

Headquarters  
United States Forces Korea  
Unit #15237  
APO AP 96205-5237

United States Forces Korea  
Regulation 525-2

1 April 2010

Military Operations  
LAW OF WAR PROGRAM

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**\*This regulation supersedes USFK Regulation 525-2, 26 November 2001.**

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FOR THE COMMANDING GENERAL:

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**Summary.** The purpose of this regulation is to implement the Department of Defense (DOD) Law of War Program, to assign responsibilities pursuant to references (a) through (c), and to ensure that the law of war and the obligations of the United States (U.S.) Government thereunder are observed and enforced by USFK personnel, and USFK component and subordinate commands.

**Summary of Change.** This regulation has been substantially changed. A full review of its contents is required.

**Applicability.** This regulation applies to all U.S. military, civilian, and contractor personnel assigned or attached to, serving with, or accompanying USFK and activities subordinate to USFK, including service component commands.

**Supplementation.** Supplementation of this regulation and issuance of command and local forms by subordinate commands is prohibited unless prior approval is obtained from HQ USFK (FKJA-OL), Unit #15237, APO AP 96205-0010.

**Internal Controls.** This regulation does not contain management control checklists.

**Forms.** USFK forms are available at <http://www.usfk.mil/usfk/>.

**Records Management.** Records created as a result of processes prescribed by this regulation must be identified, maintained, and disposed of according to governing service regulations. Record titles and descriptions are available on the Army Records Information Management System (ARIMS) website at <https://www.arims.army.mil>.

**Suggested Improvements.** The proponent of this regulation is HQ USFK, (FKJA-OL). Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) to HQ USFK (FKJA-OL), Unit #15237, APO AP 96205-5237.

**Distribution.** Electronic Media Only (EMO).

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## **Chapter 1**

### **Introduction**

#### **1-1. Purpose**

The purpose of this regulation is to implement the Department of Defense (DOD) Law of War Program, to assign responsibilities pursuant to references (a) through (c), and to ensure that the law of war and the obligations of the United States (U.S.) Government thereunder are observed and enforced by USFK personnel, and USFK component and subordinate commands.

#### **1-2. References**

**Required and related** references are listed in Appendix A.

#### **1-3. Explanation of Abbreviations and Terms**

a. Law of war. That part of international law that regulates the conduct of armed hostilities. It is often called the law of armed conflict. The law of war encompasses all international law for the conduct of hostilities binding on the U.S. or its individual citizens, including references (d) through (h) and other treaties and international agreements to which the U.S. is a party, and applicable customary international law.

b. Reportable Incident. A possible, suspected, or alleged violation of the law of war for which there is credible information, or conducts during military operations other than war that would constitute a violation of the law of war if it occurred during an armed conflict.

c. Violation of the law of war. Misconduct that includes, but is not limited to, the following: unlawful killing of noncombatants, torture or inhumane treatment, unnecessarily causing suffering or serious injury, taking hostages, compelling a prisoner of war to serve in the forces of the hostile power, using unlawful arms or ammunition, mutilating dead bodies, abusing or firing on the flag of truce, misusing the Red Cross emblem, poisoning wells or streams, pillaging or purposeless destruction, summary executions, and violations of surrender terms. These examples are not all inclusive.

## **Chapter 2**

### **Policies and Responsibilities**

#### **2-1. Policy**

a. All U.S. military, civilian, and contractor personnel comply with the law of war during all armed conflicts, however such conflicts are characterized, and in all other military operations.

b. The law of war obligations of the United States are observed and enforced by USFK and its component and subordinate commands.

c. An effective program to prevent violations of the law of war is implemented by USFK and its component and subordinate commands.

d. All reportable incidents committed by or against U.S. personnel, enemy persons, or any other individual are reported promptly, investigated thoroughly, and, where appropriate, remedied by corrective action.

e. All reportable incidents are reported through command channels for ultimate transmission to appropriate U.S. Agencies, allied governments, or other appropriate authorities. Once it has been determined that U.S. personnel are not involved in a reportable incident, an additional U.S. investigation shall be continued only at the direction of CDRUSPACOM. On-scene commanders shall ensure that measures are taken to preserve evidence of reportable incidents pending transfer to U.S., allied, or other appropriate authorities.

## **2-2. Responsibilities**

a. The Commander, USFK, is responsible for the overall execution of the DOD Law of War Program within theater, and ensures command compliance with the law of war.

b. The Assistant Chief of Staff (ACofS), J2, in coordination with the JA, will ensure that target and weapons effects planning in support of USFK and service component command plans, are in compliance with the law of war.

c. The ACofS, J3, will:

(1) Ensure that all operational plans (including preplanned targets), policies, directives, and rules of engagement (ROE) issued by USFK and its component and subordinate commands, are developed, promulgated, and executed in a manner consistent with the law of war and the DOD Law of War Program.

(2) Ensure that all plans, ROE, policies, directives, and operational orders issued by HQ USFK and service component commands are reviewed by command legal advisors to ensure compliance with the law of war, domestic and international law, this guidance, and the DOD Law of War program.

(3) In coordination with the JA, ensure that realistic problem-solving requirements involving the law of war are integrated into operational exercises, under the cognizance of HQ USFK and service component commands, on a regular basis and at all levels of command. Specific law of war objectives and law of war-related scenarios will be included to improve evaluation, response, and reporting procedures. Mobilization planning will provide for sufficient JA support for each commander's mission.

d. The ACofS, J5, will ensure that all plans, policies, and directives prepared or received by HQ USFK and service component commands are in compliance with the law of war and guidance contained in this regulation. These publications will be referred to the JA for review before adoption or implementation.

e. The JA, USFK, is designated the office of primary responsibility for matters involving the DOD Law of War Program, and will:

(1) Review all plans, policies, directives, operational orders, and ROE issued by HQ USFK and service component commands to ensure compliance with the law of war.

(2) Ensure legal advisors attend planning and operations-related conferences for military operations and exercises, as appropriate, to enable them to provide advice concerning law of war compliance during joint and combined operations and exercises.

(3) Ensure that legal advisors are made available to commanders and their staffs to provide advice concerning compliance with the law of war during joint and combined operations. Such advice will be provided in the context of the broader relationships of international, U.S. and allied domestic law to military operations and, among other matters, will address not only legal constraints upon operations but also legal rights to employ force.

(4) Consult periodically, as appropriate, with allied counterparts about the law of war in conjunction with combined operations and exercises.

(5) Supervise the administration of those aspects of this regulation dealing with possible, suspected, or alleged violations of the law of war.

(6) Forward copies of this regulation and approved supplements issued by subordinate commands to SJA, USPACOM.

f. The Chief, Public Affairs (PA), USFK, will serve as the office of primary responsibility for coordinating all media releases related to reportable incidents. All media releases related to reportable incidents shall be forwarded to USFK JA for review prior to release.

g. The ACofS, Acquisition Management (FKAQ) will ensure that contract work statements for contractors comply with the policies contained in references (a), (i) and this regulation. Require contractors to institute and implement effective programs to prevent violations of the law of war by their employees and subcontractors, including law of war training and dissemination.

h. USFK component and subordinate commanders will issue directives implementing this regulation within their respective commands. These directives will:

(1) Ensure that an effective program is instituted to prevent law of war violations.

(2) Facilitate periodic review and evaluation of the commands' plans, policies, directives, and ROE, particularly in light of any reportable incidents.

(3) Ensure that all reportable incidents are reported and investigated IAW this regulation and the references listed in Appendix A. If a determination is made that U.S. personnel were not involved in the alleged violation, further investigation will be initiated only upon direction by the CDRUSPACOM.

(4) Ensure appropriate disposition, according to the Uniform Code of Military Justice (UCMJ) and service regulations, of cases involving alleged violations of the law of war by persons subject to the UCMJ.

(5) Ensure that U.S. Army Criminal Investigation Command (USACIDC), Naval Criminal Investigative Service (NCIS), and Air Force Office of Special Investigations (AFOSI), when requested, provide assistance in reporting and investigating alleged violations of the law of war (including examining and recording evidence) whether committed by U.S., allied, or enemy personnel.

(6) Ensure subordinates receive sufficient law of war training to enable each individual to possess an understanding of the principles and rules of the law of war that is commensurate with their duties and responsibilities.

(7) Ensure that contract work statements for contractors comply with the policies contained in references (a), (i) and this regulation. Require contractors to institute and implement effective programs to prevent violations of the law of war by their employees and subcontractors, including law of war training and dissemination.

i. All military, civilian, and contractor personnel assigned to or accompanying any command under USFK's cognizance USFK personnel who witness or have knowledge of a reportable incident will immediately report the incident through their chain of command. Reports may also be made through other channels, such as the provost marshal, security police commander, Inspector General (IG), chaplain, or JA. Personnel who know (or have information that would enable them to conclude under the circumstances) that a subordinate is violating the law of war will take all feasible measures to prevent such violations.

### **2-3. Discussion**

a. The law of war is derived from treaties, conventions, and long-standing international customs and practices generally recognized as binding upon all nations.

b. The Armed Forces of the U.S., including civilian and contractor personnel, are obligated under the U.S. Constitution to comply fully with the law of war, regardless of source. In furtherance of this objective, the Secretary of Defense has directed the Armed Forces of the U.S. to comply with the law of war during all armed conflicts, however such conflicts are characterized, and in all other military operations in accordance with reference (a).

c. Violations of the law of war detract from the commander's ability to accomplish the mission, have an adverse impact on national and international opinion, serve to prolong conflict by inciting emotions of desperation and revenge, block the acquisition of intelligence vital to success in battle, invite maltreatment by the enemy of friendly personnel subject to their control, waste military resources, and expose those involved to criminal sanctions.

d. Authoritative guidance on the law of war that addresses naval, air, and land warfare are contained in references (j) through (l). These references contain applicable rules, customs, and laws; however, situations may arise that are not specifically addressed. Although consistency of plans and ROE with law of war principles is essential to compliance with the law of war, the most critical stage is the actual implementation of operation plans or the occurrence of contingencies for which there are no standing plans. Accordingly, compliance with the policies stated above requires a general awareness of the basic principles of the law of war and close coordination with appropriate legal authorities.

### **2-4. Reports and Investigations**

a. All military, civilian, and contractor personnel assigned to or accompanying any command under USFK's cognizance will report all reportable incidents immediately through their chain of command. Reports may also be made through other channels, such as the provost marshal, security police commander, Inspector General (IG), chaplain, or JA.

b. Commanders, or other channels, that obtain information about a reportable incident must immediately report the incident through appropriate command channels to HQ USFK (FKJ3, FKJ5, FKJA, FKPM, and FKPA) as described in this section and appendix B. The initial report shall be made through the most expeditious means available.

c. Upon receiving reports from subordinate units, HQ USFK JA will submit a report, by the most expeditious means available, to USPACOM (J01, J1, J2, J3, J5, J06, and J01PA) and Service HQ. Normally an OPREP-3 will be required in accordance with reference m. USPACOM will submit reports to the Joint Staff, Secretary of Defense, Secretary of the Army (in his capacity as Executive Agent), and other appropriate authorities.

d. In addition to the above, commanders will submit reports as required by their applicable service regulations, outlined in references (l), (n) and (o).

e. Any person discovering a possible violation of the law of war will take all reasonable actions to preserve the physical evidence, to note the identity of witnesses present, and to record (photograph, sketch, or write descriptive notes) the circumstances and surroundings.

f. Commanders of subordinate units receiving an initial report of a reportable incident will:

(1) Initiate a formal investigation by requesting that the appropriate Military Criminal Investigative Organization (MCIO) investigate the matter. MCIOs are USACIDC, NCIS, and AFOSI/OSI. If MCIO services are not available, a commander will conduct or direct a preliminary inquiry using appendix B as a guide.

(2) If preliminary inquiry reveals that no U.S. personnel are involved in a reportable incident, this conclusion will be forwarded to HQ USFK for further reporting to USPACOM. In such a case, additional investigation will not be conducted without direction from CDRUSPACOM. CDRUSPACOM will ensure such incidents are reported to the appropriate U.S. agencies, allied governments, or other authorities.

(3) If preliminary inquiry reveals U.S. personnel may be involved, a complete investigation will be conducted in accordance with guidance in this regulation and references (a) through (c).

g. If MCIO services are not available, commanders will appoint a trained and qualified investigating officer, preferably one who has had experience in criminal investigations or a related field. If two or more appointing authorities are concerned with the same incident, they will jointly agree on the appointment of one investigating officer, with such additional assistants as may be necessary

h. Additional investigation requirements are contained in appendix B. A copy of the investigative report, with forwarding endorsements, will be provided to HQ USFK (JA) who will forward to USPACOM. Copies will be provided to the CFC JA under the provisions of reference (p).

i. Media Inquiries.

(1) USFK personnel who receive media inquiries related to reportable incidents will immediately forward such inquiries to FKPA for appropriate action. USFK personnel will not - under any circumstances - respond to media inquiries related to reportable incidents without first obtaining proper authorization, and only after such responses have been reviewed by FKJA and FKPA. The intent of these procedures is to ensure that DOD PA is properly executed.

(2) In accordance with reference (q), the Assistant Secretary of Defense (Public Affairs) determines who should serve as the initial source of release of information about joint, multinational, and single-service operations, and delegates public affairs release authority to the appropriate combatant commander as soon as practical. USFK PA Office will serve as the release



authority for information concerning USFK matters (including reportable incidents) when a delegation of such authority is made IAW applicable operational plans.

### **2-5. Punitive Application**

Violations of reporting requirements of this regulation are punishable in accordance with reference (r). In addition, violations of the law of war may be punishable under reference (r) through (t) and other directives.

## **Appendix A References**

DOD Directive 2311.01E, "DOD Law of War Program"

CJCSI 5810.01C, "Implementation of the DOD Law of War Program"

USCINCPACINST 5711.5D, "Implementation of the DOD Law of War Program" June 24, 2004

Hague Convention (IV) Respecting the Laws and Customs of War on Land, October 18, 1907

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

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

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

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

DOD Instruction 3020.41, "Contractor Personnel Authorized to Accompany the U.S. Armed Forces"

FM 27-10, "The Law of Land Warfare"

Naval Warfare Publication 1-14M, "The Commander's Handbook on Law of Naval Operations."

Air Force Directive 51-4, "Compliance with the Law of Armed Conflict"

USPACOMINST 0526.1, "USPACOM Event and Incident Operational Reports," April 3, 2007

U.S. Navy Regulations, Article 1137

AR 190-45, "Law Enforcement Reporting"

UNC/CFC Reg 525-8, "Law of War Compliance Regulation"

Joint Publication 3-61, "Public Affairs"

Uniform Code of Military Justice

Section 2441 of Title 18, United States Code

Section 3261 of Title 18, United States Code

## **Appendix B Investigations**

### **B-1. Extent of Investigations**

a. Commanders will take steps to preserve evidence of reportable incidents. To the extent practical, a crime scene should be secured until MCIO or investigative personnel can arrive. Where this is impractical, a commander should collect and preserve evidence in a manner that preserves the condition of the evidence in its original state. The evidence should be cataloged and secured, and a chain of custody maintained. The number of people handling or having access to the evidence should be kept to a minimum. Taking photographs and video of a crime scene or evidence when MCIO personnel are not immediately available should be considered if practical. Such evidence is important in that it may serve as the basis for a trial of accused war criminals.

b. If a reportable incident is determined to involve U.S. personnel, or has been directed by higher authority, the investigating officer will promptly conduct a complete investigation in order to determine all the facts and circumstances surrounding the alleged commission of a violation of the law of war. Every effort must be made to determine the total environment that existed before, during, and after the alleged offense. The purpose of the investigation is not to adjudge guilt or innocence but to determine fully what happened and why.

c. The investigating officer will determine the facts and circumstances surrounding the alleged or apparent war crime, including the following:

- (1) Identity, organization, and status of the victim(s).
- (2) Nature of the violation committed.
- (3) Cause of injury or death and manner in which it occurred.
- (4) Time and place of commission.
- (5) Identity of individuals or organizations suspected of commission of the act.
- (6) Identification, names, and addresses (or units) of witnesses.
- (7) Medical or autopsy reports.
- (8) Photographic evidence, properly identified as to time, place, subject, witnesses, and photographer.
- (9) Statements of witnesses concerning the circumstances surrounding the incident and the discovery of evidence regarding the incident. When possible, statements will be under oath.
- (10) Physical evidence, such as weapons, clothing, bullets, shell casings, rope, and so forth, pertinent to the case.

### **B-2. Reports**

a. The investigating officer will prepare and submit the final report of investigation to the appointing authority with copies to HQ USFK (FKJ3, FKJ5, FKJA, FKPM, and FKPA) in the following format:

- (1) Authority.
  - (2) Matters investigated.
  - (3) Background.
  - (4) Evidence.
  - (5) Discussion (when authorized by service regulation and the appointing authority).
  - (6) Conclusions (when authorized by service regulation and the appointing authority) that specifically address the following questions:
    - (a) Whether a violation of the law of war was actually committed.
    - (b) Whether U.S. personnel were in any way involved in the alleged violation.
    - (c) Whether disciplinary or other action should be taken by court-martial or other military tribunal, against whom, and for what act or omission.
    - (d) Whether the matter involves an isolated incident of U.S. troop discipline that should be referred to the appropriate local commander for action.
    - (e) Whether any act of U.S. personnel, although not culpable, nevertheless resulted inadvertently in death, injury, detention, destruction, and so forth; and if so, whether the matter should be referred through channels as evidence to be used in evaluating any claims against the forces involved.
    - (f) Whether any other action is warranted.
- b. The investigating officer is encouraged to seek technical guidance from command legal advisors or USFK JA in the conduct of the investigation and in the preparation of the report.
  - c. Copies of all endorsements or comments on the report investigation will be provided to HQ USFK (FKJ3, FKJ5, FKJA, FKPM, and FKPA).

**Glossary  
Abbreviations**

ACofS	Assistant Chief of Staff
AFOSI	Air Force Office of Special Investigations
CFC	U.S.-Republic of Korea Combined Forces Command
CJSCI	Chairman, Joint Chiefs of Staff Instruction
DOD	Department of Defense
FM	Field Manual
HQ	Headquarters
IAW	in accordance with
IG	Inspector General
JA(s)	Judge Advocate(s)
MCIO	Military Criminal Investigative Organization
NCIS	Naval Criminal Investigative Service
PA	Public Affairs
PM	Provost Marshal
ROE	Rules of Engagement
SJA	Staff Judge Advocate
UCMJ	Uniform Code of Military Justice
UNC	United Nations Command
U.S.	United States (of America)
USACIDC	U.S. Army Criminal Investigative Division Command
USFK	U.S. Forces Korea
USPACOM	United States Pacific Command