

# **Geneva Convention Humane Treatment of Detainees**

# **Terminal Learning Objective**

**Action: Understand Customary and Treaty Law As It Applies to the Conduct of Land Warfare.**

**Condition: In a Classroom and Given Information on the Hague and Geneva Convention and Customary Law of War.**

**Standard: Be Able to Apply the Principles of the Law of Land Warfare.**

# Enabling Learning Objective A

Action: Understand the Laws of War

Condition: In a Classroom Environment With a Conference/discussion.

Standard: Be Familiar With the Following

1. The Principles, Spirit, and Intent of the Hague and Geneva Conventions.
2. The Law of War Prohibiting Unnecessary Destruction.
3. The Law of War Requiring Humane Treatment of Prisoners of War (POWs), Other Captured and Detained Personnel, and Civilians.
4. The Obligation Not to Commit War Crimes.
5. The Obligation to Report All Violators of the Law of War.
6. The Significant Provisions of the Geneva Convention Relative to the Treatment of Prisoners of War (POWs).

## **The Geneva Convention**

- **As American Soldiers--**
  - **Not Inflict Unnecessary Destruction or Suffering**
  - **Treat All Captured Personnel Humanely**
  - **Not Obey an Unlawful Order**
  - **Personally Responsible for Unlawful Acts**
  - **Entitled to Humane Treatment If We Are Captured**

## **The Geneva Convention**

- **Adopted on 12 August 1949**
- **Made Official 21 October 1950**
- **Has 143 Articles and 5 Annexes**
- **Established By a Diplomatic Conference**
- **Provided For The Protection of EPWs**
- **Rationale**

# The Geneva Convention

- Centuries of Warfare
- Unwritten Laws and Rules
- Customary Law of War
- General Purpose of These Rules
- Suffering and Destruction
- Humane Treatment
- Specific Rules Concerning The Treatment

## **The Geneva Convention**

- **United States Was a Leader In Adopting Rules**
- **President Lincoln Issued General Order 100**
- **Dr. Francis Lieber “Lieber Code”**
- **Hague Conventions of 1907**
- **Geneva Convention of 1949**
- **Basic Concepts of The Law Of War**

## **Prohibitions on Targets**

- Hague Convention # IV
- Rules Of Engagement
- Prohibit The Destruction or The Seizure of Enemy Property
- Violating The Law Of War & UCMJ
- Military Target or A Place Occupied by A Combatant Force
- Attack or Shelling of undefended towns etc Is Prohibited



## **Prohibitions on Targets**

- **Minimum Destruction Necessary**
- **The Law Of War**
- **Measures Must Be Taken To Spare Religious Buildings**
- **Historic Monuments, Hospitals, Or Other Places for Sick and Wounded**
- **Legitimate Targets**

## **Illegal Tricks and Methods**

- Law of War Prohibits Certain Treacherous Acts
- Improperly Identifying Buildings as Hospitals
- Used for Military Purposes
- Pretending To Surrender
- Prohibited Because They Destroy Restoration of Peace
- Hospitals Located Close to Legitimate Military Targets
- No Greater Destruction of Enemy Property Than Necessary

## **Prohibitions on Weapons**

- Law of War & Hague Regulations Limit Weapons That Can be Used
- FM 27-10
- Would The Weapon Needlessly Cause or Aggravate Suffering?
- Does The Weapon Violate Any Specific or Implied Prohibition?
- Informed Decision Must Be Made

## **Prohibitions on Weapons**

- **Illegality of Irregularly Shaped Bullets**
- **Substances or Projectiles That Inflamm Wounds**
- **Using Weapons at the Wrong Time or Wrong Place**
- **Weapons Calculated To Cause Unnecessary**

### **Suffering**

- **Misuse of Legitimate Weapons**

## **Humane Treatment of Noncombatants**

- Law of War and the Geneva Conventions of 1949
- Rules Governing Treatment of Noncombatants
- POWs, Sick & Wounded, & Other Detained Civilians
- Rules Are Embodied in One General Principle:
  - Treat All Personnel Humanely
- Fulfill Military Mission and Still Treat People

**Humanely**

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## **Humane Treatment of Noncombatants**

- **Victims of War**
- **Treat People As You Would Like to Be Treated**
- **POWs are in Your Protective Custody**
- **Humanely, Without Any Adverse Distinction**
- **The Wounded & Sick Collected & Cared for**

## **Humane Treatment of Noncombatants**

- **Prohibited Acts:**
  - **Violation to the Life and Person  
(Murder, Mutilation, Cruel Treatment, and Torture)**
  - **Taking of Hostages**
  - **Outrages Upon Personal Dignity**
  - **Humiliating and Degrading Treatment**
  - **Passing of Sentences**
  - **Carrying Out Executions**

## **Rights to Which Prisoners of War Are Entitled**

- **Our Rights & Obligations If We are Captured or Detained**
- **Customary Law & The Conventions**
- **Our Rights As Prisoners Of War**
- **Our Legal Duty to an Enemy Prisoner**
- **Food and Housing**
- **Medical Care**
- **Religious Freedom**



## **Rights to Which Prisoners of War Are Entitled**

- **Personal Property**
- **Other Privileges:**
  - **Send And Receive Mail**
  - **Allowed to Write 2 Letters & 4 Postal Cards Per Month**
  - **Receive Parcels Containing Foodstuffs, Clothing, Educational, Religious, or Recreational Material**
  - **Prisoners' Representative**
  - **Senior Officer Recognized as Prisoners' Representative**

## **Rights to Which Prisoners of War Are Entitled**

- Senior US Military Person Assumes Command
- Unless Otherwise Provided By Pertinent Service

### **Directives**

- Elected By Prisoners By Secret Ballot Every Six

### **Months**

- Further Physical, Spiritual, & Intellectual Well-Being
- Supervise Welfare and Represents Prisoners
- The Protecting Power ICRC, & Similar Organizations

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## **Rights to Which Prisoners of War Are Entitled**

- Humane Treatment
- Interrogation 1949 Geneva Prisoner Of War Convention
- Full Name, Rank, Date Of Birth, And Service Number
- No Method of Torture, Mental or Physical
- Camp Regulations
- Punished For Violating These Rules
- Punishment Must Not Endanger Our Health

## **Rights to Which Prisoners of War Are Entitled**

- Work In Limited Circumstances
- May Be Compelled To Perform Labor
- Not Military in Character or Purpose
- Not Humiliating, Dangerous, or Unhealthy
- NCOs Not Compelled
- Article 41:
  - Post Copy of The Constitution & Its Annexes
  - In The Prisoner's Own Language
  - At Places Where All May Read Them
  - Copies Supplied On Request

# Humane Treatment of POWs

- Principle of Humane Treatment
- We Cannot Harm or Kill Anyone Who:
  - Has "Fallen Into Enemy Hands"
- We Must Treat Him Humanely
- Strictly Prohibited
- UCMJ - Murder Is A Capital Offense
- Even If He Is A Spy
- Treated as Prisoners of War Until Status Is Determined
- Evacuated to Detainee Collecting Point

## **Humane Treatment of Civilians**

- Sweep Operations
- Round up Men, Women, and Children
- Article 27 of the Geneva Convention
- Honor Family Rights
- Religious Convictions and Practices
- Manners and Customs
- Must Be Protected
- Women Especially Protected
- All Persons Are to Be Treated With Consideration
- ~~All Persons Are Treated Humanely~~

## **Humane Treatment of Civilians**

- **No One Subject to Medical or Scientific Experiments**
- **Not Made Object of Collective Penalties or Reprisals**
- **Property Must Be Protected From Pillage or Looting**
- **Article 103 UCMJ “Pillage”**
- **Cannot Be Brutalized or Executed**
- **Incidentally Unavoidable by the Armed Conflicts**

## **Humane Treatment of Civilians**

- No Killing of Innocent Inhabitants for Purposes of Revenge or the Satisfaction of a “Lust to Kill”
- Follow the Geneva Convention of 1949
- Standards of Humanitarian Consideration and Welfare of Others



## **Responsibilities of US Soldiers to Obey the Law of War**

- American Service Members Are Bound to Obey All the Rules of the Customary Law of War and the Hague and Geneva Conventions
- Hague and Geneva Convention - Supreme Law of the Land
- FM 27-10 “Law of Land Warfare”
- Required to Respect and Obey These Rules
- Make Warfare More Humane
- Violations of These Rules (UCMJ)

# **Criminal Violations of the Law of War**

- Prosecuted For Committing A Grave Breach
- Geneva Conventions Most Serious Offenses
- Capital Offenses
- No Statute Of Limitations
- Tried & Convicted Even After Leaving The Service
- Simple Breaches - Are Also War Crimes:
- Using Poisoned or Forbidden Arms or Ammunition
- Pretending To Surrender as a Trick

# **Criminal Violations of the Law of War**

- **Mutilation of Dead Bodies**
- **Firing on Localities undefended without military significance**
- **Abuse of or firing on the flag of truce**
- **Misuse of Red Cross emblem**
- **Use of civilian clothing by troops to conceal ID**
- **Improper use of privileged buildings for military purposes**
- **Poisoning of wells or streams**
- **Pillage, looting, or purposeless burning of homes**

# **Criminal Violations of the Law of War**

- Compelling POWs to Perform Prohibited Labor
- Killing, Without Proper Legal Trial, Spies
- Compelling Civilians to Perform Prohibited Labor
- Violation of Surrender Terms
- Taking & Keeping Captured Enemy Soldier's Personal Property
- EPW as Point Man on a Patrol

# **Responsibility of the Commander**

- Legal Responsibility of Military Commanders
- Commander Is Responsible for the Actions of Those He Commands
- Held As Guilty Party If His Troops Commit Crimes Pursuant to His Command
- If He Knows or Should Know, Through Reports or Other Means Reasonably Available to Him

# **Responsibility of the Commander**

- He Fails to Take Those Reasonable Steps Available to Him  
to Prevent
- Alleged Commission of a War Crime by His Subordinates
- He Fails to Take Reasonable Steps to Promptly Investigate
- Bring to Trial and Punish the Perpetrators of the Offense

## **Criminal Orders and Individual Responsibility**

- Person Who Actually Commits A Crime Is Subject To Punishment
- The Man Who Pulls The Trigger, Killing A Prisoner Of War
- Acting Under Superior Orders Is No Defense To Criminal Charges
- Order Is Clearly Criminal
- Disobey an Order Which Requires Committing a Criminal Act
- Order To Commit A Criminal Act Is Illegal

## **Criminal Orders and Individual Responsibility**

- Order To Torture or Abuse a Prisoner
- Dump A Dead Body In A Well
- Cut Ears Off The Dead To Prove A Body Count
- Valuables From Dead Bodies or From Any Prisoner
- Valuables of Dead Soldiers Be Collected, Safeguarded, And Forwarded To The Central Prisoners Of War Agency
- Steal Watches or Money off The Dead

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## **Criminal Orders and Individual Responsibility**

- "My Life Or His"
- Emergency Helicopter Can And Frequently Does Carry  
"One  
More Body"
- Job of Carrying Medical or Food Supplies
- Assisting Your Own Wounded
- Can Be Tied, Gagged, & Forcibly Taken Along With The  
Patrol
- Can Be Tied, Gagged, & Left Where His Own Forces Can

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## **Criminal Orders and Individual Responsibility**

- Can Be Hidden And Picked Up On Your Return.
- Consider Many Factors
- Alternatives Which Are Legal, Humane, Which Fit the Situation
- Alternatives To Murder Are Limited Only By Your Imagination
- Any Prisoner Is Important For Intelligence Purposes

## **Criminal Orders and Individual Responsibility**

- Some Cases, Orders Which Would Be Legal In Some Situations May Be Illegal In Others
- Rules Of Engagement Will Guide Your Actions
- These Rules Set Out Those Targets Which You May Attack
- Knowing These Rules Enables us to Act Properly
- Disobey The Rules Of Engagement
- Do Not Presume That An Order Is Criminal
- Unclear Orders
- Firstly, And Most Importantly, Get The Order Rescinded

## **Criminal Orders and Individual Responsibility**

- If You Fail To Do So, You Can Be Tried And Punished
- No One Can Force You To Commit A Crime
- Lack Of Courage To Disregard A Criminal Order
- Mistaken Fear of Court-Martial For Disobedience Of Orders,  
Is Not A Defense
- The Code of Conduct
- The American Soldier Who Follows The Code Should Have  
No Problem With The Criminal Orders
- Report Such Violation to the Appropriate Authorities

## **Obligation to Report Violations of the Law of War**

- American Soldiers, Are Obligated To Report
- Through His Chain of Command
- Purpose Of The Chain of Command
- Most Commanders Have Established Reporting

### **Procedures**

- You Feel That Such Channels Would Not Be Effective

## **Obligation to Report Violations of the Law of War**

- Inspector General
- Office of The Provost Marshal
- The Military Police
- Judge Advocate
- Chaplain
- He Who Receives a Report Must Take Appropriate Steps to Investigate
- An Early Investigation Will Quickly Dispel Any Mistaken Charges

## **Illegal Means of Interrogation**

- Meaning Of Inhumane Treatment
  - Cannot Deny Food & Medical Treatment Until He Tells You What You Want
  - We Cannot Torture Information Him in Any Other Way
- "No Physical Or Mental Torture, Nor Any Other Form of Coercion, May Be Inflicted on Prisoners of War To Secure From Them Information of Any Kind Whatever. Prisoners of War Who Refuse To Answer May Not Be Threatened, Insulted, or Exposed To Unpleasant or Disadvantaged Treatment of Any Kind." (Article 17.)

## **Illegal Means of Interrogation**

- **In The Past, People Have Violated These Rules, and Have Been Tried and Sentenced**
- **No American Soldier Can Commit These Brutal Acts, Nor Will He Permit His Fellow Soldiers to Do So; and if He Sees Anyone Commit Such an Act, He Will Report it**



# **Geneva Convention Humane Treatment of Detainees Summary**

**Geneva Convention (Humane Treatment of Detainees)  
CD 113 / Version 2004  
11 Jun 2004**

**SECTION I. ADMINISTRATIVE DATA**

<b>All Courses Including This Lesson</b>	<u>Course Number</u> 31E-POI	<u>Version</u> 2004	<u>Course Title</u> Detainee Operations
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<b>Task(s) Taught(*) or Supported</b>	<u>Task Number</u>	<u>Task Title</u>
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<b>Reinforced Task(s)</b>	<u>Task Number</u>	<u>Task Title</u>
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**Academic Hours**      The academic hours required to teach this lesson are as follows:

	<u>Mobilization Hours/Methods</u>	
	1 hr	/ Conference / Discussion
Test	0 hrs	
Test Review	0 hrs	
<b>Total Hours:</b>	<b>1 hr</b>	

<b>Test Lesson Number</b>	<u>Hours</u>	<u>Lesson No.</u>
	Testing (to include test review)	N/A

<b>Prerequisite Lesson(s)</b>	<u>Lesson Number</u>	<u>Lesson Title</u>
	None	

**Clearance Access**      Security Level: Unclassified  
Requirements: There are no clearance or access requirements for the lesson.

**Foreign Disclosure Restrictions**      FD7. This product/publication has been reviewed by the product developers in coordination with the Fort Leonard Wood, Missouri 65473 foreign disclosure authority. This product is NOT releasable to students from foreign countries.

<b>References</b>	<u>Number</u>	<u>Title</u>	<u>Date</u>	<u>Additional Information</u>
	FM 100-14	Risk Management	23 Apr 1998	
	FM 27-10	The Law of Land Warfare	18 Jul 1956	

**Student Study Assignments**

**Instructor Requirements**      One primary instructor.

**Additional Support Personnel Requirements**

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<u>Name</u>	<u>Stu Ratio</u>	<u>Qty</u>	<u>Man Hours</u>
None			

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**Equipment Required for Instruction**

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<u>Id Name</u>	<u>Stu Ratio</u>	<u>Instr Ratio</u>	<u>Spt</u>	<u>Qty</u>	<u>Exp</u>
None					

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\* Before Id indicates a TADSS

**Materials Required**

**Instructor Materials:**

**NOTE:** Based on available qualified instructors, facilities and equipment, the instructor may use computer-assisted powerpoints with projection screen or VGTs (Vu-graphs) with overhead projector.

Film "The Law of Land Warfare"

**Student Materials:**

None

**Classroom, Training Area, and Range Requirements**

**Ammunition Requirements**

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<u>Id</u>	<u>Name</u>	<u>Exp</u>	<u>Stu Ratio</u>	<u>Instr Ratio</u>	<u>Spt Qty</u>
None					

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**Instructional Guidance**


**NOTE:** Before presenting this lesson, instructors must thoroughly prepare by studying this lesson and identified reference material.

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Army Core Values have been integrated into this lesson to promote assimilation of Human Relations training. Particular attention must be given to values identified with the lesson. Instructors must be role models and mentors to help soldiers assimilate ACV by noting the values and their associated behaviors as appropriate during this training.

**Proponent Lesson Plan Approvals**

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<u>Name</u>	<u>Rank</u>	<u>Position</u>	<u>Date</u>
	MSG	SR Corrections Technical Advisor	11 Jun 2004

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**SECTION II. INTRODUCTION**

Method of Instruction: Conference / Discussion  
 Instructor to Student Ratio is: \_\_\_\_\_  
 Time of Instruction: 5 mins  
 Media: -None-

**Motivator**

**Note:** Show Slide #1 (Geneva Convention (Humane Treatment of Detainees))

As a tough and combat ready United States soldier you may one day be involved in an armed conflict against a hostile force: therefore, it is important that you pay close attention to this instruction of Law of Land Warfare.

**Terminal Learning Objective**

**NOTE:** Inform the students of the following Terminal Learning Objective requirements.

At the completion of this lesson, you [the student] will:

**Note:** Show Slide #2 (TLO)

<b>Action:</b>	Understand customary and treaty law as it applies to the conduct of Land Warfare.
<b>Conditions:</b>	In a classroom and given information on the Hague and Geneva Convention and customary Law of War.
<b>Standards:</b>	Be able to apply the principles of the Law of Land Warfare.

**Safety Requirements**

None

**Risk Assessment Level**

Low - This class is assigned a risk level of LOW Potential risk: produced locally

**Environmental Considerations**

**NOTE:** It is the responsibility of all soldiers and DA civilians to protect the environment from damage.  
 It is the responsibility of all soldiers and DA civilians to protect the environment from damage. Units/installations will prepare an environmental risk assessment using the before, during, and after checklist and the risk assessment matrices contained in the *Unit Leader's Handbook for Environmental Stewardship* (TC 5-400, Chapter 5). The checklist should be supplemented locally using state and local environmental regulations applicable to your area.

**Evaluation**

None

**Instructional Lead-In**

During the next hour you must identify customary and treaty law applicable to the conduct of Land Warfare. You will receive an explanation and we will discuss Law of Land Warfare while seated in this classroom. Upon the completion of this instruction, you will be able to identify your responsibility for your conduct during the time of war.

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Value Note: As a captor of Prisoners of War, you will be tested to the limits of your being. The prisoners will attempt to get you to compromise your core values for their gain. Living up to all of the Army values will bring honor to yourself, your fellow soldiers, the Army, and your country.

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**SECTION III. PRESENTATION**

**NOTE:** Inform the students of the Enabling Learning Objective requirements.

**NOTE:** Show Slide #3 (ELO A)

**A. ENABLING LEARNING OBJECTIVE**

<b>ACTION:</b>	Understand the Laws of War
<b>CONDITIONS:</b>	In a classroom environment with a conference/discussion.
<b>STANDARDS:</b>	Be familiar with the following 1. The principles, spirit, and intent of the Hague and Geneva Conventions. 2. The Law of War prohibiting unnecessary destruction. 3. The Law of War requiring humane treatment of prisoners of war (POWs), other captured and detained personnel, and civilians. 4. The obligation not to commit war crimes. 5. The obligation to report all violators of the Law of War. 6. The significant provisions of the Geneva Convention relative to the treatment of Prisoners of War (POWs).

1. Learning Step / Activity 1. Law of Land Warfare

Method of Instruction: Conference / Discussion  
Time of Instruction: 40 mins  
Media: -None-

**NOTE:** Show Slide # 4 thru # 7(Hague and Geneva Conventions)

a. The purpose of this period of instruction is to explain that the Hague and Geneva Conventions and the customary Law of War require that we, as American soldiers--

- (1) Will not inflict unnecessary destruction or suffering in accomplishing our military mission.
- (2) Will treat prisoners of war, other captured and detained personnel, and civilians humanely.
- (3) Will not obey an order whose execution is a crime in violation of the Law of War.
- (4) Are personally responsible for unlawful acts committed by ourselves.
- (5) Are entitled to humane treatment if we are captured or detained by the enemy.

b. We will discuss the history and background of these conventions, some of their specific provisions, and how these rules of warfare apply to the armed forces. Also,

together we will learn the legal rules which: (1) limit the ways in which we can fight wars; (2) tell us how we must treat captured or detained persons, and how the enemy must treat captured or detained American soldiers. As we shall see, these rules protect both those who are fighting and those who are not fighting by safeguarding certain basic rights. Observing these rules will encourage the enemy to do the same, increase the chance that he will surrender, and make the return to peace easier. In the second half, we will explain the specific responsibilities of the soldier to obey these rules and to report violations.

c. Rationale. Each of us has a personal stake in knowing about these conventions and in understanding how they work, for we are required to obey them, as well as other rules of international law, just as we must obey the Uniform Code of Military Justice. International treaties, no less than Congressional statutes like the UCMJ, are under our Constitution, the supreme law of the land. If we fail to comply with these conventions, we may face trial and punishment or other disciplinary action.

a. As a result of centuries of warfare between various nations, unwritten laws and rules governing the conduct of war developed. These unwritten laws are known as the customary Law of War. The customary Law of War is firmly based on the lessons of history, which have shown that these rules allow the military force to accomplish its mission without causing unnecessary suffering or destruction. The general purpose of these rules is to limit suffering and destruction to military personnel and targets, and to provide humane treatment for all persons who are taken out of the fight.

It has been so clearly recognized that any commander can accomplish his mission without violating the Law of War, that the United States and most other nations consider themselves bound by it.

b. In the last one hundred years, however, nations have also adopted specific rules concerning the treatment of all persons who fall into the hands of a military force. We can be proud that the United States was a leader in adopting for our military forces rules which recognized that the enemy was a human being, that unnecessary destruction or suffering must not occur, and that captured persons are entitled to certain fundamental human rights, regardless of their prior conduct or beliefs.

During the Civil War, President Lincoln issued General Order 100, which provided for humane treatment of captured enemy soldiers. This order had been written by Dr. Francis Lieber and became known as the Lieber Code. Since then, those principles have been expanded and incorporated in other national and international bodies of law. The Hague Conventions of 1907 and the Geneva Convention of 1949 represent the major efforts by the countries of the world to reduce to written form certain basic concepts of the Law of War. These Conventions do not replace the customary, or unwritten, Law of War, but merely reinforce and supplement it. The United States has signed the Hague and Geneva Conventions. We have solemnly pledged to honor and self-respect, we must fulfill that pledge.

**NOTE:** Show Slide # 8 and # 9(**Prohibitions on targets**).

a. The customary Law of War and Hague Convention No. IV, entitled "Respecting the Laws and Customs of War of Land," establish rules which limit the kinds of targets we can attack and the weapons we can use. In accordance with these Hague provisions, appropriate military commanders issue rules of engagement which tell soldiers where, when, and what they can shoot. These rules may differ from one combat zone to another. They are often classified, because they normally apply to

the actual combat operation in a specific area. These rules of engagement must at least meet the requirements of the Hague Regulations. The Hague Regulations prohibit the destruction or the seizure of enemy property unless imperatively demanded by the necessities of war. Let us assume, for example, that you are conducting a search in a built-up area. As you go from one building to another, you discover a few weapons. But in one home you see some interesting art objects—hand-carved figures, for instance—and you decide to take one. Would that be a crime? YES. By taking it you would violate the Law of War and the Uniform Code of Military Justice. You have no right to take such property. If during the same search, you deliberately smash dishes, burn books, and scatter clothing, you would also violate the Law of War by destroying property when militarily unnecessary. Let's consider another example. During a search in a rural village, you dare your buddy to see who can shoot a farmer's cow first, or who can shoot a candle on an outdoor religious shrine. Who would lose these games? Both of you. You both would be violating the Law of War and the Uniform Code of Military Justice, and both of you would be prosecuted.

b. Under the provisions of the Hague Convention, a military target or a place occupied by a combatant force can be attacked; however, the attack or shelling by any means whatsoever of undefended towns, villages, dwellings, or buildings is prohibited. This means that military targets can be attacked whenever they are located, but a town with no military targets must be spared. Furthermore, in attacking a military target, suffering and destruction must be held to the minimum necessary to accomplish the mission, and any excessive destruction or suffering not required to accomplish the objective would be illegal as a violation of the Law of War. Let's look at some examples which illustrate these rules. You are in a defensive position just outside a small village. You receive sniper fire, apparently from a single building within the village. Immediately, without checking with a higher commander, you call in all available artillery and destroy the entire village. By doing so, you have violated the Law of War (1) by using excessive force not required to neutralize the sniper fire and (2) by causing unnecessary suffering by destroying much more than the military target. You might have accomplished your mission by calling for a direct fire weapon such as a tank or an antitank gun, or by using small arms or automatic weapons within your resources to neutralize the sniper. As another example, consider the pilot returning from a mission with some unused bombs. Not wanting to land with the bombs, he decides to drop them on a village which he believes to be undefended, but sympathetic to the enemy. By doing so, the pilot also has used force indiscriminately, without any military necessity, and violated the Law of War.

c. We should also remember that in attacks and shellings, all necessary measures must be taken to spare, as far as possible, buildings dedicated to religion, art, science, or charitable purposes. The same applies to historic monuments, hospitals, or other places where the sick and wounded are collected, even if the sick and wounded are enemy soldiers. If such buildings are being used for military purpose, however, they are legitimate targets. For example, you could not loot or ransack a pagoda during a search, but you would shell it if it was being used by the enemy to store weapons and ammunition.

d. In summary, then, what are the rules governing targets?

(1) We can never destroy or seize enemy property unless military necessity requires seizure or destruction.

(2) Regardless of military necessity, we can never destroy undefended towns, villages, or dwellings.



(3) While we can attack defended places or military targets, we must spare if possible schools, churches, hospitals and similar institutions from destruction; and we must avoid causing suffering out of proportion to the performance of the military mission.

**NOTE:** Show Slide # 10 (Illegal tricks and methods).

a. The Law of War prohibits certain treacherous acts. For instance, there were occasions in World War II when the Nazis improperly identified buildings as hospitals and certain areas as protected areas, but really used the buildings or areas for direct military purposes such as observation posts, troop billets, defensive positions, or ammunition storage. Another example of an illegal trick would be pretending to surrender in order to facilitate an attack upon an unsuspecting enemy. Such tactics are prohibited because they destroy the basis for the restoration of peace short of the complete destruction of one side or the other. Buildings being used for military purposes, but improperly marked, may be attacked. Moreover, buildings such as hospitals may often be located close to legitimate military targets. An attack on a legitimate target which unavoidably causes incidental damage to other facilities is not a violation of the Conventions or Customary Law. Nevertheless, we should always keep in mind the principle that one should cause no greater destruction of enemy property than necessary to accomplish the military mission.

**NOTE:** Show Slide # 11 and # 12 (Prohibitions on weapons).

a. The customary Law of War and the Hague Regulations limit the weapon that we can use. Under the Hague Regulations, the employment of arms, material, or projectiles designed to cause unnecessary suffering is prohibited. FM 27-10 states that whether weapons cause unnecessary injury "can only be determined in light of the practice of States in refraining from the use of a given weapon because it is believed to have that effect." Many new weapons can only be judged upon the basis of extensive tests conducted to determine just what effect they actually have. The information produced by such testing must then be examined in light of such questions as—

(1) Would the weapon needlessly cause or aggravate suffering?

(2) Does the weapon violate any specific or implied prohibition contained in any treaty?

It is only upon the basis of this type of searching analysis that an informed decision can be made as to the compatibility of a particular weapon with treaties and customary international law.

These principles have established the illegality of the use of irregularly shaped bullets, such as dum-dum bullets; projectiles filled with glass; and any substances or projectiles that would tend to inflame a wound. Use of these weapons is always illegal. Our government conducts extensive tests on all weapons:

b. It is possible, however, for a soldier to violate the Law of War by using an issued weapon at the wrong time or in the wrong place. Remember that the law of War prohibits the use of weapons calculated to cause unnecessary suffering. Here is the example of how you can misuse a legitimate weapon. You cut off the tip of a bullet, and when the bullet hits a man, it expands and leaves a gaping wound. Such bullets cause unnecessary suffering and are forbidden. Their use violates the Law of War. This misuse of a legitimate weapon is a crime for which you can be prosecuted.

**NOTE: Show Slide # 13 thru # 15 (Humane treatment of noncombatant).**

a. The customary Law of War and the Geneva Conventions of 1949 also establish rules governing treatment of noncombatants--prisoners of war, sick and wounded, and other detained civilians. Although we shall presently discuss the most important of the many specific rules set in these Conventions, you should always keep in mind that these rules are embodied in one general principle: treat all prisoners of war, civilians, or other detained personnel humanely. You can fulfill your military mission, such as the requirement to search, segregate, silence, speed to the rear, and safeguard prisoners of war and detainees, and still treat these people in a human manner. Many of these people will be the victims of war, and some may be enemy soldiers; but once captured they are all entitled to the same humane treatment.

b. But, you ask, what does it mean to treat someone humanely? If you treat such people as you would like to be treated if you were captured or detained, you will be treating them humanely. Remember that a POW is in your protective custody, and you cannot harm him. While this is a good rule of thumb to remember, the Conventions provide as a minimum that persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those who can no longer fight because of sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, color, religion or faith, sex, birth, wealth, or any other similar criteria.

The wounded and sick must be collected and cared for. Furthermore, certain acts are and shall remain prohibited at any time and in any place whatsoever. These include: (1) Violation to the life and person, in particular murder of all kinds, mutilation, cruel treatment, and torture; (2) taking of hostages; (3) outrages upon personal dignity, in particular humiliating and degrading treatment; (4) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court affording all the judicial guarantees recognized as indispensable by civilized peoples.

**NOTE: Show Slide # 16 thru # 20 (Rights to which prisoners of war (POW) are entitled).**

We now turn our attention to another area which we want to cover today: Our rights and obligations if we are ever captured or detained by the enemy. It is important to know our rights under customary law and the Conventions because our past experience in the Second World War and Korea has shown that prisoners who know their rights are treated better and given more of the protection to which they are entitled. It is important to know our rights as prisoners of war, because the enemy prisoner is entitled to the same rights; and if we understand our rights, we will also understand our legal duty to an enemy prisoner. It is also important to know our obligations as prisoners of war. What are our rights and obligations as prisoners of war?

a. Food and Housing. Even though prisoners, we must be fed sufficient daily rations to ensure our good health. In addition, we must be given living quarters which are sanitary and which protect us from the weather.

b. Medical Care. If we are sick or injured when captured, or become ill while held prisoner, we are entitled to medical care. In addition to providing necessary facilities to ensure proper hygiene, such as soap, water, baths, and showers, our captor must provide adequate infirmary and isolation wards if required, and treat any prisoner suffering from disease or injury. Medical personnel who are captured should be allowed to care for their fellow prisoners.

c. Religious Freedom. We are entitled to practice our religious faith. The Convention provides that all prisoners of war shall enjoy complete freedom in the exercise and observance of their religious faith. Chaplains or others with ministerial training who are captured must be allowed to minister freely among prisoners.

d. Personal Property. We are entitled to retain most of our personal property. The Convention provides that all effects and articles of personal use, except arms, military equipment, and military documents, must remain in the possession of the prisoner unless he could use them to harm himself or others. Articles issued for the prisoner's personal protection, such as gas masks, metal helmets, and similar articles, may also be retained by him.

e. Other Privileges. We are entitled to send and receive mail. Each prisoner must be allowed to write a minimum of two letters and four postal cards per month. We may also receive parcels containing foodstuffs, clothing, and educational, religious, or recreational material. We are allowed to have a prisoners' representative. The Geneva Prisoner of War Convention provides that in camps containing officer prisoners, the senior officer shall be recognized as the prisoners' representative.

Indeed, it is the responsibility of the senior US military person present to assume command of all US personnel confined within a particular camp unless otherwise provided by pertinent service directives. In camps that do not contain officers, the prisoners' representative is elected by the prisoners by secret ballot every six months. It is the duty of such prisoners' representative to further the physical, spiritual, and intellectual well-being of those he represents.

In addition, he supervises their welfare and represents the prisoners before the military authorities, the Protecting Power, the International Red Cross, and similar organizations. If captured or detained by the enemy, we are entitled to humane treatment. Specifically, the Geneva Prisoner of War Convention requires our captors to feed, shelter, and care for us. Furthermore, we can--even while held as prisoners of war--practice our religion and send and receive mail and other items. These are our basic rights as prisoners of war. Now, what are your obligations as a prisoner of war?

f. Interrogation. What information must be given to our captor? The 1949 Geneva Prisoner of War Convention provides that a prisoner of war must give only his full name, rank, date of birth, and service number. This is all the information our captor may demand. No method of torture, mental or physical, may be used to obtain even this information from us, and certainly may not be used to obtain any additional information.

g. Observance of Camp Regulations. So long as we are held prisoners of war, we must obey all the lawful camp rules. We may be punished for violating these rules, but the punishment must not endanger our health.

h. Work. Our captor may require us to work in limited circumstances. Prisoners of war who are not officers or noncommissioned officers may be compelled to perform labor which is neither military in character or purpose, nor humiliating, dangerous, or unhealthy. The removal of mines or similar devices is considered by the Convention to be dangerous work. Noncommissioned officers may volunteer but may not be compelled to work.

Now, I have covered a lot of points, and although you remember them now, you may not if you are ever captured and held as a prisoner of war. Let me point out here that

Article 41 of the Convention on Prisoners of War provides for the posting of a copy of the constitution and its annexes, including any specific agreements, all to be in the prisoner's own language, at places where all may read them. In addition, copies are to be supplied, on request, to prisoners who do not have access to the copy which is posted. This should make it possible to clear up any doubts as to provisions which you cannot remember from instruction.

**NOTE:** Show Slide # 21 (**Humane treatment of POWs**).

Let's now look at another situation in which we are likely to find ourselves and see what the general principle of humane treatment requires. Our patrol is operating in an area believed to be heavily infested with enemy soldiers. We discover a young man hiding in a shallow hole. Though dressed as a farmer and unarmed, we think he is an enemy soldier and fear his presence may jeopardize our security. May we kill him? The answer is **NO**. Consider the following provisions of paragraph 85 of FM 27-10, which has the effect of an order of the Secretary of the Army:

"A commander may not put his prisoner to death because their presence retards his movements or diminishes his power of resistance by necessitating a large guard, or by reason of their consuming supplies, or because it appears certain that they will regain their liberty through the impending success of their forces. It is likewise unlawful for a commander to kill his prisoners on grounds of self-preservation, even in the case of airborne or commando operations, although the circumstances of the operation may make necessary rigorous supervision of and restraint upon the movement of prisoners of war."

We cannot harm or kill anyone who, in the language of the Convention, has "fallen into enemy hands." Though we suspect the man is an enemy soldier, we do not know that he is; combat soldiers do not determine the status of any captured person. Once a man is under our control, we must treat him humanely. Furthermore, even if the individual is an enemy soldier, we cannot kill or harm him. Murder or physical abuse never is, has been, or will be humane treatment. It is strictly prohibited. Furthermore, under the Uniform Code of Military Justice, murder is a capital offense. Even if he is a spy, the same rule applies. All captured persons are entitled to be treated as prisoners of war until their status is determined. All persons captured or detained should be evacuated to the detainee collecting point, where proper authorities can classify them. Once a man is under our control, we must treat him humanely.

**NOTE:** Show Slide # 22 thru # 24 (**Humane treatment of civilians**).

While conducting a sweep operation through an enemy village, we round up men, women, and children many of whom we suspect of being the parents, wives, and children of enemy soldiers or enemy sympathizers. Can we execute them and burn their homes: (1) as a warning to other enemy sympathizers, and (2) in retaliation for their suspected participation in the war effort? **NO**. Under Article 27 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War, the civilian population of the country in conflict is entitled to respect for their persons, their honor, their family rights, their religious convictions and practices, and their manners and customs. They must be protected especially against all acts or threats of violence and against insults and public curiosity. Women should be especially protected against any attack on their honor, in particular against enforced prostitution, rape, or any other form of sexual assault. Under the UCMJ, a soldier convicted of rape may be sentenced to death.

a. All persons are to be treated with consideration and without any adverse distinction based on race, religion, or political opinion. While the occupying forces may enforce control and security measures, it may not abridge any of these rights. To repeat, we must ensure that all persons are treated humanely. These persons may not be subjected to murder, torture, corporal punishment, mutilation, or any form of physical or mental coercion. No person can be subject to medical or scientific experiments. They may not be made the object of collective penalties or reprisals, or held as hostages. Their property must be protected from pillage or looting. Article 103 of the Uniform Code of Military Justice makes pillage a crime. Only the death penalty is excluded as a permissible sentence for this crime.

b. Members of the civilian population cannot be brutalized or executed. As the military tribunal at Nuremberg concluded in the list case:

"(The Law of War) permits the destruction of life of armed enemies and other persons whose destruction is incidentally unavoidable by the armed conflicts of the war; it allows the capturing of armed enemies and others of peculiar danger; but it does not permit the killing of innocent inhabitants for purposes of revenge or the satisfaction of a lust to kill."

It is the intent of the United States to follow the Geneva Convention of 1949 regardless of whether or not the treaty is binding upon or followed by the enemy nation. We set our own standards of humanitarian consideration for the welfare of others.

**NOTE: Show Slide # 25 (Responsibilities of US soldiers to obey the law of war).**

As we have already emphasized, the American soldier is bound to obey all the rules of the customary Law of War and the Hague and Geneva Conventions. According to our Constitution, treaties such as the Hague and Geneva Convention, are the supreme law of the land. We are bound by them just the same as we are by the Constitution or any law enacted by the U.S. Congress. The Army field manual on the Law of Land Warfare makes clear that we are equally bound to obey the rules of the customary Law of War. Every one of us is required to respect and obey these rules, which are designed to make warfare more humane. If the soldier violates these rules, he can be court-martialed under the appropriate provisions of the Uniform Code of Military Justice. The Uniform Code forbids acts such as assault, pillage, rape, and murder. These acts are no less criminal against a prisoner of war or some other detained or captured person.

**NOTE: Show Slide # 26 thru #28 (Criminal violations of the law of war).**

a. Since these acts also violate the Law of War, the soldier may be prosecuted for committing a grave breach. Under Geneva Conventions, the most serious offenses are called grave breaches of the Law of War, and include murder, torture, inhumane treatment, and improper destruction of property. They are capital offenses. This means that a person who commits a grave breach may be tried and executed. There is no statute of limitations on the prosecution of a war crime. Nearly all nations have signed the Geneva Conventions, and agreed in doing so to search out, bring to trial, and to punish all persons who commit a grave breach of the Conventions. You may be tried and convicted even after you have left the service.

b. In addition to the grave breaches of the Geneva Convention, the following acts-called simple breaches - are also war crimes:

- (1) Using poisoned or otherwise forbidden arms or ammunition, such as dum-dum bullets.
- (2) Pretending to surrender as a trick.
- (3) Mutilation of dead bodies, such as cutting off ears.
- (4) Firing on localities which are undefended and without military significance, such as churches or hospitals.
- (5) Abuse of or firing on the flag of truce.
- (6) Misuse of the Red Cross emblem, such as using a medical evaluation helicopter to transport combat troops.
- (7) Use of civilian clothing by troops to conceal their military identity during battle.
- (8) Improper use of privileged buildings for military purposes, such as using a church steeple as an observation post.
- (9) Poisoning of wells or streams.
- (10) Pillage, looting, or purposeless burning of homes.
- (11) Compelling prisoners of war to perform prohibited labor, such as removing mines or digging defensive positions.
- (12) Killing, without proper legal trial, spies or other captured persons who have committed hostile acts.
- (13) Compelling civilians to perform prohibited labor, such as carrying mortars.
- (14) Violation of surrender terms.
- (15) Taking and keeping a captured enemy soldier's personal property, such as a wallet or watch, as a war trophy.
- (16) Use of an enemy prisoner as point man on a patrol.

We have discussed many of these acts before. We know that they are prohibited. Furthermore, this list is not complete; it only contains examples. According to FM 27-10, every violation of the Law of War is technically a war crime for which the violator may be punished.

**NOTE:** Show Slide # 29 and # 30 (**Responsibility of the commander**).

The legal responsibility for the commission of war crimes frequently can be placed on the military commander as well as his subordinates who may have actually committed the crime. Since a commander is responsible for the actions of those he commands, he can be held as guilty party if his troops commit crimes pursuant to his command; or if he knows or should know, through reports or other means reasonably available to him, that those under his command are about to commit war crimes, and he fails to take those reasonable steps available to him to prevent their commission. The commander may also be held responsible if he knows or should have known of the alleged commission of a war crime by his subordinates, and he fails to take

reasonable steps to promptly investigate and, if appropriate, bring to trial and punish the perpetrators of the offense.

**NOTE:** Show Slide # 31 thru # 36 (**Criminal orders and individual responsibility**).

In all cases, the person who actually commits a crime is subject to punishment, even if he acted pursuant to the orders of a superior. The man who pulls the trigger, killing a prisoner of war who has just surrendered, cannot excuse his act by claiming that his commander told him "to take care of the prisoner," which he understood to be an order to execute him. Acting under superior orders is no defense to criminal charges when the order is clearly criminal, as is an order to kill a prisoner of war. While an American soldier must obey promptly all legal orders, he also must disobey an order which requires him to commit a criminal act in violation of the Law of War. An order to commit a criminal act is illegal.

a. An order to execute a prisoner or detainee is clearly criminal. An order to torture or abuse a prisoner to get him to talk is clearly criminal. An order to torture anyone is obviously criminal. These are orders whose criminality is very clear. Is an order to dump a dead body in a well also criminal? **YES**. The order is criminal for two reasons. A dead body in a well poisons the water, and the poisoning of wells and streams is a war crime. Also, it is mistreatment of a body, which is a war crime. What about an order to cut ears off the dead to prove a body count? This order is criminal too. As we have seen, the mutilation of bodies is a war crime, and an order to cut off ears would therefore be criminal. Equally criminal would be permission to take as souvenirs valuables from dead bodies or from any prisoner. The Law of War requires that valuables of dead soldiers be collected, safeguarded, and forwarded to the Central Prisoners of War Agency. If you steal watches or money off the dead and keep them, you are violating this law; no order or permission can make your action lawful.

There is always the question of what to do if it seems to be a situation of "my life or his." For example, you are on patrol with six men and capture an enemy soldier. It's burdensome to take him with you. To turn him loose would jeopardize the lives of all of the patrol. Your patrol leader orders you to execute him. Do you do it? **NO**. In an emergency, a helicopter can and frequently does carry "one more body." If a prisoner is important, you leave a couple of the patrol members and evacuate the prisoner first. If you are leaving the area on foot rather than by air, and if the prisoner is willing, he can be given the job of carrying medical or food supplies, or assisting your own wounded. He can be tied, and gagged, and forcibly taken along with the patrol; especially if the patrol is on its way back from a mission. He can be tied, gagged, and left where his own forces can find him after the patrol moves out of the area. If you are going to come back by the same general route, he can be hidden and picked up on your return.

The first point is that in this situation you must consider many factors, such as: (1) How close is friendly support? (2) How important is the prisoner? (3) What is the condition of the patrol? (4) How long has the patrol been out and what is its mission? (5) Does the presence of that individual indicate that your mission has already been compromised by the enemy? These are only some of the factors which you need to know before you make a decision. Although the decision to execute, to murder the prisoner, is an easy one, it is the wrong decision. It is also a war crime and a violation of the UCMJ, and under no circumstances will such an act be tolerated. Even carrying out an order is not a defense to a charge of murder. If you murder a prisoner, you can be tried and executed.

In actual combat, there are always effective alternatives which are legal, humane, and which fit the military situation. The alternatives to murder are limited only by your imagination, and generally will help better accomplish your mission. Any prisoner is important for intelligence purposes. The prisoner who is murdered to make life a little easier for six men may have been a supply officer who could have disclosed the location of a large ammunition cache, the seizure of which would save the lives of hundreds of US soldiers. So far we have discussed orders which could never be justified. They would always be criminal, and an American soldier should always disregard such orders. If you obey a criminal order, you can be tried and punished.

In some cases, orders which would be legal in some situations may be illegal in others. The rules of engagement will guide your actions. These rules set out those targets which you may attack. By knowing these rules you will be able to act properly in different situations. If you disobey the rules of engagement, you can be tried and punished for disobedience orders. The disobedience may also be a war crime for which you can be tried and punished. Let's look at an example. An order to shell enemy soldiers located in a village is legal, even though some civilians may be injured and their homes and livestock destroyed. Suppose, however, that we are conducting a cordon and search operation in the same village. Orders to burn down all the buildings in the village, to kill off all the livestock, and to shoot down everything that moves are criminal orders. You must disregard such criminal orders.

b. You should not presume that an order is criminal. If you think it is criminal, it is probably because the order is unclear. For example, while on patrol we capture a prisoner. On our return, the patrol leader questions him. When the patrol leader finishes the questioning, he tells you, "Get rid of that man." That order is not clear. The patrol leader undoubtedly means to take the man to the detainee collection point. Similarly, an order to clear an area of the enemy is not one to kill everyone and destroy everything you see. Rather, it means to find the enemy soldier and destroy his ability and will to resist. Such an order obviously does not include looting a store, burning a farmer's house, or murdering the women and children. Rather than presume that an unclear order directs you to commit a crime, ask your superior for a clarification of the order. Above all, remember that if you are the leader, you must make your order clear and understandable. Don't put your subordinates in the position where they may think you are giving a criminal order.

But just suppose you are given a criminal order: "shoot every man, woman, and child in sight." Obviously that is a criminal order. What do you do? Firstly, and most importantly, you should try to get the order rescinded by informing the person who gave it that the order violates the Law of War. If he persists, you must disregard such a criminal order. This takes courage, but if you fail to do so, you can be tried and punished for committing a criminal act in violation of the Law of War. No one can force you to commit a crime, and you cannot be court-martialed or given any other form of punishment for your refusal to obey.

The lack of courage to disregard a criminal order, or a mistaken fear that you could be court-martialed for disobedience of orders, is not a defense to a charge of murder, pillage, or any other war crime. The Code of Conduct states, "I am an American fighting man, responsible for my actions, and dedicated to the principles which make my country free." The American soldier who follows the Code should have no problem with the criminal orders. Further, you have a second step to take if a criminal order results in a violation of the Law of War. You must report such violation to the appropriate authorities. Let us discuss this obligation to report in more detail.

**NOTE: Show Slide # 37 and # 38 (Obligation to report violations of the law of war).**



It is important to know that you, the American soldier, are obligated to report any violations of the Law of War. To whom do you report? Usually, the soldier will report any known or suspected violations of the Law of War through his chain of command. One purpose of the chain of command is to ensure that reports reach appropriate authorities so that proper action can be taken. You should use your chain of command for this purpose. Most commanders have established reporting procedures by local regulations and directives which require prompt, initial reports through the chain of command. Failure to comply with these regulations and directives may subject you to prosecution under the UCMJ.

While a soldier should normally report through his chain of command, you may hesitate to do so if someone in the chain above you was involved in the alleged crime, or if for some other reason you feel that such channels would not be effective. At such times, there are other officers to whom you can report or with whom you may properly discuss any possible violation of the Law of War. You can always, for example, file a report with the local office of the Inspector General, or with the Inspector General himself. The Inspector General can effectively investigate such reports. You can always report suspected crimes to the office of the Provost Marshal, the military police. Like the IG, the Provost Marshal has an organization whose members have the knowledge and skill to investigate reports alleging a violation of the Law of War. You may also discuss the problem with a Judge Advocate, a military lawyer who knows the Law of War and how it applies. Many soldiers prefer to discuss problems with the chaplain, and this is an accepted way to report violations of the Law of War. Your chaplain can assist you in properly giving your information to the appropriate authority.

The staff officer who receives a report alleging a violation of the Law of War must, of course, take appropriate steps to report or investigate. While staff officers may have different internal procedures by which they process reports of alleged war crimes, each must at least ensure that the commander he serves is advised of the allegation and that the next higher command is also advised of the report and the actions taken. To whomever the soldier decides to go, he should report any suspected violation immediately. Evidence is lost and witnesses disappear unless an investigation is begun promptly. Moreover, an early investigation will quickly dispel any mistaken charges.

Let us review the steps which you should take if you know or suspect that a violation of the Law of War has been committed. First, you report to your immediate superior, who, like you, is obliged to report to his commander. Normally, the problem can then be solved through appropriate action within the chain of command. If, however, you prefer not to use the chain of command or feel that you cannot use it in a particular situation, you may report through other channels. You can make a report to the Inspector General, the Provost Marshal, the Chaplain, or the Staff Judge Advocate or any other Judge Advocate.

**NOTE:** Show Slide # 39 and # 40 (Illegal means of interrogation).

a. Now let's look at an example which illustrates the meaning of inhumane treatment. Suppose you capture a wounded and hungry enemy soldier who you think knows the location of enemy units in the area. Can you deny him food and medical treatment until he tells you what you want? The answer is NO. The Geneva Convention that protects prisoners of war prohibits forcing the prisoner into giving "information of any kind whatever." If we cannot withhold food or medical care from the prisoner, it follows that we cannot torture information out of him in any other way. Here again the Convention is explicit and the language of the Convention provides--

"No physical or mental torture, nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatever. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to unpleasant or disadvantaged treatment of any kind." (Article 17.)

In the past, people have violated these rules, and have been tried and sentenced for such violations as beating a prisoner, applying electric shocks, dunking his head into a barrel of water, or putting a plastic bag over his head to make him talk. No American soldier can commit these brutal acts, nor will he permit his fellow soldiers to do so; and if he sees anyone commit such an act, he will report it.

**NOTE:** Conduct a check on learning and summarize the learning activity.

**CHECK ON LEARNING:** Conduct a check on learning and summarize the ELO.

NOTE: Show Slide # 41 (Summary)

SECTION IV. SUMMARY

Method of Instruction: <u>Conference / Discussion</u>
Instructor to Student Ratio is: _____
Time of Instruction: <u>5 mins</u>
Media: <u>-None-</u>

Check on Learning

Determine if the students have learned the material presented by soliciting student questions and explanations. Ask the students questions and correct misunderstandings.

Review / Summarize Lesson

1. Summary

a. In this instruction, we have talked about your rights as a prisoner of war. This instruction should make clear to you the basic principles of the Hague and Geneva Conventions. That principle is humanity. While nations may engage in war, those same nations have established rules to make warfare more humane and to lessen the terrible sufferings caused by war. The rules are designed to protect you as an individual human being. Most important, they recognize that every individual involved in war is a human being with certain basic human rights and human dignity. You can put any name on the individual he may be an enemy prisoner of war, an American prisoner of war, a detained civilian, a captured person. All are entitled to be treated in a humane manner. The humanitarian provisions of the Law of War protect all those caught up in the conflict: the friend, the foe, and the innocent bystander.

b. As American soldiers, it is our duty not to inflict any unnecessary suffering or destruction. We must treat humanely all prisoners of war, other captured or detained persons, and all civilians. We will not obey any order which requires us to commit a criminal act in violation of the Law of War. Any violation of the Law of War will be reported to the appropriate authorities. Above all, we must not forget that we will be held personally responsible for any unlawful act we commit.

c. By knowing our responsibilities as American soldiers, by reporting all suspected war crimes to the proper authorities, by knowing our rights, the rights of our enemy and the rights of the civilian population, by respecting our law and honoring our Code as American soldiers, we will play an important part in achieving the success of our military mission and a return to peace.

2. Clarify student questions.

3. Value reinforced: **Honor**

4. Closing Statement: You, as members of the United States Army, are legally bound by the principles of the Hague and Geneva Conventions. By obeying these laws, you will act as legally responsible representatives of the United States.

**SECTION V. STUDENT EVALUATION**

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**Testing  
Requirements**

**None**

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**Feedback  
Requirements**

**NOTE:** Feedback is essential to effective learning. Schedule and provide feedback on the evaluation and any information to help answer students' questions. Provide remedial training as needed.

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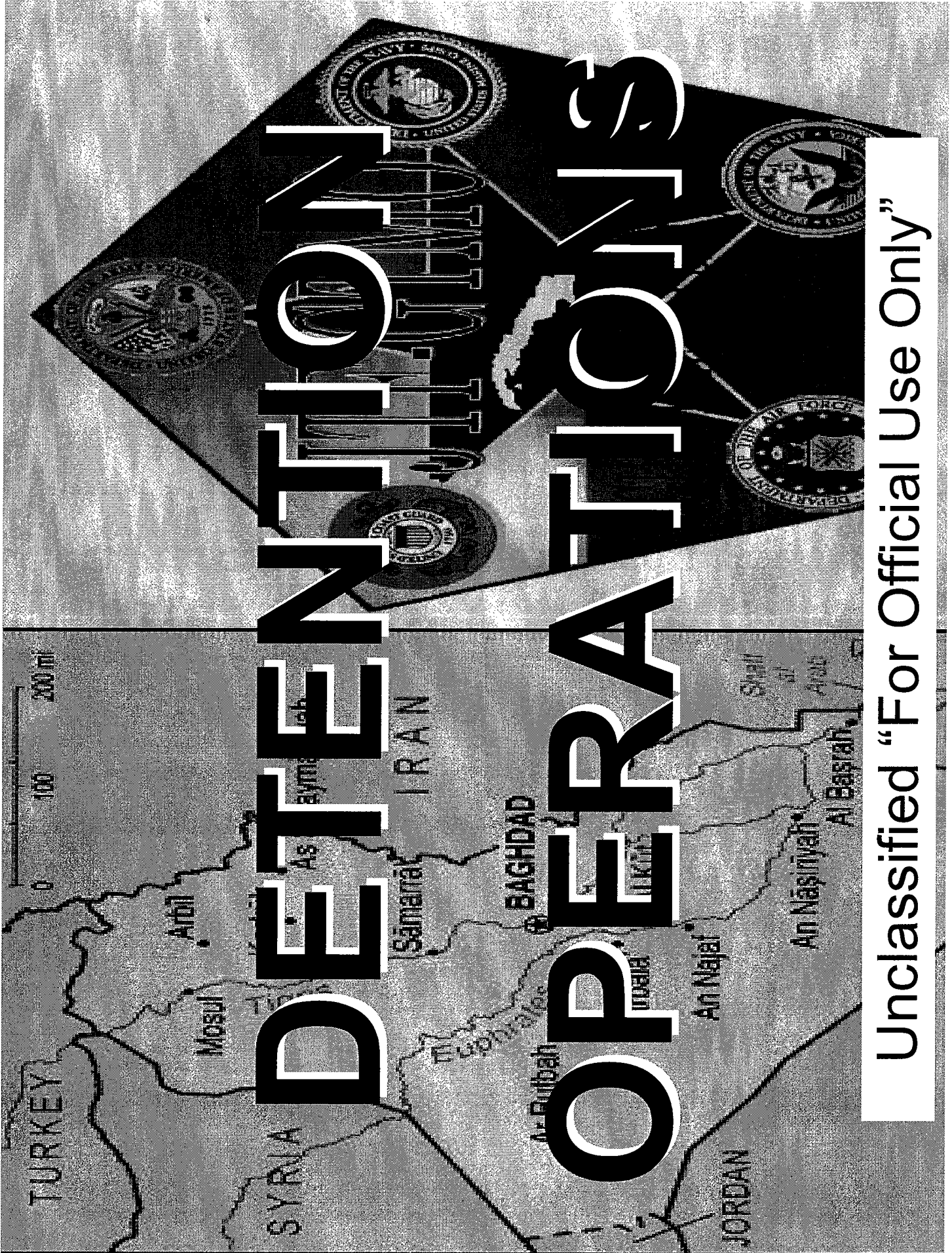
**Appendix A - Viewgraph Masters (N/A)**

**Appendix B - Test(s) and Test Solution(s) (N/A)**

**Appendix C - Practical Exercises and Solutions (N/A)**

**Appendix D - Student Handouts (N/A)**





# DETTENTION OPERATIONS

Unclassified "For Official Use Only"

009785

# **INTRODUCTION TO DETAINEE OPERATIONS**

**ACTION: Define Current Detention Operations.**

**CONDITION: In Support of Operation Iraqi Freedom (OIF) and Operation Enduring Freedom (OEF), Given a Conference Presentation in a Classroom Environment.**

**STANDARD: Defined Current Detention Operations.**

**Description Must Include-**

- Detention Definitions**
- Standards of Conduct**

# **DETAINEE OPERATIONS DEFINITIONS**

- **Enemy Combatant/EPW = Enemy Prisoner of War**
- **Civilian Internee (CI) = Iraqi or 3<sup>rd</sup> Country National**
- **Security Internee (SI) = Crimes against Coalition Forces**
  - **High Value Detainee (HVD) = Intel or Political Value**
- **Criminal Detainee (CD) = Crimes against Iraqi Nationals**

# DETAINEE OPERATIONS DEFINITIONS

## **Security Internee (SI):**

Identified as Committing a Crime Against the Coalition Forces, ie; Killing or Attempting to Assault or Kill Coalition Forces, Etc...

## **High Value Target/Detainee (HVT/HVD):**

Subset of SI Determined to be of Significant Intelligence or Political Value Based on the Combatant Commander's Guidance

## **Criminal Detainee (CD):**

Identified as Committing a Crime Against the Iraqi People/Government

## **Retained Person (RP):**

Medical Personnel, Chaplains attached to Armed Forces, Staff of the Red Cross Societies

## **War Criminal:**

A War Criminal is a Person Suspected of Committing a Violation Against the Law of War as Defined by International Law

# DETAINEE OPERATIONS DEFINITIONS

**Central Collection Point (CCP):** AKA Brigade Collection Point. Temporary Facilities Which Should Not Hold Captured Persons More Than 72 Hours, During Which a Magistrate's Review Should be Conducted

**Coalition Holding Area (CHA):** Designated at Division Level, Temporary Facilities Which Should Not Hold Captured Persons More Than 14 days

**Theater Internment Facility (TIF):** Designated for Long Term Detention, to Include Internment of SI's and EPWs

**Special Confinement Facility (SCF):** Specifically Designated for the Detention of High Value Detainees (HVD)

# **Detainee Ops Quick Reference Guide**

**GWOT = Global War on Terrorism**

**Detainee = Captured Person Not Limited to GWOT**

**EPW = Enemy Prisoner of War**

**CI = Civilian Internee**

**SI = Security Internee**

**HVT = High-Value Target**

**HVD = High-Value Detainee**

**CD = Criminal Detainee**

**IPOC = Initial Point of Capture**

**HUMINT = Human Intelligence Collectors**

**BATS = Biometric Automated Toolset System**

**NDRS = National Detainee Reporting System**

# **HUMANE TREATMENT OF DETAINEES**

- **Provide The Geneva Conventions & Facility Rules in the**

## **Language of the Detainees**

- **No Physical or Mental Torture**
  - **No Form of Coercion May be Inflicted**
  - **No Punishment for Refusing to Answer Questions**
- **Treat all Detainees Equally and With Dignity and Respect**
  - **Always be Respectful of Religious Practices, Articles and**

## **Customs**

# **HUMANE TREATMENT OF DETAINEES**

- **Provide Sanitary and Safe Living Conditions**
- **Provide Protective Housing and Clothing**
- **Provide Sufficient Food to Maintain Good Health**
- **Provide Medical Care and Necessary Facilities to Ensure Proper Hygiene**
- **All Detainees Must Be Humanely Treated and Protected from Violence**
- **Detainees Cannot be Beaten or Used for Propaganda Purposes**



# Standards of Conduct when Interacting with Detainees

# DO NOT

- **Physically or Verbally Abuse Detainees**
- **Fraternize with Detainees or their Families**
- **Use Your Position to Obtain Personal Favors from Detainees**
- **Manipulate or Reward Detainees**
- **Make Sexually Explicit or Obscene Gestures**
- **Bring Contraband or Unauthorized Items Into the Facility**
- **Speak to Detainees Except to Give Orders or Directives**

# Standards of Conduct when Interacting with Detainees

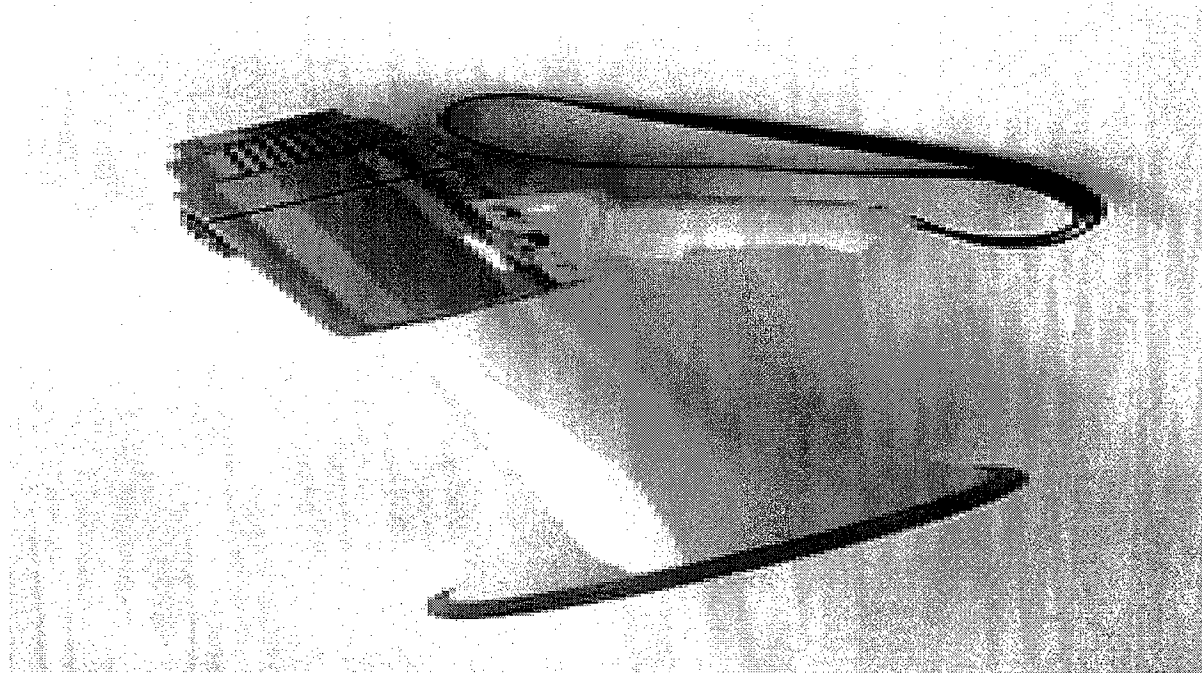
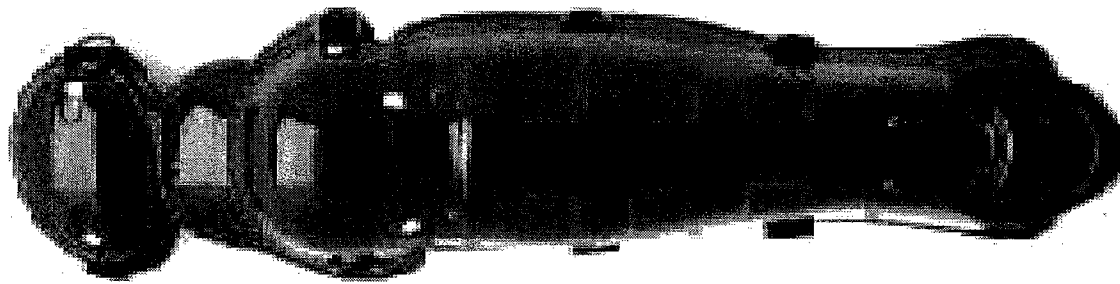
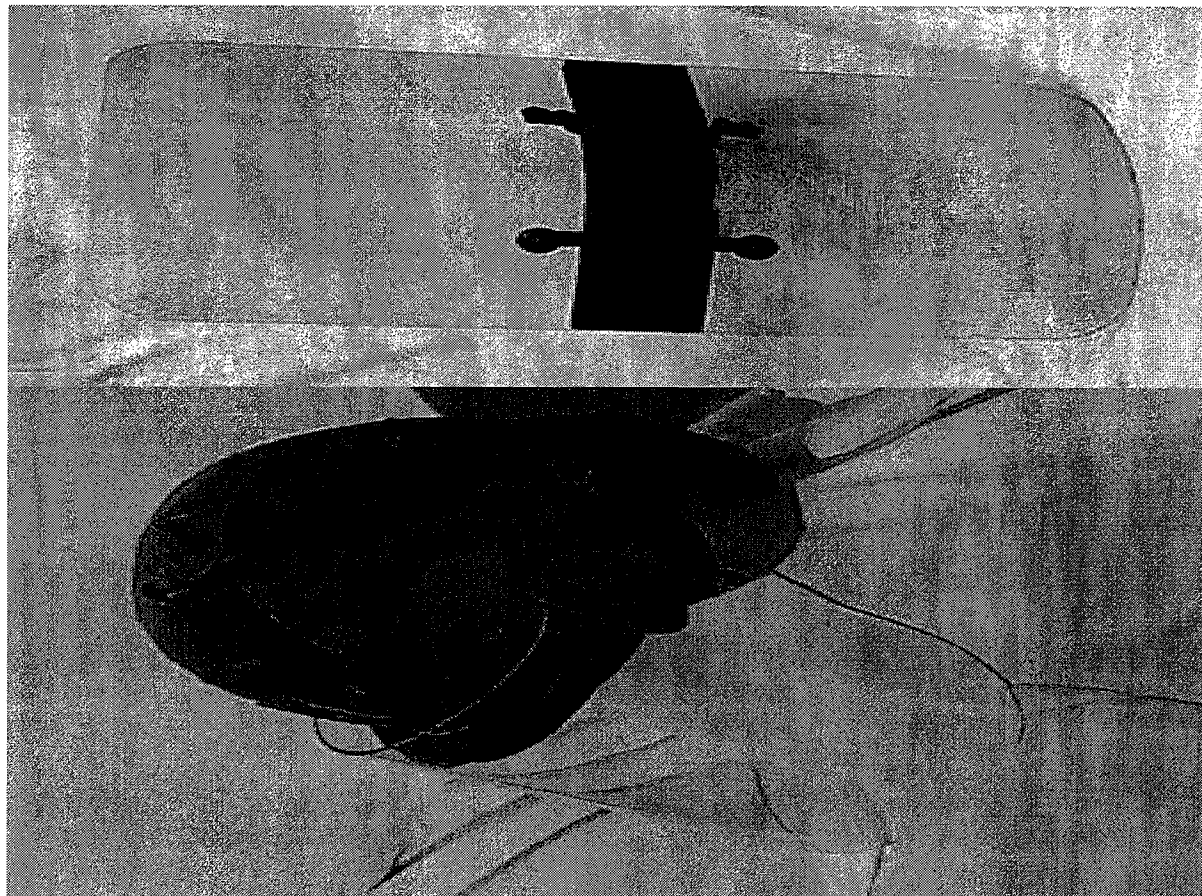
# DO NOT

- **Make Derogatory and/or Political Comments About Detainees or their Cause**
- **Engage in Commerce or Trade, or Give Gifts to, or Receive Gifts from, Detainees/EPWs**
- **Make Promises to Detainees/EPWs**
- **Fraternize with Detainees/EPWs**
- **Take Photographs of Detainees/EPWs without Approval from Competent Authority**

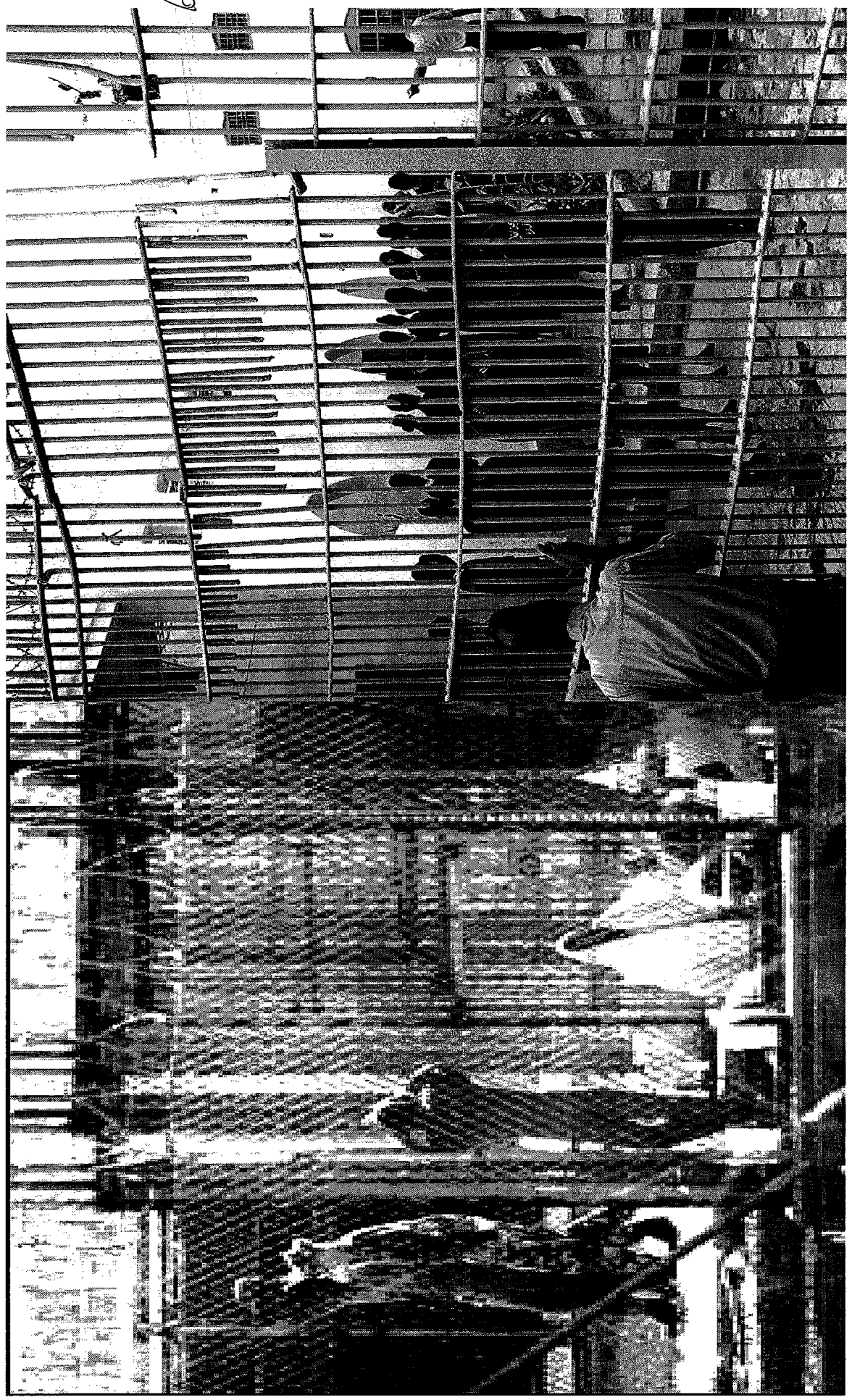
# **DETAINEE OPERATIONS**

# **Detainee Camp and Facility Operations**

**EQUIPMENT INVENTORIES MUST BE CONSISTENT  
FROM SHIFT-TO-SHIFT AND UNIT-TO-UNIT**

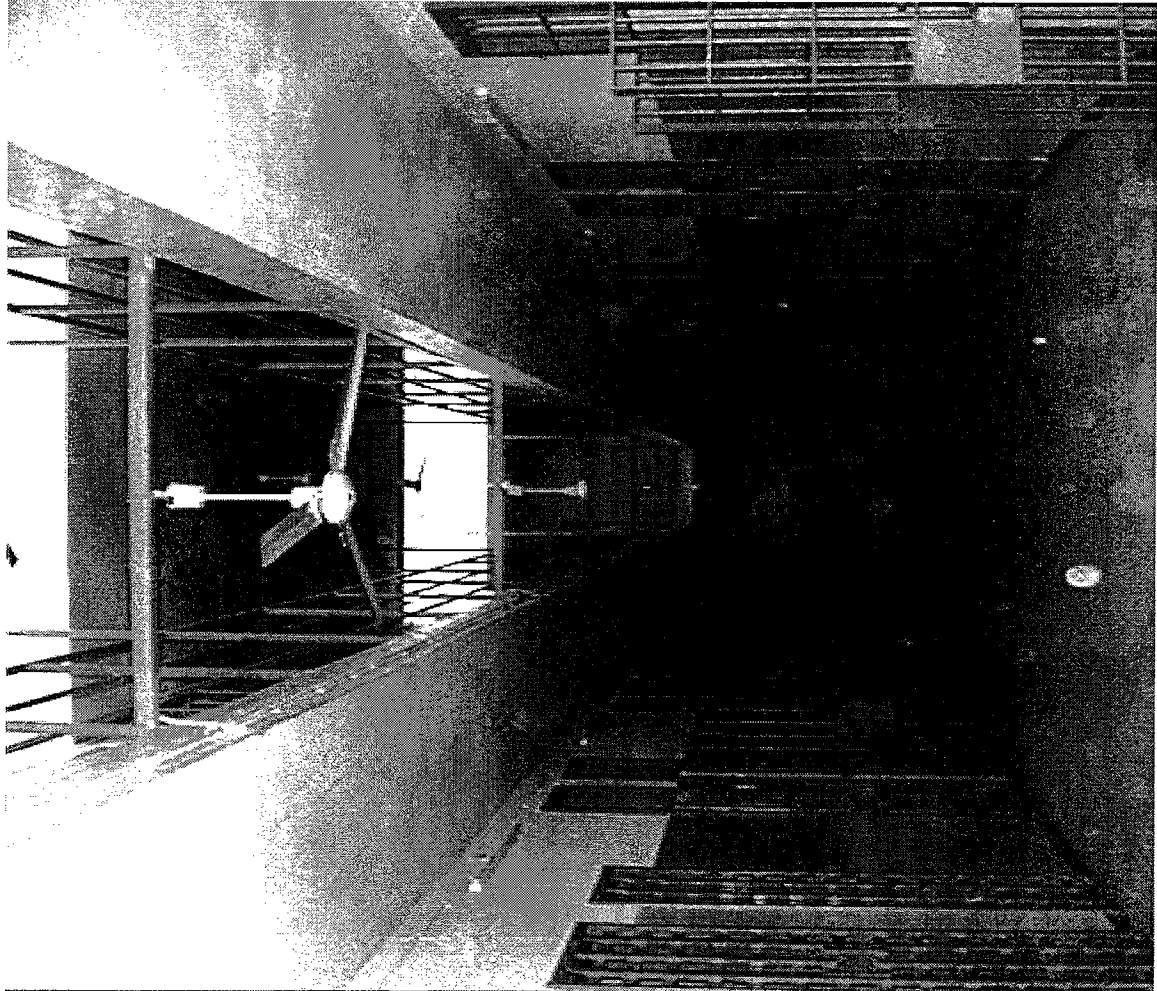
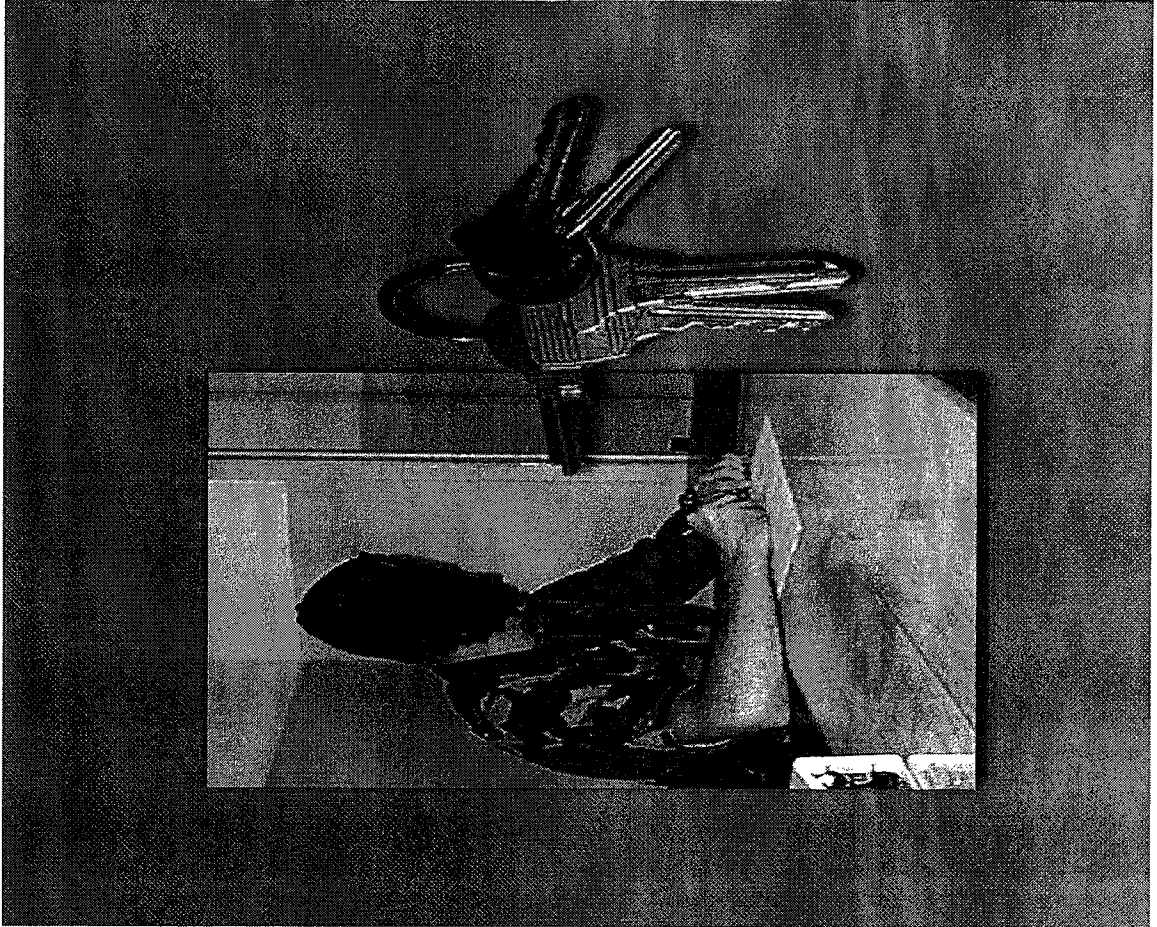


**DETAINEE ACCOUNTABILITY (HEADCOUNTS) MUST BE  
CONDUCTED CONSISTENTLY FROM SHIFT-TO-SHIFT  
AND FACILITY-TO-FACILITY**



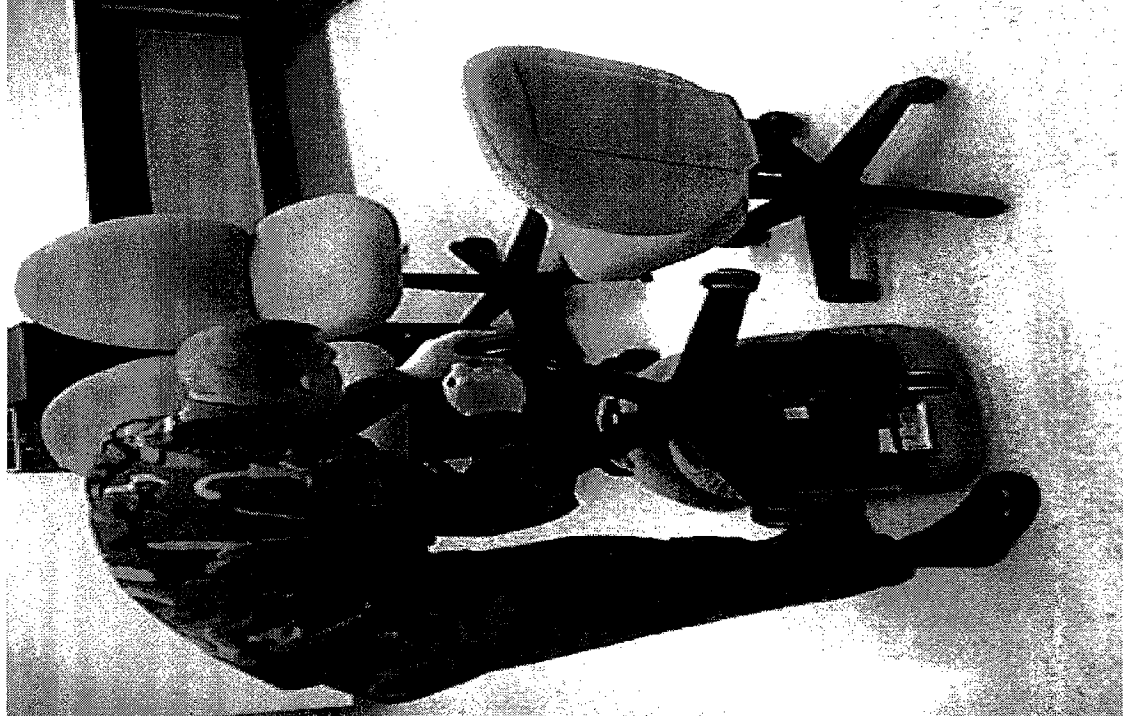
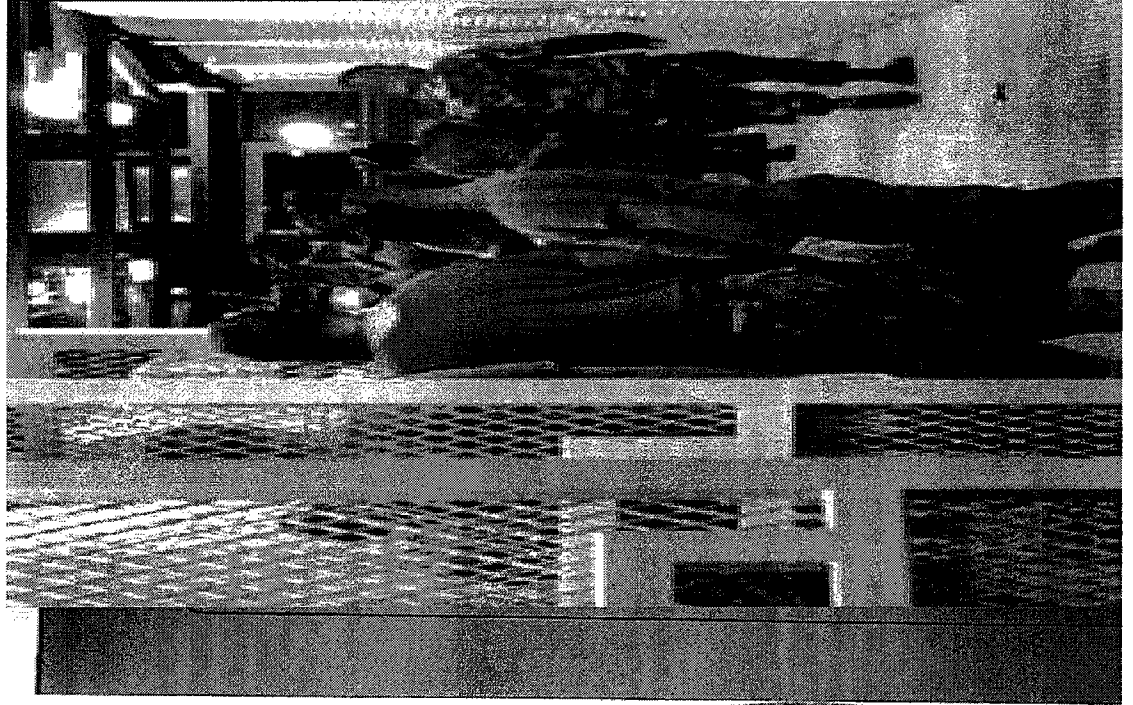
009797

**LOCK AND KEY CONTROL MUST BE ACCURATELY  
MAINTAINED IN CONJUNCTION WITH A MASTER KEY  
CONTROL REGISTER**



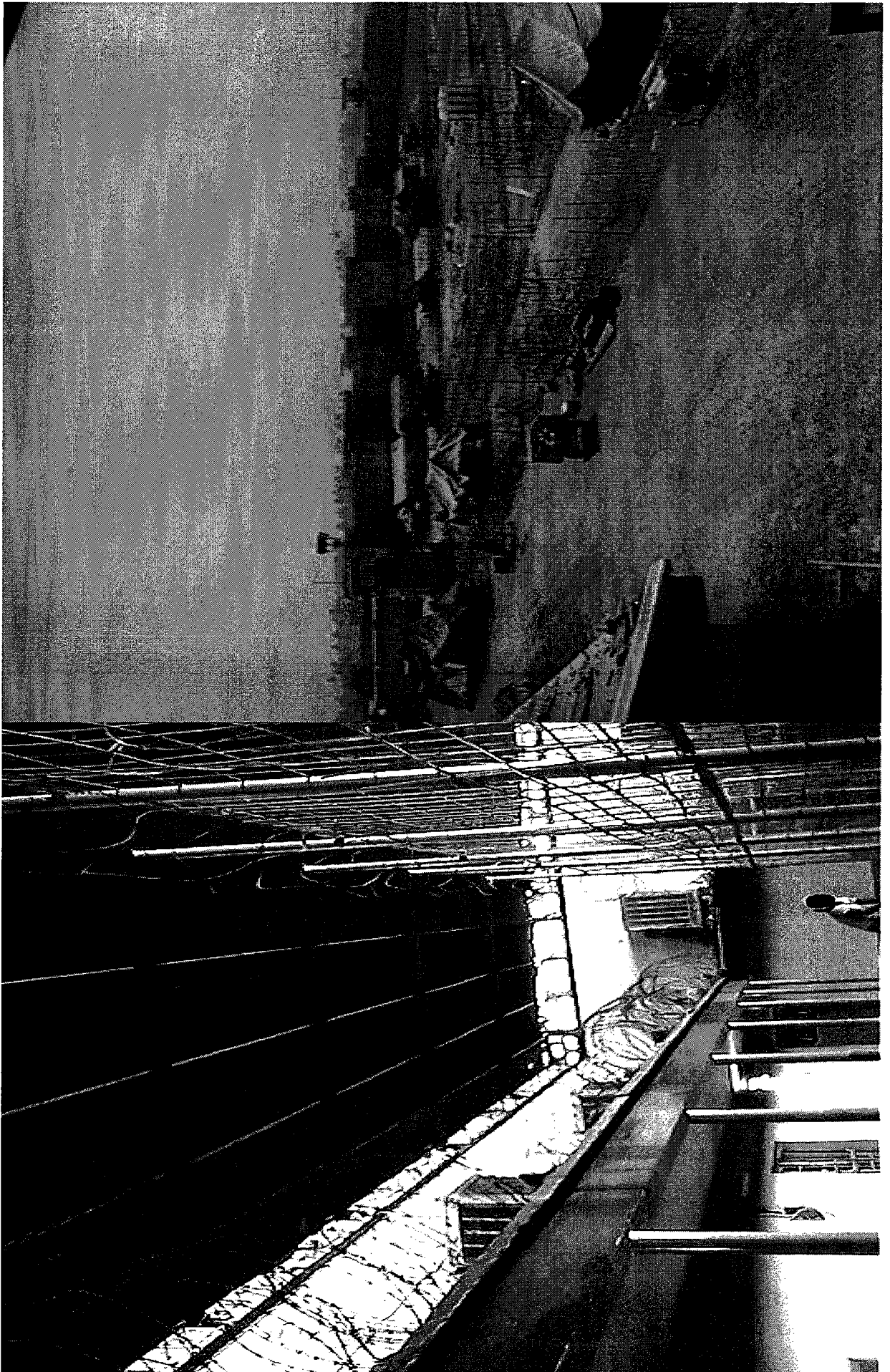
66-1

**A SUFFICIENT TRACKING SYSTEM SHOULD BE ESTABLISHED TO ENSURE SHAKEDOWN PROCEDURES ARE CONDUCTED**



b6-1

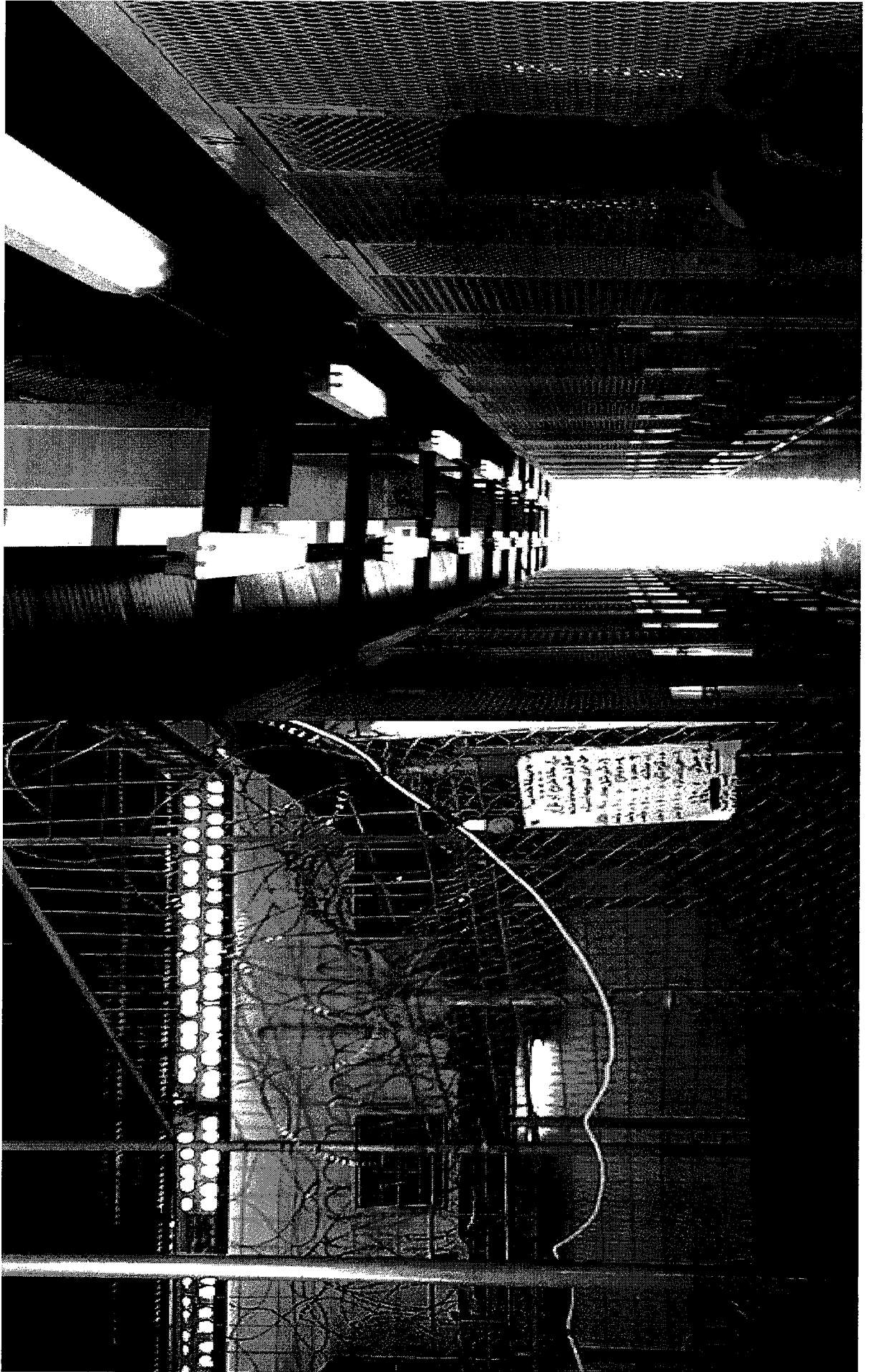
**INTERNAL AND EXTERNAL SECURITY CHECKS  
MUST BE CONSISTENTLY CONDUCTED**



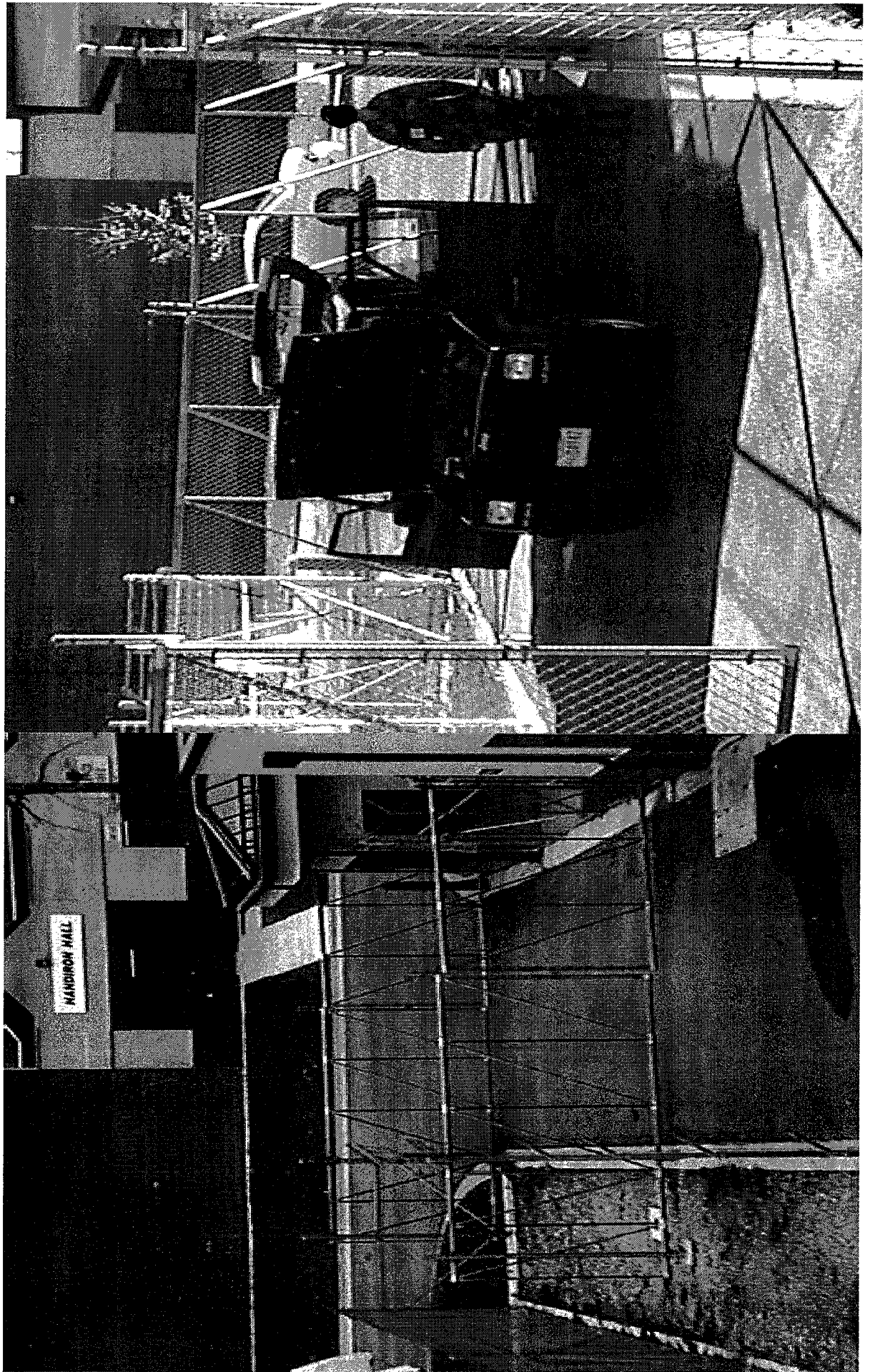
009800



**OVERHEAD FLUORESCENT LIGHTING SHOULD BE PROTECTED WITH WIRE COVERED MESH**



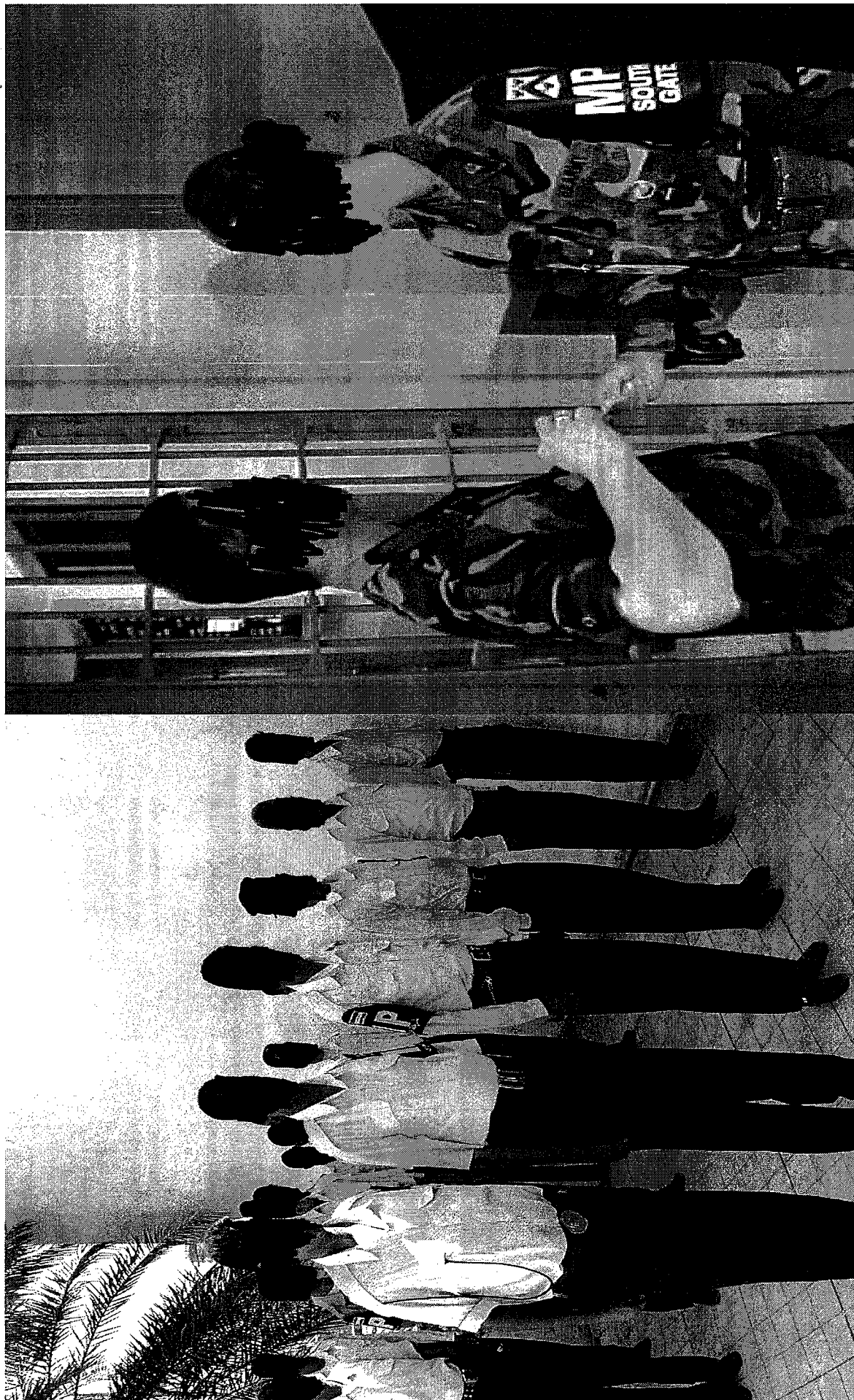
# MAIN GATE/SALLYPORT AND PERIMETER FENCING SHOULD BE ADEQUATE TO FACILITATE OPERATIONS



009802

# AN ADEQUATE SCREENING PROCESS FOR CIVILIANS AND CONTRACT EMPLOYEES MUST BE SUSTAINED

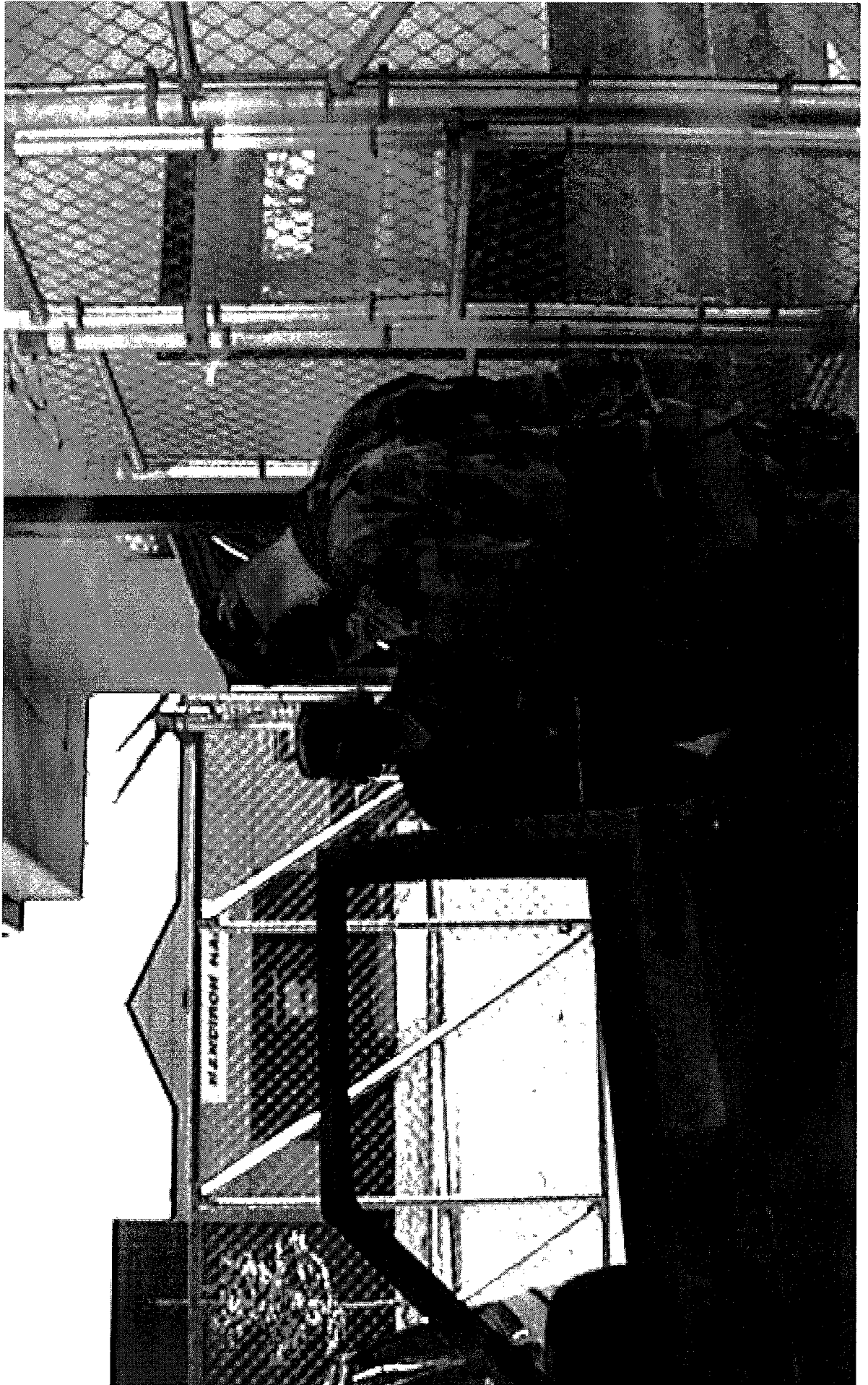
66-1



009803

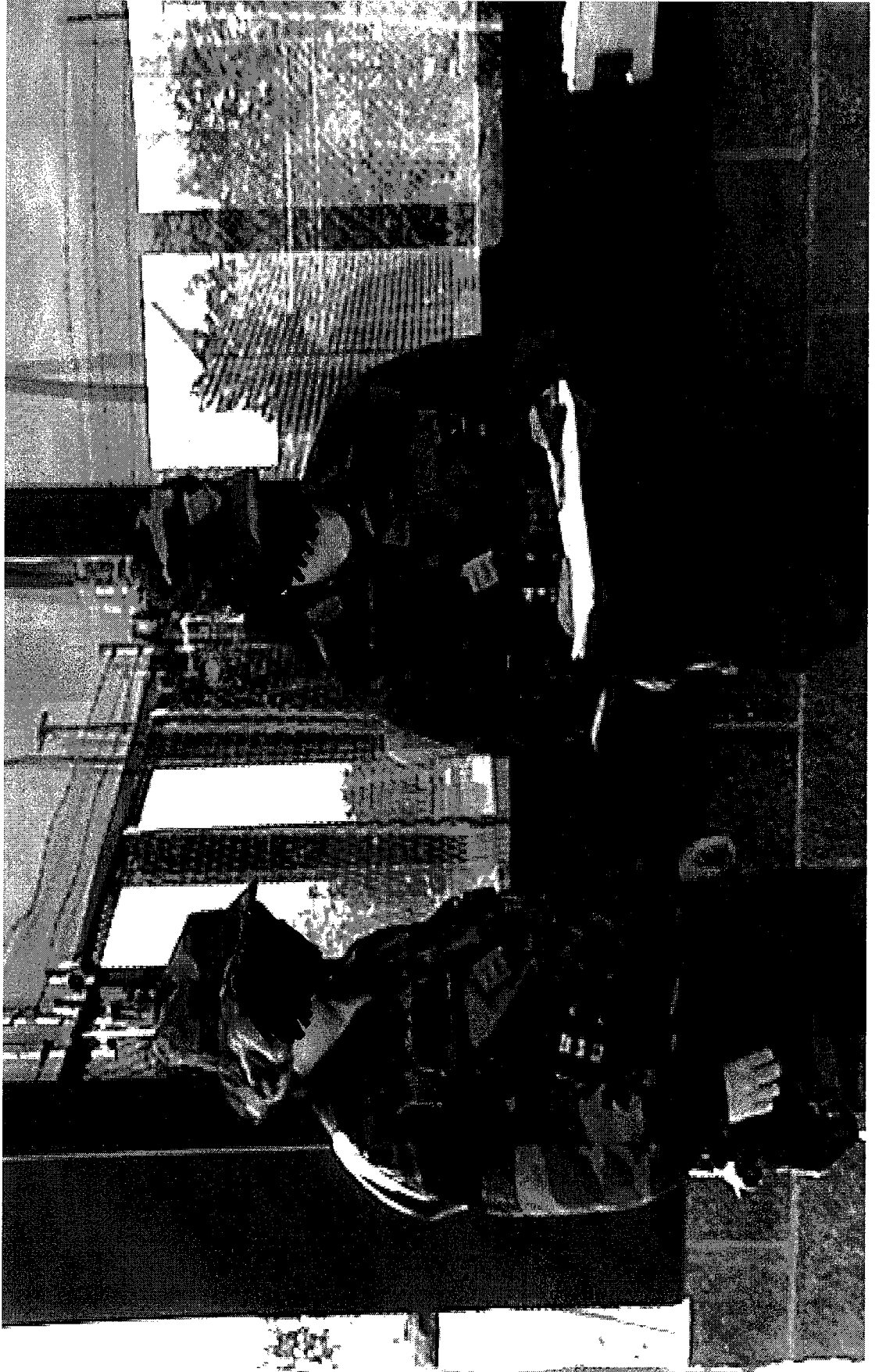
66-1

# UNIT ESCORTS MUST ACCOMPANY CONTRACT EMPLOYEES THROUGHOUT THE CAMPS AND FACILITIES



009804

**TOOL AND EQUIPMENT INVENTORIES MUST BE  
CONDUCTED UPON ENTRY AND EXIT TO ALL  
CAMPS AND FACILITIES**



b6-1

**BATES PAGE 9806**

**(Vehicle Search Procedures at Detainee Holding  
Camps and Facilities)**

**HAS BEEN WITHHELD PURSUANT TO FOIA  
EXEMPTION (b)(2) – 3 and (b)(6) – 2**



**ALL INTERNAL AND EXTERNAL GATES TO THE CAMPS  
AND FACILITIES MUST REMAIN SECURE**

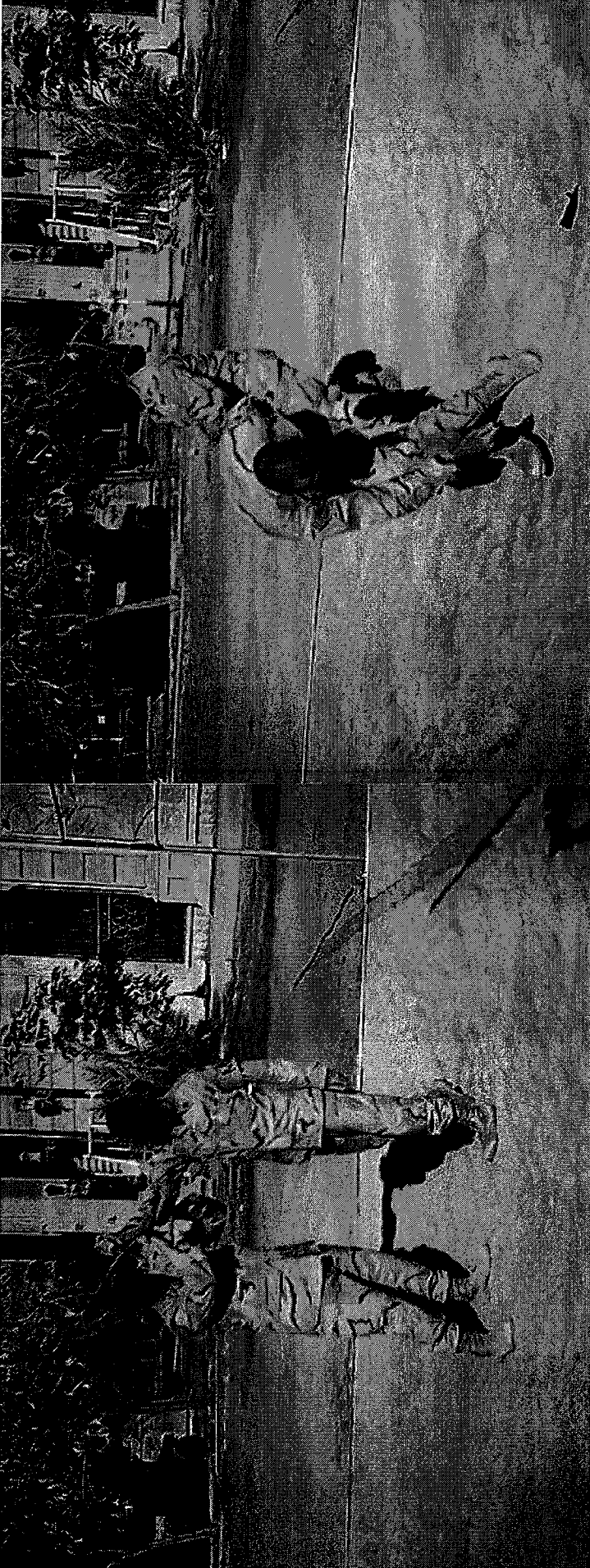
**A08600**



**RESTRAINTS MUST BE APPLIED PROPERLY TO FACILITATE SAFETY  
AND POSITIVE CONTROL OF INCARCERATED DETAINEES**

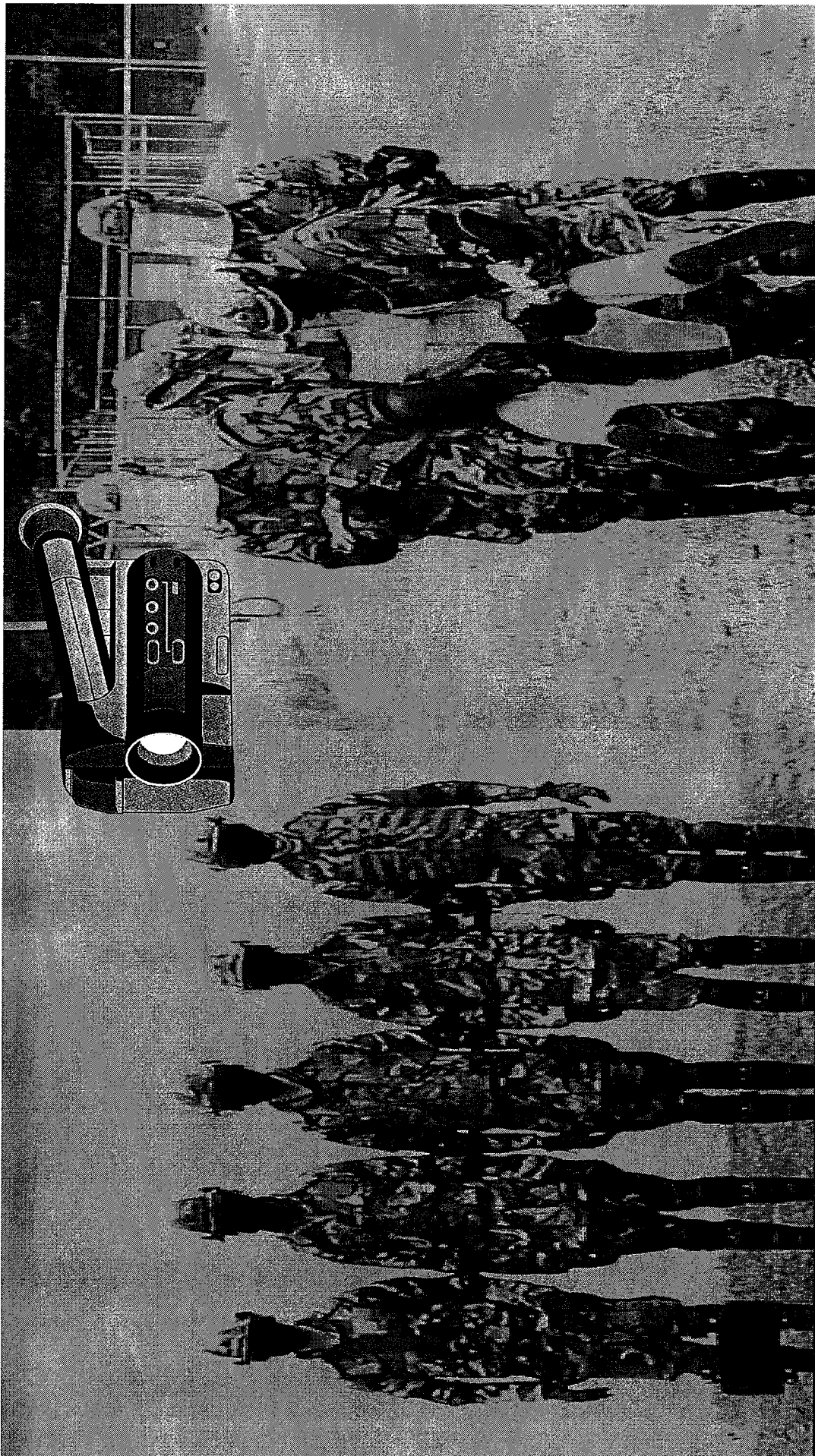
009808





**UNARMED SELF-DEFENSIVE TRAINING SHOULD BE PART OF UNIT  
TRAINING PROGRAMS**

0098009



**FORCED CELL MOVE TRAINING FOR CONTROLLING UNRULY  
DETAINEES SHOULD BE PART OF UNIT EAP TRAINING  
PROGRAMS**

009810

**WEAPONS MUST NEVER BE PERMITTED INSIDE  
CAMP/FACILITIES UNLESS IAW EAP  
IE: DISTURBANCES, HOSTAGE SITUATIONS ETC...**

b6-1

b6-5

b6-1



**NON-LETHAL WEAPONS SYSTEMS SHOULD BE MADE  
AVAILABLE TO ASSIST IN FORCED CELL MOVES,  
QUELLING DISTURBANCES AND PREVENTING ESCAPES**

009812

**UNITS MUST REMAIN VIGILANT TO PREVENT ASSAULTS,  
DISTURBANCES AND ESCAPE ATTEMPTS**



009813

## **Detainee Camp/Facility Operations**

- **Recommendation: Military Units Responsible for Detainee Operations Should at a Minimum Receive the Following Essential Training Prior to Deploying to OIF/OEF.**
- **Geneva Conventions (Humane Treatment)**
- **Communicate with Detainees (IPC) and Cultural Awareness**
- **Personal Safety Awareness within Detainee Operations**
- **Unarmed Self-Defensive within Detainee Operations**
- **Restraint Procedures within Detainee Operations**
- **Forced Cell Move Procedures within Detainee Operations**

**DETAINEE  
OPERATIONS  
INITIAL POINT OF  
CAPTURE (IPOC)  
ACTIONS**

BATES PAGE 9816

(Initial Point of Capture Actions)

HAS BEEN WITHHELD PURSUANT TO FOIA  
EXEMPTION (b)(2) – 3



# Coalition Provisional Authority Forces Apprehension Form

- Used in Lieu of PW Capture Tag
- Record Information & Preserve Evidence
- Printed on Tough, Weatherproof Cardstock
- Filled Out With Ball Point Pen
- Should Be on the Detainee From IPOC thru Arrival at CHA
- Prompts Tired or Inexperienced Soldier to Provide Needed Specific Information
- Employs Block-checking Where Possible

COALITION PROVISIONAL AUTHORITY FORCES APPREHENSION FORM  
 YELLOW FIELDS MUST BE FILLED IN, IF APPLICABLE, UPON APPREHENSION.

<input type="checkbox"/> Offense against Civilians [check one] If "Other" then describe: <input type="checkbox"/> Arson (I.P.C. 342) <input type="checkbox"/> Burglary or Housebreaking (I.P.C. 428) <input type="checkbox"/> Solicitation of Fornication/Prostitution (I.P.C. 398) <input type="checkbox"/> Extortion/Communicating Threats (I.P.C. 430) <input type="checkbox"/> Rape/Indecent/Sexual Assaults/Acts (I.P.C. 393-98, 402) <input type="checkbox"/> Theft (I.P.C. 439) <input type="checkbox"/> Murder (I.P.C. 405) <input type="checkbox"/> Destruction of Property (I.P.C. 477) <input type="checkbox"/> Aggravated Assault/Assault With Intent To Kill (I.P.C. 410) <input type="checkbox"/> Obstructing a Public Highway/Place (I.P.C. 487) <input type="checkbox"/> Maiming (I.P.C. 412) <input type="checkbox"/> Discharging Firearm Explosive in City/Town/Village (I.P.C. 495) <input type="checkbox"/> Simple Assault (I.P.C. 415) <input type="checkbox"/> Riot or Breach of Peace (I.P.C. 495(3)) <input type="checkbox"/> Kidnapping (I.P.C. 421) <input type="checkbox"/> Other:	
<input type="checkbox"/> Offense against Coalition Forces [check one] If "Other" then describe: <input type="checkbox"/> Violation of Curfew <input type="checkbox"/> Trespass on Military Installation or Facility <input type="checkbox"/> Illegal Possession of Weapon <input type="checkbox"/> Photographing/Surveillance Military Installation or Facility <input type="checkbox"/> Assault/Attack on Coalition Forces <input type="checkbox"/> Obstructing Performance of Military Mission <input type="checkbox"/> Theft of Coalition Force Property <input type="checkbox"/> Other:	
Apprehending Unit: _____ Location Grid: _____ Date of Incident: (D/M/Y) / / to / / Time of Incident: hrs to / / Time of Report: (D/M/Y) / / Time of Report: hrs	
Detainee # _____ Key Connected Person: <input type="checkbox"/> Victim <input type="checkbox"/> Witness Last Name: _____ First Name: _____ Given Name: _____ Hair Color: _____ Scars/Tattoos/Deformities: _____ Scars/Tattoos/Deformities: _____ Eye-Color: _____ Weight: lb Height: in Eye-Color: _____ Weight: lb Height: in Address: _____ Address: _____ Place of Birth: _____ Place of Birth: _____ Ethn/Tribe/ Sex: M <input type="checkbox"/> F <input type="checkbox"/> Phone#: _____ Ethn/Tribe/ Sex: M <input type="checkbox"/> F <input type="checkbox"/> Phone#: _____ Mobile <input type="checkbox"/> Regular <input type="checkbox"/> Mobile <input type="checkbox"/> Regular <input type="checkbox"/> Document #: _____ Dr. license <input type="checkbox"/> Other (specify) _____ Document #: _____ Dr. license <input type="checkbox"/> Other (specify) _____	
Total Number of Persons Involved _____ (list names/identifying info on reverse under "Additional Helpful Information")	
<input type="checkbox"/> Vehicle information Vehicle Number _____ of _____ Vehicle(s) Make: _____ Color: _____ License No.: _____ Owner: _____ Model: _____ Type: _____ Plate No.: _____ Number of People in Vehicle: _____ Year: _____ Names of People in Vehicle: _____ <input type="checkbox"/> Contraband/Weapons in Vehicle: _____ <input type="checkbox"/> Property/Contraband <input type="checkbox"/> Weapon <input type="checkbox"/> Photo Taken of Suspect with Weapon/Contraband: Yes/ No Type: _____ Model: _____ Color/Caliber: _____ Serial No.: _____ Quantity: _____ Where Found: _____ Receipt Provided to Owner: Yes/ No Other Details: _____ Where Found: _____ Owner: _____ Name of Assisting Interpreter: _____ Email, Phone, or Contact Info: _____	
Detaining Soldier's Name _____ Supervising Officer's Name (Print): _____ Last, First MI _____ Last, First MI _____ Signature: _____ Signature: _____ Email: _____ Email: _____ Unit Phone: _____ Date: / / Unit Phone: _____ Date: / /	

009817

# Coalition Provisional Authority Forces Apprehension Form

COALITION PROVISIONAL AUTHORITY FORCES APPREHENSION FORM

- Records the 6-Ws

- Specific ID and Location Info

- About Other Witnesses

- Space for Other Information

- Should Reference Seizure of

- Physical Evidence

- Should Reference Collection of

- Sworn Statements

Why was this person detained?

Who witnessed this person being detained or the reason for detention? Give names, contact numbers, addresses.

How was this person travelling (car, bus, on foot)?

Who was with this person?

What weapons was this person carrying?

What contraband was this person carrying?

What other weapons were seized?

What other information did you get from this person?

Additional Helpful Information:

# Form Instructions and Sample Completed Form



<b>Offense against Civilian(s) [check one] If "Other" then describe:</b>	
<input checked="" type="checkbox"/> Arson (I.P.C. 342)	<input type="checkbox"/> Burglary or Housebreaking (I.P.C. 428)
<input type="checkbox"/> Solicitation of Fornication/Prostitution (I.P.C. 399)	<input checked="" type="checkbox"/> Extortion/Communicating Threats (I.P.C. 430)
<input type="checkbox"/> Rape/Indecent/Sexual Assaults/Acts (I.P.C. 393-98, 402)	<input type="checkbox"/> Theft (I.P.C. 439)
<input type="checkbox"/> Murder (I.P.C. 405)	<input checked="" type="checkbox"/> Destruction of Property (I.P.C. 477)
<input type="checkbox"/> Aggravated Assault/Assault With Intent To Kill (I.P.C. 410)	<input type="checkbox"/> Obstructing a Public Highway/Place (I.P.C. 487)
<input type="checkbox"/> Maiming (I.P.C. 412)	<input type="checkbox"/> Discharging Firearm/ Explosive in City/Town/Village (I.P.C. 495)
<input type="checkbox"/> Simple Assault (I.P.C. 415)	<input type="checkbox"/> Riot or Breach of Peace (I.P.C. 495(3))
<input type="checkbox"/> Kidnapping (I.P.C. 421)	<input type="checkbox"/> Other
<b>Offense against Coalition Forces [check one] If "Other" then describe:</b>	
<input checked="" type="checkbox"/> Violation of Curfew	<input type="checkbox"/> Trespass on Military Installation or Facility
<input type="checkbox"/> Illegal Possession of Weapon	<input type="checkbox"/> Photographing/Surveillance Military Installation or Facility
<input checked="" type="checkbox"/> Assault/Attack on Coalition Forces	<input type="checkbox"/> Obstructing Performance of Military Mission
<input checked="" type="checkbox"/> Theft of Coalition Force Property	<input type="checkbox"/> Other

- SMs Are Apprehending Detainees Under the Legal Authority of the Coalition Provisional Authority for Iraq
- Apprehending SM Checks Applicable Offense(s) With Ball Point Pen
- "Looting" Is Not a Formal Crime — It Typically Is in Combination With Theft, Housebreaking, Destruction of Property, Etc...
- I.P.C. = Iraqi Penal Code of 1969

# Form Instructions and Sample Completed Form

Apprehending Unit: 1 <sup>st</sup> Plt/B Co/2-6 Inf/1AD		Location Grid: MB 43844 86940	
Date of Incident: (D/M/Y)	Time of Incident:	Date of Report: (D/M/Y)	Time of Report:
29/ 07 03 to 30/ 07 03	2350 hrs to 0010 hrs	30 / 07 03	0045 hrs

- Provide Complete Unit Identification, Down to Platoon Level
- Full Grid Coordinate From Map Sheet; Street Location and Other Location Information Should Be Provided on Backside of Form
- Provide Precise Date/time Information

# Form Instructions and Sample Completed Form

Detainee # <b>1AD-JUL03-0255</b>		Key Connected Person: <input type="checkbox"/> Victim <input checked="" type="checkbox"/> Witness	
Last Name: [REDACTED]		Last Name: [REDACTED]	
First Name: [REDACTED] Given Name:		First Name: [REDACTED] Given Name:	
Hair Color: <b>Black</b>		Scars/Tattoos/Deformities: <b>1" White Scar on l. cheek</b>	
Eye-Color: <b>Brown</b> Weight: <b>165</b> lb Height: <b>68</b> in		Eye-Color: <b>Green</b> Weight: <b>120</b> lb Height: <b>61</b> in	
Address: <b>Rashid Municipality</b>		Address: <b>Karkh Municipality</b>	
Place of Birth: <b>Tikrit</b>		Place of Birth: <b>Baghdad City</b>	
Ethn/Tribe/ Sect: <b>Sunni</b>		Ethn/Tribe/ Sect: <b>Shia</b>	
Sex: <input checked="" type="checkbox"/> M <input type="checkbox"/> F		Sex: <input type="checkbox"/> M <input checked="" type="checkbox"/> F	
Phone#: <b>unk</b>		Phone#: [REDACTED]	
DOB D/M/Y: <b>04/07/78</b>		DOB D/M/Y: <b>06/03/65</b>	
<input type="checkbox"/> Passport <input checked="" type="checkbox"/> Dr. license <input type="checkbox"/> Other (specify)		<input type="checkbox"/> Passport <input checked="" type="checkbox"/> Dr. license <input type="checkbox"/> Other (specify)	
Document #: <b>9078588</b>		Document #: <b>7878884</b>	
Total Number of Persons Involved <b>4</b> (list names/identifying info on reverse under "Additional Helpful Information")			

b(6)-5

- Detainee Number Is Assigned by the MSC
- Fill in All Identifying Information Available
- The "Key Connected Person" Is the One Other Iraqi Person a Judge Could Talk to in Order to Establish What Happened

009821

# Form Instructions and Sample Completed Form

b6)-4

<input checked="" type="checkbox"/> Vehicle Information	Vehicle Number <b>1</b> of <b>1</b> Vehicle(s)	Owner: [REDACTED]
Make: <b>Kamaz</b>	Color: <b>Red</b>	VIN: <b>XJGB98665B73367G1999B0214</b>
Model: <b>4326</b>	Type: <b>Truck</b>	Plate No.: <b>122008</b>
Year: <b>1982</b>	Names of People in Vehicle: [REDACTED]	Number of People in Vehicle: <b>1</b>
Contraband/Weapons in Vehicle: <b>AK-47</b>		

- Vehicles can provide important evidence
- Fill in all identifying information available

# Form Instructions and Sample Completed Form

<input checked="" type="checkbox"/> Property/Contraband	<input checked="" type="checkbox"/> Weapon	Photo Taken of Suspect with Weapon/Contraband: Yes/ No <input checked="" type="radio"/>	
Type: <b>Auto Asslt Rifle</b>	Model: <b>AK-47</b>	Color/Caliber: <b>7.62mm</b>	
Serial No.: <b>1357007</b>	Quantity: <b>1</b>	Receipt Provided to Owner: Yes/ No <input checked="" type="radio"/>	
Other Details: <b>3 notches in stock</b>		Where Found: <b>Red Kamaz</b> Owner: <b>unk</b>	

- Weapons Must Be Identified and Separately Marked and Backhauled
- If Time and Circumstances Permit, a Separate Property/custody Document Will Be Filled Out Pertaining to Seized Weapons

# Form Instructions and Sample Completed Form

Name of Assisting Interpreter: [REDACTED]		Email, Phone, or Contact Info: 4228616	
Detaining Soldier's Name (Print): [REDACTED]		Supervising Officer's Name (Print): [REDACTED] 1LT [REDACTED]	
Last, Rank, First, MI [REDACTED] SGT [REDACTED] [REDACTED]		Last, Rank, First, MI [REDACTED] [REDACTED] [REDACTED]	
Signature: [REDACTED]		Signature: [REDACTED]	
Email: [REDACTED]@us.army.mil		Email: [REDACTED]@us.army.smil.mil	
Unit Phone: [REDACTED] Date: 07 / 30 / 03		Unit Phone: [REDACTED] Date: 07 / 30 / 03	

b6-y

b6-1

b6-1

- ID the Interpreter, If Any, Who Assisted in Collecting Information
- The One SM Who Was Most Involved in Taking the Person Into Custody Prints His Name and Contact Information and Signs
- The First Commissioned Officer in the Detaining SM's Chain of Command Prints His Name and Signs



# Form Instructions and Sample Completed Form

○

○

Why was this person detained? At approx 292350 Jul. 1<sup>st</sup> Platoon was conducting a patrol in Zone 1. SGT [redacted] heard a woman yelling and upon turning the corner saw the woman pointing to a neighboring building. He then saw D running from the building carrying what looked like electrical wiring and light fixtures. PFC [redacted] and crew of his M1114 chased D, who ran to a red truck, reached in, and then fired a burst of 5-8 rounds from a rifle he pulled out.

b6  
b7C

Who witnessed this person being detained or the reason for detention? Give names, contact numbers, addresses.

The woman who yelled to SGT [redacted] was [redacted], who had seen D break the door and then rip out the light fixtures and all electrical wiring from the neighboring house, which was empty at the time. [redacted]'s two minor children, [redacted] (18) and [redacted] (16) also witnessed part of D's activities in the neighboring house. In addition to the three members of the [redacted] family, three other soldiers who were with SGT [redacted] saw parts of the chase and apprehension of D. These were PFC [redacted] SPC [redacted] and PV2 [redacted], all of the same platoon and contact information as SGT [redacted]

b6-2  
b6-7

b6-2

- Provide the reason for the detention in a brief narrative.
- Ensure that all key witnesses are identified.

# Form Instructions and Sample Completed Form

How was this person traveling (car, bus, on foot)? By foot. He appears to have arrived in the area by vehicle.

Who was with this person? No one. He appears to have been acting on his own.

- In the sample case, the individual detained is a lone offender.
- When two or more individuals are acting together, it is important to annotate this and to identify other detainees by detainee number.

# Form Instructions and Sample Completed Form

What weapons was this person carrying? AK 47, which was fired at coalition forces. See front.  
Upon search of the vehicle, an RPG was found. Both the rifle and the RPG were evacuated to  
the Corps Holding Area and evidence/custody forms were completed and annotated with detainee  
number.

What contraband was this person carrying? Stolen electrical fixtures and wiring. Arms were full  
with a tangle of wires and light sockets. D's capture was made easier because he could not  
move as quickly with full arms. The property was evacuated with the detainee and tagged with  
an evidence/custody form and the detainee number.

- Any additional weapons, not mentioned on the front should be described on the back side.
- Describe other contraband or evidence. Annotate whether Evidence/Property Custody Documents (DA Forms 4137) have been completed and ensure that evidence is linked to the detainee by marking with detainee number.

# Form Instructions and Sample Completed Form

What other weapons were seized? RPG, from vehicle.

What other information did you get from this person? Detainee claimed that his own house was looted by the occupant of the home he was stealing the wiring from. D claimed that he simply want to get his own house running again. D also claimed that he was not firing at coalition troops but that he had been fired upon by another Iraqi 1<sup>st</sup> Platoon could find no evidence to support this

Ci<sup>66-4</sup>qim.  
Additional Helpful Information: [redacted] and her two sons, [redacted] and [redacted] had excellent recall of events. They stated that D had torn down the door to the home next door to theirs at around 2330 and that he proceeded to rip out ceiling tiles to get at the electrical wires. They were able to see his actions through a broken, uncovered window directly across the alleyway between houses. The [redacted] family is from this part of Baghdad City and has no intention of relocating, so they should be reachable as witnesses for the medium term. They can identify D by face and by the tattoo he has on his left arm. They can also identify the weapon he carried (it contained 3 notches on it) and the bundle of wires and fixtures he removed from the house. Finally, they can remember the car he ran to and the weapon he retrieved and fired. DA Form 2823 Sworn Statement was provided by Fatimah.

- Describe Any Likely Defenses or Extenuation/mitigation Circumstances
- If There Is No Evidence to Support Such Defenses Say So



# DA Form 4137 Instructions and Sample

EVIDENCE/PROPERTY CUSTODY DOCUMENT		Detainee ISN
For use of DA Form 4137 and AF 100-20 and AF 100-21. Do not process agency to US Army Central Command		1AD-JUL03-0255
RECEIVED ACTIVITY	LOCATION	DATE RECEIVED
B Co, 2-6 Inf, 1st Armored Div	Baghdad City MB 43844 86940	
<input type="checkbox"/> OTHER <input checked="" type="checkbox"/> OTHER Individual with no evidence of ownership who used weapon in furtherance of a crime.	Karkh Municipality of Baghdad. Residential Area at above grid location. Zone 1.	
Surrendered by Detainee [REDACTED], # 1AD-JUL03-0255 near his vehicle, a red 1982 Kamaz Truck.	Wpn was being fired at coalition forces.	0010 hrs, 30 Jul 03.
ITEM NO.	QUANTITY	DESCRIPTION OF EVIDENCE
1	1	Automatic Assault Rifle, 7.62mm, AK-47, serial number 1357007; has three linear notches in wooden stock.
2	1	Magazine for AK-47; in well of rifle upon seizure.
3	8	7.62 live ball ammunition rounds. In magazine upon seizure.
4	7	Electrical wires; total of 70 feet (10 feet of wire per bundle).

- Use Detainee ISN to Identify the Case the Evidence Is Connected With
- Use 1 Form for All Evidence Seized

# DA Form 4137 Instructions and Sample

		CHAIN OF CUSTODY					
ITEM NO.	DATE	RELEASED BY SIGNATURE NAME, GRADE OF TITLE	RECEIVED BY SIGNATURE NAME, GRADE OF TITLE	PURPOSE OF CHANGE OF CUSTODY			
1,2, 3,4	30 Jul 03	SIGNATURE Crime Scene	SIGNATURE [REDACTED]	Transfer to BN IF Holding Cell			
		SIGNATURE NAME, GRADE OF TITLE	SIGNATURE SGT [REDACTED] NAME, GRADE OF TITLE				
1,2, 3,4	30 Jul 03	SIGNATURE [REDACTED]	SIGNATURE [REDACTED]	Safekeeping for Transfer to CHA			
		SIGNATURE NAME, GRADE OF TITLE	SIGNATURE SSG [REDACTED] NAME, GRADE OF TITLE				
1,2, 3,4	30 Jul 03	SIGNATURE [REDACTED]	SIGNATURE [REDACTED]	Transfer to CHA Evidence Custodian			
		SIGNATURE NAME, GRADE OF TITLE	SIGNATURE SFC [REDACTED] NAME, GRADE OF TITLE				
		SIGNATURE	SIGNATURE				
		SIGNATURE	SIGNATURE				
		SIGNATURE	SIGNATURE				
DA FORM 4137, 1 JUL 78		<small>EXEMPT OR FORM 012, 1 Aug 70 and DA FORM 0127 of Army, Feb 1969 CS 30 Jul 78 Update and Changes</small>		LOCATION	DOCUMENT NUMBER	DA FORM 4137, 1 JUL 78	

66-1

- Record Who Is in Custody of Evidence as it is Transported to the CHA

# DA Form 2823—Sworn Statement

- What Witnesses, Saw, Heard, Felt, and Smelled
- Answer the 6 W's
- Answer the Question, "Did [the Detained Individual] Commit a Crime?"
- Sworn to Be the Truth

SWORN STATEMENT						
For use of this form, see AF 190-46; the appropriate agency is ODCSOPS						
PRIVACY ACT STATEMENT						
AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSW).						
PRINCIPAL PURPOSE: To provide command and law enforcement officials with means by which information may be accurately identified.						
ROUTINE USES: Your social security number is used as an additional means of identification in business filing and retrieval.						
DISCLOSURE: Disclosure of your social security number is voluntary.						
1. LOCATION	2. DATE (TTTTMMDD)	3. TIME	4. FILE NUMBER			
5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS				
8. ORGANIZATION OR ADDRESS						
9. I, _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:						
10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT			PAGE 1 OF _____ PAGES		
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"						
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.						
DA FORM 2823, DEC 1998 DA FORM 2823, JUL 72, IS OBSOLETE						

USDA 7-100

009832



# DA Form 2823 Instructions and Sample

SWORN STATEMENT			
For use of this form, see AF 190-45; the proponent agency is ODCSOPS			
PRIVACY ACT STATEMENT			
<p><b>AUTHORITY:</b> Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).</p> <p><b>PRINCIPAL PURPOSE:</b> To provide command and law enforcement officials with means by which information may be accurately identified.</p> <p><b>ROUTINE USES:</b> Your social security number is used as an additional means of identification to facilitate filing and retrieval.</p> <p><b>DISCLOSURE:</b> Disclosure of your social security number is voluntary.</p>			
1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
Baghdad City MB 43844 86940	20030730	0130	1AD-JUL03-0255
5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS	
[REDACTED]	[REDACTED]	E-5	
8. ORGANIZATION OR ADDRESS			
1st Plt, B Co, 2-6 Inf, 1st Armored Div			
9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:			
<p>At approx 292350 Jul, my platoon was conducting a patrol in Zone 1. I heard a woman yelling and upon turning the corner saw the woman pointing to a neighboring building. I then saw a man running from the building carrying what looked like electrical wiring and light fixtures. My team and I chased the man in our up-armored HMMWV. He ran to a red truck, though he was slowed by all of the things he was carrying, and he dropped a few of the wires while running. When he got to the red truck, he reached in the window of the cab and pulled out a rifle. He shot a burst—it seemed like 5 to 8 rounds—at us, but none of the rounds impacted our vehicle. We returned fire, and he threw the weapon down and put his hands up. We took him prisoner and searched him. We then interviewed the woman who had yelled—a Mrs. [REDACTED]. She said that she saw the man break into the house neighboring hers at about 2330 and begin to rip out all of the electrical wiring. The man had an identification card that said his name was [REDACTED]. He asked us not to hurt him, and he said his name was [REDACTED].</p>			

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66-5

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# DA Form 2823 Instructions and Sample

**AFFIDAVIT**

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED]  
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 30th day of July, 2003 at [REDACTED]

[REDACTED]  
(Signature of Person Administering Oath)

[REDACTED], 1LT  
(Typed Name of Person Administering Oath)  
Article 136(b)(4), UCMJ  
(Authority To Administer Oath)

WITNESSES:  
[REDACTED]  
[REDACTED]  
SGT, 1st Plt, B Co, 2-6 Inf.  
ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 2 PAGES

DA FORM 2823, DEC 1998

b6-1

b6-1

b6-2

b6-1

- Have Witnesses Swear to the Truthfulness of the Statement

## **Ground Rules for Transfer of Detainees**

- Leaders Must Be Trained in the Basics of Preserving Evidence
- CPA Forces Apprehension Form Must Be Completed Before Custody of Detainee Is Transferred to Any Other Unit or to Detention Facility
- Detainee Number Is Printed on CPA Forces Apprehension Form Prior to Any Transfer Between MSCs and Also Printed on Any DA Forms 4137 and 2823

# **CAUTION**

**Due to Ever Changing**

**Intelligence, These**

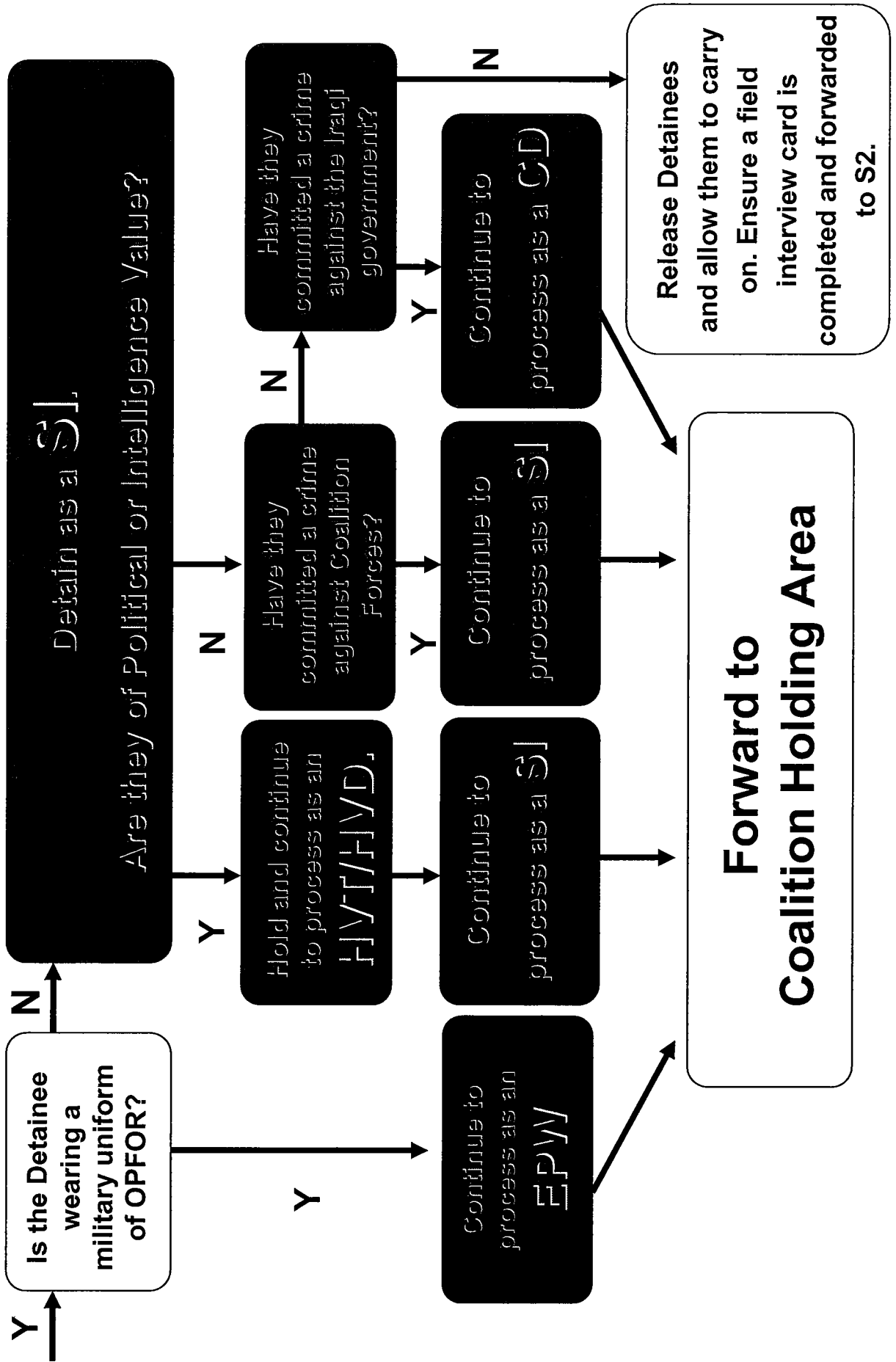
**Characteristics Are Not All**

**Inclusive When Determining**

**Which Category to Place**

**Detainees in.**

# Initial Point of Capture Actions



# **IPOC Coalition Holding Area Actions**

**EPWs, Security Internees and Criminal Detainees  
are processed into BATS & NDRS  
and interrogated by HUMINT**

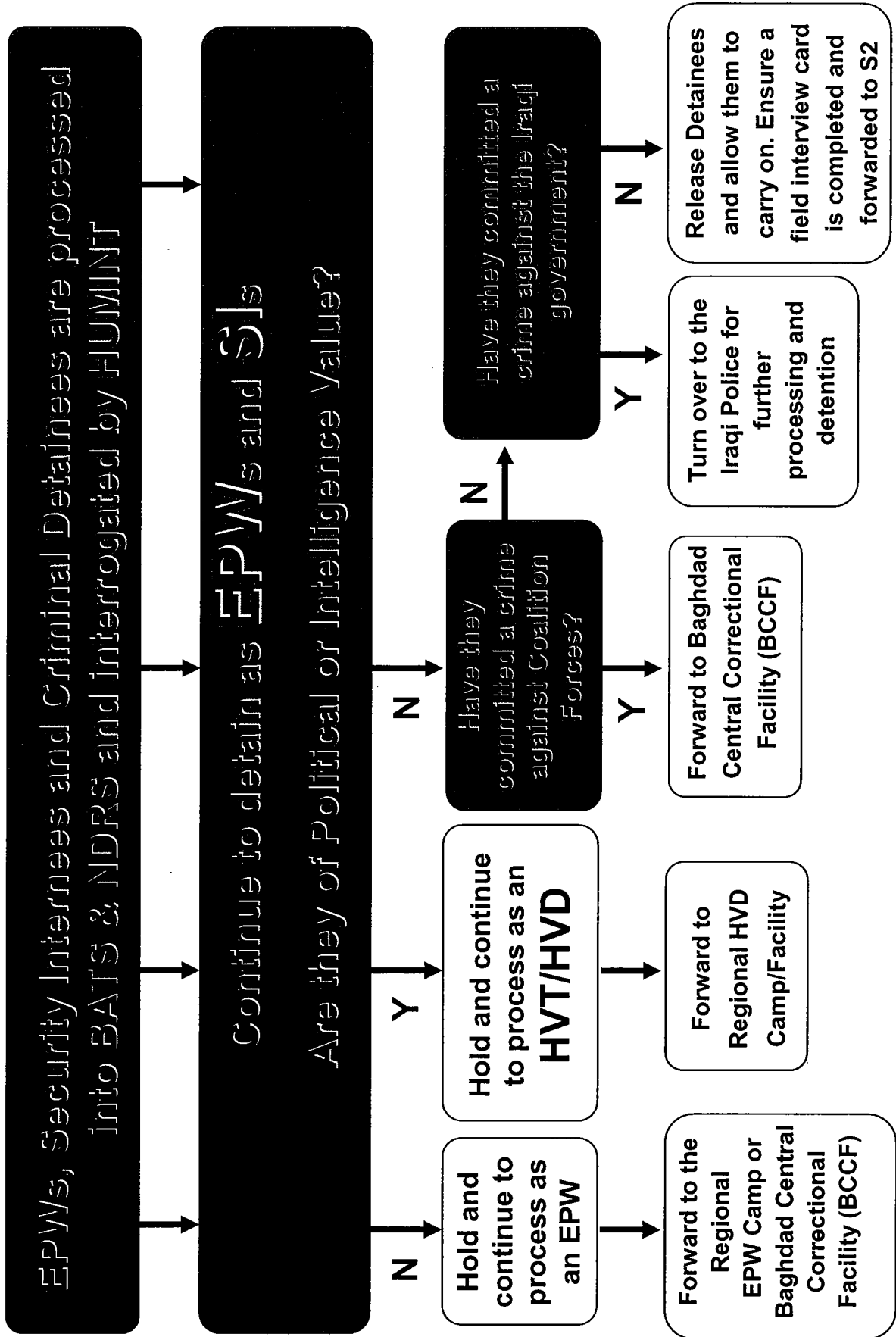
**Biometric Automated Toolset System (BATS)** used to establish a biometric record (digital fingerprint, eye scan and facial photo) to track all detainees that enter a US Forces managed detainee location in the CENTCOM AOR.

**National Detainee Reporting System (NDRS)** a DA approved EPW tracking system. Information is routinely gathered at each camp on EPWs and Security Internees and passed thru CENTCOM to the National Detainee Reporting Center (NDRC) at HQDA.

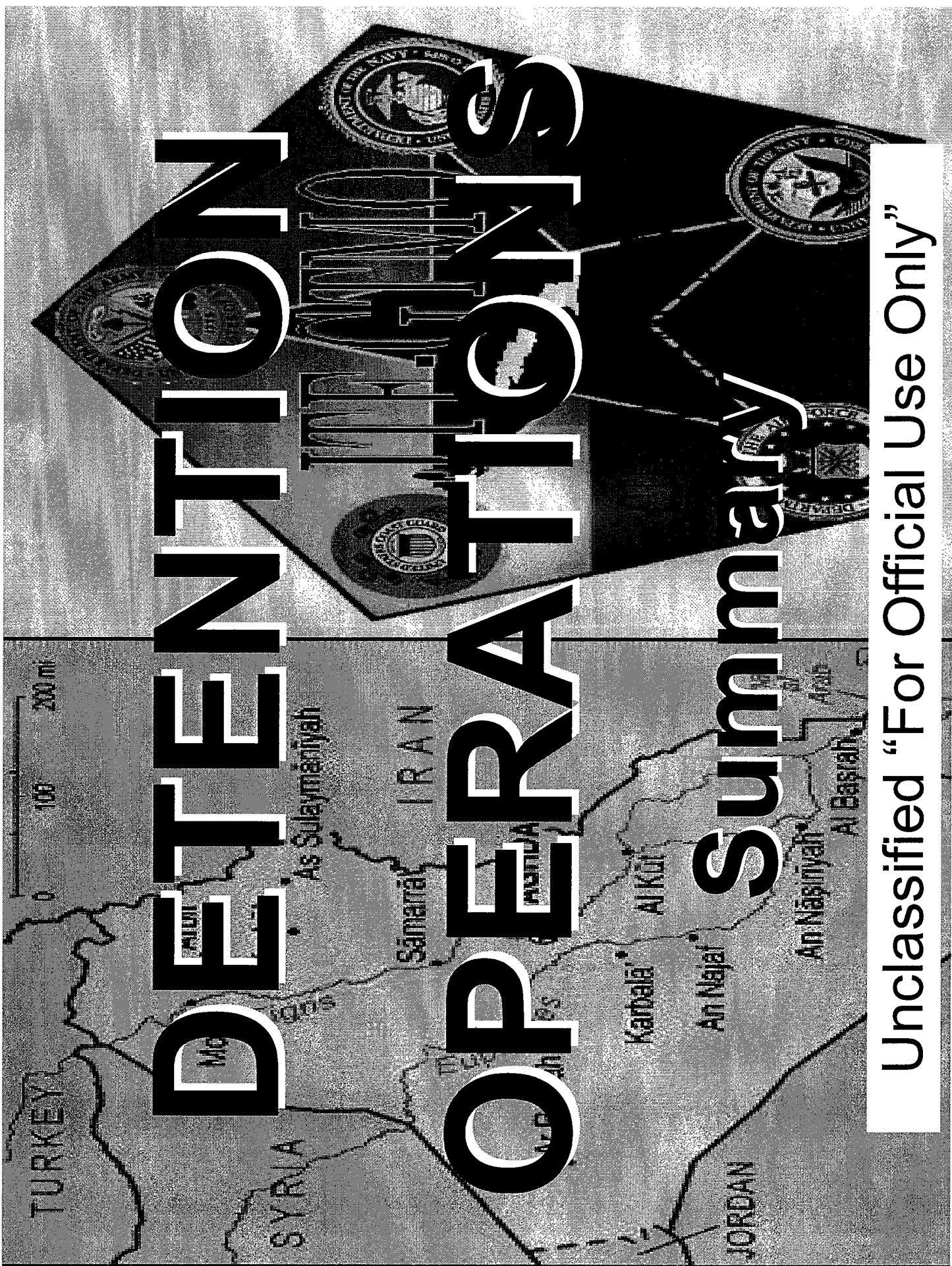
# **Theater Detainee Reporting Center (TDRC)**

- **Field Operations Agency NDRC**
- **Forwards ISNs, and Oversees the Collection of Accountability Data**
- **Obtains, Maintains/Stores Info on All EPW/CI/IRP and their Personal Property**
- **Processes/Replies, Creates and Forwards Reports to NDRC, the CoC, I/Fs and OGA as Directed by the NDRC**

# Coalition Holding Area Actions







# DEFENSIVE OPERATIONS

## Summary

Unclassified "For Official Use Only"

009841

**Introduction to Detainee Operations  
CD 202 / Version 2004  
11 Jun 2004**

**SECTION I. ADMINISTRATIVE DATA**

**All Courses Including This Lesson**

<u>Course Number</u>	<u>Version</u>	<u>Course Title</u>
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**Task(s) Taught(\*) or Supported**

<u>Task Number</u>	<u>Task Title</u>
--------------------	-------------------

**Reinforced Task(s)**

<u>Task Number</u>	<u>Task Title</u>
--------------------	-------------------

**Academic Hours**

The academic hours required to teach this lesson are as follows:

	<u>Mobilization Hours/Methods</u>
	3 hrs 25 mins / Conference / Discussion
Test	0 hrs
Test Review	0 hrs
<b>Total Hours:</b>	<b>3 hrs 25 mins</b>

**Test Lesson Number**

	<u>Hours</u>	<u>Lesson No.</u>
Testing (to include test review)	_____	N/A _____

**Prerequisite Lesson(s)**

<u>Lesson Number</u>	<u>Lesson Title</u>
None	

**Clearance Access**

Security Level: Unclassified  
Requirements: There are no clearance or access requirements for the lesson.

**Foreign Disclosure Restrictions**

FD7. This product/publication has been reviewed by the product developers in coordination with the Fort Leonard Wood, Missouri 65473 foreign disclosure authority. This product is NOT releasable to students from foreign countries.

**References**

<u>Number</u>	<u>Title</u>	<u>Date</u>	<u>Additional Information</u>
AR 190-47	The Army Corrections System.	05 Apr 2004	
AR 190-8	Enemy Prisoners of War, Retained Personnel, Civilian Internees, and Other Detainees.	01 Oct 1997	
FM 3-19.40	Military Police Internment/Resettlement Operations.	01 Aug 2001	

**Student Study Assignments**

None.

**Instructor Requirements**

One primary instructor.

**Additional Support Personnel Requirements**

<u>Name</u>	<u>Stu Ratio</u>	<u>Qty</u>	<u>Man Hours</u>
None			

**Equipment Required for Instruction**

<u>Id Name</u>	<u>Stu Ratio</u>	<u>Instr Ratio</u>	<u>Spt</u>	<u>Qty</u>	<u>Exp</u>
None					

\* Before Id indicates a TADSS

**Materials Required**

**Instructor Materials:**  
**NOTE:** Based on available qualified instructors, facilities and equipment, the instructor may use computer-assisted powerpoints with projection screen or VGTs (Vu-graphs) with overhead projector.

**Student Materials:**  
Pen, pencil, and notebook.

**Classroom, Training Area, and Range Requirements**

**Ammunition Requirements**


<u>Id</u>	<u>Name</u>	<u>Exp</u>	<u>Stu Ratio</u>	<u>Instr Ratio</u>	<u>Spt Qty</u>
None					

**Instructional Guidance**

**NOTE:** Before presenting this lesson, instructors must thoroughly prepare by studying this lesson and identified reference material.

**NOTE: All Detainees are to be treated humanely, with dignity and respect, at all times.**

**Proponent Lesson Plan Approvals**

<u>Name</u>	<u>Rank</u>	<u>Position</u>	<u>Date</u>
	MSG	SR Corrections Technical Advisor	11 Jun 2004

b6-2

SECTION II. INTRODUCTION

Method of Instruction: Conference / Discussion
Instructor to Student Ratio is: _____
Time of Instruction: 5 mins
Media: -None-

Motivator

**NOTE:** Show Slide #1.

Detainees receive humane treatment without distinction of race, nationality, religious belief, political opinion, or similar criteria. Captives and detainees are not murdered, mutilated, tortured, or degraded. They are not punished for alleged criminal acts without previous judgment pronounced by a legally constituted court that has accorded them judicial guarantees which are recognized as indispensable to a fair trial. Individuals and capturing nations are responsible for acts committed against detainees if the acts violate the Geneva Conventions.

**NOTE:** Instructors are required to incorporate Contemporary Operating Environment (COE) issues and reinforce VALUES in this lesson to include scenarios and practical exercises. There are key variables that can be expected in virtually every conflict that serve as building blocks for the operational environment (OE). They are interrelated and sometimes overlap, and serve collectively as the foundation for understanding COE. Information can come from CALL (Center for Lessons Learned) <http://call.army.mil> or any media source including newspaper/magazine articles, television/radio information, law enforcement/field training circulars, etc. and should be current and relevant to the training. Do not violate any copyright or reproduction laws.

The eleven variables are:

1. Physical environment
2. Nature and stability of the state
3. Military capabilities
4. Technology
5. Information
6. External organizations
7. Social demographics
8. Regional Relationships
9. National will
10. Time
11. Economics

**NOTE:** Show Slide #2.

Terminal Learning Objective

**NOTE:** Inform the students of the following Terminal Learning Objective requirements.

At the completion of this lesson, you [the student] will:

<b>Action:</b>	Define current detainee operations.
<b>Conditions:</b>	In support of Operation Iraqi Freedom (OIF) and Operation

	Enduring Freedom (OEF), given a conference presentation in a classroom environment.
<b>Standards:</b>	Defined current detainee operations. Description must include- - Detainee definitions - Standards of conduct

### Safety Requirements

Safety briefings will be conducted prior to training with emphasis on weather conditions, existing and predicted; munitions, including the handling and transporting of blank ammunition and pyrotechnics; and safety while working around and with machinery, vehicles, and tools. Other topics include hot and cold weather injury prevention and treatment, animal and insect bites, poisonous plants, and fire prevention. All injuries/incidents will be reported to the instructor on site and processed IAW course policies and procedures.

Comply with:

- a. AR 385-10, The Army Safety Program, 29 February 2000.
- b. AR 385-55, Prevention of Motor Vehicle Accidents, 12 March 1987.
- c. TRADOC Regulation 385-2, 27 January 2000.
- d. FM 100-14, Risk Management, 23 April 1998.
- e. FM 101-5, Staff Organization and Operations, 31 May 1997.

**NOTE: This is an example of a safety briefing. Safety briefings are dependent on the location of training/training event and this is not to be considered an all-inclusive safety briefing.**

1. **Electrical storms:** (when appropriate) To take precautions against anyone being hit by lightning, we have a dispersal area that is located on this range at (give location) (instructors will complete this at their specific outside location). When directed to disperse, you will move directly to the dispersal area, ground your rifle and Kevlar and place your poncho over yourself after lying flat on the ground. In addition, be sure to avoid flagpoles, wires, Kevlar, and meters that contain electrical charges.
2. **Snakebites:** (when appropriate) As you know, the areas in which snakes are generally found during hot weather are cool, damp places such as rotten logs, creek banks, and under roots. In training areas they may be found in fighting supported positions and bunkers. Always observe an area very closely prior to training. In the event that a snake of any type bites you, report it to range personnel, the instructor, or your drill sergeant. Under no circumstances should anyone try to handle a snake.
3. **Heat casualties:** (when appropriate). When you are active the body becomes overheated and the perspiration, which is created, cannot evaporate and cool the body because of the high humidity. You become a possible casualty from the heat as the body temperature rises above the normal temperature. The symptoms that this can create are: cool, moist or hot, dry skin; profuse sweating; headaches; dizziness; weakness; rapid pulse; or severe cramps in the abdomen or legs. Instructors, range personnel, drill sergeants, and company cadre are familiar with first aid treatments and casualty evacuation procedures for further medical attention. During hot weather, drink water at a rate of not more than 1.5 quarts per hour and not more than 12 quarts per day. Use the buddy system and watch your buddies for signs of heat illness.
4. **Cold weather injuries:** (when appropriate) Range OIC will ensure that

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warm-ups are properly utilized. Ten-minute breaks will be scheduled for each 50-minute block of instruction. During conference sessions, individuals should be allowed to move their feet, hands, etc., in order to maintain circulation. Supervisors at every level will ensure that their subordinates are adequately protected during cold weather. Range OIC will coordinate with company personnel to rotate Soldiers into warm-up tents when inclement weather conditions dictate the need for this to preserve troop health.

5. **Weapons Handling:** Do not fire blank ammunition at individuals within a distance of 25 meters. Ensure blank adapters are installed on weapons before ammunition is issued. Blank adapters will be installed on weapons at all times. When utilizing MILES equipment, never look directly into the laser engagement transmitter.
6. **Classroom Instruction:** Inform students of the procedures and exits in the classroom in the event of an emergency and/or fire.
7. If in need of a MEDEVAC helicopter, immediately contact the MEDEVAC Operations Center telephonically, either by calling through the Range Control Switchboard or by radio. If emergency care is needed, all medical support for units training outside the cantonment area should contact the local 911 for emergency care.
8. Be responsible for security of weapons.
9. Ensure proper use of pyrotechnics and blank ammunition.

**NOTE: Ensure all students have been given the safety brief. Have those arriving late due to appointments and sick call read the briefing.**

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**Risk  
Assessment  
Level**

Low

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**Environmental  
Considerations**

**NOTE:** It is the responsibility of all soldiers and DA civilians to protect the environment from damage.

Caring for the environment begins with the Army's vision of environmental responsibility. The following vision statement describes what the Army expects of all Soldiers and leaders:

**Vision Statement:** *"The Army will integrate environmental values into its mission in order to sustain readiness, improve the Soldier's quality of life, strengthen community relationships, and provide sound stewardship of resources."*

Taking care of the environment protects health, safety, and natural resources. For example, when fuel spills on the ground, it soaks into the soil, poisons plants, and eventually enters streams and lakes that supply drinking water. (See [FM 3-100.4](#) for more information.)

Caring for the environment also supports the Army mission. Costly environmental cleanups detract from Army readiness. During war, many wise tactical, medical, or operations-security (OPSEC) practices are also good environmental practices. Handling fuels safely, maintaining vehicles, disposing of solid waste/hazardous waste (HW), and managing and turning in ammunition properly are sound environmental and tactical considerations that carry over from training into combat operations.

Many practices that damage the environment waste time and do not lead to success in combat. One example occurred during the Gulf War when Iraqi Soldiers

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set fire to Kuwaiti oil fields and poured millions of gallons of crude oil into the Persian Gulf. The Iraqi Army deliberately damaged environmental resources and wasted valuable time and effort on activities that did not stop the allies' advance. Remember, environmental stewardship does not prevent the Army from fighting and winning wars—it supports the Army mission.

Training will be conducted in the proper designated areas only. This ensures natural and environmental resources are maintained properly for continued training realism. All spills of hazardous property and POL products will be reported to the appropriate environmental office. The activity responsible for the spill will contain the spill to reduce further environmental and training area degradation. Equipment will be operated to conform to environmental operating permits. Live foliage will not be used as camouflage material. Improper disposal of trash and refuse, inadequate cleanup of training areas pollutes ground water resources, and may result in a potential health or safety hazard.

References: Field Manual 3-100.4/MCRP 4-11B, Environmental Considerations in Military Operations, dated 15 June 2000; w/change #1 dated 11 May 2001.

Training Circular 3-34.489, The Soldier and the Environment, dated 8 May 2000; with change number 1, dated 26 October 2001.

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**Evaluation**

None.

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**Instructional  
Lead-In**

This training support package (TSP) is designed to assist units deploying to support Detainee Operations within OIF and OEF. All information is extracted from AR 190-8, AR 190-47, FM 3-19.40, Joint Services Publication on Detainee Operations, and the Nov 2003 Provost Marshal General of the Army (PMG) Detention Operations Assessment Team report.

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### SECTION III. PRESENTATION

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#### 1. Learning Step / Activity 1. Definitions

Method of Instruction: Conference / Discussion

Time of Instruction: 30 mins

Media: -None-

**NOTE:** Detainees include, but are not limited to, those persons held during operations other than war. DoD Directive 2310.1, 18 Aug 94).

These key definitions are set forth by the Geneva and Hague Conventions, Army regulations (ARs), and the Uniform Code of Military Justice (UCMJ). These definitions explain personnel categories that the combatant commander may be tasked to handle, protect, and account for. He must ensure that ALL personnel are treated according to established laws, regulations, and international agreements. It is imperative that all leaders and soldiers conducting Detainee Operations must maintain task proficiency for each category.

**NOTE:** Show Slide #3 (Detainee Operations Definitions).

The Department of Defense Directive 2310.1, states that its program must ..."ensure humane and efficient care and full accountability for all persons captures or detained by U.S. Military Services throughout the range of military operations."

In order to fully understand the requirements of fair and humane treatment, we must first identify "detained persons" by their perspective categories.

These definitions are IAW AR 190-8, OIF Theater specific and Joint Service Pub on Detainment Operations.

- a. EPW/Enemy Combatant - engaged in combat under orders
- b. Civilian Internee (CI) - interned during armed conflict or occupation for security reasons or protection or because of offenses committed against the detaining power.
  - Security Internee (SI)
  - High Value Detainee (HVD)
  - Criminal Detainee (CD)

**NOTE:** Show Slide #4 (Detainee Operations Definitions) cont.

- c. Security Internee (SI) - identified as committing a crime against the Coalition Forces, i.e; killing or attempting to assault or kill Coalition Forces, etc.

SIs are civilians interned during conflict or occupation for their own protection or because there is a reasonable belief that they pose a continued threat to the security of coalition forces, its mission, or are of intelligence value. This includes persons detained for committing offenses (including attempts) against coalition forces, members of the Iraqi Provisional Government, Non-Governmental Organizations (NGOs), state infrastructure, and any person accused of committing war crimes or crimes against humanity. An SI may also be classified as High Value Detainee (HVD).



d. High Value Target/Detainee (HVT/HVD) - subset of SI, determined to be significant intelligence or political value based on the Combatant Commander's guidance.

e. Criminal Detainee (CD) - persons suspected of having committed a crime against Iraqi Nationals or Iraqi property. Crimes committed by CDs are crimes that are not committed against Coalition Forces or related to the Coalition Force mission.

f. Retained Person (RP) - Medical personnel, Chaplains attached to Armed Forces, staff of Red Cross Societies.

These fall among the following categories -

1. Medical personnel who are members of the medical service of the armed forces.

2. Medical personnel exclusively engaged in the -

(a) Search for, collection, transport, treatment of the sick and wounded;

(b) Prevention of disease

(c) Staff administration of medical units and establishments

**NOTE:** Work assignments are restricted to medical and religious duties they are qualified to perform.

3. Chaplains attached to enemy armed forces.

4. Staff of National Red Cross organizations, subject to military laws and regulations.

g. War Criminal - a person suspected of committing a violation against the Law of War as defined by International Law.

**NOTE:** Show Slide #5 (Detainee Operations Definitions) cont.

Because facility names and locations change, based on the contemporary operational environment (COE), here are some terms used for locations that are widely used throughout the Iraqi Theater of Operations.

a. Central Collection Point (CCP)- AKA Brigade Collection Point. Temporary facilities that should not hold captured persons more than 72 hours, during which a magistrate's review should be conducted.

This facility is established at any Coalition Brigade sized unit through which a captured person should not be held for more than 72 hours after apprehension. During that 72-hour period, a Magistrate's Review will be conducted to determine continued detainee. This facility is typically the first step of the detainee process.

b. Coalition Holding Area (CHA) - Designated at division level, temporary facilities that should not hold captured persons more than 14 days.

A CHA is a facility designated as the collection facility at Division level, through which all captured persons should either begin or continue the detainee

process before release or transfer to a Theater Internment Facility (TIF). CHAs are meant as temporary facilities, which should not hold captured persons for longer than 14 days.

c. Theater Internment Facility (TIF) - Designated for long-term detention, to include internment of SIs and EPWs.

d. Special Confinement Facility (SCF) - Specifically designated for the detainee of high value detainees (HVD).

**NOTE:** Show Slide #6 (Detainee Operations Quick Reference Guide).

These terms will be used throughout the Detainment Operations. Some have been previously covered.

- GWOT = Global War on Terrorism
- Detainee = Captured Person Not Limited to those captured during the Global War on Terrorism (GWOT)
- EPW = Enemy Prisoner of War
- CI = Civilian Internee
- SI = Security Internee
- HVT = High-Value Target
- HVD = High-Value Detainee
- CD = Criminal Detainee
- IPOC = Initial Point of Capture
- HUMINT = Human Intelligence Collectors
- BATS = Biometric Automated Toolset System
- NDRS = National Detainee Reporting System

**NOTE:** Show Slide #7 (Humane Treatment of Detainees)

**NOTE:** Conduct a check on learning and summarize the learning activity.

2. Learning Step / Activity 2. Humane Treatment

Method of Instruction: Conference / Discussion  
 Time of Instruction: 30 mins  
 Media: -None-

In accordance with the Geneva Conventions and subsequent protocols, a capturing power is responsible for proper and humane treatment of detainees from the moment of capture or other apprehension. The Secretary of the Army is the executive agent for DOD I/R operations and administration. He is responsible for plans, policy development, and operational coordination for persons captured and interned by US armed forces. Navy, Marine, and Air Force units that detain or capture persons turn them over to the Army at designated receiving points after initial classification and administrative processing.

**NOTE:** Captives and detainees are entitled to respect, and they are treated with honor and as human beings. They are protected against violence, insults, public curiosity, and reprisals. They are not subjected to physical mutilation or medical or scientific experimentation that is not required for normal medical, dental, or hospital treatment. Coercion is not inflicted on captives and detainees to obtain information. Those who refuse to answer are not threatened, insulted, or exposed to unpleasant or disadvantageous treatment. Female captives and detainees are treated with respect and accorded fair and equal treatment.

The principles employed to achieve the objectives are according to the Hague Convention (1907), the Geneva Conventions (1949), the Geneva Convention Relative to the Status of Refugees (1951) and its protocol (1967), and current STANAGs. These principles include—

- Humane treatment and efficient care.
- Prompt evacuation from the Combat Zone.
- Provisions for captive or detainee interrogation.
- Procedures for evacuation, control, and administration of internees with other CS and combat service support (CSS) operations.

Humane Treatment involves, but is not exclusive to the following:

- Provide The Geneva Conventions & Facility Rules in the Language of the Detainees
  - No Physical or Mental Torture
  - No Form of Coercion May be Inflicted
  - No Punishment for Refusing to Answer Questions
- Treat all Detainees Equally and with Dignity and Respect
- Always be Respectful of Religious Practices, Articles and Customs

**NOTE:** Show Slide #8 (Humane Treatment of Detainees) cont.

Commanders are required to provide the following:

- Provide Sanitary and Safe Living Conditions
- Provide Protective Housing and Clothing
- Provide Sufficient Food to Maintain Good Health
- Provide Medical Care and Necessary Facilities to Ensure Proper Hygiene
- All Detainees Must Be Humanely Treated and Protected from Violence
- Detainees Cannot be Beaten or Used for Propaganda Purposes

**NOTE:** Show Slide #9 (Standards of Conduct).

**As a member of the armed forces, in whatever capacity you serve, you DO NOT**

- Physically or Verbally Abuse Detainees
- Fraternalize with Detainees or their Families
- Use Your Position to Obtain Personal Favors from Detainees
- Manipulate or Reward Detainees
- Make Sexually Explicit or Obscene Gestures
- Bring Contraband or Unauthorized Items Into the Facility
- Speak to Detainees Except to Give Orders or Directives

The Golden Rule is prevalent. Two Wrongs do not make a Right! We are in the aquarium of the world, and everybody looks!!

**NOTE:** Show Slide #10 (Standards of Conduct) cont.

DO NOT -

- Make Derogatory and/or Political Comments About Detainees or their Cause
- Engage in Commerce or Trade, or Give Gifts to, or Receive Gifts from, Detainees/EPWs
- Make Promises to Detainees/EPWs
- Fraternalize with Detainees/EPWs
- Take Photographs of Detainees/EPWs without Approval from Competent Authority.

**REMEMBER: Dignity and Respect!!!**

**NOTE:** Show Slide #11 (Detainee Camp and Facility Operations).

Whenever units perform duties within a detainee camp or an Internment Facility (I/F), there are basic fundamental skills inherent which are required to ensure the safety of both detainees and staff. We will discuss these basic skills to facilitate proper management of detainee operations.

**NOTE:** Conduct a check on learning and summarize the learning activity.

3. Learning Step / Activity 3. Detainee Operations

Method of Instruction: Conference / Discussion  
 Time of Instruction: 1 hr  
 Media: -None-

**NOTE:** Show Slide #12 (Equipment Inventories).

As anywhere in the military, shift change is the same. Accountability of personnel and equipment, along with daily, general, and special areas of interest.

At shift change both on coming and off going shift cadre should conduct a joint inventory of all equipment and keys as well as conduct a joint head count of all detainees that they are responsible for.

Furthermore, during this time the off-going shift should use this time (approx. 5-10 min) to pass on any information of significance that occurred during the shift to aid the on-coming shift in their smooth transition and prepare them for any suspicious or out of the ordinary behaviors of the detainees within the specific compound or cellblock.

Repetition can lead to complacency; complacency can lead to errors; errors can lead to injury or death!! Doing things improperly, "just this once", can have detrimental effects - " I failed to actually count my weapons- I just signed the inventory; now one is missing!"

No one wants this- especially in a facility such as this.

The Cubans at Safe Haven on that hot, December 5th, amassed with rocks, boards, pipes, etc, to cause enough damage to the MP security there. Image if these Cubans had found a weapon that had been inventoried as "Accounted- although the weapon had not been seen in several days- just pencil-whipped!!!

**NOTE:** Show Slide #13 (Headcount).

At shift change both on coming and off going shift cadre should conduct a joint head count of all detainees that they are responsible for. All headcounts should be conducted IAW local SOP and all applicable references to include the 95B10 STP, AR 190-47, and FM 3-19.40 par 4-104, and any other guidance provided by the National Detainee Reporting Center at the Pentagon, and the results of each headcount should be logged into the camp or facility blotter or journal IAW local SOP. All units must ensure that they maintain 100% accountability of detainees at all times.

**NOTE:** Show Slide #14 (Key Control).

At shift change both on coming and off going shift cadre should conduct a joint inventory of all equipment and keys that they are responsible for. All personnel should sign for the keys specifically for their cellblock block or location and maintain them on their person until properly relieved.

Keys should NEVER be placed on a hook or on a table unsecured, nor should keys be taken out of the area in which they are designed to be used for ie: all personnel should make an effort to check their pockets before departing an area to facilitate the effective management of key control IAW All applicable references including AR 190-11, AR 190-13 and AR 190-47.

**NOTE:** Show Slide #15 (Shakedown).

As a part of daily routines each shift should conduct cell searches and area searches IAW local SOP and all applicable references to include AR 190-47 to prevent detainees from developing caches of weapons or other contraband. Subsequently, these searches should be annotated in the camp/facility blotter or journal IAW local SOP.

It is recommended that the local SOP identify a specific number of cells to search each shift, which should be logged and actively tracked, to facilitate rule enforcement, continuity and consistency, from compound to compound or cellblock to cellblock.

**NOTE:** Show Slide #16 (Security Checks).

Many years ago, in a quiet, placid depot in Germany on the French Border, a group of "Soldiers" decided that the local labor service was not doing their correct security job of physically getting out of their 'roaming' vehicle patrols and actually checking the high security locks on conventional ammunition bunkers. They had a plan. They would cut the high security hasp, enter the non-alarmed bunker, remove items of destructive proportion, and place said items upon their company commander's desk- to prove a point that security was slacking outside the fenced area.

The hasp was cut, the bunker entered, and a case of CS grenades were removed, along with 2 LAWs. Days went by, security checks were annotated on the guards' paperwork. Finally, one of the perpetrators could not stand it any longer- conducted his structure check with his canine companion, and -Wow- found an unsecured structure- Imagine that!

That structure had only been checked by rolling by with a flashlight!!!

All units in charge of detainee operations should conduct scheduled as well as unscheduled internal and external security checks of detainee camps/facilities IAW All applicable references including AR 190-11, AR 190-12, AR 190-13 and AR 190-47 to facilitate a safe and secure environment, the results of these checks should also be annotated in the camp/facility blotter or journal IAW local SOP. Furthermore, these results must be forwarded to the higher headquarters with requests for assistance to correct any identified areas of concern.

**NOTE:** Show Slide #17 (Lighting).

All overhead lighting and exposed wiring should be covered with some sort of protective device or covering, such as wire mesh, to prevent detainees from tampering with lighting. Wires that may be used to aid in escape or assaults on staff or other detainees should be covered with a pipe or other tamper-resistant material.

**NOTE:** Show Slide #18 (Main Gate).

All perimeter fencing should be adequate for the specific location to facilitate the safety of all personnel. This may include 12 foot high fencing with double overhang and razor wire. All fencing should also be inspected daily to detect any tampering that may aid in the planning of detainee escape attempts. Adequate lighting (pointing inside the camp/facility) should also be employed to aid in prevention of escapes or escape attempts by detainees.

**NOTE:** Show Slide #19 (Host Nation Guards).

All personnel that enter and exit ALL camp/facilities must be positively identified. The BATS system may be one system to facilitate this process. All contract employees as well as staff and detainee visitors must be positively identified to facilitate 100% accountability.

**NOTE:** Show Slide #20 (Escorts).

All contract employees should be escorted by a member of the camp/facility staff to ensure they accomplish their specific task and are not accidentally taken hostage or aid in the escape of detainees.

**NOTE:** Show Slide #21 (Tools and Equipment).

All packages, bags and toolboxes should be 100% inventoried upon entry and exit to all camps/facilities to prevent unauthorized property from being taken in or out of the camps/facilities.

**NOTE:** Show Slide #22 (Vehicle Searches).

All vehicle searches upon entry and exit to all camps/facilities, should be systematic consistently follow the same procedure on any type of vehicle, in order to prevent unauthorized property or personnel from entering or leaving a camp/facility.

**NOTE:** Show Slide #23 (Gates).

All internal and external gates and doors of detainee camps/facilities must remain secure at all times to prevent unauthorized personnel from gaining access to secured areas as well prevent escape attempts.

**NOTE:** Show Slide #24 (Restraints).

All staff must understand the proper use of restraints to prevent the use of excessive force and facilitate positive control of cooperative as well as unruly detainees.

It is paramount that all staff, regardless of rank or position, treat detainees with respect and dignity, especially when applying restraints. Care should be taken to be alert for defiant behavior while applying restraints and staff must remain vigilant to use the minimum amount of force while applying and restraint.

**NOTE:** Show Slide #25 (Unarmed Self-Defense).

All staff should receive Unarmed Self-Defensive Training designed specifically for working inside a detainee camp or facility to assist in being able to successfully defend themselves without the use of weapons and facilitate the prevention of unnecessary use of excessive force.

**NOTE:** Show Slide #26 (Forced Cell Move Training).

Forced Cell Move training should be apart of all unit Emergency Action Plans and all planned use of force. Every time these techniques are employed, all team movements and interactions with unruly detainees should be video taped for the safety of all personnel involved.

**NOTE:** Show Slide #27 (Weapon Utilization).

Deadly weapons should never be allowed inside a detainee camp, which includes, but not limited to knives, guns, grenades, batons and leatherman tools, unless IAW emergency Action Plans (EAP), i.e: Hostage Situation, or Disturbance Control, IAW approved rules of engagement (ROE). All uses of deadly force should be documented and employed only as a last resort when all lower levels of force have failed or can not be employed IAW ROE authorized by the Combatant commander. These procedures should be in writing in Internment Facility SOPs. Finally, these procedures should be trained and rehearsed at all levels of staff training program.

**NOTE:** Show Slide #28 (Non-lethal Weapons).

Non-lethal weapons systems should be requested by all units deploying to detainee operations within the theater of OIF/OEF and should be employed as needed to prevent unnecessary assault, deaths or escapes. Furthermore, all units conducting detainee operations should receive training on non-lethal weapons capabilities and should rehearse these techniques, which should also be delineated in I/F SOPs.

**NOTE:** Show Slide #29 (VIGILANCE).

All staff must remain vigilant in enforcing rules and regulations while maintaining a positive rapport with all detainees. Staff should never allow their personal feelings to enter into how they treat each detainee. If staff treat all detainees as they would want to be treated "Firm but Fair", "Humanely" and with "Respect and Dignity" they will discover that the detainees will be more cooperative. All staff must remain vigilant in prevention of assaults and escape attempts by using their observation skills to detect changes in detainee behavior and unusual activity. All staff must ensure that all incidents are properly annotated in the camp/facility blotters or journals and reported to competent authorities IAW local SOP to assist in lessons learned and aid in the proper humane treatment and care of all personnel in the custody of US Armed Forces.

**NOTE:** Show Slide #30 (Recommended Training).

Based on COE and lessons learned, at a minimum, all military units deploying to support detainee operations should, at a minimum, receive these classes prior to deploying.

- Geneva Conventions (Humane Treatment)
- Communicate with Detainees (IPC) and Cultural Awareness
- Personal Safety Awareness within Detainee Operations
- Unarmed Self-Defensive within Detainee Operations
- Restraint Procedures within Detainee Operations
- Forced Cell Move Procedures within Detainee Operations

**NOTE:** Show Slide #31 (IPOC).

**NOTE:** Conduct a check on learning and summarize the learning activity.

4. Learning Step / Activity 4. Initial Point of Capture (IPOC) Actions

Method of Instruction: Conference / Discussion

Time of Instruction: 30 mins



Media: -None-

**NOTE:** Show Slide #32 (IPOC Actions).

All units must be aware of the procedures for processing captured persons from the initial point of capture (IPOC) thru the final disposition. All personnel involved with OIF/OEF must remember to treat all captured personnel humanely with dignity and respect. We must abide by the rules of the Geneva Conventions, Law of Land Warfare and applicable international laws.

Whenever a situation arises in which we must make contact with an Iraqi citizen or third country national, we should attempt to use effective communication skills when interacting. Upon making initial contact with anyone, we must be aware of our surroundings and take into consideration the totality of the situation. If a situation dictates detaining someone, we should assess and evaluate each situation separately, in doing this, we should use available intelligence passed on to us by higher headquarters and use the following questions as a guide to assist in determining if further detention is warranted.

Are they identified as uniformed OPFOR?  
 Have they committed a crime?  
 Did they shoot at capturing unit?  
 Did they drop their weapons and attempt escape?  
 Were they engaged in hostile conduct upon capture?  
 Are they wearing new expensive shoes or other clothes?  
 Are their teeth in better condition than others in the group?  
 Are they speaking a different language than others in the group?  
 Do they possess multiple identification documents?  
 How do others in the group react to them?

Are they carrying:  
 Explosives?  
 Large amounts of munitions?  
 Large amounts of \$\$\$?

If the person or persons does not meet these characteristics, the senior leader on the ground will make the determination to release them. However, it is important to ensure that a field interview card or a Coalition Provisional Authority Forces Apprehension Form is completed and forwarded to your S-2. If there is any evidence to believe that further detention is needed, continue to process them with this form and process them as a Security Internee and transport them to the nearest Coalition Holding Area (CHA).

**NOTE:** Show Slide #33 (Coalition Provisional Authority (CPA) Forces Apprehension Form Guidance).

- To Be Used in Lieu of PW Capture Tag
- Intended to Record Information and Preserve Evidence
- Printed on Tough, Weatherproof Cardstock
- Filled Out With Ball Point Pen
- Intended to Be on the Detainee From Apprehension Until Arrival at Corps Holding Area
- Prompts Tired or Inexperienced Service member to Provide Needed Specific Information
- Employs Block-checking Where Possible
- Yellow Fields Must Be Completed

**NOTE:** Show Slide #34 (Coalition Provisional Authority (CPA) Forces Apprehension Form Guidance).cont.

- Records the 6-Ws - Who, What, When, Where, Why, Witnesses
- Must Put Specific Identification and Location Information About Other Witnesses

- Includes Space for Other Valuable Information
- Should Reference Seizure of Physical Evidence
- Should Reference Collection of Sworn Statements

**NOTE:** Show Slide #35 (Form Instructions and Sample Completed Form).

- Service members are apprehending detainees under the legal authority of the Coalition Provisional Authority for Iraq, which upholds Iraqi laws that remain valid and which prohibits offenses against Coalition Forces

- Apprehending service member checks applicable offense(s) with ball point pen
- “Looting” is not a formal crime—it typically is some combination of Theft, Housebreaking, Destruction of Property, and Riot or Breach of Peace
- I.P.C. is the abbreviation for the Iraqi Penal Code of 1969

**NOTE:** Show Slide #36 (Form Instructions and Sample Completed Form).cont.

- Provide complete unit identification, down to platoon level
- Give full 8 or 10 digit grid, if PLGR available; otherwise extract 8 digit grid from map sheet; street location and other location information should be provided on backside of form
- Provide precise date/time information. Space is provided if period of incident straddles midnight.

**NOTE:** Show Slide #37 (Form Instructions and Sample Completed Form).cont.

- Detainee number is assigned by the Major Support Command (MSC) headquarters. This detainee is the 255<sup>th</sup> apprehended by 1<sup>st</sup> Armored Division in the month of July 03.
- Fill in all identifying information available.
- The “Key Connected Person” is the one other Iraqi person a judge could talk to in order to establish what happened. Fill in all identifying information for that person too.

**NOTE:** Show Slide #38 (Form Instructions and Sample Completed Form).cont.

- Vehicles can provide important evidence.
- Be as specific as possible.**
- Fill in all identifying information available.

**NOTE:** Show Slide #39 (Form Instructions and Sample Completed Form).cont.

- Weapons are crucial evidence that must be identified and then separately marked and backhauled.
- If time and circumstances permit, a separate Property/Custody document will be filled out pertaining to seized weapons.

**NOTE:** Show Slide #40 (Form Instructions and Sample Completed Form).cont.

- Identify the interpreter, if any, who assisted in collecting information. Ensure contact information is captured.
- The one service member who was most involved in taking the person into custody prints his name and contact information on the lower left of the CPA Forces Apprehension Form and signs.

- The first commissioned officer in the detaining service member's chain of command prints his name and contact information on the lower right of the CPA Forces Apprehension Form and signs.

**NOTE:** Show Slide #41 (Form Instructions and Sample Completed Form).cont.

- Provide the reason for the detention in a brief narrative.
- Ensure that all key witnesses are identified.

**Why was the person detained?**

EXAMPLE:

At approx 292350 Jul, 1st Platoon was conducting a patrol in Zone 1. SGT [REDACTED] heard a woman yelling and upon turning the corner saw the woman pointing to a neighboring building. He then saw D running from the building carrying what looked like electrical wiring and light fixtures. PFC [REDACTED] and crew of his M1114 chased D, who ran to a red truck, reached in, and then fired a burst of 5-8 rounds from a rifle he pulled out.

b6-1

**Who witnessed this person being detained or the reason for detention? Give names, contact numbers, addresses.**

EXAMPLE:

The woman who yelled to SGT [REDACTED] was [REDACTED] b6-4, who had seen D break the door and then rip out the light fixtures and all electrical wiring from the neighboring house, which was empty at the time. [REDACTED]'s two minor children, [REDACTED] (18) and [REDACTED] (16) also witnessed part of D's activities in the neighboring house. In addition to the three members of the [REDACTED] family, three other Soldiers who were with SGT [REDACTED] saw parts of the chase and apprehension of D. These were PFC [REDACTED], SPC [REDACTED], and PV2 [REDACTED], all of the same platoon and contact information as SGT [REDACTED].

b6-1

b6-1 (

**NOTE:** Show Slide #42 (Form Instructions and Sample Completed Form).cont.

- In the sample case, the individual detained is a lone offender.
- When two or more individuals are acting together, it is important to annotate this and to identify other detainees by detainee number, if available.

**How was this person traveling (car, bus, on foot)?**

EXAMPLE:

By foot. He appears to have arrived in the area by vehicle.

**Who was with this person?**

EXAMPLE:

No one. He appears to have been acting on his own.

**NOTE:** Show Slide #43 (Form Instructions and Sample Completed Form).cont.

- Any additional weapons, not mentioned on the front should be described on the back side.
- Describe other contraband or evidence. Annotate whether Evidence/Property Custody Document (DA Forms 4137) has been completed and ensure that evidence is linked to the detainee by marking it with his detainee number.

**What weapons was this person carrying?**

## EXAMPLE:

AK 47, which was fired at coalition forces. See front. Upon search of the vehicle, an RPG was found. Both the rifle and the RPG were evacuated to the Corps Holding Area and evidence/custody forms were completed and annotated with detainee number.

**What contraband was this person carrying?**

## EXAMPLE:

Stolen electrical fixtures and wiring. Arms were full with a tangle of wires and light sockets. D's capture was made easier because he could not move as quickly with full arms. The property was evacuated with the detainee and tagged with an evidence/custody form and the detainee number.

**NOTE:** Show Slide #44 (Form Instructions and Sample Completed Form).cont.

- Be sure to describe any likely defenses or extenuation/mitigation the detainee might raise.
- If there is no evidence to support such defenses or extenuation/mitigation, say so.

**What other weapons were seized?**

## EXAMPLE:

RPG, from vehicle.

**What other information did you get from this person?**

## EXAMPLE:

Detainee claimed that his own house was looted by the occupant of the home he was stealing the wiring from. D claimed that he simply want to get his own house running again. D also claimed that he was not firing at coalition troops but that he had been fired upon by another Iraqi. 1st Platoon could find no evidence to support this claim.

**Additional Helpful Information:**

## EXAMPLE:

b6-4  
 ██████████ and her two sons, ██████████ and ██████████ had excellent recall of events. They stated that D had torn down the door to the home next door to theirs at around 2330 and that he proceeded to rip out ceiling tiles to get at the electrical wires. They were able to see his actions through a broken, uncovered window directly across the alleyway between houses. The ██████████ family is from this part of Baghdad City and has no intention of relocating, so they should be reachable as witnesses for the medium term. They can identify D by face and by the tattoo he has on his left arm. They can also identify the weapon he carried (it contained 3 notches on it) and the bundle of wires and fixtures he removed from the house. Finally, they can remember the car he ran to and the weapon he retrieved and fired. DA Form 2823 Sworn Statement was provided by ██████████

**NOTE:** Show Slides # 45 (DA Form 4137 Evidence/Property Custody Document).

- Records the seizure of evidence associated with a crime.
- Captures date-time of seizure, as well as any transfers in custody.
- Ensures that transfers are controlled and recorded.
- Standard Army Form; should stay with the evidence until signed for at detention facility evidence room.

**NOTE:** Show Slides # 46 (DA Form 4137 Instructions and Sample)

- Use detainee number in upper right hand corner to identify the case the evidence is connected with.
- Use 1 form for all evidence seized at each situation.

<b>EVIDENCE/PROPERTY CUSTODY DOCUMENT</b> <small>For use of this form use AF 100-20 and AF 100-21. Use appropriate agency to U.S. Army Central Investigative Command</small>		<b>AFRICAN THEATRE NUMBER</b> Detainee ISN <b>1AD-JUL03-0255</b>	
<b>ISSUING AGENCY</b> B Co, 2-6 Inf, 1 <sup>st</sup> Armored Div		<b>LOCATION</b> Baghdad City MB 43844	
<b>NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED</b> <input type="checkbox"/> <b>OWNER</b> Individual with no evidence of ownership who used weapon in <input checked="" type="checkbox"/> <b>OTHER</b> furtherance of a crime		<b>ADDRESS</b> Karkh Municipality of Baghdad. Residential Area at above grid	
<b>LOCATION FROM WHICH OBTAINED</b> Surrendered by Detainee Ghaleb Kubba, # 1AD-JUL03-0255 near his vehicle, a red 1982 Kamaz Truck.		<b>HOW OBTAINED</b> Wpn was being fired at coalition	<b>TIME DATE OBTAINED</b> 0010 hrs, 30 Jul 03.
<b>ITEM NO.</b>	<b>QUANTITY</b>	<b>DESCRIPTION OF ARTICLES</b>	
1	1	Automatic Assault Rifle, 7.62mm, AK-47, serial number 1357007; has three linear notches in wooden stock.	
2	1	Magazine for AK-47; in well of rifle upon seizure.	
3	8	7.62 live ball ammunition rounds. In magazine upon seizure.	
4	7	Electrical wires; total of 70 feet (10 feet of wire per bundle).	

**NOTE:** Show Slide #47 (DA Form 4137) cont.

- Record who is in custody of evidence as it is transported to the Coalition Holding Area, with signatures.

bb-1

CHAIN OF CUSTODY				
ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1,2, 3,4	30 Jul 03	SIGNATURE Crime Scene	SIGNATURE	Transfer to BN IF Holding Cell
		NAME, GRADE OF TITLE	NAME, GRADE OF TITLE SGT	
1,2, 3,4	30 Jul 03	SIGNATURE	SIGNATURE	Safekeeping for Transfer to CHA
		NAME, GRADE OF TITLE SGT S	NAME, GRADE OF TITLE SSG	
1,2, 3,4	30 Jul 03	SIGNATURE	SIGNATURE	Transfer to CHA Evidence Custodian
		NAME, GRADE OF TITLE SSG	NAME, GRADE OF TITLE SFC	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OF TITLE	NAME, GRADE OF TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OF TITLE	NAME, GRADE OF TITLE	

DA FORM 4137, 1 JUL 78

Replaces DA FORM 4137, 1 Aug 70 and DA FORM 4137-2, Primary Sub Attachment 28 Sep 78 (which are obsolete)

LOCATION \_\_\_\_\_ DOCUMENT NUMBER \_\_\_\_\_

NOTE: Show Slide #48 (DA Form 2823 - Sworn Statement).

- Records what witnesses, saw, heard, felt, and smelled.
- Should answer the 6 W's—who, what, when, where, why, and witnesses.
- Should answer the question, "did [the detained individual] commit a crime?"
- Sworn to be the truth before a commissioned officer.

NOTE: Show Slide # 49 (DA Form 2823) cont.

**SWORN STATEMENT**  
For use of this form, see AF 190-45; the proponent agency is ODCSOPS

**PRIVACY ACT STATEMENT**

**AUTHORITY:** Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).  
**PRINCIPAL PURPOSE:** To provide commanders and law enforcement officials with means by which information may be accurately identified.  
**ROUTINE USES:** Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.  
**DISCLOSURE:** Disclosure of your social security number is voluntary.

<b>1. LOCATION</b> Baghdad City MB 43844 86940	<b>2. DATE (YYYYMMDD)</b> 20030730	<b>3. TIME</b> 0130	<b>4. FILE NUMBER</b> 1AD-JUL03-0255
<b>5. LAST NAME, FIRST NAME, MIDDLE NAME</b> [REDACTED]	<b>6. SSN</b> [REDACTED]		<b>7. GRADE/STATUS</b> E-5

**8. ORGANIZATION OR ADDRESS**  
1<sup>st</sup> Plt, B Co, 2-6 Inf, 1<sup>st</sup> Armored Div

**9.**  
I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

At approx 292350 Jul, my platoon was conducting a patrol in Zone 1. I heard a woman yelling and upon turning the corner saw the woman pointing to a neighboring building. I then saw a man running from the building carrying what looked like electrical wiring and light fixtures. My team and I chased the man in our up-armored HMMWV. He ran to a red truck, though he was slowed by all of the things he was carrying, and he dropped a few of the wires while running. When he got to the red truck, he reached in the window of the cab and pulled out a rifle. He shot a burst—it seemed like 5 to 8 rounds—at us, but none of the rounds impacted our vehicle. We returned fire, and he threw the weapon down and put his hands up. We took him prisoner and searched him. We then interviewed the woman who had yelled—a Mrs. [REDACTED]. She said that she saw the man break into the house neighboring hers at about 2330 and begin to rip out all of the electrical wiring. The man had an identification card that said his name was [REDACTED]. He asked us not to hurt him, and he said his name was Kubba

66-1

66-5

66-4

**NOTE:** Show Slide #50 (DA Form 2823) cont.

- Have witnesses swear to the truthfulness of the statement before a commissioned officer and 1 witness.

**AFFIDAVIT**

I, \_\_\_\_\_, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

\_\_\_\_\_  
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 30<sup>th</sup> day of July, 2003 at \_\_\_\_\_

\_\_\_\_\_  
(Signature of Person Administering Oath)

\_\_\_\_\_, 1LT  
(Typed Name of Person Administering Oath)  
Article 136(b)(4), UCMJ  
(Authority To Administer Oaths)

WITNESSES:

\_\_\_\_\_  
SGT. 1<sup>st</sup> Plt. B Co. 2-6 Inf.  
ORGANIZATION OR ADDRESS

\_\_\_\_\_  
ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT  
JSS

PAGE 2 OF 2 PAGES

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b6-2

b6-2

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USDAF V.1.00

**NOTE:** Show Slide # 51 (Transfer Ground Rules).

Leaders must be trained in the basics of preserving evidence. V Corps Cdr's order is that MSCs will conduct training for all leaders down to and including platoon leader/sergeant level.

CPA Forces Apprehension Form must be completed before custody of detainee is transferred to any other unit or to detention facility.

Service member who took detained individual into custody prints rank, name, and contact information and signs lower left of CPA Forces Apprehension Form.

1<sup>st</sup> commissioned officer in chain of command prints rank, name, and contact information and signs lower right of CPA Forces Apprehension Form.

Detainee number is printed on CPA Forces Apprehension Form prior to any transfer between MSCs (i.e., Division to 18<sup>th</sup> MP Bde element); it is also printed on any DA Forms 4137 and 2823.

**NOTE:** Show Slide #52 (Caution).

**CAUTION-Due to ever changing intelligence, these characteristics are not all inclusive when determining which category to place Detainees in!**

**NOTE:** Show Slide #53 (IPOC Actions Continued).

Prior to transporting a detainee to a CHA, we should identify which category to place them in. The following guidelines will assist in the decision making process.



If they are wearing a military uniform of the opposing forces, continue to process them as an EPW. All Security Internees should be further identified as either High Value Detainees, SIs, or Criminal Detainees. If they are of political or intelligence value, they should be further processed as an HVD. If they have clearly committed an offense against the coalition forces, continue to process them as an SI. If they have committed a crime against the Iraqi government or Iraqi people, process them as a Criminal Detainee. If they do not fit any of the above, release them after a CPA Apprehension Form is completed, which should be forwarded to the HHQ S-2.

**NOTE:** Show Slide #54 (IPOC Holding Area Actions).

Upon arrival at the CHA with a detainee, all accompanying documents and evidence are turned over to the staff of the processing area of the CHA. ALL detainees should then be processed for further detention by being logged into the Biometric Automated Toolset System (BATS) this is used to establish a biometric record (digital fingerprint, eye scan and facial photo) to track all detainees that enter a US Forces managed detainee location in the CENTCOM AOR. They will also be processed using the National Detainee Reporting System (NDRS), this is a DA approved EPW tracking system. Information is routinely gathered at each camp on EPWs and Security Internees and passed thru CENTCOM to the National Detainee Reporting Center (NDRC) at HQDA. During this processing phase, they will be interrogated by Human Intelligence (HUMINT) MI interrogators, Not MPs.

**NOTE:** Show Slide #55 (Theater Detainee Reporting Center (TDRC)).

The Theater Detainee Reporting Center (TDRC) functions as the field operations agency for the NDRC. It enforces the information requirements received from the NDRC, forwards blocks of ISNs, and oversees the collection of data required for accountability.

The TDRC is a repository that obtains, maintains, and stores the information on all EPW/CI/RP and their personal property within the theater. It is responsible to process and reply to inquiries as well as create and forward reports to the NDRC, the chain of command, supported internment facilities and other agencies as directed by the NDRC.

**NOTE:** Show Slide #56 (Coalition Holding Area Actions).

Upon being interrogated by HUMINT, all EPW/SI and CDs are further processed for internment or released as follows:

EPWs are processed and transferred to the regional EPW Camp at the Baghdad Central Correctional Facility (BCCF) for Internment. The HVDs/HVTs are continued to be processed and transferred to the HVD site at Camp Cropper or BCCF. The SIs are further processed and transferred to BCCF for Internment. The CDs are further processed and transferred to the local Iraqi police station. If the HUMINT determine that there is no further reason to detain them, they will direct the staff of the CHA to release the detainee. It is important that all documents are properly completed and that these procedures are delineated in the unit SOPs.

**NOTE:** Show Slide #57(Summary).

**NOTE:** Conduct a check on learning and summarize the learning activity.

5. Learning Step / Activity 5. Equipment requirements  
Method of Instruction: Conference / Discussion

Time of Instruction: 25 mins

Media: -None-

This is consolidated list of very basic equipment and facilities needed for the conduct of training for the Detainee Operations Training Support Package (TSP).

**The following items are required in the classroom for all classroom Presentations**

SCREEN, PORTABLE, FRONT PROJECTION  
COMPUTER, PERSONAL, equipped with MS Office (Word and Power Point)  
PROJECTOR, MULTIMEDIA, WALLZAPPER 1000 W/REMOTE,LCD

**Contraband Control Training**

WHISTLE, PLASTIC or metal 1 per student (NSN 8465-00-254-8803)  
Gloves, Rubber 10 per student  
BAG, DUFFLE (1) per testing area with the following clean items (1) each per bag:  
BAG, BARRACKS  
BUCKLE BELT BLACK UNISEX (NLN)  
BELT, NYON  
CAP, BDU  
BELT, INDIVIDUAL EQUIPMENT (LCE)  
COMB, PLASTIC  
SHAVING CREAM  
DISPOSABLE RAZOR  
SHOWER SHOES  
SOAP, BAR  
SOAP, DISH  
TOOTHBRUSH  
TOOTHPASTE  
DEODORANT, STICK  
TOWEL  
WASH CLOTH  
BDU Trousers  
BDU SHIRT  
T-SHIRT  
SOCKS (pr)  
UNDER SHORTS  
BOOTS (pr)  
PEN  
PENCIL  
PAPER

**Dining Facility Training**

Separate room with the following items:  
WHISTLE, PLASTIC or metal 1 per student  
TABLES & CHAIRS  
ISSUE POINT, SILVERWARE  
BAR, SALAD  
LINE, SERVING  
DISPENSER, MILK or (Similar device) ie: Cardboard Box  
KNIFE, TABLE (10)

SPOON, TABLE (10)  
 FORK, TABLE (10)  
 DISPENSER, NAPKIN  
 CUP, DRINKING, PLASTIC  
 SALT & PEPPER, SHAKER  
 TRAY, SERVICE, INDIVIDUAL  
 MREs # 11,12,13,14 with (containers)

### **Tower Training**

TOWER, MOCK  
 SHOT GUN (MOCK) (1)  
 FENCED IN AREA  
 WHISTLE, PLASTIC or metal 1 per student

### **Visitation Training**

Separate room with the following items:  
 TABLES & CHAIRS  
 WHISTLE, PLASTIC or metal 1 per student

### **Unarmed Self-Defense Training**

Room or location with the following items:  
 Mats, Tumbling 12X12 1 per every 2 students  
 Knife (MOCK) Rubber 1 per every 2 students see the following web site:  
[http://www.red-diamond-unif.com/asp\\_red\\_gun.htm](http://www.red-diamond-unif.com/asp_red_gun.htm)

PAD, Foam Striking 1 per every 2 students see the following web site:  
[http://www.red-diamond-unif.com/asp\\_red\\_training.htm](http://www.red-diamond-unif.com/asp_red_training.htm)

### **Restraints and Forced Cell Move Training**

Separate room or location with the following items:  
 HAND Irons 1 Pair per every 2 students (NSN: 8465-00-242-7860)  
 LEG Irons 1 Pair per every 2 students (NSN: 8465-00-242-7891)  
 Handcuff Key 1 per every 2 students  
 Flexi Cuffs 10 per student (see the following web sites  
<http://www.copquest.com/21%2D1300.htm> or  
<http://www.copquest.com/19%2D1101.htm>  
 Flexi Cuff Cutter 1 per every 2 students, see the following web site:  
<http://www.copquest.com/21%2D1300.htm>  
 Straight Jacket 1 (small) per every 5 Students  
 1 (medium) per every 5 Students  
 1 (Large) per every 5 Students  
 Stretcher 2 per every 5 students  
 Tape (100 MPH) 1 roll per every 10 students  
 Leather Restraints 1 set (Wrist Cuffs, Ankle Cuffs, Long Strap, Short Strap,  
 key)  
 per every 5 students.  
 OC Pepper Spray  
 (INERT) 1 can per 5 students, see the following web site:  
<http://www.galls.com/gaweb.dll>

OC Pepper Spray 1 can per 5 students, see the following web site:  
<http://www.galls.com/gaweb.dll>  
 Riot Shields (Pinning) 1 per every 2 students, see the following web site:  
<http://www.galls.com/gaweb.dll>  
 Riot Shields (Protective) 1 per every 2 students, see the following web site:  
<http://www.galls.com/gaweb.dll>  
 Shin Guards 1 pair per each student, see the following web site:  
<http://www.galls.com/gaweb.dll>  
 Pads, Elbow 1 pair per each student, see the following web site:  
<http://www.galls.com/gaweb.dll>  
 Gloves, Protective with padding 1 pair per each student, see the following web  
 site: <http://www.galls.com/gaweb.dll>

### **Riot Control and Formations**

PA System, Hand Held w/batteries 2 per class  
 Riot Batons 1 per student, see the following web site:  
<http://www.galls.com/gaweb.dll>  
 Riot Shields (Pinning) 1 per every 2 students, see the following web site:  
<http://www.galls.com/gaweb.dll>  
 Riot Shields (Protective) 1 per every 2 students, see the following web site:  
<http://www.galls.com/gaweb.dll>  
 Shin Guards 1 pair per each student, see the following web site:  
<http://www.galls.com/gaweb.dll>  
 Pads, Elbow 1 pair per each student, see the following web site:  
<http://www.galls.com/gaweb.dll>  
 Gloves, Protective with padding 1 pair per each student, see the following web  
 site: <http://www.galls.com/gaweb.dll>

### **Main Gate/ Sally Port Training**

Mirror, Tactical Search 1 per every 10 students, see the following web site:  
<http://www.blasterstool.com/index.asp?PageAction=VIEWCATS&Category=218>  
 Vehicle, M1025/M1026  
 w/basic issue items )BII);  
 (NSN:2320-01-128-9551) 2 per Class

**NOTE:** Conduct a check on learning and summarize the learning activity.

**SECTION IV. SUMMARY**

Method of Instruction: <u>Conference / Discussion</u>
Instructor to Student Ratio is: _____
Time of Instruction: <u>5 mins</u>
Media: <u>-None-</u>

**Check on Learning**

---

Determine if the students have learned the material presented by soliciting student questions and explanations. Ask the students questions and correct misunderstandings.

**Review / Summarize Lesson**

---

Over the past several hours we have discussed Detainment Operations. We've stated the regulatory requirements and guidance. We have talked about equipment and facilities. Remember the keys words are Humane Treatment of all detainees and we must always remain vigilant to treat them with "Dignity and Respect."

---

**SECTION V. STUDENT EVALUATION**

---

**Testing Requirements**      **None**

---

**Feedback Requirements**      **NOTE:** Feedback is essential to effective learning. Schedule and provide feedback on the evaluation and any information to help answer students' questions. Provide remedial training as needed.

- a. Schedule and provide immediate feedback in context to the material presented; correct student misunderstandings.
- b. Provide remedial training as needed.

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Appendix A - Viewgraph Masters (N/A)

009871

Appendix B - Test(s) and Test Solution(s) (N/A)

009872



Appendix C - Practical Exercises and Solutions (N/A)

009873

Appendix D - Student Handouts (N/A)

009874

# **Communicate with Detainees & Muslim Cultural Awareness**

Unclassified "For Official Use Only"

009875

# Terminal Learning Objective

**Action:** Discuss the appropriate procedures for detecting symptoms of unusual or potentially deviant behavior as well as interacting with detainees and discuss Islamic cultural awareness.

**Conditions:** In a classroom environment, given a presentation and a situation where you are observing detainees.

**Standards:** While interacting with detainees of mixed cultures, you must identify and report all unusual or potentially deviant behaviors of detainees to your supervisor.

# Enabling Learning Objective A

**Action:** Discuss how effective communication skills are employed when interacting with detainees.

**Conditions:** In a classroom environment.

**Standards:** Identify the elements required for good communication skills when interacting with detainees .

# **Factors Which Can Influence a Persons Attitude and Behavior**

- Age**
- Race**
- Experience**
- Training**
- Behavior Itself**
- Location**

# **Fear and Prejudice**

**Examine Your Own Prejudices  
and Experiences**

**Understand How They Can  
Influence Your Responses**

# **Observation**

**NOTICE & UNDERSTAND DETAINEE:**

**Behavior**  
**Appearance**  
**Environment**



# FOUR BASIC PARTS OF OBSERVING

- 1. Looking Carefully**
  - **Judgments Based on Visual Info**
  - **Detailed & Concrete**
  - **Vague and General**

# **FOUR BASIC PARTS OF OBSERVING**

## **2. Making Conclusions About Detainees:**

- Feelings**
- Relationships**
- Energy Levels**
- Values**

# Four Basic Parts of Observing

## 3. Normal vs. Abnormal Behavior

- Unusual
- Usual
- Time
- Place

# **FOUR BASIC PARTS OF OBSERVING**

## **4. Trouble or Not Trouble with Detainees.**

- Situation**
- Knowledge of Detainee Camp**
- Abrupt Change**
- Major Deviation**

# **Observing in a Detainee Environment**

- **See Potential Problems**
- **Seeing + Understanding =  
Knowledge of Detainees  
and Their Problems**

# **Body Language**

## **Facial Expressions**

**Smiles**

**Frowns**

**Lips Tightly Pressed**

**Together**

# **Body Language**

## **Gestures**

**Tapping Fingers**

**Clenching Fists**

**Wringing of Hands**

# **Body Language**

## **Body Positions**

**Hugging One's Self**

**Crossing of the Arms**

**Feet Braced**

**Shifting Weight Back & Forth**

**Fighting Stance**



# **Body Language**

## **Body Distance**

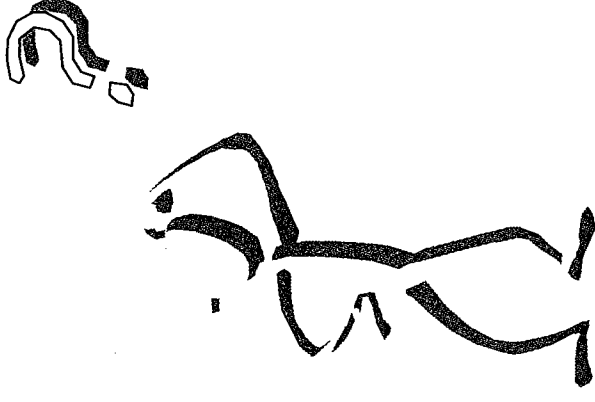
**Invading Another Persons Space**

**Finger Jabbing**

**Up Close Talking Softly**

# **Nonverbal Communications**

**Behavior that Expresses Attitude and Emotions**



## **Hurt**

## **Embarrassment**

## **Withdrawn Attitude**

## **Showing Grief or Crying**

# **Nonverbal Communications**

## **Anger**



**Aggression**

**Hostility**

**Sarcasm**

**Loud Abusive Language**

**Resentment**

**Frustration**

# **Nonverbal communications**

## **Fear**

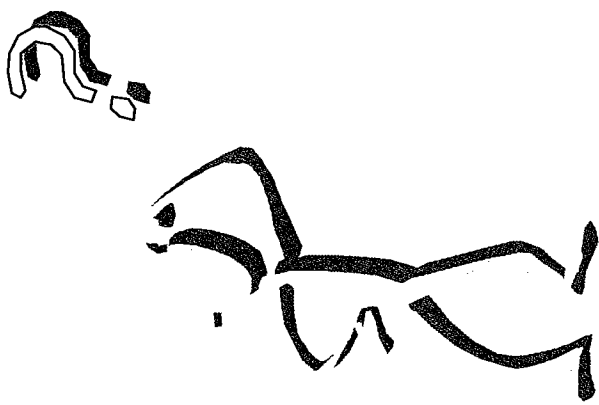
**Sweating**

**Sickness**

**Running Away**

**Nervousness**

**Excessive Cooperation**



# **Nonverbal Communications?**



## **Concern**

**(Empathy)**

**Offering Comfort by Word or Deed**

**Acts of Caring**

**Listening**

**Listen for**

**Practical**

**and**

**Worthwhile Ideas**

**Listening**

**Concentrate**

**on**

**Content**

**Listening**

**Listen to What  
the Speaker  
Has to Say**



**Listening**

**Be a Flexible**

**Note-Taker**

**Pay Attention**

**Listening**

**Tune Out**

**Distractions**

**&**

**Interruptions**

**Listening**

**Accept New**

**&**

**Complex Ideas**

**Listening**

**Ignore**

**Emotion-Laden**

**Words and**

**Phrases**

# **LISTEN AND...**

- **Hear Danger Signals**
- **Hear Verbal Clues**  
**(Words That Provide Important Insight  
to What Detainees are Thinking)**
- **Manage Situations**  
**(BEFORE They Get Out of Hand)**

# **TWO COMPONENTS OF A MESSAGE**

## **1. Content of the Message**

**(What the speaker is trying to say)**

## **2. Feelings or Attitude Underlying the Content**

# Words and Meanings

**DO NOT:**

**Rely solely on meaning**

**Feelings affect words**

# **Words and Meanings**

**A simple “YES” can denote:**

**Anger**

**Frustration**

**Resignation**

**Disinterest**

**Agreement**

**Challenge**



# **True meanings of words are affectionate boy:**

- **Tone**
- **Speed**
- **Loudness or Softness**
- **Voice Pitch**
- **Word Emphasis**

# Communicating with Detainees..

- **Always Be In Control of the Situation**
- **Understand the Problem**
- **Be Objective and Listen**
- **Do Not Become Emotionally Involved  
In the Problem**

# Assist With Problems

- Help the Detainee think it through.
- DO NOT define the problem for them.

# ASSIST WITH PROBLEMS

- **Understand the Detainees Problems**
- **Generate Alternatives for Solution**
- **Assist in Implementing the Solution**

# Detainee Problems

- **Emotional:**

**Despair – Misery – Desolation**

**Hopelessness – Anguish – Gloom**

**Depression – Despondency**

**Dejection**

# Identifying Problems

- **Family**
- **Personal Illness**
- **Spiritual**

# Problems You Cannot Handle

**Refer the Detainee  
-Through Your Supervisor-  
To Someone Who Can Help.**

# Properly Handle Requests

**Understand the Situation**

**Know Camp Rules, Regulations  
and Detainee Rights**

**Follow Through**

**NEVER Bypass the System**



# STANDARDS OF CONDUCT

## **Do Not...**

- **Verbally or Physically Abuse Detainees**
- **Fraternize**
- **Use Your Position To Obtain Personal Favors**

# Standards of Conduct

## Do Not...

- Manipulate Detainees
- Reward Informants
- Provide Contraband

**BE FIRM,  
BUT FAIR WHEN  
COMMUNICATING  
WITH DETAINEES**

# **Enabling Learning Objective B**

**Action:** Detect symptoms of unusual or potentially deviant behaviors of detainees.

**Conditions:** In a classroom environment, where you are observing detainees.

**Standards:** You must identify and report all unusual or potentially deviant behaviors of detainees.

# **Problem Detainees**

- Violent Criminal:**

**Rape**

**Murder**

**Armed Robbery**

**Assault**

# **Problem Determiners**

**• Child Molester**

**Pedophile**

**Chicken Hawk**

# **Problem Solvers**

- **Escape-Mindedness**
  - Openly**
  - Discuss**
  - Escaping**

# **Problem Domains**

- **Aggressive Homosexuals**

**Passive**

**vs.**

**Aggressive**

**Roles**



# **Geneva Convention Humane Treatment of Detainees Summary**

**Geneva Convention (Humane Treatment of Detainees)  
CD 113 / Version 2004  
11 Jun 2004**

**SECTION I. ADMINISTRATIVE DATA**

**All Courses Including This Lesson**

<u>Course Number</u>	<u>Version</u>	<u>Course Title</u>
31E-POI	2004	Detainee Operations

**Task(s) Taught(\*) or Supported**

<u>Task Number</u>	<u>Task Title</u>

**Reinforced Task(s)**

<u>Task Number</u>	<u>Task Title</u>

**Academic Hours**

The academic hours required to teach this lesson are as follows:

	<u>Mobilization Hours/Methods</u>
	1 hr / Conference / Discussion
Test	0 hrs
Test Review	0 hrs
<b>Total Hours:</b>	<b>1 hr</b>

**Test Lesson Number**

<u>Hours</u>	<u>Lesson No.</u>
Testing (to include test review)	N/A

**Prerequisite Lesson(s)**

<u>Lesson Number</u>	<u>Lesson Title</u>
None	

**Clearance Access**

Security Level: Unclassified  
Requirements: There are no clearance or access requirements for the lesson.

**Foreign Disclosure Restrictions**

FD7. This product/publication has been reviewed by the product developers in coordination with the Fort Leonard Wood, Missouri 65473 foreign disclosure authority. This product is NOT releasable to students from foreign countries.

**References**

<u>Number</u>	<u>Title</u>	<u>Date</u>	<u>Additional Information</u>
FM 100-14	Risk Management	23 Apr 1998	
FM 27-10	The Law of Land Warfare	18 Jul 1956	

**Student Study Assignments**

**Instructor Requirements**

One primary instructor.

**Additional Support Personnel Requirements**

---

<u>Name</u>	<u>Stu Ratio</u>	<u>Qty</u>	<u>Man Hours</u>
None			

---

**Equipment Required for Instruction**

---

<u>Id Name</u>	<u>Stu Ratio</u>	<u>Instr Ratio</u>	<u>Spt</u>	<u>Qty</u>	<u>Exp</u>
None					

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\* Before Id indicates a TADSS

**Materials Required**

**Instructor Materials:**

**NOTE:** Based on available qualified instructors, facilities and equipment, the instructor may use computer-assisted powerpoints with projection screen or VGTs (Vu-graphs) with overhead projector.

Film "The Law of Land Warfare"

**Student Materials:**

None

**Classroom, Training Area, and Range Requirements**

**Ammunition Requirements**

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<u>Id</u>	<u>Name</u>	<u>Exp</u>	<u>Stu Ratio</u>	<u>Instr Ratio</u>	<u>Spt Qty</u>
None					

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**Instructional Guidance**


**NOTE:** Before presenting this lesson, instructors must thoroughly prepare by studying this lesson and identified reference material.

Before presenting this lesson, instructors must thoroughly prepare by studying this lesson and identified reference material.

Army Core Values have been integrated into this lesson to promote assimilation of Human Relations training. Particular attention must be given to values identified with the lesson. Instructors must be role models and mentors to help soldiers assimilate ACV by noting the values and their associated behaviors as appropriate during this training.

**Proponent Lesson Plan Approvals**

---

<u>Name</u>	<u>Rank</u>	<u>Position</u>	<u>Date</u>
	MSG	SR Corrections Technical Advisor	11 Jun 2004

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bb-2

**SECTION II. INTRODUCTION**

Method of Instruction: Conference / Discussion  
 Instructor to Student Ratio is: \_\_\_\_\_  
 Time of Instruction: 5 mins  
 Media: -None-

**Motivator**                    **Note:** Show Slide #1 (Geneva Convention (Humane Treatment of Detainees))

As a tough and combat ready United States soldier you may one day be involved in an armed conflict against a hostile force: therefore, it is important that you pay close attention to this instruction of Law of Land Warfare.

**Terminal Learning Objective**                    **NOTE:** Inform the students of the following Terminal Learning Objective requirements.

At the completion of this lesson, you [the student] will:  
**Note:** Show Slide #2 (TLO)

<b>Action:</b>	Understand customary and treaty law as it applies to the conduct of Land Warfare.
<b>Conditions:</b>	In a classroom and given information on the Hague and Geneva Convention and customary Law of War.
<b>Standards:</b>	Be able to apply the principles of the Law of Land Warfare.

**Safety Requirements**                    None

**Risk Assessment Level**                    Low - This class is assigned a risk level of LOW Potential risk: produced locally

**Environmental Considerations**                    **NOTE:** It is the responsibility of all soldiers and DA civilians to protect the environment from damage.  
 It is the responsibility of all soldiers and DA civilians to protect the environment from damage. Units/installations will prepare an environmental risk assessment using the before, during, and after checklist and the risk assessment matrices contained in the *Unit Leader's Handbook for Environmental Stewardship* (TC 5-400, Chapter 5). The checklist should be supplemented locally using state and local environmental regulations applicable to your area.

**Evaluation**                    None

**Instructional Lead-In**                    During the next hour you must identify customary and treaty law applicable to the conduct of Land Warfare. You will receive an explanation and we will discuss Law of Land Warfare while seated in this classroom. Upon the completion of this instruction, you will be able to identify your responsibility for your conduct during the time of war.

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Value Note: As a captor of Prisoners of War, you will be tested to the limits of your being. The prisoners will attempt to get you to compromise your core values for their gain. Living up to all of the Army values will bring honor to yourself, your fellow soldiers, the Army, and your country.

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**SECTION III. PRESENTATION**

**NOTE:** Inform the students of the Enabling Learning Objective requirements.

**NOTE:** Show Slide #3 (ELO A)

**A. ENABLING LEARNING OBJECTIVE**

<b>ACTION:</b>	Understand the Laws of War
<b>CONDITIONS:</b>	In a classroom environment with a conference/discussion.
<b>STANDARDS:</b>	Be familiar with the following 1. The principles, spirit, and intent of the Hague and Geneva Conventions. 2. The Law of War prohibiting unnecessary destruction. 3. The Law of War requiring humane treatment of prisoners of war (POWs), other captured and detained personnel, and civilians. 4. The obligation not to commit war crimes. 5. The obligation to report all violators of the Law of War. 6. The significant provisions of the Geneva Convention relative to the treatment of Prisoners of War (POWs).

1. Learning Step / Activity 1. Law of Land Warfare

Method of Instruction: Conference / Discussion  
Time of Instruction: 40 mins  
Media: -None-

**NOTE:** Show Slide # 4 thru # 7(Hague and Geneva Conventions)

a. The purpose of this period of instruction is to explain that the Hague and Geneva Conventions and the customary Law of War require that we, as American soldiers--

- (1) Will not inflict unnecessary destruction or suffering in accomplishing our military mission.
- (2) Will treat prisoners of war, other captured and detained personnel, and civilians humanely.
- (3) Will not obey an order whose execution is a crime in violation of the Law of War.
- (4) Are personally responsible for unlawful acts committed by ourselves.
- (5) Are entitled to humane treatment if we are captured or detained by the enemy.

b. We will discuss the history and background of these conventions, some of their specific provisions, and how these rules of warfare apply to the armed forces. Also,

together we will learn the legal rules which: (1) limit the ways in which we can fight wars; (2) tell us how we must treat captured or detained persons, and how the enemy must treat captured or detained American soldiers. As we shall see, these rules protect both those who are fighting and those who are not fighting by safeguarding certain basic rights. Observing these rules will encourage the enemy to do the same, increase the chance that he will surrender, and make the return to peace easier. In the second half, we will explain the specific responsibilities of the soldier to obey these rules and to report violations.

c. Rationale. Each of us has a personal stake in knowing about these conventions and in understanding how they work, for we are required to obey them, as well as other rules of international law, just as we must obey the Uniform Code of Military Justice. International treaties, no less than Congressional statutes like the UCMJ, are under our Constitution, the supreme law of the land. If we fail to comply with these conventions, we may face trial and punishment or other disciplinary action.

a. As a result of centuries of warfare between various nations, unwritten laws and rules governing the conduct of war developed. These unwritten laws are known as the customary Law of War. The customary Law of War is firmly based on the lessons of history, which have shown that these rules allow the military force to accomplish its mission without causing unnecessary suffering or destruction. The general purpose of these rules is to limit suffering and destruction to military personnel and targets, and to provide humane treatment for all persons who are taken out of the fight.

It has been so clearly recognized that any commander can accomplish his mission without violating the Law of War, that the United States and most other nations consider themselves bound by it.

b. In the last one hundred years, however, nations have also adopted specific rules concerning the treatment of all persons who fall into the hands of a military force. We can be proud that the United States was a leader in adopting for our military forces rules which recognized that the enemy was a human being, that unnecessary destruction or suffering must not occur, and that captured persons are entitled to certain fundamental human rights, regardless of their prior conduct or beliefs.

During the Civil War, President Lincoln issued General Order 100, which provided for humane treatment of captured enemy soldiers. This order had been written by Dr. Francis Lieber and became known as the Lieber Code. Since then, those principles have been expanded and incorporated in other national and international bodies of law. The Hague Conventions of 1907 and the Geneva Convention of 1949 represent the major efforts by the countries of the world to reduce to written form certain basic concepts of the Law of War. These Conventions do not replace the customary, or unwritten, Law of War, but merely reinforce and supplement it. The United States has signed the Hague and Geneva Conventions. We have solemnly pledged to honor and self-respect, we must fulfill that pledge.

**NOTE:** Show Slide # 8 and # 9(**Prohibitions on targets**).

a. The customary Law of War and Hague Convention No. IV, entitled "Respecting the Laws and Customs of War of Land," establish rules which limit the kinds of targets we can attack and the weapons we can use. In accordance with these Hague provisions, appropriate military commanders issue rules of engagement which tell soldiers where, when, and what they can shoot. These rules may differ from one combat zone to another. They are often classified, because they normally apply to

the actual combat operation in a specific area. These rules of engagement must at least meet the requirements of the Hague Regulations. The Hague Regulations prohibit the destruction or the seizure of enemy property unless imperatively demanded by the necessities of war. Let us assume, for example, that you are conducting a search in a built-up area. As you go from one building to another, you discover a few weapons. But in one home you see some interesting art objects—hand-carved figures, for instance—and you decide to take one. Would that be a crime? YES. By taking it you would violate the Law of War and the Uniform Code of Military Justice. You have no right to take such property. If during the same search, you deliberately smash dishes, burn books, and scatter clothing, you would also violate the Law of War by destroying property when militarily unnecessary. Let's consider another example. During a search in a rural village, you dare your buddy to see who can shoot a farmer's cow first, or who can shoot a candle on an outdoor religious shrine. Who would lose these games? Both of you. You both would be violating the Law of War and the Uniform Code of Military Justice, and both of you would be prosecuted.

b. Under the provisions of the Hague Convention, a military target or a place occupied by a combatant force can be attacked; however, the attack or shelling by any means whatsoever of undefended towns, villages, dwellings, or buildings is prohibited. This means that military targets can be attacked whenever they are located, but a town with no military targets must be spared. Furthermore, in attacking a military target, suffering and destruction must be held to the minimum necessary to accomplish the mission, and any excessive destruction or suffering not required to accomplish the objective would be illegal as a violation of the Law of War. Let's look at some examples which illustrate these rules. You are in a defensive position just outside a small village. You receive sniper fire, apparently from a single building within the village. Immediately, without checking with a higher commander, you call in all available artillery and destroy the entire village. By doing so, you have violated the Law of War (1) by using excessive force not required to neutralize the sniper fire and (2) by causing unnecessary suffering by destroying much more than the military target. You might have accomplished your mission by calling for a direct fire weapon such as a tank or an antitank gun, or by using small arms or automatic weapons within your resources to neutralize the sniper. As another example, consider the pilot returning from a mission with some unused bombs. Not wanting to land with the bombs, he decides to drop them on a village which he believes to be undefended, but sympathetic to the enemy. By doing so, the pilot also has used force indiscriminately, without any military necessity, and violated the Law of War.

c. We should also remember that in attacks and shellings, all necessary measures must be taken to spare, as far as possible, buildings dedicated to religion, art, science, or charitable purposes. The same applies to historic monuments, hospitals, or other places where the sick and wounded are collected, even if the sick and wounded are enemy soldiers. If such buildings are being used for military purpose, however, they are legitimate targets. For example, you could not loot or ransack a pagoda during a search, but you would shell it if it was being used by the enemy to store weapons and ammunition.

d. In summary, then, what are the rules governing targets?

(1) We can never destroy or seize enemy property unless military necessity requires seizure or destruction.

(2) Regardless of military necessity, we can never destroy undefended towns, villages, or dwellings.



(3) While we can attack defended places or military targets, we must spare if possible schools, churches, hospitals and similar institutions from destruction; and we must avoid causing suffering out of proportion to the performance of the military mission.

**NOTE: Show Slide # 10 (Illegal tricks and methods).**

a. The Law of War prohibits certain treacherous acts. For instance, there were occasions in World War II when the Nazis improperly identified buildings as hospitals and certain areas as protected areas, but really used the buildings or areas for direct military purposes such as observation posts, troop billets, defensive positions, or ammunition storage. Another example of an illegal trick would be pretending to surrender in order to facilitate an attack upon an unsuspecting enemy. Such tactics are prohibited because they destroy the basis for the restoration of peace short of the complete destruction of one side or the other. Buildings being used for military purposes, but improperly marked, may be attacked. Moreover, buildings such as hospitals may often be located close to legitimate military targets. An attack on a legitimate target which unavoidably causes incidental damage to other facilities is not a violation of the Conventions or Customary Law. Nevertheless, we should always keep in mind the principle that one should cause no greater destruction of enemy property than necessary to accomplish the military mission.

**NOTE: Show Slide # 11 and # 12 (Prohibitions on weapons).**

a. The customary Law of War and the Hague Regulations limit the weapon that we can use. Under the Hague Regulations, the employment of arms, material, or projectiles designed to cause unnecessary suffering is prohibited. FM 27-10 states that whether weapons cause unnecessary injury "can only be determined in light of the practice of States in refraining from the use of a given weapon because it is believed to have that effect." Many new weapons can only be judged upon the basis of extensive tests conducted to determine just what effect they actually have. The information produced by such testing must then be examined in light of such questions as—

(1) Would the weapon needlessly cause or aggravate suffering?

(2) Does the weapon violate any specific or implied prohibition contained in any treaty?

It is only upon the basis of this type of searching analysis that an informed decision can be made as to the compatibility of a particular weapon with treaties and customary international law.

These principles have established the illegality of the use of irregularly shaped bullets, such as dum-dum bullets; projectiles filled with glass; and any substances or projectiles that would tend to inflame a wound. Use of these weapons is always illegal. Our government conducts extensive tests on all weapons:

b. It is possible, however, for a soldier to violate the Law of War by using an issued weapon at the wrong time or in the wrong place. Remember that the law of War prohibits the use of weapons calculated to cause unnecessary suffering. Here is the example of how you can misuse a legitimate weapon. You cut off the tip of a bullet, and when the bullet hits a man, it expands and leaves a gaping wound. Such bullets cause unnecessary suffering and are forbidden. Their use violates the Law of War. This misuse of a legitimate weapon is a crime for which you can be prosecuted.

**NOTE: Show Slide # 13 thru # 15 (Humane treatment of noncombatant).**

a. The customary Law of War and the Geneva Conventions of 1949 also establish rules governing treatment of noncombatants--prisoners of war, sick and wounded, and other detained civilians. Although we shall presently discuss the most important of the many specific rules set in these Conventions, you should always keep in mind that these rules are embodied in one general principle: treat all prisoners of war, civilians, or other detained personnel humanely. You can fulfill your military mission, such as the requirement to search, segregate, silence, speed to the rear, and safeguard prisoners of war and detainees, and still treat these people in a human manner. Many of these people will be the victims of war, and some may be enemy soldiers; but once captured they are all entitled to the same humane treatment.

b. But, you ask, what does it mean to treat someone humanely? If you treat such people as you would like to be treated if you were captured or detained, you will be treating them humanely. Remember that a POW is in your protective custody, and you cannot harm him. While this is a good rule of thumb to remember, the Conventions provide as a minimum that persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those who can no longer fight because of sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, color, religion or faith, sex, birth, wealth, or any other similar criteria.

The wounded and sick must be collected and cared for. Furthermore, certain acts are and shall remain prohibited at any time and in any place whatsoever. These include: (1) Violation to the life and person, in particular murder of all kinds, mutilation, cruel treatment, and torture; (2) taking of hostages; (3) outrages upon personal dignity, in particular humiliating and degrading treatment; (4) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court affording all the judicial guarantees recognized as indispensable by civilized peoples.

**NOTE: Show Slide # 16 thru # 20 (Rights to which prisoners of war (POW) are entitled).**

We now turn our attention to another area which we want to cover today: Our rights and obligations if we are ever captured or detained by the enemy. It is important to know our rights under customary law and the Conventions because our past experience in the Second World War and Korea has shown that prisoners who know their rights are treated better and given more of the protection to which they are entitled. It is important to know our rights as prisoners of war, because the enemy prisoner is entitled to the same rights; and if we understand our rights, we will also understand our legal duty to an enemy prisoner. It is also important to know our obligations as prisoners of war. What are our rights and obligations as prisoners of war?

a. Food and Housing. Even though prisoners, we must be fed sufficient daily rations to ensure our good health. In addition, we must be given living quarters which are sanitary and which protect us from the weather.

b. Medical Care. If we are sick or injured when captured, or become ill while held prisoner, we are entitled to medical care. In addition to providing necessary facilities to ensure proper hygiene, such as soap, water, baths, and showers, our captor must provide adequate infirmary and isolation wards if required, and treat any prisoner suffering from disease or injury. Medical personnel who are captured should be allowed to care for their fellow prisoners.

c. Religious Freedom. We are entitled to practice our religious faith. The Convention provides that all prisoners of war shall enjoy complete freedom in the exercise and observance of their religious faith. Chaplains or others with ministerial training who are captured must be allowed to minister freely among prisoners.

d. Personal Property. We are entitled to retain most of our personal property. The Convention provides that all effects and articles of personal use, except arms, military equipment, and military documents, must remain in the possession of the prisoner unless he could use them to harm himself or others. Articles issued for the prisoner's personal protection, such as gas masks, metal helmets, and similar articles, may also be retained by him.

e. Other Privileges. We are entitled to send and receive mail. Each prisoner must be allowed to write a minimum of two letters and four postal cards per month. We may also receive parcels containing foodstuffs, clothing, and educational, religious, or recreational material. We are allowed to have a prisoners' representative. The Geneva Prisoner of War Convention provides that in camps containing officer prisoners, the senior officer shall be recognized as the prisoners' representative.

Indeed, it is the responsibility of the senior US military person present to assume command of all US personnel confined within a particular camp unless otherwise provided by pertinent service directives. In camps that do not contain officers, the prisoners' representative is elected by the prisoners by secret ballot every six months. It is the duty of such prisoners' representative to further the physical, spiritual, and intellectual well-being of those he represents.

In addition, he supervises their welfare and represents the prisoners before the military authorities, the Protecting Power, the International Red Cross, and similar organizations. If captured or detained by the enemy, we are entitled to humane treatment. Specifically, the Geneva Prisoner of War Convention requires our captors to feed, shelter, and care for us. Furthermore, we can--even while held as prisoners of war--practice our religion and send and receive mail and other items. These are our basic rights as prisoners of war. Now, what are your obligations as a prisoner of war?

f. Interrogation. What information must be given to our captor? The 1949 Geneva Prisoner of War Convention provides that a prisoner of war must give only his full name, rank, date of birth, and service number. This is all the information our captor may demand. No method of torture, mental or physical, may be used to obtain even this information from us, and certainly may not be used to obtain any additional information.

g. Observance of Camp Regulations. So long as we are held prisoners of war, we must obey all the lawful camp rules. We may be punished for violating these rules, but the punishment must not endanger our health.

h. Work. Our captor may require us to work in limited circumstances. Prisoners of war who are not officers or noncommissioned officers may be compelled to perform labor which is neither military in character or purpose, nor humiliating, dangerous, or unhealthy. The removal of mines or similar devices is considered by the Convention to be dangerous work. Noncommissioned officers may volunteer but may not be compelled to work.

Now, I have covered a lot of points, and although you remember them now, you may not if you are ever captured and held as a prisoner of war. Let me point out here that

Article 41 of the Convention on Prisoners of War provides for the posting of a copy of the constitution and its annexes, including any specific agreements, all to be in the prisoner's own language, at places where all may read them. In addition, copies are to be supplied, on request, to prisoners who do not have access to the copy which is posted. This should make it possible to clear up any doubts as to provisions which you cannot remember from instruction.

**NOTE:** Show Slide # 21 (**Humane treatment of POWs**).

Let's now look at another situation in which we are likely to find ourselves and see what the general principle of humane treatment requires. Our patrol is operating in an area believed to be heavily infested with enemy soldiers. We discover a young man hiding in a shallow hole. Though dressed as a farmer and unarmed, we think he is an enemy soldier and fear his presence may jeopardize our security. May we kill him? The answer is **NO**. Consider the following provisions of paragraph 85 of FM 27-10, which has the effect of an order of the Secretary of the Army:

"A commander may not put his prisoner to death because their presence retards his movements or diminishes his power of resistance by necessitating a large guard, or by reason of their consuming supplies, or because it appears certain that they will regain their liberty through the impending success of their forces. It is likewise unlawful for a commander to kill his prisoners on grounds of self-preservation, even in the case of airborne or commando operations, although the circumstances of the operation may make necessary rigorous supervision of and restraint upon the movement of prisoners of war."

We cannot harm or kill anyone who, in the language of the Convention, has "fallen into enemy hands." Though we suspect the man is an enemy soldier, we do not know that he is; combat soldiers do not determine the status of any captured person. Once a man is under our control, we must treat him humanely. Furthermore, even if the individual is an enemy soldier, we cannot kill or harm him. Murder or physical abuse never is, has been, or will be humane treatment. It is strictly prohibited. Furthermore, under the Uniform Code of Military Justice, murder is a capital offense. Even if he is a spy, the same rule applies. All captured persons are entitled to be treated as prisoners of war until their status is determined. All persons captured or detained should be evacuated to the detainee collecting point, where proper authorities can classify them. Once a man is under our control, we must treat him humanely.

**NOTE:** Show Slide # 22 thru # 24 (**Humane treatment of civilians**).

While conducting a sweep operation through an enemy village, we round up men, women, and children many of whom we suspect of being the parents, wives, and children of enemy soldiers or enemy sympathizers. Can we execute them and burn their homes: (1) as a warning to other enemy sympathizers, and (2) in retaliation for their suspected participation in the war effort? **NO**. Under Article 27 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War, the civilian population of the country in conflict is entitled to respect for their persons, their honor, their family rights, their religious convictions and practices, and their manners and customs. They must be protected especially against all acts or threats of violence and against insults and public curiosity. Women should be especially protected against any attack on their honor, in particular against enforced prostitution, rape, or any other form of sexual assault. Under the UCMJ, a soldier convicted of rape may be sentenced to death.

a. All persons are to be treated with consideration and without any adverse distinction based on race, religion, or political opinion. While the occupying forces may enforce control and security measures, it may not abridge any of these rights. To repeat, we must ensure that all persons are treated humanely. These persons may not be subjected to murder, torture, corporal punishment, mutilation, or any form of physical or mental coercion. No person can be subject to medical or scientific experiments. They may not be made the object of collective penalties or reprisals, or held as hostages. Their property must be protected from pillage or looting. Article 103 of the Uniform Code of Military Justice makes pillage a crime. Only the death penalty is excluded as a permissible sentence for this crime.

b. Members of the civilian population cannot be brutalized or executed. As the military tribunal at Nuremberg concluded in the list case:

"(The Law of War) permits the destruction of life of armed enemies and other persons whose destruction is incidentally unavoidable by the armed conflicts of the war; it allows the capturing of armed enemies and others of peculiar danger; but it does not permit the killing of innocent inhabitants for purposes of revenge or the satisfaction of a lust to kill."

It is the intent of the United States to follow the Geneva Convention of 1949 regardless of whether or not the treaty is binding upon or followed by the enemy nation. We set our own standards of humanitarian consideration for the welfare of others.

**NOTE: Show Slide # 25 (Responsibilities of US soldiers to obey the law of war).**

As we have already emphasized, the American soldier is bound to obey all the rules of the customary Law of War and the Hague and Geneva Conventions. According to our Constitution, treaties such as the Hague and Geneva Convention, are the supreme law of the land. We are bound by them just the same as we are by the Constitution or any law enacted by the U.S. Congress. The Army field manual on the Law of Land Warfare makes clear that we are equally bound to obey the rules of the customary Law of War. Every one of us is required to respect and obey these rules, which are designed to make warfare more humane. If the soldier violates these rules, he can be court-martialed under the appropriate provisions of the Uniform Code of Military Justice. The Uniform Code forbids acts such as assault, pillage, rape, and murder. These acts are no less criminal against a prisoner of war or some other detained or captured person.

**NOTE: Show Slide # 26 thru #28 (Criminal violations of the law of war).**

a. Since these acts also violate the Law of War, the soldier may be prosecuted for committing a grave breach. Under Geneva Conventions, the most serious offenses are called grave breaches of the Law of War, and include murder, torture, inhumane treatment, and improper destruction of property. They are capital offenses. This means that a person who commits a grave breach may be tried and executed. There is no statute of limitations on the prosecution of a war crime. Nearly all nations have signed the Geneva Conventions, and agreed in doing so to search out, bring to trial, and to punish all persons who commit a grave breach of the Conventions. You may be tried and convicted even after you have left the service.

b. In addition to the grave breaches of the Geneva Convention, the following acts-called simple breaches - are also war crimes:

- (1) Using poisoned or otherwise forbidden arms or ammunition, such as dum-dum bullets.
- (2) Pretending to surrender as a trick.
- (3) Mutilation of dead bodies, such as cutting off ears.
- (4) Firing on localities which are undefended and without military significance, such as churches or hospitals.
- (5) Abuse of or firing on the flag of truce.
- (6) Misuse of the Red Cross emblem, such as using a medical evaluation helicopter to transport combat troops.
- (7) Use of civilian clothing by troops to conceal their military identity during battle.
- (8) Improper use of privileged buildings for military purposes, such as using a church steeple as an observation post.
- (9) Poisoning of wells or streams.
- (10) Pillage, looting, or purposeless burning of homes.
- (11) Compelling prisoners of war to perform prohibited labor, such as removing mines or digging defensive positions.
- (12) Killing, without proper legal trial, spies or other captured persons who have committed hostile acts.
- (13) Compelling civilians to perform prohibited labor, such as carrying mortars.
- (14) Violation of surrender terms.
- (15) Taking and keeping a captured enemy soldier's personal property, such as a wallet or watch, as a war trophy.
- (16) Use of an enemy prisoner as point man on a patrol.

We have discussed many of these acts before. We know that they are prohibited. Furthermore, this list is not complete; it only contains examples. According to FM 27-10, every violation of the Law of War is technically a war crime for which the violator may be punished.

**NOTE:** Show Slide # 29 and # 30 (**Responsibility of the commander**).

The legal responsibility for the commission of war crimes frequently can be placed on the military commander as well as his subordinates who may have actually committed the crime. Since a commander is responsible for the actions of those he commands, he can be held as guilty party if his troops commit crimes pursuant to his command; or if he knows or should know, through reports or other means reasonably available to him, that those under his command are about to commit war crimes, and he fails to take those reasonable steps available to him to prevent their commission. The commander may also be held responsible if he knows or should have known of the alleged commission of a war crime by his subordinates, and he fails to take

reasonable steps to promptly investigate and, if appropriate, bring to trial and punish the perpetrators of the offense.

**NOTE:** Show Slide # 31 thru # 36 (**Criminal orders and individual responsibility**).

In all cases, the person who actually commits a crime is subject to punishment, even if he acted pursuant to the orders of a superior. The man who pulls the trigger, killing a prisoner of war who has just surrendered, cannot excuse his act by claiming that his commander told him "to take care of the prisoner," which he understood to be an order to execute him. Acting under superior orders is no defense to criminal charges when the order is clearly criminal, as is an order to kill a prisoner of war. While an American soldier must obey promptly all legal orders, he also must disobey an order which requires him to commit a criminal act in violation of the Law of War. An order to commit a criminal act is illegal.

a. An order to execute a prisoner or detainee is clearly criminal. An order to torture or abuse a prisoner to get him to talk is clearly criminal. An order to torture anyone is obviously criminal. These are orders whose criminality is very clear. Is an order to dump a dead body in a well also criminal? **YES**. The order is criminal for two reasons. A dead body in a well poisons the water, and the poisoning of wells and streams is a war crime. Also, it is mistreatment of a body, which is a war crime. What about an order to cut ears off the dead to prove a body count? This order is criminal too. As we have seen, the mutilation of bodies is a war crime, and an order to cut off ears would therefore be criminal. Equally criminal would be permission to take as souvenirs valuables from dead bodies or from any prisoner. The Law of War requires that valuables of dead soldiers be collected, safeguarded, and forwarded to the Central Prisoners of War Agency. If you steal watches or money off the dead and keep them, you are violating this law; no order or permission can make your action lawful.

There is always the question of what to do if it seems to be a situation of "my life or his." For example, you are on patrol with six men and capture an enemy soldier. It's burdensome to take him with you. To turn him loose would jeopardize the lives of all of the patrol. Your patrol leader orders you to execute him. Do you do it? **NO**. In an emergency, a helicopter can and frequently does carry "one more body." If a prisoner is important, you leave a couple of the patrol members and evacuate the prisoner first. If you are leaving the area on foot rather than by air, and if the prisoner is willing, he can be given the job of carrying medical or food supplies, or assisting your own wounded. He can be tied, and gagged, and forcibly taken along with the patrol; especially if the patrol is on its way back from a mission. He can be tied, gagged, and left where his own forces can find him after the patrol moves out of the area. If you are going to come back by the same general route, he can be hidden and picked up on your return.

The first point is that in this situation you must consider many factors, such as: (1) How close is friendly support? (2) How important is the prisoner? (3) What is the condition of the patrol? (4) How long has the patrol been out and what is its mission? (5) Does the presence of that individual indicate that your mission has already been compromised by the enemy? These are only some of the factors which you need to know before you make a decision. Although the decision to execute, to murder the prisoner, is an easy one, it is the wrong decision. It is also a war crime and a violation of the UCMJ, and under no circumstances will such an act be tolerated. Even carrying out an order is not a defense to a charge of murder. If you murder a prisoner, you can be tried and executed.

In actual combat, there are always effective alternatives which are legal, humane, and which fit the military situation. The alternatives to murder are limited only by your imagination, and generally will help better accomplish your mission. Any prisoner is important for intelligence purposes. The prisoner who is murdered to make life a little easier for six men may have been a supply officer who could have disclosed the location of a large ammunition cache, the seizure of which would save the lives of hundreds of US soldiers. So far we have discussed orders which could never be justified. They would always be criminal, and an American soldier should always disregard such orders. If you obey a criminal order, you can be tried and punished.

In some cases, orders which would be legal in some situations may be illegal in others. The rules of engagement will guide your actions. These rules set out those targets which you may attack. By knowing these rules you will be able to act properly in different situations. If you disobey the rules of engagement, you can be tried and punished for disobedience orders. The disobedience may also be a war crime for which you can be tried and punished. Let's look at an example. An order to shell enemy soldiers located in a village is legal, even though some civilians may be injured and their homes and livestock destroyed. Suppose, however, that we are conducting a cordon and search operation in the same village. Orders to burn down all the buildings in the village, to kill off all the livestock, and to shoot down everything that moves are criminal orders. You must disregard such criminal orders.

b. You should not presume that an order is criminal. If you think it is criminal, it is probably because the order is unclear. For example, while on patrol we capture a prisoner. On our return, the patrol leader questions him. When the patrol leader finishes the questioning, he tells you, "Get rid of that man." That order is not clear. The patrol leader undoubtedly means to take the man to the detainee collection point. Similarly, an order to clear an area of the enemy is not one to kill everyone and destroy everything you see. Rather, it means to find the enemy soldier and destroy his ability and will to resist. Such an order obviously does not include looting a store, burning a farmer's house, or murdering the women and children. Rather than presume that an unclear order directs you to commit a crime, ask your superior for a clarification of the order. Above all, remember that if you are the leader, you must make your order clear and understandable. Don't put your subordinates in the position where they may think you are giving a criminal order.

But just suppose you are given a criminal order: "shoot every man, woman, and child in sight." Obviously that is a criminal order. What do you do? Firstly, and most importantly, you should try to get the order rescinded by informing the person who gave it that the order violates the Law of War. If he persists, you must disregard such a criminal order. This takes courage, but if you fail to do so, you can be tried and punished for committing a criminal act in violation of the Law of War. No one can force you to commit a crime, and you cannot be court-martialed or given any other form of punishment for your refusal to obey.

The lack of courage to disregard a criminal order, or a mistaken fear that you could be court-martialed for disobedience of orders, is not a defense to a charge of murder, pillage, or any other war crime. The Code of Conduct states, "I am an American fighting man, responsible for my actions, and dedicated to the principles which make my country free." The American soldier who follows the Code should have no problem with the criminal orders. Further, you have a second step to take if a criminal order results in a violation of the Law of War. You must report such violation to the appropriate authorities. Let us discuss this obligation to report in more detail.

**NOTE: Show Slide # 37 and # 38 (Obligation to report violations of the law of war).**



It is important to know that you, the American soldier, are obligated to report any violations of the Law of War. To whom do you report? Usually, the soldier will report any known or suspected violations of the Law of War through his chain of command. One purpose of the chain of command is to ensure that reports reach appropriate authorities so that proper action can be taken. You should use your chain of command for this purpose. Most commanders have established reporting procedures by local regulations and directives which require prompt, initial reports through the chain of command. Failure to comply with these regulations and directives may subject you to prosecution under the UCMJ.

While a soldier should normally report through his chain of command, you may hesitate to do so if someone in the chain above you was involved in the alleged crime, or if for some other reason you feel that such channels would not be effective. At such times, there are other officers to whom you can report or with whom you may properly discuss any possible violation of the Law of War. You can always, for example, file a report with the local office of the Inspector General, or with the Inspector General himself. The Inspector General can effectively investigate such reports. You can always report suspected crimes to the office of the Provost Marshal, the military police. Like the IG, the Provost Marshal has an organization whose members have the knowledge and skill to investigate reports alleging a violation of the Law of War. You may also discuss the problem with a Judge Advocate, a military lawyer who knows the Law of War and how it applies. Many soldiers prefer to discuss problems with the chaplain, and this is an accepted way to report violations of the Law of War. Your chaplain can assist you in properly giving your information to the appropriate authority.

The staff officer who receives a report alleging a violation of the Law of War must, of course, take appropriate steps to report or investigate. While staff officers may have different internal procedures by which they process reports of alleged war crimes, each must at least ensure that the commander he serves is advised of the allegation and that the next higher command is also advised of the report and the actions taken. To whomever the soldier decides to go, he should report any suspected violation immediately. Evidence is lost and witnesses disappear unless an investigation is begun promptly. Moreover, an early investigation will quickly dispel any mistaken charges.

Let us review the steps which you should take if you know or suspect that a violation of the Law of War has been committed. First, you report to your immediate superior, who, like you, is obliged to report to his commander. Normally, the problem can then be solved through appropriate action within the chain of command. If, however, you prefer not to use the chain of command or feel that you cannot use it in a particular situation, you may report through other channels. You can make a report to the Inspector General, the Provost Marshal, the Chaplain, or the Staff Judge Advocate or any other Judge Advocate.

**NOTE:** Show Slide # 39 and # 40 (Illegal means of interrogation).

a. Now let's look at an example which illustrates the meaning of inhumane treatment. Suppose you capture a wounded and hungry enemy soldier who you think knows the location of enemy units in the area. Can you deny him food and medical treatment until he tells you what you want? The answer is NO. The Geneva Convention that protects prisoners of war prohibits forcing the prisoner into giving "information of any kind whatever." If we cannot withhold food or medical care from the prisoner, it follows that we cannot torture information out of him in any other way. Here again the Convention is explicit and the language of the Convention provides--

"No physical or mental torture, nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatever. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to unpleasant or disadvantaged treatment of any kind." (Article 17.)

In the past, people have violated these rules, and have been tried and sentenced for such violations as beating a prisoner, applying electric shocks, dunking his head into a barrel of water, or putting a plastic bag over his head to make him talk. No American soldier can commit these brutal acts, nor will he permit his fellow soldiers to do so; and if he sees anyone commit such an act, he will report it.

**NOTE:** Conduct a check on learning and summarize the learning activity.

**CHECK ON LEARNING:** Conduct a check on learning and summarize the ELO.

NOTE: Show Slide # 41 (Summary)

SECTION IV. SUMMARY

Method of Instruction: <u>Conference / Discussion</u>
Instructor to Student Ratio is: _____
Time of Instruction: <u>5 mins</u>
Media: <u>-None-</u>

Check on Learning

Determine if the students have learned the material presented by soliciting student questions and explanations. Ask the students questions and correct misunderstandings.

Review / Summarize Lesson

1. Summary

a. In this instruction, we have talked about your rights as a prisoner of war. This instruction should make clear to you the basic principles of the Hague and Geneva Conventions. That principle is humanity. While nations may engage in war, those same nations have established rules to make warfare more humane and to lessen the terrible sufferings caused by war. The rules are designed to protect you as an individual human being. Most important, they recognize that every individual involved in war is a human being with certain basic human rights and human dignity. You can put any name on the individual he may be an enemy prisoner of war, an American prisoner of war, a detained civilian, a captured person. All are entitled to be treated in a humane manner. The humanitarian provisions of the Law of War protect all those caught up in the conflict: the friend, the foe, and the innocent bystander.

b. As American soldiers, it is our duty not to inflict any unnecessary suffering or destruction. We must treat humanely all prisoners of war, other captured or detained persons, and all civilians. We will not obey any order which requires us to commit a criminal act in violation of the Law of War. Any violation of the Law of War will be reported to the appropriate authorities. Above all, we must not forget that we will be held personally responsible for any unlawful act we commit.

c. By knowing our responsibilities as American soldiers, by reporting all suspected war crimes to the proper authorities, by knowing our rights, the rights of our enemy and the rights of the civilian population, by respecting our law and honoring our Code as American soldiers, we will play an important part in achieving the success of our military mission and a return to peace.

2. Clarify student questions.

3. Value reinforced: **Honor**

4. Closing Statement: You, as members of the United States Army, are legally bound by the principles of the Hague and Geneva Conventions. By obeying these laws, you will act as legally responsible representatives of the United States.

**SECTION V. STUDENT EVALUATION**

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**Testing  
Requirements**

**None**

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**Feedback  
Requirements**

**NOTE:** Feedback is essential to effective learning. Schedule and provide feedback on the evaluation and any information to help answer students' questions. Provide remedial training as needed.

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**Appendix A - Viewgraph Masters (N/A)**

**Appendix B - Test(s) and Test Solution(s) (N/A)**

**Appendix C - Practical Exercises and Solutions (N/A)**

**Appendix D - Student Handouts (N/A)**