



OP WAATEA 03130/LLEGAL

9 Dec 09

CDF (Through: COMJFNZ)

**SNO COMMENT: ROEREQ 002/2009: SEARCH, SEIZURE AND QUESTIONING**

**References:**

- A. OP WAATEA 03130/LLEGAL dated 9 Dec 09
  - B. NZDF 03130/DSC/2 CDF Operational Directive 21/2009 dated 24 August 2009
1. Ref A (enclosed) is a legal opinion recommending amendment to the NZ ROE concerning search, seizure and questioning. After consideration of the potential tasks that TF 81 may be requested to undertake, I endorse the recommendation of the LSO to amend the ROE. The preferred outcome would be an amendment to the ROE as defined in Ref A.
  2. TF81 tasks often include deliberate detention and counter-IED operations. Accordingly, expansive and robust ROE in respect of search, seizure and questioning is essential for mission accomplishment.
  3. I also note that the amendments suggested in Ref A also ensure consistency between ISAF and NZ ROE. Differences between the NATO ISAF ROE and the NZ ROE have the potential to impede ability of TF81 to undertake its mission as outlined in Ref B.

# PSR(IC)3

SNO 1F81

**Encl:**

1. OP WAATEA 03130/LLEGAL dated 9 Dec 09

