

HQ, MNF-I
EMBASSY ANNEX, IRAQ
131600DJUN06
ROUTINE (GREEN)

(U) MNF-I FRAGO 06-310 [CIVILIAN ARMING]

(U) SUBJECT: PROCEDURES AND POLICY FOR THE PERSONAL PROTECTION ARMING OF DoD CIVILIANS/CONTRACTORS, AND THE ACQUISITION AND ARMING OF PRIVATE SECURITY COMPANIES (PSC)

(U) REFERENCES:

A. (U) MNF-I Framework OPORD, 01 May 06

B. (U) DODI 3020.41, Contractor Personnel Authorized to Accompany the U.S. Armed Forces, 3 October 2005

C. (U) AR 715-9, Contractors Accompanying the Force, 29 Oct 99

D. (U) FM 3-100.21, Contractors on the Battlefield, 23 Jan 03

E. (U) US CENTCOM OPORD 05-01, Annex B, Appendix 8 to Annex C, Arming and Use of Force Policy, 10 August 2005. This Annex provides guidance for the arming of personnel for whom Commander, US CENTCOM, has been given responsibility for force protection

F. (U) US CENTCOM Message DTG 231600Z Dec 05, Subject: US CENTCOM Policy and Delegation of Authority for Personal Protection [and] Contract Security Service Arming of DoD Civilian Person[s]

G. (U) US CENTCOM SJA Information Paper, Required Information to Process Requests to Arm DoD Civilians and Contractors in Iraq and Afghanistan, 23 Dec 05

H. (U) DOD Office of General Counsel Memorandum for SJA, US CENTCOM, Subject: Request to Contract for Private Security Companies in Iraq, 10 Jan 06

I. (U) DODI 5525.11, Criminal Jurisdiction Over Civilians Employed by or Accompanying the Armed Forces Outside the United States, Certain Service Members and Former Service Members

J. (U) MNF-I FRAGO 05-231, Reporting and Investigating Incidents Involving Contractors Firing Weapons (August 2005)

K. (U) MNF-I CG Memorandum, Subject: Delegation of Authority to Approve Arming Requests for DoD Civilian/Contractor Personnel and the Acquisition of Private Security Companies (PSCs), 18 Feb 06

L. (U) MNF-I SJA Information Paper, Subject: Permissible Use of Private Security Companies (PSC), 15 Jan 06

M. (U) CPA Order Number 17 (Revised), Status of the Coalition Provisional Authority, MNF-Iraq, Certain Missions and Personnel in Iraq, 27 Jun 04

N. (U) CPA Memorandum Number 17, Registration Requirements for Private Security Companies (PSC), 26 Jun 04

(U) TIME ZONE USED THROUGHOUT THIS ORDER: Charlie

1. (U) SITUATION: **Change.** Per Reference F, the Commanding General, USCENTCOM, delegated approval authority of requests for DoD civilian/contractor personal protection arming, as well as requests for arming and acquisition of PSCs, to the Commanding General, MNF-I. Per Reference K, the Commanding General, MNF-I, further delegated said authority to the Commanding General, MNC-I. This FRAGO outlines procedures and policies regarding requests for the personal protection

arming of DoD civilians/contractors as well as the arming and acquisition of PSCs within the MNF-I Area of Operations.

2. (U) **MISSION.** No Change.

3. (U) **EXECUTION.** **Change.**

3.A. (U) **COMMANDER'S INTENT:** No Change.

3.B. (U) **CONCEPT OF OPERATIONS.** **Change.**

3.B.1. (U) Operations in Iraq have created a greater need to utilize PSCs in the protection of fixed military facilities as well as mobile military assets. The procedures established in this FRAGO require that the individuals and PSCs approved for arming are properly certified with their weapons, and properly trained in the permissible use of their weapons. Military leaders who endorse an arming request must consider whether or not overall mission objectives in Iraq are well served by placing non-military persons in a position where they are likely to require use of their weapons in self-defense. Endorsers must also ensure that all arming requests meet the stringent documentation standards outlined in this FRAGO.

3.B.2. (U) Personal protection arming requests for DoD civilians/contractors must use the format at Attachment 1 and be submitted by the first line military unit supported by the DoD civilian or contractor. All requests from MNC-I subordinate units must be forwarded through the appropriate chain of command to the Commanding General, MNC-I. Each commander in the chain will endorse the request and make a recommendation regarding approval. Requests from subordinate units to MNF-I (MNSTC-I, TF 134, etc.) will be endorsed by the MNF-I MSC commander and forwarded to the Commanding General, MNC-I. Blanket requests for groups, organizations or job specialties will not be approved.

3.B.3. (U) Requests for arming and acquisition of PSCs must use the format at Attachment 2 and be submitted by the first line military unit requiring the PSC. All requests from MNC-I subordinate units must be forwarded through the appropriate chain of command to the Commanding General, MNC-I. Each commander in the chain will endorse the request and make a recommendation regarding approval. Requests from subordinate units to MNF-I (MNSTC-I, TF 134, etc.) will be endorsed by the MNF-I MSC commander and forwarded to the Commanding General, MNC-I. In addition, every request for acquisition of PSCs must include proof of coordination with the servicing Contracting Officer.

3.B.4. (U) Per References F and H, PSCs may be used to protect both civilian and military assets throughout Iraq. This includes protection of civilian and military static facilities as well as civilian and military mobile assets such as convoys or personal protection details. However, the use of PSC to protect military mobile assets may not be used where a high likelihood exists of direct participation in hostilities with a "uniformed enemy". Criminal elements and terrorists do not qualify as a uniformed enemy.

3.B.5. (U) Personnel that are armed pursuant to this FRAGO shall comply with the Rules for the Use of Force (RUF) contained in Ref F, Para. 4.

3.B.6. (U) Personnel who are armed pursuant to this FRAGO must:

3.B.6.A. (U) While armed, carry proof of arming authorization as issued by the Commanding General, MNC-I, per para. 3.C.2.C.. Personnel may not carry concealed weapons unless specifically authorized.

3.B.6.B. (U) Possess only those U.S. Government-issued or approved weapons and ammunition for which they are qualified and authorized.

3.B.6.C. (U) Follow all applicable policies and regulations concerning the possession and use of weapons.

3.B.6.D. (U) Not consume any alcoholic beverage while armed or within eight hours before any scheduled arming.

3.B.6.E. (U) Maintain annual certification and training requirements outlined in Attachments 1 and 2. Required certification and training more than 12 months old will automatically void any existing arming approval.

3.B.7. (U) Only US Government-issued or approved weapons such as the M9 and M16/M4 are authorized. The M9 will be the standard weapon unless otherwise requested and approved on a case-by-case basis by the Commanding General, MNC-I. US Government ball ammunition must be used. DoD civilians/contractors will not possess any weapon absent authority under this FRAGO. All weapons and ammunition authorized for use under this FRAGO and procured within Iraq must be procured from US Government sources.

3.B.8. (U) Motor vehicles used by armed DoD civilians/contractors and PSC employees in the course of their security duties will not be painted or marked to resemble US/Coalition/Host Nation military or police/security force vehicles. MNC-I will establish uniform motor vehicle standards consistent with current threat conditions.

3.B.9. (U) US Government civilian and contractor personnel who are authorized under US law or regulation (servicing in a law enforcement or national security capacity such as the FBI, DEA, US Secret Service, US Marshall) to carry, concealed or otherwise, government-issued weapons and whose duties routinely require them to do so, are authorized to possess and use government weapons and ammunition for security services or personal protection within Iraq upon notification to and acknowledgement from Commanding General, MNC-I.

3.B.9.A. (U) MNC-I ICW MNF-I should coordinate with representatives from the American Embassy to encourage a consistent approach for arming of other US Government civilians and contractors under Chief of Mission authority.

3.C. (U) **TASKS TO SUBORDINATE UNITS AND STAFF. Change.**

3.C.1. (U) **MNF-I STRATOPS.**

3.C.1.A. (U) Forward quarterly reports provided by MNC-I, under para. 3.C.2.E. to CENTCOM J3 Force Protection no later than the 10th calendar day following the end of the fiscal quarter.

3.C.2. (U) **MNC-I.**

3.C.2.A. (U) Review and take action on arming requests submitted pursuant to this order. All arming approvals and acknowledgments (per Para. 3.B.9.) will be in writing and contain at a minimum the individual's name, weapon type, and period of authorization.

3.C.2.B. (U) Publish internal guidance consistent with this order. This guidance will establish staff responsibilities for processing arming requests and enforcing requirements after approval of requests. This guidance will be coordinated with other MNF-I MSCs that may be affected by the guidance.

3.C.2.B.1. (U) Establish guidance for the reporting and investigation of incidents involving use of force by personnel armed under this FRAGO per Para. 3.C.4. The procedures should incorporate the requirements of MNF-I FRAGO 05-231 [Reporting and Investigating Incidents Involving Contractors Firing Weapons].

3.C.2.C. (U) Establish a standard weapons card or other proof of arming authorization to be carried by all personnel armed under this FRAGO. This proof of arming authorization would be in addition to Iraqi Government-issued weapons cards that PSC personnel must carry pursuant to MNF-I FRAGO 05-134 [Iraqi Weapons Cards].

3.C.2.D. (U) Maintain a database of information on approved personal protection arming requests to include names, status (contractor or civilian), identity of employer, and contact information. Names of PSCs and their armed employees will be included.

3.C.2.E. (U) Provide a quarterly report to MNF-I STRATOPS Force Protection NLT the 5TH calendar day following the end of the fiscal quarter. The report must include the following:

3.C.2.E.1. (U) The number of DoD civilians and contractors present in Iraq who are armed for personal protection at the end of the reporting quarter. Civilians and contractors must be distinguished.

3.C.2.E.2. (U) The identity of PSCs operating in Iraq at the end of the reporting quarter. The number of employees, general scope of work, and contract number must be included.

3.C.2.E.3. (U) Pertinent information on all incidents of use of force by individuals armed under this FRAGO that result in injury, death, or property damage.

3.C.2.E.4. (U) Pertinent Information on all incidents of use of force by individuals armed under this FRAGO against US/Coalition/Host Nation forces regardless of whether injury, death, or property damage occurs.

3.C.3. (U) **JCC I/A and GRD.**

3.C.3.A. (U) Ensure that all existing and future contracts issued by JCC I/A and GRD to supply goods and services in Iraq include requirements to comply with the references and this FRAGO. All contracts will include the clauses in attachment three. All PSC contracts will include the clauses in attachment four.

3.C.3.B. (U) Train and assist designated Contracting Officer Representatives in enforcing the provisions of contract requirements and this FRAGO.

3.C.3.C. (U) Ensure that the Commanding General, MNC-I, has approved acquisition of a PSC prior to initiation of a PSC acquisition.

3.C.4. (U) **ALL MNF-I MSCs.**

3.C.4.A. (U) Ensure that designated CORs conduct quarterly audits of PSC training programs and records to ensure compliance with PSC contracts and this FRAGO.

3.C.4.B. (U) Ensure that all incidents of use of force by individuals armed pursuant to this FRAGO are immediately reported through command channels to the Commander, MNC-I. The report may be made by e-mail and will contain the following:

3.C.4.B.1. (U) Description of the incident to include the "who, what, where, when, and why."

3.C.4.B.2. (U) The name of the organization or company to which the DoD civilian/contractor belongs.

3.C.4.B.3. (U) If a PSC was involved, company name, contract number and identity of US Government contracting office.

3.C.4.B.4. (U) If a PSC was involved, agency or unit for which PSC was providing support when the use of force incident took place.

3.C.4.B.5. (U) If applicable, number of killed/injured personnel or resulting property damage.

3.C.4.C. (U) Ensure that appropriate investigation of all uses of force by individuals armed under this FRAGO is conducted and forwarded to the Commanding General, MNC-I, within thirty calendar days of the incident.

3.C.4.D. (U) Provide support to the Commanding General, MNC-I, in accomplishing the requirements of this FRAGO. Comply with MNC-I guidance published pursuant to this FRAGO.

3.D. (U) **COORDINATING INSTRUCTIONS.** Change.

3.D.1. (U) This FRAGO incorporates all training, certification, and documentation requirements outlined in Attachments 1 and 2 (arming request formats).

3.D.2. (U) Reference F is a lawful general order. Violation of Reference F may subject an offender to administrative or disciplinary action under the UCMJ, civilian personnel regulations, contract terms or criminal prosecution under US or host-nation law.

3.D.3. (U) MNF-I forces may stop, search, seize weapons, and detain civilians armed under this FRAGO if MNF-I forces observe a RUF violation, exhibitions of criminal behavior, or conduct which threatens security. MNF-I forces must report any use of force by a civilian armed under this FRAGO to their commander, who will report the incident through the chain of command per paragraph 3.C.4.B.

3.D.4. (U) This FRAGO contains enduring guidance and will be included in future drafts of the OPOD/Command Policies and Procedures.

3.D.5. (U) POC is LTC (b)(3)(b)(6) Email SIPR: (b)(2) CENTRIX:
(b)(2) DSN: (b)(2) This FRAGO was written by LTC (b)(3)(b)(6)
(b)(3)(b)(6)

4. (U) **SERVICE SUPPORT.** No Change.

5. (U) **COMMAND AND SIGNAL.** No Change.

ACKNOWLEDGE:

CASEY
GEN

OFFICIAL:

MG BARGEWELL
DCS STRATOPS

ATTACHMENTS:

1. Request for Personal Protection Arming
2. Request for Acquisition and Arming of PSC
3. Personal Protection Arming Contract Clauses
4. PSC Contract Clauses