

incidents.<sup>141</sup> Individual Military Services have implemented procedures to ensure that incidents, including war crimes, are promptly reported.<sup>142</sup>

18.13.1.1 Requirement for All Military and U.S. Civilian Employees, Contractor Personnel, and Subcontractors Assigned to or Accompanying a DoD Component. DoD policy has required that all military and U.S. civilian employees, contractor personnel, and subcontractors assigned to or accompanying a DoD Component shall report reportable incidents through their chain of command. Contracts shall require contractor employees to report reportable incidents to the commander of the unit they are accompanying or the installation to which they are assigned, or to the Combatant Commander.<sup>143</sup>

18.13.1.2 Requirement for Unit Commanders. DoD policy has required that the commander of any unit that obtains information about a reportable incident shall immediately report the incident through the applicable operational command and Military Department.<sup>144</sup>

18.13.2 DoD Policy on Investigating Law of War Violations. DoD policy has required that all reportable incidents be thoroughly investigated.<sup>145</sup> All the Military Departments and Services have regulations for the conduct of both formal and informal administrative

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<sup>141</sup> See, e.g., DoD DIRECTIVE 7730.47, *Defense Incident-Based Reporting System (DIBRS)* (Oct. 15, 1996); DoD INSTRUCTION 5240.4, *Reporting of Counterintelligence and Criminal Violations* (Sept. 22, 1992).

<sup>142</sup> See, e.g., DEPARTMENT OF THE ARMY REGULATION 190-45, *Law Enforcement Reporting* (Mar. 30, 2007), Chapters 8 and 9.

<sup>143</sup> DoD DIRECTIVE 2311.01E, *DoD Law of War Program*, ¶6.3 (May 9, 2006, Certified Current as of Feb. 22, 2011) (“All military and U.S. civilian employees, contractor personnel, and subcontractors assigned to or accompanying a DoD Component shall report reportable incidents through their chain of command. Contracts shall require contractor employees to report reportable incidents to the commander of the unit they are accompanying or the installation to which they are assigned, or to the Combatant Commander. Such reports may be made through other channels, such as the military police, a judge advocate, or an inspector general. Reports made to officials other than those specified in this paragraph shall, nonetheless, be accepted and immediately forwarded through the recipient's chain of command.”).

<sup>144</sup> DoD DIRECTIVE 2311.01E, *DoD Law of War Program*, ¶6.4 (May 9, 2006, Certified Current as of Feb. 22, 2011) (“**Initial Report.** The commander of any unit that obtains information about a reportable incident shall immediately report the incident through the applicable operational command and Military Department. Reporting requirements are concurrent. The initial report shall be made through the most expeditious means available.”).

<sup>145</sup> DoD DIRECTIVE 2311.01E, *DoD Law of War Program*, ¶4.4 (May 9, 2006, Certified Current as of Feb. 22, 2011) (“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.”); DoD DIRECTIVE 5100.77, *DoD Law of War Program*, ¶4.3 (Dec. 9, 1998) (“All reportable incidents committed by or against U.S. or enemy persons are promptly reported, thoroughly investigated, and, where appropriate, remedied by corrective action.”); DoD DIRECTIVE 5100.77, *DoD Law of War Program*, ¶C(2) (Jul. 10, 1979) (“Alleged violations of the law of war, whether committed by or against U.S. or enemy personnel, are promptly reported, thoroughly investigated, and, where appropriate, remedied by corrective action.”); DoD DIRECTIVE 5100.77, *DoD Program for the Implementation of the Law of War*, ¶II(C) (Nov. 5, 1974) (“Ensure that alleged violations of the law of war, whether committed by U. S. personnel or enemy personnel, are promptly reported, thoroughly investigated, and, where appropriate, remedied by corrective action.”).