

Peacetime  
Property  
Acquisition

All property necessary to support peacetime operations must be obtained through contracting procedures (no confiscation or seizure of property is allowed).

Requisitions must be made by appointed contract or ordering officers using contract procedures (see paragraph 7d below regarding appointment procedures).

7a

Wartime  
Property  
Acquisition

Enemy property can be taken or destroyed (with certain limitations) during wartime and occupation if done IAW the Law of War.

Commanders must ensure property acquired during wartime is IAW the Law of War.

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Wartime  
Property  
Acquisition  
(cont)

Servicing JA officers are responsible for instructing their commanders on

- wartime and occupation confiscation,
- seizure, and
- requisitioning of property (see definitions in glossary).

Property cannot be confiscated or seized in host countries (proper contracting procedures must be utilized in host countries).

Questions on wartime property acquisition should be addressed to the servicing JA.

7b

War Trophies

Obtaining, collecting, retaining, possessing, distributing, transferring, or transporting of war trophies is prohibited unless specifically authorized by the III Corps Commander in a

- General Order,
- Command Policy Letter,
- OPORD,
- OPLAN, or
- other written directive.

Captured enemy possessions, property, and equipment become the property of the US and must be disposed of IAW the Law of War.

No subordinate commander has the authority to modify this prohibition against taking war trophies.

7c

Ordering  
two Officers/  
Class A Agents

Major subordinate commands will ensure that at all times, at battalion/separate company level, at least officers are trained as Ordering Officers (see definition) and two different officers are trained as Class A Agents (see definition).

Officers cannot simultaneously serve as Class A Agents and Ordering Officers.

Candidates for Ordering Officer appointments must be nominated in accordance with Fort Hood Regulation 715-1 and appointed by the Directorate of Contracting (DOC).

Training will be scheduled and appointed by DOC.

Training of Class A Agents will be provided by the servicing finance battalion.

Ordering Officers will submit a copy of their appointment orders through command channels to the III Corps Office of the Staff Judge Advocate, ATTN: Operational Law.

Class A Agents will submit a copy of their appointment orders through command channels to the Commander, 3d Finance Group and the III Corps Staff Judge Advocate, ATTN: Operational Law.

7d

Unit Claims  
Officer

Major subordinate commands will ensure that at all times, at battalion/separate company level, at least one officer is appointed as the primary Unit Claims Officer, and at least one alternate Unit Claims Officer is appointed.

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Unit Claims Officers (cont)

Unit Claims Officers are responsible for

- identifying situations which present potential claims for or against the US (to include maneuver damage),
- investigating such instances IAW AR 27-20 and AR 15-6, and
- reporting such instances through command channels to the servicing JA.

The servicing JA is responsible for training Unit Claims Officers.

Unit Claims Officers DO NOT have the authority to settle claims on behalf of the US Government and while investigating should not indicate in any manner whether or not a claim will be paid.

7e

NONCOMPLIANCE

8

Soldiers Subject to Prosecution

The following soldiers assigned or attached to III Corps and its subordinate units are subject to prosecution under the Uniform Code of Military Justice and other adverse administrative and punitive action

- violators of the Law of War;
- those who willfully violate the reporting requirements outlined in blocks 4 and 5;
- those who willfully fail to forward reports of suspected Law of War violations, protected persons incidents, or friendly fire incidents to their supervisor, commander, or appropriate staff agencies in accordance with blocks 4 and 5.
- those who willfully obtain, collect, retain, possess, distribute, transfer, or transport enemy property in violation of the war trophy rules found in block 7c above.

8a

TRAINING

9

Deployments

Soldiers deploying outside of the US will be briefed on the Law of War, blocks 4, 5, 6,7, and 8 of this regulation, and other legal considerations affecting the deployment.

Failure of the command to provide, or failure of an individual soldier to receive, such training creates no rights or defenses for an accused charged with violating such provisions or laws.

All commanders will ensure their personnel have annual instruction in the Law of War and will insert Law of War problems in field exercises.

The servicing JA will provide instructors for unit training and will assist commanders in planning realistic field training in the Law of War.

9a

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**COMMAND INSPECTION PROGRAM**

10

Annual  
Inspections

Commanders will inspect unit compliance with this regulation at least annually.

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10a

**IMPLEMENTATION**

11

Directives or  
Regulations

Commanders will forward two copies of all implementing directives or regulations to this headquarters within 90 days of the effective date of this regulation.

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11a

**Appendix A**  
**REFERENCES**

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Related  
References

AR 15-6 Procedures for Investigating Officers and Boards of Officers

AR 27-20 Claims

DA Pam 27-1 Treaties Governing Land Warfare

DOD Directive 5100.77

DOD Law of War Program, July 1979

FM 27-10 The Law of Land Warfare, July 1956

FORSCOM message, subject: Review of Operations Plans, DTG 292030Z Oct 84.

Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in the Armed Forces in the Field, 12 August 1949

Geneva Convention for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of the Armed Forces at Sea, 12 August 1949

Geneva Convention Relative to the Treatment of Prisoners of War, 12 August 1949

Geneva Convention Relative to the Protection of Civilian Persons in Time of War, 12 August 1949

Hague Convention No. IV Respecting the Laws and Customs of War on Land, 18 October 1907

JCS memorandum (MJCS 0124-88), Implementation of DOD Law of War Program, 4 August 1988

Manual for Courts Martial, 1984

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**Appendix B**  
**III CORPS STANDING PEACETIME RULES OF ENGAGEMENT**

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General

These are peacetime ROEs.

We are not at war.

Nothing in these rules limits the rights of individual soldiers to defend themselves, or the rights and responsibilities of leaders to defend their units.

Refer to the ROE in the current OPLAN/OPORD. In the event of conflict between the ROE in the current OPLAN/OPORD and these ROE, the ROE in the current OPORD/OPLAN govern.

If hostilities begin, follow the Wartime Rules of Engagement.

B-1

Standing ROEs You may not conduct offensive military operations (raids, ambushes, etc.).

If peaceful measures are, or would be, ineffective, you may use force in response to actual or imminent hostile acts against US or host nation forces, citizens, property, or commercial assets. Only the minimum force necessary to prevent the hostile act is authorized.

If peaceful measures and nondeadly force are, or would be, ineffective, you may use deadly force to defend yourself or others from imminent death or grievous bodily harm and to defend critical US facilities or equipment. Only the minimum force necessary to eliminate the threat is authorized.

You are not permitted to enter the land, sea, or airspace of countries other than the host nation.

If you inadvertently enter the land, sea, or airspace of another country, withdraw immediately. You may use force only to the extent necessary to defend yourself while withdrawing.

You may not seize property of others to accomplish your mission. Proper contracting procedures must be followed to obtain items necessary to accomplish the mission.

Treat all persons and property with respect and dignity.

Obey host nation laws and customs.

Report all accidents, injuries, property damage, maneuver damage, violations of law or regulation, and incidents with host nation citizens or officials immediately to your chain of command.

B-2

Appendix C  
SUSPECTED LAW OF WAR VIOLATION AND  
PROTECTED PERSON INCIDENT REPORT FORMAT

(CLASSIFICATION)

AFZF-\_\_\_\_\_

\_\_\_\_\_19\_\_\_\_

MEMORANDUM FOR Commander, III Corps and Fort Hood, ATTN: ACofS, G2; ACofS, G5; Provost Marshal  
and Staff Judge Advocate

SUBJECT: Suspected Law of War Violation and Protected Person Incident Report

1. Description of Incident/Suspected Violation (who reported incident and what happened): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

2. Location (Grid coordinate or near where): \_\_\_\_\_

\_\_\_\_\_

3. Time of occurrence and time of discovery: \_\_\_\_\_

\_\_\_\_\_

4. Who caused (if known) or identity of friendly and enemy units operating in the immediate area (if known):

\_\_\_\_\_

5. Name of witnesses (w/unit or address):

\_\_\_\_\_

\_\_\_\_\_

6. Unit point of contact: \_\_\_\_\_

FOR THE COMMANDER:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(CLASSIFICATION)

Appendix D  
SUSPECTED FRIENDLY FIRE INCIDENT REPORT FORMAT

(CLASSIFICATION)

AFZF-\_\_\_\_\_ 19\_\_\_\_

MEMORANDUM FOR Commander, III Corps and Fort Hood, ATTN: ACofS, G1; ACofS, G3; Provost Marshal;  
and Staff Judge Advocate

SUBJECT: Suspected Friendly Fire Incident Report

1. Description of Incident (who reported incident and what happened): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. Location (Grid coordinated or near where): \_\_\_\_\_

\_\_\_\_\_

3. Time of occurrence and time of discovery: \_\_\_\_\_

\_\_\_\_\_

4. Who caused (if known) or identity of units operating in the immediate area (if known): \_\_\_\_\_

\_\_\_\_\_

5. Name of witnesses (w/unit or address): \_\_\_\_\_

\_\_\_\_\_

6. Unit point of contact: \_\_\_\_\_

FOR THE COMMANDER:

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\_\_\_\_\_

(CLASSIFICATION)

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**Glossary**


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**ABBREVIATIONS**


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ACofS	Assistant Chief of Staff
CID	Criminal Investigation Division
DOC	Directorate of Contracting
DOIM	Directorate of Information Management
EPW	enemy prisoner of war
HQ	Headquarters
IAW	in accordance with
JA	judge advocate
OPLAN	operation plan
OPORD	operation order
ROE	Rules of Engagement
US	United States

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**TERMS****Class A Agents**

Officers appointed on orders who are empowered to withdraw funds from the servicing finance office and make cash payments on behalf of the US Government.

**confiscation**

Permanent appropriation of enemy public property without compensation.

**friendly fire**

Friendly fire is all fire, direct or indirect, that did not originate from an enemy source. It includes fires from US forces and allies.

**Law of War**

The Law of War is defined as all international and domestic law with respect to the conduct of armed conflict, binding the United States, its individual citizens, or persons serving with or accompanying the Armed Forces of the United States, found in the Constitution, statutes, regulations, international treaties, and agreements to which the United States is a party, or applicable as customary international law.

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**Law of War violation**

Law of War violations are any breach of the Law of War by US, allied, or enemy individual citizens or persons serving with, or accompanying, the Armed Forces of their respective nations, to include, but not limited to: killing or maltreatment of protected persons (defined below), maltreatment of the dead, unnecessary destruction of property, destruction of protected property without military justification, acts of treachery, and looting.

**occupation**

A condition when effective control of territory shifts from the enemy government to US or allied forces.

**Ordering Officer**

Properly appointed officers that are empowered to make small purchases up to the dollar limit specified in their appointment orders. Only properly appointed ordering officers are authorized to bind the US Government for goods and services.

**protected persons**

Protected persons include civilians not actively supporting the enemy's war effort, full-time medical personnel, chaplains, prisoners of war, sick and wounded, detained persons, and parachutists descending from a disabled aircraft.

**requisition**

Appropriation of private property which requires immediate payment.

**Seizure**

Appropriation of enemy property without prompt compensation.

**servicing judge advocate (JA)**

The servicing JA is the Judge Advocate General Corps officer assigned as or acting as the principal legal advisor to the commander at the lowest command level in a unit's chain of command. In garrison the servicing JA will usually be found at corps and division level. During deployment, brigades and task force commanders may have an assigned or attached servicing JA.

**wartime**

Wartime is defined as any armed conflict, regardless how such conflict is characterized.

**war trophy**

A war trophy is any enemy property obtained, collected, retained, possessed, distributed, transferred, or transported for private purposes. Captured enemy property possessed or transferred IAW appropriate regulations for a governmental purpose is not considered a war trophy.

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1 January 1993

III CORPS & FH REG 27-2

The proponent of this regulation is the Staff Judge Advocate.

FOR THE COMMANDER:



ROBERT S. COFFEY  
Brigadier General, USA  
Chief of Staff

STEPHEN J. BERTOCCHI  
LTC, SC  
DOIM

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