



DEPARTMENT OF THE ARMY
HEADQUARTERS,
4TH INFANTRY DIVISION (MECHANIZED)
TIKRIT, IRAQ



REPLY TO
ATTENTION OF

AFYB-CG

21 September 2003

CONFIDENTIAL

MEMORANDUM FOR TF Ironhorse Commanders, Leaders and Soldiers

SUBJECT: Treatment of Detainees in the Custody of U.S. Forces

1. The purpose of this memorandum is to provide guidance for the treatment of enemy prisoners of war (EPW), civilian internees (CI) and other detainees (OD) in the custody of U.S. Forces.
2. Commanders at all levels will ensure that EPWs, civilian internees (to include unlawful combatants and terrorists) and other detainees are humanely treated in accordance with AR 190-8, Enemy Prisoners of War, Retained Personnel, Civilian Internees, and Other Detainees; Field Manual 27-10, The Law of Land Warfare; the 1949 Geneva Convention Relative to the Treatment of Prisoners of War; and, the 1949 Geneva Convention Relative to the Protection of Civilians in a Time of War.
3. TF Ironhorse soldiers will treat all detainees with dignity and respect and, at the very least, will meet the standards for humane treatment as articulated in international law. TF Ironhorse soldiers will treat all CI and OD in a manner consistent with the protections afforded EPWs pursuant to the principles outlined in the Geneva Convention. Such treatment will be extended to EPWs, CI, and OD from the moment they fall into the hands of U.S. Forces to the time of their final release or repatriation.
4. EPWs, CI, and OD will be respected as human beings. They will be protected against all acts of violence, including, but not limited to: assault, insults, public curiosity, bodily injury, and reprisals of any kind. While detainees in U.S. custody may be interrogated for intelligence purposes, the use of physical or mental torture, or coercion to compel individuals to provide information is strictly prohibited. Interrogations will be conducted by intelligence or counter-intelligence personnel.
5. Detainees will receive humane treatment without regard to race, nationality, religion, political opinion, sex, or other criteria. U.S. Forces may, however, segregate detainees by category for operational and security reasons.
6. Inhumane treatment of EPWs, CI, and OD is strictly prohibited. Neither the stresses of combat, nor deep provocation will justify inhumane treatment. Such ill treatment of detainees is a serious crime, punishable under international law and the Uniform Code of Military Justice (UCMJ). All reports of detainee or civilian maltreatment will be investigated and reported to the supporting judge advocate or Division SJA.
7. POC for this memorandum is LTC [REDACTED], Staff Judge Advocate, at DNVT [REDACTED]

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"STEADFAST AND LOYAL!"

RAYMOND T. ODIERNO
Major General, USA
Commanding

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EPW Check List

References:

FM 3-19.40, Military Police - Internment Resettlement Operations
FM 100-8, Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees

- Same sex strip-searches
- Tag and account for personal property: place it in a container, a bag or a tray, mark it with a control number, and take it to a temporary storage area.
- Ensure that Internment Serial Numbers (ISN) are assigned to EPWs
- Use ID Band with ISN on it.
- Initiate personnel records, ID documents, and property receipts
- Maintain accountability of EPWs and their property
- Fingerprint EPWs - identify and record the information on fingerprint cards
- Take Photographs of EPW with ISN and name (photograph name boards)
- Provide receipts for all confiscated items to include money.
- Maintain a manifest that contains the name, rank/status, ISN, power served/nationality, physical condition.
- Treat all EPWs alike, regardless of rank, sex and privileged treatment.
- Maintain and enforce discipline and security and deal with offensive acts promptly.
- Maintain a record of disciplinary actions.

EPWs can

- Submit requests and complaints regarding the conditions of confinement
- Send and receive correspondence provided that it is screened first.
- Attend religious services

Schedule of calls (recommended)

- Reveille, Morning Call, Noon call, Sick, Mess, Evening roll, and Lights out

Standing Orders including rules, procedures, and instructions

- Have an emergency plan for Fire, Natural Disasters, Emergency Evacuations, Blackouts, Escapes, Air Raid
- Hours for religious services
- Procedure for sick call

Medical and Sanitation Considerations

- Provide sufficient showers and latrines and ensuring that they are cleaned and sanitized daily
 - Allow EPWs to shower, shave, and get hair cuts
 - Issue personal-comfort items (toilet paper, soap, toothpaste and toothbrush)
- Provide sufficient potable water for drinking, bathing, laundry and food service
- Dispose of human waste properly to protect the health of all individuals
- Inspect EPWs for signs of illness or injury
- Give immunizations or request immunization support from the supporting medical unit
- Initiate treatment and immunization records
- Issue clothing
 - Clothing worn by EPWs at the time of capture is worn until it is no longer serviceable.
 - Ensure the clothing is marked "PW"
- Ensure the EPWs receive as much water as US soldiers
- Provide adequate space within housing units to prevent overcrowding

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Religion

- EPWs are allowed freedom of worship, including attendance at services of their respective faith held within the facility.

Safety Program

- Set up and administer a safety program for housed personnel.
- Maintain records and reports for the internee safety program.

Security - Internal and External

- Establish a security measures that effectively control housed personnel with minimal use of force.
- Commanders protect housed personnel from threats outside the facility.

Tribunal

- A tribunal is held according to Article 5, Geneva Convention Relative to the Treatment of Prisoner of War. It determines the status of an individual who does not appear to be entitled to EPW status but commits a belligerent act to aid enemy armed forces, engages in a hostile activity to aid the enemy armed forces, asserts that he or she is entitled to treatment as an EPW.

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