

Chapter 6

Noncombatant Considerations in Urban Operations

Noncombatants can have a significant impact on the conduct of military operations.

Section I

6101. Introduction. Commanders must be well educated in the legal aspects of military operations involving noncombatants. The urban environment contains numerous legal pitfalls in dealing with the civilian population. Adherence to the ROE and the standards of the Geneva Accords will keep the commander on firm legal ground.

6102. Noncombatant Impact. Large concentrations of civilians can greatly impede tactical operations. Noncombatants may have the following effects on military operations:

a. Mobility. Noncombatants civilians, attempting to escape the battlespace, can block military movement. Commanders plan routes to be used by civilians and seek the assistance of the civil police in refugee control.

b. Firepower. The presence of noncombatants can restrict the use of firepower. Areas may be designated no-fire areas to prevent noncombatant casualties. Other areas may be limited to small-arms fire and grenades. The control of fire missions may be complicated by the requirement for positive target identification. Detailed guidance on the use of fires in the presence of noncombatants is promulgated by the MAGTF commander. In the absence of guidance, the general rules of the law of land warfare apply.

c. Security. The presence of noncombatants increases security requirements in an urban environment to preclude:

- Noncombatants entering defensive areas
- Pilferage of equipment
- Sabotage
- Terrorism

d. Obstacle Employment. The presence and movement of Noncombatants will influence the MAGTFs commander's obstacle plan. Minefields may not be allowed on designated refugee routes or, if allowed, must be guarded until the passage of refugees is completed. The use of boobytraps may be curtailed until noncombatants have been evacuated. Commanders need to review and understand current national and international treaties concerning the employment of mines and boobytraps.

6103. Command Authority. The limits of command authority over government officials and noncombatants must be established. The host government's responsibility for its populace and territory can affect the commander's authority in civil-military matters. In less secure areas, where the host government may be only partly effective, the commander may have to assume greater responsibility for noncombatants.

6104. Source Utilization. Operations in highly populated areas may require the diversion of men, time, equipment, and supplies to accomplish humanitarian tasks. If host government agencies collapse, the impact on military resources could be substantial.

6105. Health and Welfare. The disruption of noncombatant health and sanitary services may sharply increase the risk of disease among both noncombatant and military personnel.

6106. Law and Order. Marines may have to augment civilian forces to protect life and property and to restore order. Marines may also have to secure vital government facilities for the host nation. (For more information on how to control civilians violating civil law, see FM 9-15, *Civil Disturbances*.)

6107. Public Affairs Officer and Media Relations. Free media access to units in the field is desirable; however, operational security, existing guidelines, and ROE considerations have priority. All members of the media should have an escort officer. Escort officers may be detailed from line units when public affairs personnel are unavailable. Enforcing established guidelines helps prevent negative publicity which could jeopardize the operation or national and strategic objectives.

6108. Civil Affairs Activities and Psychological Operations (PSYOP).

a. General. CA and PSYOP are mutually supporting and may have essential roles in MOUT. They can be critical force multipliers. CA and PSYOP may offer the possibility of victory without the destruction, suffering, and horror of protracted urban conflict.

(1) CA activities are activities performed by commanders, staffs, department of defense elements and units, and foreign military forces that (1) embrace the relationship between military forces and civil authorities and populations in areas where military forces are present; and (2) involve application of civil affairs functional specialty skills, in areas normally the responsibility of civilian government, which enhance conduct of civil-military operations (Joint Pub 1-02). CA activities are inherently civil-military in nature. They assist in coordinating military efforts to strengthen host government legitimacy, and help prevent or reduce violence by bridging critical gaps between civil and military sectors. MAGTF responsibilities for CA activities are determined during planning. U.S. Army CA units can be requested to support the MAGTF. The Marine Corps Civil Affairs Group (CAG), located in the Marine Corps Forces Reserve, may be activated and assigned to the MAGTF.

(a) CA activities are characterized by applications of functional specialties in areas normally the responsibility of indigenous government or civil authority. CA activities may extend to assumption of government functions required in an occupied territory during or immediately subsequent to hostilities. Refer to Joint Pub 3-57, *Doctrine for Joint Civil Affairs*.

(b) CA support to a MAGTF would normally include procuring local goods and services for military use, reducing civil interference in military operations, and assisting a MAGTF commander in fulfilling moral and legal obligations to the local government and noncombatant populace. See MCWP 3-33.1, *MAGTF Civil Affairs*, for more detailed information.

(2) Psychological operations are planned operations to convey selected information and indicators to foreign audiences to influence their emotions, motives, objective reasoning, and ultimately, their behavior. The purpose of psychological operations is to induce or reinforce foreign attitudes and behavior favorable to the originator's objectives (Joint Pub 1-02).

PSYOPs are planned and conducted by the MAGTF. PSYOPs are integrated and coordinated down to the lowest tactical level. PSYOPs can weaken enemy resistance and reduce its combat effectiveness. PSYOPs can also help prevent civilian interference with military operations.

PSYOPs may include the use of television, radio, posters, leaflets, and loud speakers, to disseminate propaganda and information. Television, including video tapes, is one of the most effective mediums for persuasion. In areas where television is not common, televisions may be distributed to public facilities and selected individuals. See MCWP 3-36.2/FM 33-1, *Psychological Operations*, for more detail.

6109. Refugee Control. The control of refugee movements in combat operations is primarily a host nation function.

The most important principle in refugee control is reliance on host government forces (military/civilian) whenever possible. U.S. forces will have limited refugee control capabilities. If a host government is incapable of performing the function, MAGTFs and MPs may be required to conduct any or all of the following refugee control measures:

- Enforce standfast orders or prohibit other unauthorized movements
- Screen and take custody of enemy agents or other hostile personnel discovered among the refugees
- Screen refugees for suspicious activities (including detection of infiltration by guerrillas, enemy agents, and escaping members of hostile forces)

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- Perform traffic control on designated refugee routes
- Escort refugee columns
- Direct or divert refugee columns to secondary roads and through areas not used by military elements
- Perform police duties such as traffic control or security at refugee assembly areas, collecting points, and centers or camps
- Enforce prescribed restrictive measures such as curfews, identification and pass systems, restricted area restraining lines, no-passage lines, checkpoints and roadblocks, travel permits or manifests, prohibition on the use of vehicles, priorities of movement, and limits on personal belongings.

Section II

6201. Commander's Legal Authority and Responsibilities

a. General. Leaders at all levels of command are responsible for protecting noncombatants and minimizing collateral damage to their property. Looting, vandalism, and brutal treatment of civilians are strictly prohibited by the Geneva Accords. Individuals who commit such acts may be severely punished. Civilians, and their religions and customs, must be treated with respect. Women are especially susceptible to many forms of abuse, and special care must be taken to protect them. Urban warfare offers many opportunities for abuses of the civilian population. This section focuses on those civilian-military confrontations that are most common in the urban environment.

b. Control Measures. Commanders may enforce control measures to conduct operations, maintain security, or ensure the safety and well-being of the civilians.

(1) Curfew. A commander with the mission of defending a town could establish a curfew to maintain security or to aid in control of military traffic. However, a curfew would not be legal if imposed strictly as punishment.

(2) Evacuation. A commander can require civilians to evacuate towns or buildings if the purpose of the evacuation is to use the town or building for essential military purposes, to enhance security, or to safeguard those civilians. The commander must specify and provide security for those being evacuated. Food, clothing, and sanitary facilities should be provided at the destination.

(3) Forced Labor. The Geneva Accords prohibit the use of civilians in combat operations. However, they may be required to perform some forms of forced labor prior to and after the conduct of combat operations. Guidelines for use of civilian labor should be published. The commander may force civilians over 18 years of age to work if the work does not oblige them to take part in military operations. An example of forced labor that is permitted would be maintenance of public utilities as long as those utilities are not used in the general conduct of the war. Jobs can also include services to the local population such as care of the wounded and burial. Civilians can also be forced to help evacuate and care for military wounded, as long as doing so does not involve any physical danger. Prohibited forced labor include digging entrenchments, constructing fortifications, transporting supplies or ammunition, or acting as guards. Only civilians who are volunteers can be employed in such work.

c. Civilian Resistance Groups. Another situation that commanders might encounter is combat with a civilian resistance group. The combatant status of these groups varies with their organization, methods, and adherence to the Geneva Accords. For example:

(1) Civilians accompanying their armed forces (with an identity card authorizing them to do so) are treated as EPWs when captured. Examples would include civilian members of

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military aircraft crews, war correspondents, supply contractors, and members of labor units or of service organizations responsible for the welfare of the armed forces.

(2) Captured civilians of a nonoccupying territory who have taken up arms against an invading enemy without time to form regular armed forces are considered EPWs if they wear a distinctive insignia that can be seen at a distance, carry their weapons openly, and operate according to the rules and customs of warfare. Other civilians who provide assistance to such groups may not be entitled to status as combatants, depending on whether they are actually members of the resistance group. They are normally best treated as combatants until a higher authority determines their status.

(3) Armed civilian groups that do not meet the criteria of a legal resistance group or individuals caught in the act of sabotage, terrorism, or espionage are not considered legal combatants. If captured, they will be considered criminals under the provisions of the law of land warfare. They should be detained in a facility separate from EPWs and should be quickly transferred to the MPs. Reprisals, mass punishments, hostage taking, corporal punishment, pillaging, or indiscriminate destruction of property are prohibited.

(4) The law of land warfare lets the commander control the civil population under the conditions already described using his own organic resources. However, language and cultural differences between U.S. and foreign personnel make it good practice to use local authorities such as the police for such purposes. Use of the police does not relieve a commander of his responsibility to safeguard civilians in his area.

d. Protection of Property. Like civilian personnel, civilian buildings and towns normally have a protected status. As such, they are not legal targets. They lose their protected status if authorities determine that the enemy is using them for military purposes. All doubt as to whether a town or building is a military target must be resolved before it can be targeted. For example:

(1) If the enemy is using a building or a portion of the town for military purposes such as a supply point or a strongpoint that building or that portion of the town is a legal target. However, engagement of the target should be limited to the buildings or portion of the town being occupied by the enemy.

(2) Normally, religious, historical, and cultural objects and buildings are not legal targets. They are sometimes marked with symbols to signify their status. Medical facilities are identified under the internationally recognized Red Cross, Red Crescent, Red Lion, or Red Star of David symbols. The fact that such symbols are absent does not relieve a commander of his responsibility to protect objects he recognizes as having religious, cultural, medical, or historical value.

(3) The misuse of such objects by the enemy is grounds to disregard their protected status. A demand should be made for the enemy to stop his misuse of the protected object before any action is taken. However, if an enemy FO or sniper uses a church for an OP, a

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commander would be justified in destroying it immediately because of the immediate danger posed to his troops. Another example is a religious shrine that is used as a telephone switchboard; in this case a warning would be appropriate because it would take some time to dismantle the system. Attacks on these types of targets should be limited to the least amount necessary to neutralize the enemy installations.

(4) The destruction, demolition, or military use of other buildings is permitted under the law of land warfare if required by clear military necessity. Destroying a house to obtain a better field of fire would be a legal act. But destroying it as a reprisal would not. However, firing on any houses that are occupied or defended by an enemy force is usually legal.