



HEADQUARTERS
COMBINED JOINT TASK FORCE SEVEN
BAGHDAD, IRAQ
APO AE 09335

CJTF7-C5

11 December 2003

MEMORANDUM

FOR Mr Scott Castle, OGC

SUBJECT: Security Agreement

1. In advance of your visit to Washington DC for discussions on the Security Agreement, I attached a copy of CJTF-7's requirements for what we would like to see reflected in the final agreement.
2. Also attached is a copy of CENTCOM's presentation to CJTF-7 CG which (b)(6) who I understand is accompanying you, can explain in more detail if required.

(b)(6)
BG, USA
CJTF-7 C5

MEMORANDUM

SUBJECT: CJTF-7 Red Lines for Security Agreement

Red Lines:

1. Authority for the Coalition Force, without interference or permission, to have the freedom of action to fight the GWOT, fight anti-coalition forces and to ensure a safe and secure environment in Iraq.
2. A clear definition of the status of the Coalition Force including a basis in international law and Iraqi Fundamental Law.
3. A clear understanding of the authority by which the Coalition Force will exercise operational command over Iraqi forces and to be assisted by the Police.
4. The right of the Coalition Force to detain, interrogate and intern anti-Coalition forces and security risk personnel as deemed by CG, CJTF-7.
5. Recognition that the Coalition Force will continue operations to find WMD and uncover additional information relating to such programs.
6. The requirement of the Coalition Force to determine the Rules of Engagement under which it operates.
7. Freedom (without passports or visas but with military identification) of entry and exit of Coalition Force personnel into and out of Iraq and complete freedom of movement within Iraq.
8. Right for military to wear uniforms and for both military and approved contractor to carry arms in order to ensure the safety and security of Iraqis, Coalition Forces and contractors.
9. Exclusive right to exercise criminal jurisdiction over military personnel in respect of any criminal offences that may be committed in Iraq.
10. The right of the Coalition Force to use, free of charge, all necessary radio spectrums and enjoy priority of use for public utilities at rates no less favourable than those available to Iraqis
11. The right of the Coalition Force to have freedom from Iraqi taxation to import and export without any restriction and without any liability to pay customs duty
12. The Security Agreement must cover Coalition Force military and civilian personnel as well as contractors;
13. Full diplomatic immunity for all Coalition Force personnel and those contractors employed by the Coalition.

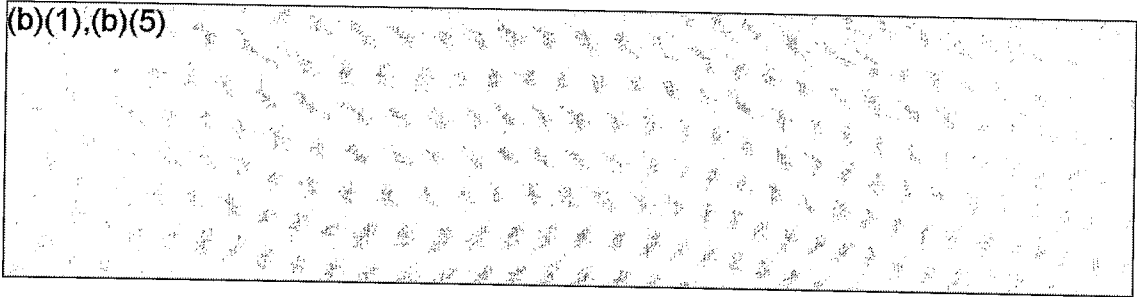
Important Points for Consideration:

14. That the Security Agreement does not lead cause a significant proportion of Coalition nations to leave the Coalition and as far as possible, have uniformity in status of Coalition Forces.

15. A definition of the way in which this command and control will be exercised by the Coalition Force and its relationship with the Iraqi national command authorities.

16. The right of the Coalition Force to seize and retain intelligence related documents until it has no further use for them.

(b)(1),(b)(5)



Other Points for Consideration:

(b)(5)





SECURITY AGREEMENT

5 Dec 03

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Objectives

- Commits GOI to fulfill international obligations
- Protects status of US/Coalition forces
- Gives CFC maximum authority to continue military operations
 - Maintain safe and secure environment
 - Ensure Iraqi compliance with international obligations (UNSCRs), including WMD disarmament
 - Pursue War on Terrorism

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Key Provisions (1 of 2)

- Unlimited authority to conduct military operations necessary to accomplish mission
- Authority to detain, interrogate, and intern anti-coalition and security risk personnel
- Authority to retain custody of current detainees
- Iraqis obligated to support search for WMD
- Authority to seize and retain documents
- Exclusive use of facilities at no cost
- US personnel (including contractors) authorized to bear arms/wear uniforms

(b)(1)

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Key Provisions (2 of 2)

- Entry exit on ID card and orders
- Exemption from customs, duties, taxation, fees, toll charges of any nature
- Freedom of movement over land, air, space, and in territorial waters
- National drivers license accepted/exemption from registration equivalents
- Contractor personnel immune from legal process for official acts
 - No visa required
 - Vehicles/aircraft exempt from registrations, fee, toll charges
 - No tax on salaries

(b)(5)

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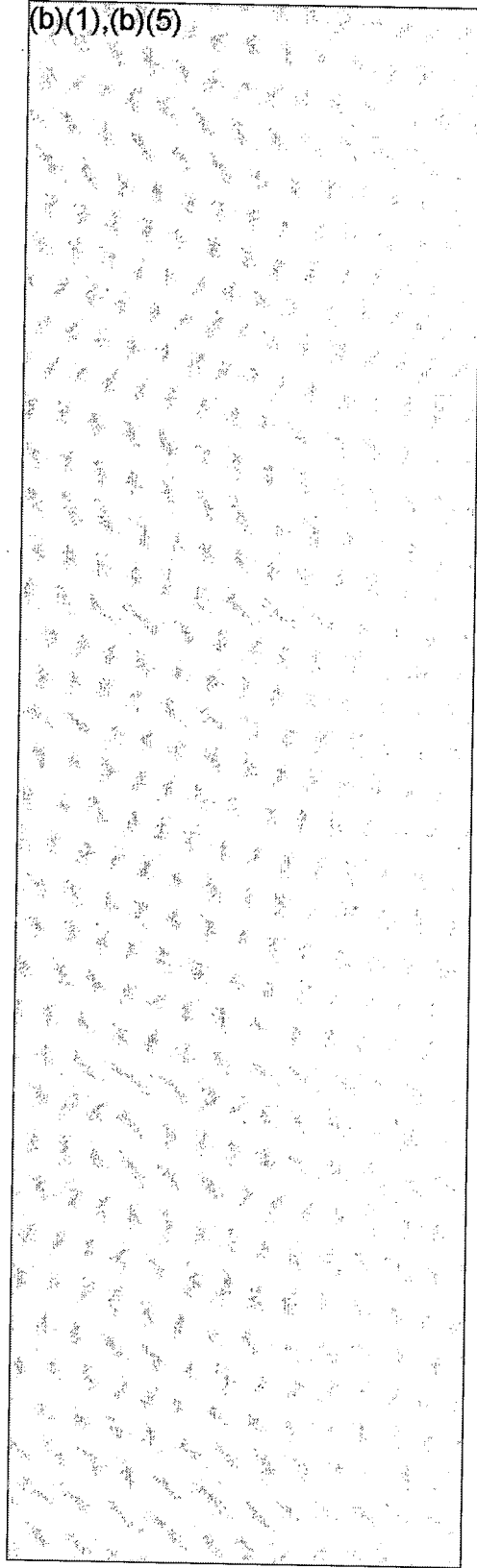


Redline Crosswalk ⁽¹⁾



- a. Authority for the Coalition Force, without interference, to have the full freedom of action to fight the GWOT, fight anti-coalition forces and to ensure a safe and secure environment in Iraq.
 - *Coalition Authorities must have unlimited authority to conduct military operations they deem necessary and proper under the circumstances.*

- b. A clear definition of the status of the Coalition Force including a basis in international law and Iraqi Fundamental Law.
 - *Discussed basing on UNSCR(s); questions re. Fundamental Law timing.*



(b)(1),(b)(5)



Redline Crosswalk (2)

- d. *The absolute necessity for the Coalition Force to detain, interrogate and intern anti-Coalition forces and security risk personnel as deemed by CG, CJTF-7.*
 - *U.S. must be authorized to detain, intern, and interrogate anti-Coalition and security risk personnel.*
 - *U.S. must be authorized to retain custody of current EPWs / detainees / internees (subject to the needs of the Iraqi Special Tribunal.)*
- e. *Recognition that the Coalition Force will continue operations to find WMD and uncover additional information relating to such programs.*

(b)(5)
- f. *The requirement of the Coalition Force to determine the Rules of Engagement under which it operates.*

(b)(5)



Redline Crosswalk ⁽³⁾



- g. Freedom (without passports or visas but with military identification) of entry and exit of Coalition Force personnel into and out of Iraq and complete freedom of movement within Iraq.
 - U.S. personnel must be allowed to enter Iraq with ID cards and orders.

- h. Right for military to wear uniforms and for both military and approved contractors to carry arms in order to ensure the safety and security of Iraqis, Coalition Forces and contractors.
 - U.S. forces must be authorized to bear arms and wear uniforms.
 - Designated **U.S.** contractor personnel must be authorized to bear arms.

- i. Exclusive right to exercise criminal jurisdiction over military personnel in respect of any criminal offences that may be committed in Iraq.
 - **U.S.** personnel must be accorded status equivalent to that accorded to Administrative and Technical (A&T) personnel (full criminal immunity and immunity from civil process for official acts.)
 - Contractors and Iraqis employed by the Coalition must be immune from legal process for acts performed in official capacity.
 - U.S. personnel and contractor employees must not be surrendered to international tribunals or any other States or entities without approval of the U.S. government.



Redline Crosswalk (4)



- j. The right of the Coalition Force to use, free of charge, all necessary radio spectrums and enjoy priority of use for public utilities at rates no less favorable than those available to Iraqis.
 - *U.S. forces must have access to utilities and enjoy priority in use.*
 - *U.S. forces must be authorized to use all necessary radio spectrums without charge.*
- k. The right of the Coalition Force to have freedom from Iraqi taxation to import and export without any restriction and without any liability to pay customs duty.
 - *U.S. must be able to import and export equipment, supplies, and materials without inspection, restrictions, taxes, customs duties, etc.*
 - *U.S. must be free to contract for goods, services, and construction without restriction.*
 - *U.S. must be able to contract using its own rules.*
 - *U.S. forces must be exempt from all Iraqi taxes.*
 - *Iraq may not tax income of U.S. personnel and certain contractors received from U.S. government or sources outside Iraq.*

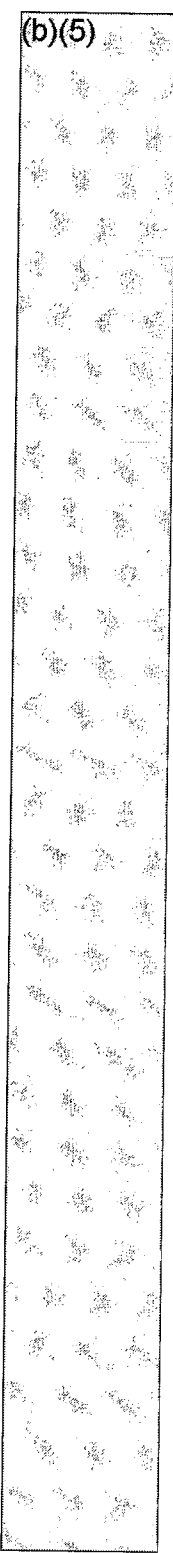
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Redline Crosswalk ⁽⁵⁾



- I. The Security Agreement must cover Coalition Force military and civilian personnel as well as contractors



Important Points for Consideration.

- a. A definition of the way in which command and control will be exercised by the Coalition Force and in its relationship with Iraqi forces and Iraqi civilian authority.
 - C2 covered. Discussion still ongoing concerning relationship with Iraqi civilian authority.
- b. The right of the Coalition Force to seize and retain intelligence related documents until it has no further use for them.
 - U.S. must be authorized to seize and retain intelligence related documents.

Redline Crosswalk (6)



(b)(1),(b)(5)

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(b)(5)

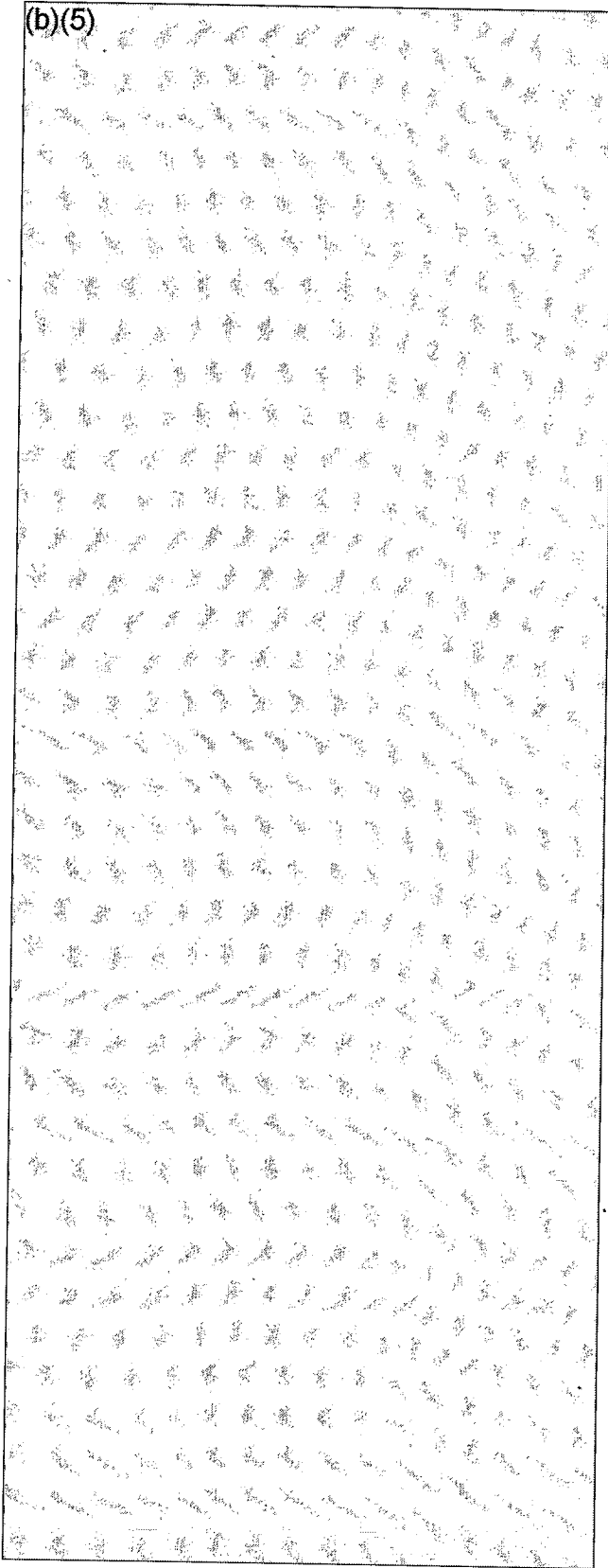
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Redline Crosswalk (7)



4. Other Points for Consideration.



(b)(5)

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Outstanding Issues



(b)(5)

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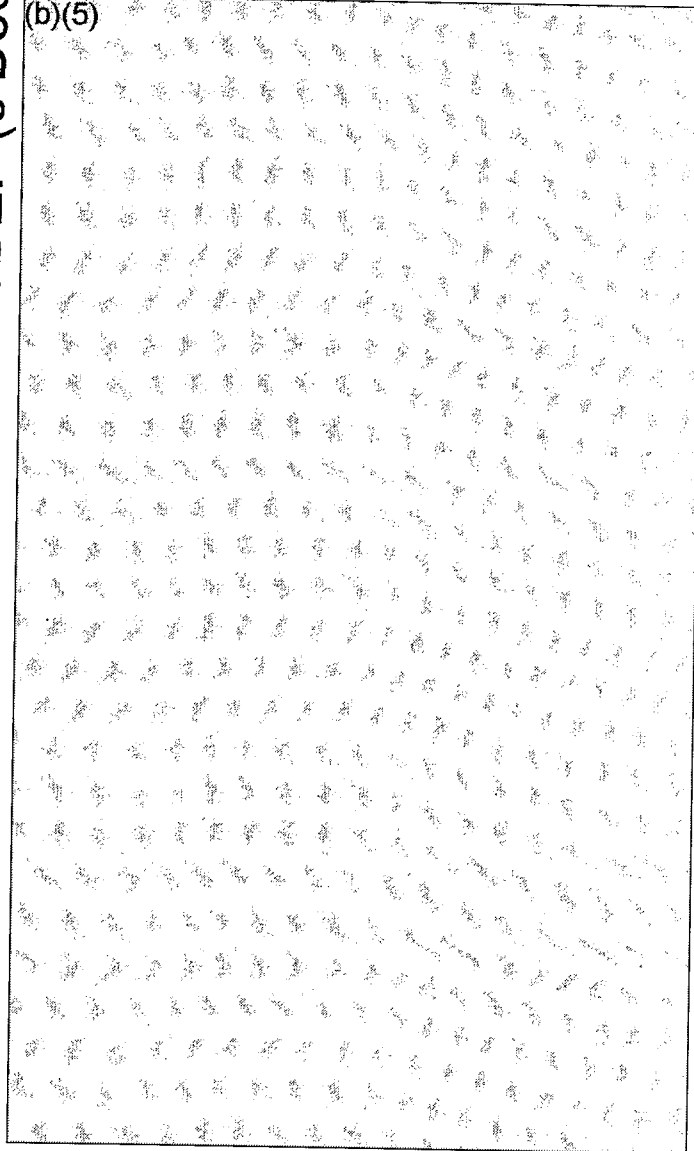
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Next Steps

- Cable from AMB Bremer to SECDEF (5 Dec)

(b)(5)



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