



ADMINISTRATION AND
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE
1950 DEFENSE PENTAGON
WASHINGTON, DC 20301-1950

OFFICE OF THE
SECRETARY OF DEFENSE

ACTION MEMO

2004 DEC -2 AM 9:20

December 1, 2004, 4:15 PM

FOR: SECRETARY OF DEFENSE

DepSec Action _____

FROM: Raymond F. DuBois, Director, Administration & Management

SUBJECT: *Ray DuBois* Protection from the International Criminal Court (ICC)

- The directive at TAB A clarifies and updates policy guidance to the DoD Components on the assignment of personnel to UN Missions. The directive responds to your snowflake on this subject and subsequent guidance from VADM Stavridis (next under).
- Key points of the Directive:
 - All initial assignments of personnel to any UN Missions are approved by the SecDef.
 - Personnel will only be assigned to UN Missions in countries where sufficient protections exist to ensure U.S. personnel will not be exposed to the risk of assertion of jurisdiction by the ICC consistent with U.S. policy and the American Servicemembers' Protection Act.
 - The ASD(SO/LIC) is responsible for the receipt and coordination of requests for personnel to serve in UN Missions and for submitting a recommendation for your consideration.
 - The Secretary of the Army is designated as the Executive Agent for DoD Support to UN Missions. The US Military Observer Group-Washington (USMOG-W), a unit operating under the Secretary of the Army, provides administrative and logistical support for personnel assigned to UN Missions and ensures they receive anti-terrorism training prior to deployment.
- The directive was coordinated among the DoD Components and the OSD Staff. Comments received during coordination have been accommodated where appropriate.

RECOMMENDATION: Sign the directive at TAB A.

COORDINATION: TAB B

Attachments:

As stated

Prepared By: Bob Menig, 703-697-1142



AM 02444-04

OSD 10497-04

015

1 Dec 04

30 Jan 04



OFFICE OF THE SECRETARY OF DEFENSE
1950 DEFENSE PENTAGON
WASHINGTON, DC 20301-1950

SECTION

0001 10 01 00 0.15

MEMORANDUM FOR THE SENIOR MILITARY ASSISTANT

SUBJECT: Protection from the ICC

In response to your note (attached) on the Secretary's snowflake on the ICC, we drafted the DoD Directive at **TAB A**.

It is clear that a directive is needed to update **guidance to JCS and the Military Departments**. Memoranda providing guidance on **these personnel assignments date back** as far as 1973.

Key points of the Directive:

- ▶ The SecDef approves all initial assignments of personnel to UN Missions.
- ▶ Personnel are assigned only to UN Missions in countries where personnel are protected from the ICC.
- ▶ In cases where personnel rotations are needed for already approved assignments, rotations are managed by the Commander of the US Military Observer Group-Washington (**USMOG-W**), a unit operating under the Secretary of the Army as the Executive Agent for DoD Support to United Nations Missions.
- ▶ USMOG-W handles training and support of personnel being assigned to UN Missions.
- ▶ Personnel assigned are considered individual augmentees, not units – when units are deployed, the JCS deployment order process is used.

The draft directive was prepared with input from the Joint Staff, OUSD(P), and the **Army** Staff, but formal staffing is needed before approval and publication.

~~With your concurrence, we will send the draft directive out for formal coordination.~~

APPROVED: _____
DISAPPROVED: _____
OTHER: _____

Raymond F. DuBois
Director

8.20.04



TSA SD	
SRMA SD	
MA SD	
EXEC SEC	SL 8-24-04

OSD 10497-04



Department of Defense **DIRECTIVE**

NUMBER 2065.1E

DA&M

SUBJECT: Assignment of Personnel to United Nations Missions

- References:
- (a) Title 10, United States Code
 - (b) Secretary of Defense Memorandum, "Delegation of Authority to Approve Department of Defense Personnel Assignments to the United Nations for Headquarters Support," January 14, 1994 (hereby canceled)
 - (c) Under Secretary of Defense for Policy Memorandum, "US Military Support to the United Nations Mission in Ethiopia and Eritrea (UNMEE)," October 31, 2000 (hereby canceled)
 - (d) Secretary of Defense Memorandum, "United Nations Truce Supervision Organization (UNTSO)," July 20, 1973 (hereby canceled)
 - (e) DoD Directive 5101.1, "DoD Executive Agent," May 9, 2003
 - (f) Section 7421 et seq. of title 22, United States Code

1. PURPOSE

Pursuant to the authority vested in the Secretary of Defense under Section 113 of reference (a), this Directive:

1.1. Establishes policies and assigns responsibilities for the receipt, analysis, coordination and approval of assignments of DoD military or civilian personnel to serve with United Nations (UN) Missions.

1.2. Cancels references (b) through (d).

1.3. Pursuant to reference (e), designates the Secretary of the Army as the Executive Agent for DoD Support to UN Missions. This designation replaces and subsumes the executive agent designations made in references (c) and (d).

2. APPLICABILITY AND SCOPE

This Directive:

2.1. Applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities in the Department of Defense (hereafter referred to collectively as





Department of Defense **DIRECTIVE**

NUMBER 2065.1E

DA&M

SUBJECT: Assignment of Personnel to United Nations Missions

- References:
- (a) Title 10, United States Code
 - (b) Secretary of Defense Memorandum, "Delegation of Authority to Approve Department of Defense Personnel Assignments to the United Nations for Headquarters Support," January 14, 1994 (hereby canceled)
 - (c) Under Secretary of Defense for Policy Memorandum, "US Military Support to the United Nations Mission in Ethiopia and Eritrea (UNMEE)," October 31, 2000 (hereby canceled)
 - (d) Secretary of Defense Memorandum, "United Nations Truce Supervision Organization (UNTSO)," July 20, 1973 (hereby canceled)
 - (e) DoD Directive 5101.1, "DoD Executive Agent," May 9, 2003
 - (f) Section 7421 et seq. of title 22, United States Code

1. PURPOSE

Pursuant to the authority vested in the Secretary of Defense under Section 113 of reference (a), this Directive:

1.1. Establishes policies and assigns responsibilities for the receipt, analysis, coordination and approval of assignments of DoD military or civilian personnel to serve with United Nations (UN) Missions.

1.2. Cancels references (b) **through** (d).

1.3. Pursuant to reference (e), designates the Secretary of the Army as the Executive Agent for DoD Support to UN Missions. This designation replaces and subsumes the executive agent designations made in references (c) and (d).

2. APPLICABILITY AND SCOPE

This Directive:

2.1. Applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities in the Department of Defense (hereafter referred to collectively as



Missions, including but not limited to equipment, training, and transportation. Provide an officer to serve as the Commander of the USMOG-W.

4.4.3. Coordinate the assignment of personnel approved to serve in UN Missions and the replacement of such personnel with the Chairman of the Joint Chiefs of Staff and the Secretaries of the Military Departments or their designated representatives.

4.5. The Chairman of the Joint Chiefs of Staff shall, after approval of the request for personnel, request the Secretaries of the Military Departments and, when appropriate, the Commander, U.S. Special Operations Command and the other Combatant Commanders, to provide appropriate military and civilian personnel as approved by the Secretary of Defense. Personnel shall be directed to report to the USMOG-W for anti-terrorism training and for administrative and logistics support.

5. EFFECTIVE DATE

This Directive is effective immediately.





Department of Defense DIRECTIVE

NUMBER 2065.1E

DA&M

SUBJECT **Assignment** of Personnel to United Nations Missions

- References:
- (a) Title 10, United States Code
 - (b) Secretary of Defense Memorandum, "Delegation of Authority to Approve Department of Defense Personnel Assignments to the United Nations for Headquarters Support," January 14, 1994 (hereby canceled)
 - (c) Under Secretary of Defense for Policy Memorandum, "**US** Military Support to the United Nations Mission in Ethiopia and Eritrea (UNMEE)," **October** 31, 2000 (hereby canceled)
 - (d) Secretary of Defense Memorandum, "United Nations Truce Supervision **Organization (UNTSO)**," **July** 20, 1973 (hereby canceled)
 - (e) DoD Directive 5101.1, "DoD Executive Agent," May 9, 2003
 - (f) American Servicemembers' Protection Act of 2002, Section 7421 et seq. of title 22, United States Code

1. PURPOSE

Pursuant **to** the authority vested in the Secretary of Defense **under** Section 113 of reference (a), **this** Directive:

1.1. Establishes policies and assigns responsibilities for the receipt, analysis, coordination and approval of assignments of DoD military or civilian personnel to serve with United Nations (UN) Missions.

1.2. Cancels references (b) through (d).

1.3. Pursuant to reference (e), designates the Secretary of the Army **as** the Executive Agent for DoD **Support** to UN Missions. **This** designation replaces and subsumes the executive agent designations made in references (c) and (d).

2. APPLICABILITY AND SCOPE

This Directive:

2.1. Applies to the Office of the Secretary of Defense (OSD), the Military **Departments, the** Chairman of the Joint Chiefs of Staff, the Combatant Commands, the **Office** of the **Inspector** General of the Department of Defense, the Defense Agencies, the DoD Field Activities, **and all**

other organizational entities in the Department of Defense (hereafter referred to collectively as the "DoD Components"). The ~~term~~ "Military Services" as used herein applies to the Army, the Navy, the **Air** Force, the Marine Corps, and the Coast Guard (when not a ~~part~~ of the Navy).

2.2. Applies to all assignments (whether permanent or temporary duty) of DoD military and civilian personnel in support of UN Missions, but does not apply to the deployment of units in **support** of UN operations. When the deployment of units is required, the Chairman of the Joint Chiefs of Staff shall prepare the appropriate orders for approval by the Secretary of Defense.

2.3. Applies to authorized personnel **support** to a UN **Mission** in place on the effective date of this directive and to such support to a UN Mission in the **future**.

2.4. Takes precedence over DoD memoranda or other issuances that contain conflicting guidance on the assignment of personnel to UN Missions or Executive Agent responsibilities for such assignments.

3. POLICY

It is DoD policy that:

3.1. All initial assignments of DoD military and civilian personnel to any UN Mission shall be approved by the Secretary of Defense. Follow-on assignments to a UN Mission, including assignments resulting from the extension of a UN mandate shall be managed by the Executive Agent for DoD Support to UN Missions.

3.2. DoD military and civilian personnel shall be assigned only to UN Missions in countries where sufficient protections exist to ensure U.S. personnel will not be exposed to the **risk** of assertion of jurisdiction by the International Criminal Court (ICC) consistent with **U.S.** policy and the American Servicemembers' Protection Act (reference (f)). Such protections may be provided, as applicable, by a Status of **Forces Agreement** in effect in the country where the UN Mission takes place, a bilateral agreement between the United States and that country consistent with Article 98 of the ICC Treaty, a UN Security Council Resolution under Chapter VII of the UN **Charter**, or other legally binding provisions or agreements.

3.3. DoD military and civilian personnel serving in UN Missions shall be under the management oversight of an Executive Agent and supported by a single focal point official who shall be responsible for providing command, oversight, **training**, and administrative and logistics support for all DoD personnel serving in UN Missions.

4. RESPONSIBILITIES

4.1. The Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, under the Under Secretary of Defense for Policy, shall oversee the process for the receipt, analysis, coordination, and approval (or other disposition) of requests for personnel to serve with UN Missions received from the UN and forwarded by the Department of State to the Department of Defense, and shall:

4.1.1. Upon receipt of a request for DoD personnel to serve with a UN Mission, ~~determine~~, in coordination with the General Counsel of the Department of Defense (DoD GC), and other officials responsible for policy regarding the ICC, whether the assignment of personnel meets the provisions of reference (f), thereby protecting DoD personnel from the jurisdiction of the ICC.

4.1.2. Forward to the Secretary of Defense for decision an Action Memorandum coordinated with the ~~Chairman~~ of the Joint Chiefs of Staff, the DoD GC, and others ~~as~~ appropriate. The Action Memorandum shall contain all pertinent information concerning the request for personnel, including the determination required by subparagraph 4.1.1.

4.1.3. Coordinate with the Department of ~~State~~ to determine force protection responsibilities for DoD personnel serving ~~on~~ UN Missions.

4.2. The ~~OSD Principal Staff Assistants~~ shall, within their functional areas, exercise their designated authorities and responsibilities ~~as~~ established by law or DoD guidance to facilitate the mission of the Executive Agent for DoD Support to UN Missions.

4.3. The ~~Secretaries of the Military Departments~~ shall:

4.3.1. Provide the military and civilian personnel to support UN Missions, ~~as~~ requested by the Chairman of the Joint Chiefs of ~~Staff~~. Personnel shall be directed to report to the ~~U.S.~~ Military Observer Group, ~~Washington~~ (USMOG-W) (a jointly staffed organization), for anti-terrorism training and for administrative and logistics support before executing their assignments. Active or Reserve component personnel ~~who~~ are required for UN Missions for a period that exceeds 180 ~~days~~ may be assigned pursuant to permanent change of station orders ~~as~~ an authorized overstrength in the appropriate component. Retirees supporting UN Missions ~~shall~~ be ordered to active duty pursuant to ~~Section~~ 688 of reference (a).

4.3.2. Provide personnel ~~as~~ requested by the Executive Agent for DoD Support to UN Missions, to ~~staff~~ the USMOG-W.

4.3.3. Cooperate with and support the Executive Agent for DoD Support to UN Missions to ensure the effective and efficient use of resources and facilitates the mission of the Executive Agent.

4.4. The ~~Secretary of the Army~~ is hereby designated ~~as~~ the ~~Executive Agent for DoD Support to UN Missions~~ in accordance with reference (e). In this role, and in addition to the responsibilities prescribed in paragraph 4.3, the ~~Secretary~~ of the Army shall:

4.4.1. Command and oversee all DoD personnel serving in UN Missions ~~through~~ the Commander of the USMOG-W to ensure that mission requirements and the administrative and logistics needs of the personnel are met.

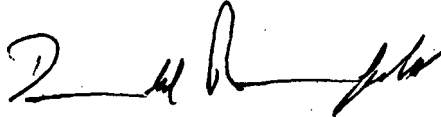
Missions, including but not limited to equipment, ~~training~~, and ~~transportation~~. Provide an officer to serve ~~as~~ the Commander of the USMOG-W.

4.4.3. Coordinate the assignment of personnel approved to serve in UN Missions ~~and~~ the replacement of such personnel with the ~~Chairman of~~ the Joint Chiefs of ~~Staff~~ and the Secretaries of the Military Departments or their designated representatives.

4.5. The ~~Chairman of the Joint Chiefs of Staff~~ shall, after approval of the request for personnel, request the Secretaries of the Military Departments and, when appropriate, the Commander, U.S. Special Operations Command and the other Combatant Commanders, to provide appropriate military and civilian personnel as approved by the Secretary of Defense. Personnel shall be directed to report to the USMOG-W for anti-terrorism ~~training~~ and for administrative and logistics support.

5. EFFECTIVE DATE

This Directive is effective immediately.



June 30, 2004

TO: Gen. Dick Myers
Paul Wolfowitz
David Chu

FROM: Donald Rumsfeld *DR*

SUBJECT: Protection from ICC

I think in the future I should approve anyone, who is going to go serve on a UN mission who is a military or civilian person. We need to have precise clarity as to where they are going and whether or not those places would have protection from the JCC - Article 98 or SOFAs.

Thanks.

DHR:dh
063004-5

*✓ Ray Dubois -
Instruction -
SD approves
via Deporal*

.....
Please respond by _____

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OSD 10497-04

OSD 10497-04





Department of Defense **DIRECTIVE**

NUMBER xxxx.xx

DA&M

SUBJECT: Assignment of Personnel to United Nations Missions

- References:
- (a) Section 113 of title 10, United States Code
 - (b) Secretary of Defense memorandum, "Delegation of Authority to Approve Department of Defense Personnel Assignments to the United Nations for Headquarters Support," January 14, 1994 (hereby canceled)
 - (c) Under Secretary of Defense for Policy memorandum, "US Military Support to the United Nations Mission in Ethiopia and Eritrea (UNMEE)," October 31, 2000 (hereby canceled)
 - (d) Secretary of Defense memorandum, "United Nations Truce Supervision Organization (UNTSO)," July 20, 1973 (hereby canceled)
 - (e) Title 11, Public Law 107-206, "American Servicemembers' Protection Act of 2002"
 - (f) DoD Directive 5101.1, "DoD Executive Agent," September 3, 2002

1. PURPOSE

Pursuant to the authority vested in the Secretary of Defense under reference (a), this Directive:

1.1. Establishes policy and assigns responsibilities for the receipt, analysis, coordination and approval of assignments for DoD military or civilian personnel to serve with United Nations (UN) Missions.

1.2. Cancels references (b) through (d).

1.3. Designates the Secretary of the Army as the Executive Agent for DoD Support to United Nations Missions. This designation replaces and subsumes the executive agent designations made in references (c) and (d).

2. APPLICABILITY AND SCOPE

This Directive:



DRAFT

2.1. Applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities in the Department of Defense (hereafter referred to collectively as the "DoD Components"). The term Military Services as used herein applies to the Army, Navy, Air Force, and Marine Corps.

2.2. Applies to the initial assignment of DoD military and civilian personnel to serve with UN Missions; it does not apply to the deployment of units in support of UN operations. When the deployment of units is required, the Chairman of the Joint Chiefs of Staff shall prepare the appropriate orders for approval by the Secretary of Defense.

2.3. Applies to the extant personnel and other support arrangements provided to: UN Mission Haiti (MINUSTAH), UN Mission Liberia (UNMIL), UN Mission Ethiopia and Eritrea (UNMEE), UN Mission Georgia (UNOMIG), UN Truce Supervision Organization (USSTO); and to such support provided to UN Missions in the future.

3. POLICY

It is DoD policy that:

3.1. All initial assignments of DoD military and civilian personnel to UN Missions shall be approved by the Secretary of Defense.

3.2. DoD military and civilian personnel shall only be assigned to UN Missions in countries that enable their protection consistent with the American Servicemembers' Protection Act (ASPA), reference (e).

3.3. DoD military and civilian personnel serving in UN Missions shall be under the management oversight of a DoD Executive Agent and supported by a single focal point organization that will be responsible for providing command and control, administrative and logistics support, and training for all DoD personnel serving in UN Missions.

4. RESPONSIBILITIES

4.1. The Assistant Secretary of Defense (Special Operations and Low Intensity Conflict) (ASD(SO/LIC)) under the Under Secretary of Defense for Policy (USD(P)) shall oversee the process for the receipt, analysis, coordination, and approval, or other disposition, of requests for personnel to serve with UN Missions received from the United Nations and forwarded by the Department of State to DoD, and shall:



4.1.1. Upon receipt of a request for DoD personnel to serve with a UN Mission, determine whether or not the assignment of personnel meets the provisions of the ASPA, reference (f), thereby protecting DoD personnel from the jurisdiction of the International Criminal Court (ICC).

4.1.2. Forward to the Secretary of Defense for decision, an Action Memorandum coordinated with the Chairman of the Joint Chiefs of Staff, the Under Secretary of Defense for Personnel and Readiness, the General Counsel of the DoD, and others as appropriate. The memorandum shall contain all pertinent information concerning the request for personnel, including the determination addressed in subparagraph 4.1.1 above.

4.1.3. Oversee the implementation of the responsibilities of the Executive Agent for DoD Support to United Nations Missions pursuant to DoD Directive 5101.1, reference (f).

4.2. The Chairman of the Joint Chiefs of Staff shall, when tasked by the Secretary of Defense following approval of the request for military personnel, task the Chiefs of the Military Services to provide the military personnel as approved by the Secretary of Defense. Personnel shall be directed to report to the US Military Observer Group, Washington (USMOG-W) for administrative and logistics support.

4.3. The Secretary of the Army is hereby designated as the Executive Agent for DoD Support to United Nations Missions in accordance with DoD Directive 5101.1, reference (f) and in this role shall:

4.3.1. Provide command and control of all DoD personnel serving in UN Missions through the USMOG-W. Oversee personnel during their service with UN Missions to ensure mission requirements and administrative and logistics needs of the personnel are met.

4.3.2. Program and budget to fund the operational and support requirements of USMOG-W and provide administrative and logistics support for personnel serving in UN Missions, including but not limited to equipment, training, and transportation. Provide the Commander of the USMOG-W.

4.3.3. Coordinate the assignment of personnel approved to serve in UN Missions and the replacement of such personnel with the Chairman of the Joint Chiefs of Staff and the Secretaries of the Military Departments. Unless mission requirements dictate otherwise, personnel assignments shall rotate among the Military Departments.

4.4. The Secretaries of the Military Departments shall:



4.4.1. When tasked by the Secretary of Defense following approval of the request for DoD civilian personnel, provide the civilian personnel as approved by the Secretary of Defense. Personnel shall be directed to report to the USMOG-W for administrative and logistics support.

4.4.2. Provide personnel as requested by the DoD Executive Agent for DoD Support to United Nations Missions to staff the USMOG-W, a jointly manned organization.

4.4.3. Cooperate and support the Executive Agent for DoD Support to United Nations Missions in a manner that ensures the effective and efficient use of resources and facilitates the mission of the Executive Agent.

4.5. The OSD Principal Staff Assistants shall, within their functional areas, exercise their designated authorities and responsibilities as established by **law** or DoD guidance to facilitate the mission of the Executive Agent for DoD Support to United Nations Missions.

5. EFFECTIVE DATE

This Directive is effective immediately.




FOR OFFICIAL USE ONLY

TAB A

June 30,2004

TO: Gen. Dick Myers
Paul Wolfowitz
David Chu

FROM: Donald Rumsfeld 

SUBJECT: Protection from ICC

I **think** in the future I should approve anyone who is going to go serve on a UN mission who is a military or civilian person. We need to have precise clarity as to where they are going and whether or not those places would have protection from the ICC - **Article 98** or SOFAs,

Thanks.

DIR:dh
063004-5

.....
Please respond by —



FOR OFFICIAL USE ONLY

Tab A

OSD 10497-04



CHAIRMAN OF THE JOINT CHIEFS OF STAFF

WASHINGTON, D.C. 20318-9999

OFFICE OF THE
SECRETARY OF DEFENSE

CM-1931-04

15 July 2004

INFO MEMO

2004 JUL 15 AM 10:50

FOR: SECRETARY OF DEFENSE

FROM: General Richard B. Myers, CJCS

SUBJECT: Protection From the International Criminal Court (ICC)

- **Issue.** "I think in the future I should approve anyone who is going to go serve on a UN mission who is a military or civilian person. We need to have precise clarity as to where they are going and whether or not those places would have protection from the ICC - Article 98 or SOFAs." (TAB A)
- **Conclusion.** The Secretary of Defense is the approval authority for assignment of DOD personnel to UN peacekeeping missions.
- **Discussion**
 - The Department of State forwards UN requests for personnel to the Office of the Assistant Secretary of Defense (Special Operations and Low Intensity Conflict) (OASD(SO/LIC)) for action. The requests are subsequently routed through OASD(SO/LIC) to the Deputy ASD (Stability Operations) (DASD(SO)). After coordination with Joint Staff/J-5 and OSD (Negotiations Policy), DASD(SO) makes a recommendation through OASD(SO/LIC) to the Secretary of Defense whether to grant each request. If approved, the OSD Executive Secretary informs the Joint Staff of the requirement to be filled. Joint Staff/J-1 then tasks the Services in accordance with CJCSI 1301.01C, "Individual Augmentation Procedures." Protection from the ICC is determined during coordination between DASD(SO) and Joint Staff/J-5 and annotated on the OASD(SO/LIC) memorandum to the Secretary of Defense.
 - There are currently no DOD civilian personnel assigned to UN missions. However, such assignment would follow essentially the same procedure less the J-1 actions.

COORDINATION: TAB B

Attachments:

As stated

Prepared By: LTG Walter L. Sharp, USA; Director, J-5; 695-5618



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OSD 10497-04

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TAB B

COORDINATION PAGE

OASD(SO/LIC)

COL Brown

9 July 2004

DASD(NP)

Guy Roberts

8 July 2004

USMOG-W

Col de la Pena

8 July 2004





ADMINISTRATION AND
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE

1950 DEFENSE PENTAGON
WASHINGTON, DC 20301-1950

SECRET

2004 10 20 10 20 05

MEMORANDUM FOR THE SENIOR MILITARY ASSISTANT

SUBJECT: Protection from the ICC

In response to your note (attached) on the Secretary's snowflake on the ICC, we drafted the DoD Directive at TAB A.

It is clear that a directive is needed to update guidance to JCS and the Military Departments. Memoranda providing guidance on these personnel assignments date back as far as 1973.

Key points of the Directive:

- ▶ The SecDef approves all initial assignments of personnel to UN Missions.
- ▶ Personnel are assigned only to UN Missions in countries where personnel are protected from the ICC.
- ▶ In cases where personnel rotations are needed for already approved assignments, rotations are managed by the Commander of the US Military Observer Group-Washington(USMOG-W), a unit operating under the Secretary of the Army as the Executive Agent for DoD Support to United Nations Missions.
- ▶ USMOG-W handles training and support of personnel being assigned to UN Missions.
- ▶ Personnel assigned are considered individual augmentees, not units – when units are deployed, the JCS deployment order process is used.

The draft directive was prepared with input from the Joint Staff, OUSD(P), and the Army Staff, but formal staffing is needed before approval and publication.

With your concurrence, we will send the draft directive out for formal coordination.

Ray
Raymond F. DuBois
Director

8.20.04



0 SD 10497-04

June 30, 2004

TO: Gen. Dick Myers
Paul Wolfowitz
David Chu

FROM: Donald Rumsfeld *DR*

SUBJECT: Protection ~~from~~ ICC

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mission who is a military or civilian person. We need to have precise clarity as to
where they are going and whether or not those places would have protection from
the ICC - Article 98 or SOFAs

Thanks.

DHR:dh
063004-5

*✓ Ray Dubois -
Instruction -
SD approves
via Depora*

.....
Please respond by _____

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OSD 10497-04