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STATEMENT BY

GENERAL PAUL KERN

COMMANDING GENERAL, UNITED STATES ARMY MATERIEL COMMAND

BEFORE THE

ARMED SERVICES COMMITTEE

UNITED STATES SENATE

ON THE INVESTIGATION OF THE 205TH MILITARY INTELLIGENCE
BRIGADE AT ABU GHRAIB PRISON, IRAQ

SECOND SESSION, 108TH CONGRESS

SEPTEMBER 9TH, 2004

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Mr. Chairman, Senator Levin and Members of the Committee, on behalf of LTG Jones, MG Fay, and MG Taguba, I appreciate the opportunity to appear before you today and report to you the findings of our investigations concerning the events surrounding the allegations of detainee abuse at Abu Ghraib.

I am General Paul Kern, the Commander of the United States Army Materiel Command at Fort Belvoir, Virginia. On June 16th of this year, acting at the direction of the Secretary of the Defense, the Acting Secretary of the Army designated me as the new appointing authority for the investigation that LTG Sanchez began back on March 31st of 2004. This investigation, or "Procedure 15"'s specific purpose was to look into the alleged misconduct by certain personnel assigned or attached to the 205th Military Intelligence Brigade at Abu Ghraib Detention Facility. As you know from prior hearings, MG Taguba's investigation focused on the 800th Military Police Brigade. I have spent 41 years wearing an Army uniform, and was taught to live by standards - duty, honor, country, the Code of Conduct, the Army values, the Soldiers' Creed.

Over the years of my career, I have been led by and inspired by incredibly talented and dedicated individuals - soldiers like SPC Patrick Miller, an Ordnance Soldier who

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fought bravely and courageously until he was captured in An Nasiriya - to senior officers such as Generals McArthur and Patton. These people, and thousands like them, dedicate their lives to their country quietly, with honor.

Our report, however, discusses the failure of a relatively small number of soldiers who served at Abu Ghraib prison. The teams conducted an investigation that focused on the 205th Military Intelligence Brigade and its chain of command; however, we went where the facts led us. Our final report from this investigation is complete. In the course of this investigation, we discovered serious misconduct and a loss of moral values. We set our course to find truth, not to "whitewash" nor to convict those who are not incriminated. We found the pictures you have seen were not the result of any doctrine, training or policy, but violations of law.

We learned there were leaders in Abu Ghraib who knew about this misconduct - knew better and did nothing. Some Soldiers behaved improperly because they were confused by their experiences and direction. And we violated our own regulations by allowing "ghost detainees" in detention facilities.

All this was happening as thousands of Soldiers, Sailors, Airmen, Marines, civilians and contractors fought

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bravely to restore an elected government in Iraq and Afghanistan. We are very proud of their service, commitment, courage and values. They and their families can stand tall and proud. I regret, however, that we must report on those who failed.

Our investigation team brings a depth of knowledge and experience necessary to the task of investigating the activities regarding alleged detainee abuse at Abu Ghraib.

LTG Jones has over 34 years military service, commanding at all levels up through major general. He is currently the deputy commander of one of our Army major commands. He has served in the operational Army, both conventional and special operations, leading Soldiers in war, contingency operations, and in peace. He is a great trainer, and was the commander of Fort Rucker, Ala., where he was charged with initial military training, doctrine, leader development and creating the vision for the future. His has served in assignments overseas include duties in Europe, Korea, Bosnia and Southwest Asia. His experience also includes being the chief of staff for the 24th Infantry Division and the US Army Europe. His depth and breadth of operational assignments, experience at the tactical through strategic levels, and knowledge of training and doctrine

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have been invaluable to the scope of our investigation. He is a Soldier's Soldier who knows what is right.

MG Fay served on active duty for four years, followed by 27 years in the Army Reserve. He was mobilized immediately after 9/11 and has been on active duty for almost two and one-half years since then. The vast majority of both his Active and Reserve experience has been in Military Intelligence. In civilian life, MG Fay is a managing director of a major global property/casualty insurance company. He has nearly 30 years' experience investigating and overseeing complex claims and litigation.

The investigative teams conducted a comprehensive review of all available background documents and statements pertaining to Abu Ghraib from a wide variety of sources. These sources included the reports written by MG Geoffrey Miller, MG Donald Ryder, MG Antonio Taguba and the Department of Army Inspector General. LTG Jones did extensive review of previous reports, operations plans, policy memorandums, and sworn statements collected by the MG Fay team. He also personally interviewed LTG Richardo Sanchez and MG Barbara Fast, the CJTF-7 Senior Intelligence Staff Officer. MG Fay's team conducted over 170 interviews concerning the interviewees' knowledge of interrogation and detention operations at Abu Ghraib and/or their knowledge

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of and involvement in detainee abuse. MG Fay's interviews included interviews with MG Fast, MG Walter Wojdakowski, MG Geoffrey Miller, MG Thomas Miller, and BG Janis Karpinski. Over 9,000 documents were collected, catalogued and archived into a database. My review team consisted of 12 people, including general officers, subject matter experts and legal advisors. The investigative teams traveled to Iraq eight times, including a visit by the appointing authority and investigating officers in early August 2004.

The events at Abu Ghraib cannot be understood in a vacuum. Three interrelated aspects of the operational environment played important roles in the abuses that occurred at Abu Ghraib. First, from the time V Corps transitioned to become Combined Joint Task Force-7. (CJTF-7), and throughout the period under investigation, it was not resourced adequately to accomplish the missions of the Combined Joint Task Force. Those missions were stability and support operations (SASO) and support to the Coalition Provisional Authority (CPA). The CJTF-7 headquarters lacked adequate personnel and equipment. In addition, the military police and military intelligence units at Abu Ghraib were severely under-resourced. Second, providing support to the Coalition Provisional Authority (CPA) required greater resources than envisioned in operational plans. Third,

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operational plans envisioned that CJTF-7 would execute SASO and provide support to the CPA in a relatively nonhostile environment. In fact, opposition was robust and hostilities continued throughout the period under investigation. Therefore, CJTF-7 had to conduct tactical counter-insurgency operations, while also executing its planned missions. That is the operational context in which the abuses at Abu Ghraib took place.

Abuses

We found that abuses--on the part of military intelligence and military police personnel-- clearly occurred at the prison at Abu Ghraib. For purposes of this report, abuse is defined as treatment of detainees that violated U.S. criminal law or international law or treatment that was inhumane or coercive without lawful justification. Whether the Soldier or contractor knew, at the time of the acts, that the conduct violated any law or standard, is not an element of the definition.

There is no single, simple explanation for why this abuse at Abu Ghraib happened. The primary causes are misconduct (ranging from inhumane to sadistic) by a relatively small group of soldiers and civilians, a lack of discipline on the part of the leaders and Soldiers of the 205th MI BDE and a failure or lack of leadership by multiple

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echelons within CJTF-7. Contributing factors can be traced to issues affecting command and control, doctrine, training, and the experience of the Soldiers we asked to perform this vital mission.

The abuses at Abu Ghraib primarily fall into two categories: a) intentionally violent or sexual abuse and, b) abusive actions taken based on misinterpretations or confusion regarding law or policy.

LTC Jones found that while senior level officers did not commit the abuses at Abu Ghraib, they did bear responsibility for lack of oversight of the facility, failing to respond in a timely manner to the indications and warnings provided by reports of incidents within the command and as reported by agencies such as reports from the International Committee of the Red Cross, and for issuing policy memos that failed to provide clear, consistent guidance for execution at the tactical level.

MG Fay found that from 25 July 2003 to 6 February 2004, twenty-seven 205th MI BDE Personnel allegedly requested, encouraged, condoned or solicited Military Police (MP) personnel to abuse detainees and/or participated in detainee abuse and/or violated established interrogation procedures and applicable laws and regulations during interrogation operations at Abu Ghraib.

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Most, though not all, of the violent or sexual abuses occurred separately from scheduled interrogations and did not focus on persons held for intelligence purposes. No policy, directive or doctrine directly or indirectly caused violent or sexual abuse. In these cases, Soldiers knew they were violating the approved techniques and procedures.

Confusion about what interrogation techniques were authorized resulted from the proliferation of guidance and information from other theaters of operation; individual interrogator experiences in other theaters; and, the failure to distinguish between interrogation operations in other theaters and Iraq. This confusion contributed to the occurrence of some of the nonviolent and nonsexual abuses but did not contribute to the abuse that you have seen in the photographs

Alleged incidents of abuse by military personnel have been referred to the CID for criminal investigation and the chain of command for disciplinary action. Alleged incidents of abuse by civilian contractors have been referred through the Department of Defense to the Department of Justice.

Discipline and Leadership

Military Intelligence and Military Police units had missions throughout the Iraqi Theater of Operations (ITO);

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however, 205th MI Brigade and 800th Military Police Brigade leaders at Abu Ghraib failed to execute their assigned responsibilities. The leaders from units located at Abu Ghraib or with supervision over Soldiers and units at Abu Ghraib, failed to supervise subordinates or provide direct oversight of this important mission. These leaders failed to properly discipline their Soldiers. These leaders failed to learn from prior mistakes and failed to provide continued mission-specific training. The 205th MI Brigade commander did not assign a specific subordinate unit to be responsible for interrogations at Abu Ghraib and did not ensure that a Military Intelligence chain of command at Abu Ghraib was established. The absence of effective leadership was a factor in not sooner discovering and taking actions to prevent both the violent/sexual abuse incidents and the misinterpretation/confusion incidents.

Neither Department of Defense nor Army doctrine caused any abuses. Abuses would not have occurred had doctrine been followed and mission training conducted. Nonetheless, certain facets of interrogation and detention operations doctrine need to be updated, refined or expanded, including, the concept, organization, and operations of a Joint Interrogation and Debriefing Center (JIDC); guidance for interrogation techniques at both tactical and strategic

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levels; the roles, responsibilities and relationships between Military Police and Military Intelligence personnel at detention facilities; and, the establishment and organization of a Joint Task Force structure and, in particular, its intelligence architecture.

Other Contributing Factors

Demands on the Human Intelligence (HUMINT) capabilities in a counterinsurgency and in the future joint operational environment will continue to tax tactical and strategic assets. The Army needs trained and experienced tactical HUMINT personnel.

Working alongside non-DOD organizations/agencies in detention facilities proved complex and demanding. The perception that non-DOD agencies had different rules regarding interrogation and detention operations was evident. Interrogation and detention policies and limits of authority should apply equally to all agencies in the Iraqi Theater of Operations.

"Ghost Detainees"

My investigation resulted in specific findings regarding the issue of "ghost detainees" within Abu Ghraib. It is clear that the interrogation practices of other government agencies led to a loss of accountability at Abu Ghraib. DOD must document and enforce adherence by other

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government agencies with established DOD practices and procedures while conducting detainee interrogation operations at DOD facilities. This matter requires further investigation and, in accordance with the provisions of AR 381-10, Part 15, is being referred to the DOD Inspector General, as the DOD liaison with other government agencies for appropriate investigation and evaluation.

Soldiers/Sailors/Airmen/Marines should never be put in a position that potentially puts them at risk for non-compliance with the Geneva Convention or Laws of Land Warfare.

Conclusion

Leaders and Soldiers throughout Operation Iraqi Freedom were confronted with a complex and dangerous operational environment. Although a clear breakdown in discipline and leadership, the events at Abu Ghraib should not blind us from the noble conduct of the vast majority of our Soldiers. We are a values based profession in which the clear majority of our Soldiers and leaders take great pride.

A clear vote of confidence should be extended to the leaders and Soldiers who continue to perform extraordinarily in supporting our Nation's wartime mission. Many of our Soldiers have paid the ultimate sacrifice to

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preserve the freedoms and liberties that America and our Army represent throughout the world. The events of this report stand in stark contrast to the values and honor of all these Americans. With that, we look forward to answering your questions.

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Exemption 316
Withhold names

[REDACTED]
From: [REDACTED] - LTC
Sent: Tuesday, January 20, 2004 2:47 PM
To: [REDACTED] LTC; [REDACTED] CPT
Cc: [REDACTED] COL; [REDACTED] LTC ODCSOPS; [REDACTED] (E-mail); [REDACTED] - MAJ;
Subject: FW: FW VCSA Tasker -- Detainee Abuse .htm

Follow Up Flag: Follow up
Flag Status: Flagged

Basic Email not a
FORSCOM comm.



FW VCSA Tasker --
Detainee Abu...
pls assist if you can with providing info to OPMG
so they can answer this VCSA tasker

they are looking for OIF/OEF training for I/R units
believe 1st Army trained most at Dix with Gtmo scenario ?

vr
LTC [REDACTED]
Chief, MP Operations/DPM
FORSCOM PMO
404. [REDACTED] dsn. 367 fax. [REDACTED]
[REDACTED]@forscom.army.mil
[REDACTED].army.smil.mil

-----Original Message-----
From: AOC/CAT Law Enforcement (AAOPMG) Army G3
[mailto:AAOPMG3@HQDA.ARMY.SMIL.MIL]
Sent: Monday, January 19, 2004 3:31 AM
To: [REDACTED] - LTC; [REDACTED] - MAJ
Subject: FW VCSA Tasker -- Detainee Abuse .htm

Gentlemen,

I know the details of the attached are sketchy and the attachment referred
to is not attached, but I need your help in addressing the issues raised by
key leaders in the Army staff.

Thanks.

v/r

MAJ [REDACTED]
OPMG-OPS Desk Officer
Crisis Action Team
Army Operations Center
DSN 223-[REDACTED] / COMM 703-693-[REDACTED]
<mailto:aaopmg@hqda.army.smil.mil>

FW VCSA Tasker -- Detainee Abuse .htm
<<FW VCSA Tasker -- Detainee Abuse .htm>>

From: AOC/CAT Law Enforcement (UAAOPMG) Army G3
Sent: Sunday, January 18, 2004 8:36 PM
To: AOC/CAT Admin NCOIC (UAAADMINC) Army G3
Subject: FW: VCSA Tasker -- Detainee Abuse
SSC [redacted] please send this back to me on the SIPER side.

MA [redacted]
OPMG-OPS Desk Officer
Crisis Action Team
Army Operations Center
DSN 223- [redacted] / COMM 703-693 [redacted]
[redacted]@hqda-aoc.army.pentagon.mil

-----Original Message-----

From: AOC/CAT Team Chief (UAATMCH) Army G3
Sent: Sunday, January 18, 2004 3:37 PM
To: AOC/CAT Law Enforcement (UAAOPMG) Army G3; AOC/CAT Training/PACOM (UAATR) Army G3
Cc: AOC/CAT Team Chief (UAATMCH) Army G3; Robinson, Fred D MG Army G3/AOC; Davis, Bruce E. BG Army G3/AOC; Chesnut, Robert W. MG Army G3
Subject: FW: VCSA Tasker -- Detainee Abuse

As directed, begin working this. I don't see the initial paper trail outlining the incident(s)

OPMG: Provide TR with that information you are able, as you obtain it.

COL [redacted]
Team Chief
AOC/CAT

-----Original Message-----

From: Robinson, Fred D MG Army G3/AOC
Sent: Sunday, January 18, 2004 2:41 PM
To: AOC/CAT Team Chief (UAATMCH) Army G3
Subject: FW: VCSA Tasker -- Detainee Abuse

PLS get a hold of the OPMG folks and TR and have them to start working. thx, FDR

-----Original Message-----

From: Cody, Richard A. LTG Army G-3
Sent: Sunday, January 18, 2004 10:28 AM
To: Lovelace, James J LTG DAS; Mikolashek, Paul T LTG SAIG; Romig, Thomas J MG OTJAG
Cc: [redacted] COL OCSA; Coggin, James A BG VDAS; Marchand, Michael J MG OTJAG; [redacted] COL ARMY G-3/DAMO-ZX; [redacted] COL VCSA; [redacted] COL USA; [redacted] COL CSA; Robinson, Fred D MG Army G3/AOC; Ryder, Donald J. MG; Stephen J. BG Curry (E-mail)
Subject: RE: VCSA Tasker -- Detainee Abuse

DAS- we can do that- I do not remember the exact training we had set up for the GTMO, Afghan and the Iraqi Detainee Opns-but as I remember it was sizeable- will get all the 5 Ws and lay out for you and the VCSA- we have been tracking these activities very closely down at the AOC- why we have moved to generate a more deployable base for the MPs- as we know we will be doing these missions for awhile and we need to relieve some stress on the MP force. Certainly agree that the man, equip, train and eploy piece of the MP force over the past 2 years ought to be looked at separately (IG) so that we all understand what we are working to fix and see if we are getting there in the right way and at the right pace.

Dick

-----Original Message-----

From: Lovelace, James J LTG DAS
Sent: Thursday, January 15, 2004 7:03 AM
To: Cody, Richard A. LTG Army G-3; Mikolashek, Paul T LTG SAIG; Romig, Thomas J MG OTJAG
Cc: [REDACTED] COL OCSA; Coggini, James A BG VDAS; Marchand, Michael J MG OTJAG;
 [REDACTED] COL ARMY G-3/DAMO-ZX; [REDACTED] COL VCSA; [REDACTED] COL USA;
 [REDACTED] COL CSA
Subject: RE: VCSA Tasker -- Detainee Abuse
Importance: High

DICK, ASK THAT YOU REVIEW THE NEED TO ASSESS WHAT TRAINING WE GIVE TO OUR SOLDIERS AND LEADERSHIP CHALLENGED WITH DETAINEE SITUATIONS. MAYBE WE HAVE DONE SO...IF SO I CANNOT REMEMBER SEEING IT. KNOW THAT YOU AGREE THAT WE WANT TO ENSURE THAT WE HAVE DONE ALL WE CAN. CAN USE THE IG ASSETS IF NECESSARY. INITIALLY WANT TO HEAR WHAT YOU THINK. THANKS, JIM

PT AND TOM, LET'S TALK...HOOOAH, JIM

-----Original Message-----

From: [REDACTED] COL OCSA
Sent: Wednesday, January 14, 2004 6:13 PM
To: Lovelace, James J LTG DAS; Coggini, James A BG VDAS
Subject: FW: VCSA Tasker -- Detainee Abuse

Sir, TJAG sent below to [REDACTED] Lengthy information paper addressing current cases. VR [REDACTED]

-----Original Message-----

From: [REDACTED] COL OTJAG
Sent: Wednesday, January 14, 2004 3:18 PM
To: [REDACTED] COL VCSA
Cc: [REDACTED] COL OCSA; [REDACTED] COL XO SAIG; [REDACTED] Mr.; [REDACTED]
 [REDACTED] COL PMG; [REDACTED] LTC ECC
Subject: VCSA Tasker -- Detainee Abuse

[REDACTED] Current list of detainee abuse cases. We will continue to update.
 [Lovelace, James J LTG DA

VR. [REDACTED]

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[REDACTED]
[REDACTED]
Sent: Tuesday, March 15, 2005 2:21 PM
To: [REDACTED]
Subject: FW: MP Training Support

Not part of original document

[REDACTED]
[REDACTED] Training
[REDACTED] Comm 404-464-1200

-----Original Message-----

From: [REDACTED] LTC G3
Sent: Wednesday, May 26, 2004 6:43 AM
To: [REDACTED] COL
Cc: [REDACTED] LTC - G3; [REDACTED] COL - G3-TR
Subject: RE: MP Training Support

Exemptions 3+6
Names withheld
Privacy Act

Sir,

As requested.

LTC [REDACTED]
G3 Training
DSN 367 [REDACTED] Comm 404-464 [REDACTED]

-----Original Message-----

From: [REDACTED] COL [mailto:[REDACTED]@korea.army.mil]
Sent: Wednesday, May 26, 2004 3:42 AM
To: [REDACTED] - LTC G3
Subject: FW: MP Training Support

I don't have this paper - would appreciate it if you can send electrons or point me to a website where I can grab it. Please .cc COL [REDACTED] and LTC [REDACTED] on your reply so I can capture their email addresses. AKO white pages are down and we can't see your global.

Thx,

[REDACTED]
EUSA G3 Tng

-----Original Message-----

From: [REDACTED] COL [mailto:[REDACTED]@usfk.korea.army.mil]
Sent: Wednesday, May 26, 2004 4:22 PM
To: [REDACTED] COL
Cc: [REDACTED] LTC; [REDACTED] MAJ
Subject: FW: MP Training Support

[REDACTED] Please provide LTC [REDACTED] the DAIG White paper on detainee operations. Believe LTG Cody mentioned it has "point of capture" trng guidance which is an task 2BCT needs to focus on. FORSCOM said you and [REDACTED] have a copy of this paper.

Also, pass digits to MAJ [redacted] and he will hang the paper on the web site.

-----Original Message-----

From: [redacted] LTC
Sent: Wednesday, May 26, 2004 4:12 PM
To: [redacted] MAJ
Cc: [redacted] MAJ; [redacted] LTC
Subject: FW: MP Training Support

Guys,

We are getting mixed signals here. I personally spoke to LTC [redacted] over the weekend and he owes me exactly what he is looking for in the area of detainee operations training. He is going TDY in order to conduct a site survey and will then be able to better define the brigade's true needs, based on the mission they will assume in Iraq.

Let's not get confused with running "prison" operations and infantryman on the ground capturing enemy soldiers and insurgents.

Note the J3's directive for him to detail his needs to me and we will in turn tailor the training to fit 2d Brigade's needs.

My charter is to get them first class training and we'll do that when they LTC [redacted] determines the requirements. What we don't need is everyone guessing and wasting time and resources.

Lieutenant Colonel [redacted]

Chief of Operations

Office of the Combined/Joint Provost Marshal

Combined Forces and United States Forces Korea

DSN (315 when dialing from outside Korea) 738- [redacted]

CP TANGO (315)742- [redacted]

Home DSN 738- [redacted]

-----Original Message-----

From: Higgins, George A. MG
Sent: Friday, May 21, 2004 4:31 PM
To: [redacted] COL
Cc: [redacted] MAJ; [redacted] LTC; [redacted] COL; [redacted] COL; [redacted] COL; [redacted] COL; [redacted] MAJ; [redacted] LTC(P); [redacted] COL; [redacted] MAJ; [redacted] LTC(P)
Subject: MP Training Support

[REDACTED]

MG Wood is asking for MP Training support during 2nd BCT's train up for OIF. The focus of this training support will be Detainee Operations. Ask that you have [REDACTED] contact LTC [REDACTED] to get better definition on the scope, nature and timing of the requested support. DIRALUTH with 2nd ID is authorized. Keep 8th Army G-3 informed. Please acknowledge.

GH

3/15/2005

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Not part of original doc.

Sent: Tuesday, March 15, 2005 1:53 PM
To: [Redacted]
Subject: [Redacted]

-----Original Message-----
From: [Redacted] LTC G3
Sent: Wednesday, May 05, 2004 12:05 PM
To: Burns, Julian H. MG - DCS G-3/5/7
Cc: [Redacted] COL - G3-1R; [Redacted] LTC G3
Subject: Updated 800th MP Bde Slide

Exemption 3+6; Privacy Act
Withhold names

Sir,

Forwarding updated 800th MP Bde training slide per COL Turner. Added 1003V training guidance.

V/R
LTC [Redacted]



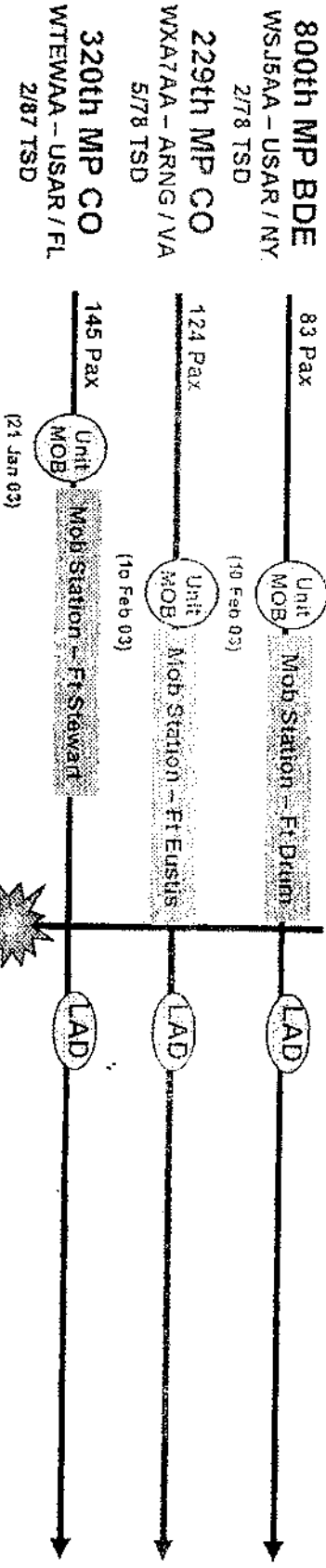
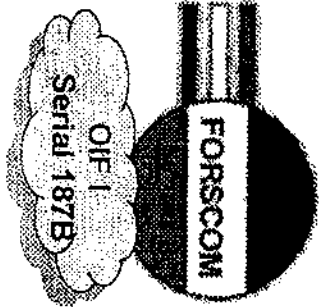
MP Mob History
(v2).ppt (61 KB...)

LTC [Redacted]
Headquarters, U.S. Army Forces Command
G3, Training Operations
(404) 464- [Redacted] or DSN 367- [Redacted]
[Redacted]@forscom.army.mil

Normally would not relate.

Mobilization History

800th MP BDE, 229 MP CO, & 320 MP CO



FORSCOM DEPORD Serial 187B
Specified Training Tasks:

- ✓ ROE
- ✓ NBC Personal Protective Measures (12 tasks)
- ✓ First Aid (11 tasks)
- ✓ Subversion and Espionage Directed against the Army
- ✓ Level One Anti-terrorism/Force Protection
- ✓ Recognition of Combat Vehicle (ROC-V) Training IA
- ✓ CDR USCENCOM Force Protection Operations Order 97-01A dated 15 Apr 99 and USARCENT Force Protection Operations Order 99-02 dated 24 August 99.

FORSCOM 1003V Training Guidance
Specified Training Tasks:

- ✓ Proficient in 1003V derived METL at level employed (trained to a T1/T2; no "U" in any METL task)
- ✓ Individual Training:
 - Weapons Qual IAW STRAC in last 6 mos
 - NBC (15 tasks)
- ✓ TSIRT (ROE, NBC, First Aid, SAEDA, Anti-terrorism/Force Protection)
- ✓ Collective training (Battlestaff, Urban Ops, MOUT)
- ✓ Collective live fire exercise for CS/CSS units
- ✓ Force Protection collective tasks at the company/platoon/squad level (16 tasks)





REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
OFFICE OF THE CHIEF, ARMY RESERVE
WASHINGTON, DC 20310-2400

May 17, 2004

Chief, Army Reserve Staff Group

Fellow Army Reserve Soldiers:

By now, you have probably heard various accounts of detainee abuse at the Abu Ghraib detention facility in Iraq. Army Reserve Soldiers are named in most of these reports.

These offensive acts undermine and conflict with the emphasis on strong values and respect for law and ethics to which this institution adheres. The individuals who allegedly committed these crimes against detainees in Iraq will be dealt with in accordance with the due process of law and the Uniform Code of Military Justice. Though the media reports may make it appear this matter was just uncovered, the public revelations are actually the result of a thorough, deliberate effort to ensure the detention facilities were being operated correctly, an effort instituted after a courageous Soldier stepped forward.

As Commander of the US Army Reserve Command, I accept my responsibility to lead this organization in a manner fully consistent with law and Army values. The Army Reserve's mission is to provide trained and ready units and Soldiers to the Army. To ensure we can accomplish this mission, my job is to set and enforce the policies and standards that our organization and its members will follow. It is also my responsibility to ensure our organization remains sensitive and responsive to the needs of our Soldiers, their families and employers.

As Soldiers in this organization, we all accept responsibilities, and at all times are responsible and accountable for our personal actions and conduct. When we take the oath of service, we agree to support and defend the Constitution of the United States. The oath is a promise and a commitment. It is enduring and inescapable.

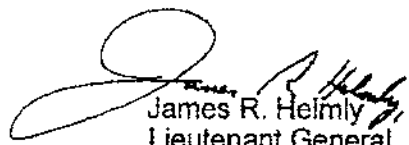
Wearing the uniform means taking responsibility for our actions by living the Army values and the Warrior Ethos. Integrity means we do what is right, legally and morally. Personal courage means we face fear, danger and adversity. Selfless service means we put the welfare of our Nation, the Army, and our subordinates ahead of our own. The Warrior Ethos makes a difference on the battlefield: *I will always place the mission first. I will never accept defeat. I will never quit. I will never leave a fallen comrade.* Throughout history, Soldiers have lived the American values and upheld the standards of ethical conduct that laid the foundation for the law of land warfare and the Geneva Convention. Make no mistake – living the Army values and the Warrior Ethos is not easy to do, but it is the right thing to do.

Finally, as a member of the Army Reserve, we assume a leadership role both within the organization and elsewhere. Family, friends, neighbors, co-workers, business and community professionals in our hometowns admire and respect our service and sacrifice. Our daily actions should reflect that trust and confidence. *Leaders at all levels must do the right thing for the right reason – always!*

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For all these reasons, duty in the Army Reserve represents a serious commitment of purpose. As members of the Army Reserve, we accept a shared responsibility to ensure the integrity of the institution that has been an integral part of the Army for nearly 100 years. We have suffered many casualties in this war. We cannot and will not allow our reputation as selfless servants upholding the highest values to become one of those casualties.

As we continue our mission, we must honor the sacrifice of our fallen, wounded, and captured comrades by conducting ourselves, at all times and in all situations, in a respectful and law-abiding manner. I am proud of you, the magnificent men and women who volunteered to fill the ranks of the Army Reserve. God Bless you, your family, your employers, and the United States of America.


James R. Helmly 5/16
Lieutenant General, US Army
Chief, Army Reserve

*Normally would not
release*

INFORMATION PAPER

AFOP-TRO

**[REDACTED] 464 [REDACTED]
24 August 2004**

ISSUE: Detainee Operations before and after May 2004 60 Minutes broadcast on Abu Ghraib

FORSCOM G3 training was asked to provide information on actions taken in response to the detainee abuse situation before and after 4 May.

Sequence of events

- Sometime prior to 31 March: USAMPS deploys a Mobile Training Team to Iraq to provide training on detainee operations, and develop a training support package for use in preparing soldiers for deployment. FORSCOM Provost Marshal contributes one team member.

- 4 May – 10 May: FORSCOM G3 Training is asked to answer training questions related to the 800th Military Police Brigade.

- 11 May: Hard copy of the USAMPS in theater detainee operations training received. Followed by electronic copy 12 May.

- 14 May: Email from TRADOC indicates that MP and MI schools are working a scrub of their doctrine.

- 15 May: LTG McKiernan white paper on detainee operations training is received.

- 17 May: FORSCOM completes draft training guidance for units performing detainee operations training and missions at detention facilities. This training guidance is reviewed and adjusted by COL(P) Terry on 18 May.

- 7 Jun: FORSCOM publishes training guidance for all units that will be performing detainee operations missions and missions at detention facilities.

- 15 Jun: USAMPS completes the detainee operations training support package.

- 22 Jun: Detainee ops training support package is available on Army Knowledge Online.

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ISSUE: Detainee Operations before and after May 2004 60 Minutes broadcast on Abu Ghraib

Actions prior to 4 May 04.

FORSCOM provided combat arms, combat support, and combat service support forces to engage in major hostilities. FORSCOM training guidance required units to be proficient in tasks essential to their mission. Individuals are trained on Rules of Engagement and Rules for the Use of Force.

Actions after 4 May 04.

FORSCOM responds to pre-mobilization and post mobilization training questions concerning several Military Police units mobilized and deployed for Operation Iraqi Freedom.

FORSCOM is aware of the developing situation regarding alleged detainee abuse at Abu Ghraib, and some of the actions being taken by Training and Doctrine Command and the combatant commander chain of command to assess the situation, define the problem, and make recommendations. FORSCOM starts revisions of training guidance in response to initial TRADOC documentation and LTG McKiernan paper with training recommendations.

General training guidance is changed as follows:

- All deploying units and headquarters will conduct or receive Law of War and Code of Conduct training supported by a Judge Advocate where feasible, Active Component units will perform this training within 60 days prior to deployment. Reserve Component units will conduct this training at the mob station. Training will stress -
 - The Geneva Conventions with specific emphasis on the Geneva Convention relative to the treatment of civilian persons in time of war;
 - The basic principles of humane treatment and prohibited acts outlined in AR 190-8, paragraph 1-5b and c, for any captured or detained person, which includes those captured individuals suspected of being unlawful combatants; and
 - The importance of immediately reporting all suspected Law of War violations to the chain of command.
- All individuals receive training on -
 - The Law of War (Geneva Convention) briefing
 - Army Values Briefing
 - Comply with the Law of War and the Geneva and Hague Conventions
- All leaders receive training on -
 - Enforce the Law of War and the Geneva and Hague Conventions
 - Supervise the Handling of Enemy Personnel and Equipment at the Squad level

Specific training guidance is published for units performing internment and detainment operations based on initial training tasks identified by TRADOC and LTG McKiernan's white paper.

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Specific questions

6. Provide unit training exercises that existed to train detainee operations and establish links between MP and MI units. Has training expanded to incorporate lessons learned from OIF and Bosnia:

- Before and after 4 May: For units deploying as part of a brigade or division, the mission rehearsal exercise and staff exercises provide a training event where all elements work in concert. For echelons above division (EAD) and echelons above corps (EAC) units, no standard mission rehearsal exercise with other units is conducted.

- After 4 May: Individual, leader, and collective training has changed in response to lessons learned in OIF. Training has not been changed in response to lessons learned in Bosnia.

9. What training has been incorporated into our MP/MI schools to prepare soldiers/leaders for detainee operations?

- This question can be answered by Training and Doctrine Command.

10. What training existed to prepare soldiers to report detainee abuse and use of the ethical decision making process when dealing with different categories of detainees? How has this training changed?

- Before 4 May: Units were required to be trained and proficient in their mission essential tasks. FORSCOM OIF/OEF Training guidance did not explicitly address training tasks related to preparing soldiers to report detainee abuse or using the ethical decision making process, but all reserve and active component units are required to conduct Law of War and other mandatory briefings annually. No training was specifically directed in the OIF training guidance on differences in categories of detainees.

- After 4 May: Units are required to be trained and proficient in their mission essential tasks. FORSCOM OIF/OEF training guidance was changed to incorporate specific training for all individuals on the Law of War, the Geneva and Hague Conventions, and reporting violations of the Law of War. Leaders are trained on supervising the handling of enemy personnel and equipment at the squad level and enforcing compliance with the Geneva and Hague Conventions.

Exemption 3 H6 - names withheld

[REDACTED]

From: [REDACTED] LTC G3
Sent: Tuesday, August 24, 2004 5:16 PM
To: [REDACTED] CPT - G3 AXO
Cc: [REDACTED] LTC G3; [REDACTED] LTC - G3
Subject: Detainee Ops 24 Aug



Detainee Ops 24
Aug.doc

Made the corrections .. thanks

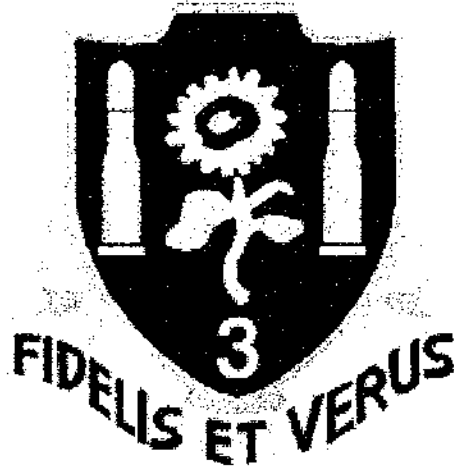
TAG # _____

DATE DETAINED: _____

NAME: _____

3-29 FA DETAINEE PACKET CHECKLIST

- _____ EPW TAG (DA FORM 2745) (OR EQUIVALENT)
- _____ COALITION APPREHENSION FORM
- _____ PHOTOGRAPH OF DETAINEE
- _____ TWO SWORN STATEMENTS
- _____ MEDICAL SCREEN (IF NEEDED)
- _____ DA FORM 4137 (IF DETAINEE HAS PROPERTY)



RECOMMENDATIONS:

S2 RECOMMENDATION:

RELEASE
TRANSFER TO APPREHENDING UNIT
SEND TO BCCP
OTHER: _____

3-29 FA CDR RECOMMENDATION:

RELEASE
TRANSFER TO APPREHENDING UNIT
SEND TO BCCP
OTHER: _____

DETAINEE CATEGORY:

A A1 B C D

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1. Date and time of Capture		2. Serial No.		<p align="center">ENEMY PRISONER OF WAR (EPW) CAPTURE TAG (PART A) For Use of this form, see AR 190-8, the proponent agency is DCSOPS</p> <p>Attach this part of tag to EPW (Do not remove from EPW.)</p> <ol style="list-style-type: none"> 1. Search – For weapons, military documents, or special equipment. 2. Silence – Prohibit talking among EPWs for ease of control 3. Segregate – By rank, sex, and nationality 4. Safeguard – To prevent harm or escape. 5. Speed – Evacuate from the combat zone. 6. Tag – Prisoners and documents or special equipment. <p>DA FORM 5976, JAN 91</p>
3. Name		4. Date of Birth		
5. Rank	6. Service No.			
7. Unit of EPW		8. Capturing Unit		<p align="center">UNIT RECORD CARD (Part B) Forward to Unit (Capturing unit retains for records.)</p> <p>Use string, wire, or other durable material to attach the appropriate section of this form to the EPW's equipment or property</p> <p>DA FORM 5976, JAN 91</p>
9. Location of Capture (Grid coordinates)				
10. Circumstances of Capture	11. Physical Condition of EPW	12. Weapons, Equipment, Documents		
1. Date and time of Capture		2. Serial No.		<p align="center">DOCUMENT / SPECIAL EQUIPMENT / WEAPONS CARD (Part C)</p> <p>Attach this part of tag to EPW's retained property. (Do not remove from property.)</p> <p>As a minimum, the tag must include the following information:</p> <ul style="list-style-type: none"> ■ Item 1, date and time of capture ■ Item 8, capturing unit ■ Item 9, place of capture (grid coordinates) ■ Item 10, circumstances of capture (how the EPW was captured) <p>DA FORM 5976, JAN 91</p>
3. Name		4. Date of Birth		
5. Rank	6. Service No.			
7. Unit of EPW		8. Capturing Unit		<p align="center">DOCUMENT / SPECIAL EQUIPMENT / WEAPONS CARD (Part C)</p> <p>Attach this part of tag to EPW's retained property. (Do not remove from property.)</p> <p>As a minimum, the tag must include the following information:</p> <ul style="list-style-type: none"> ■ Item 1, date and time of capture ■ Item 8, capturing unit ■ Item 9, place of capture (grid coordinates) ■ Item 10, circumstances of capture (how the EPW was captured) <p>DA FORM 5976, JAN 91</p>
12. Location of Capture (Grid coordinates)				
10. Circumstances of Capture	11. Physical Condition of EPW	12. Weapons, Equipment, Documents		

3BCT BCCP MEDICAL SCREENING FORM

CAPTURE TAG #

NAME:

Initial Medical Screen:	Overall Health:
Date:	Health Problems:
Medic's Name:	Medications Given:

Follow Up Treatment:	Medical Problem:
Date:	Medications Given:
Medic's Name:	

Follow Up Treatment:	Medical Problem:
Date:	Medications Given:
Medic's Name:	

Follow Up Treatment:	Medical Problem:
Date:	Medications Given:
Medic's Name:	

Follow Up Treatment:	Medical Problem:
Date:	Medications Given:
Medic's Name:	

Follow Up Treatment:	Medical Problem:
Date:	Medications Given:
Medic's Name:	

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SCREENING REPORT

Screener	MP Number
----------	-----------

Interpreter	DTG
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Biographical Information

Last Name	First Name	Middle Name
-----------	------------	-------------

Sex M / F	D.O.B.	Marital Status M S D W	Children
-----------	--------	------------------------	----------

Place of Birth	Current Residence
----------------	-------------------

Citizenship	Nationality	Tribe
-------------	-------------	-------

Language Proficiency

Language 1 2 3	Language 1 2 3	Language 1 2 3
----------------	----------------	----------------

1 = Native 2 = Good 3 = Poor

Military Service

Branch of Service	Rank	Severice Number
-------------------	------	-----------------

Full Unit Designation	Dates
-----------------------	-------

Duty Position	Additional Duties
---------------	-------------------

Military Training

Military Experience

Capture Data

Capture Tag Number	Capturing Unit
--------------------	----------------

Date/Time of Capture	Place of Capture
----------------------	------------------

Captured Documents/Currency

Captured Weapons/Equipment

Circumstances of Capture

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Education	
Level of Education	Degree
Specialized Training	
Employment	
Current Employment	Position
Duties	Location
Previous Employment	Position
Duties	Location
Additional Skills	
Mission at Time of Capture	
Category	
Cooperation	1 2 3 Knowledge A B C
(1A = Highest / 3C = Lowest)	
Screener Observations	
Physical Condition	Mental State
Attitude	Additional Observations
Recommended Approach	
Screener Comments	

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Agenda

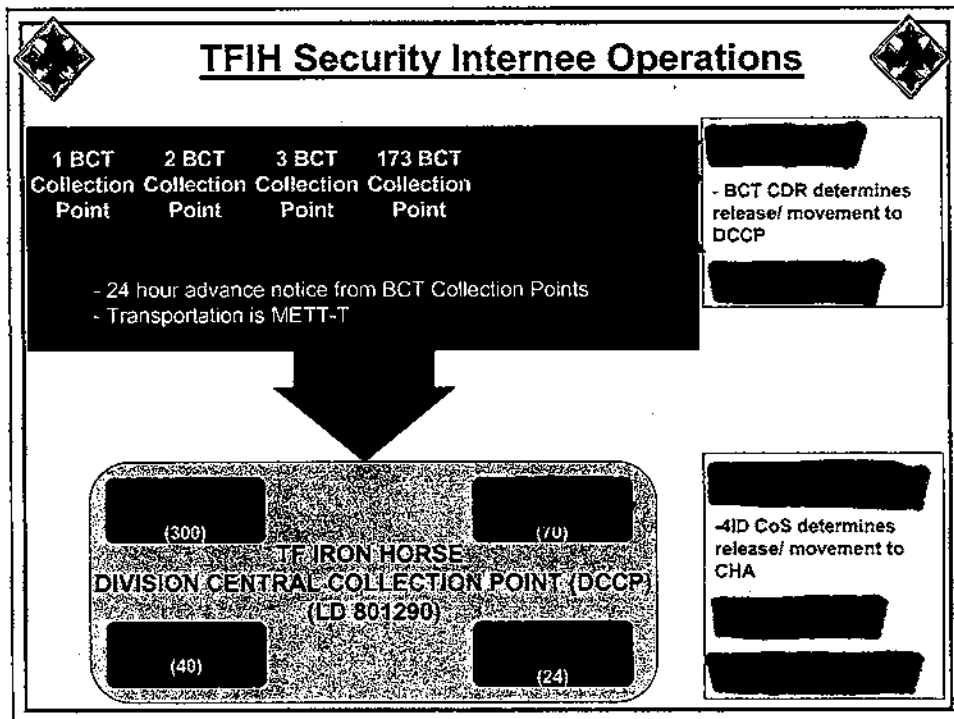
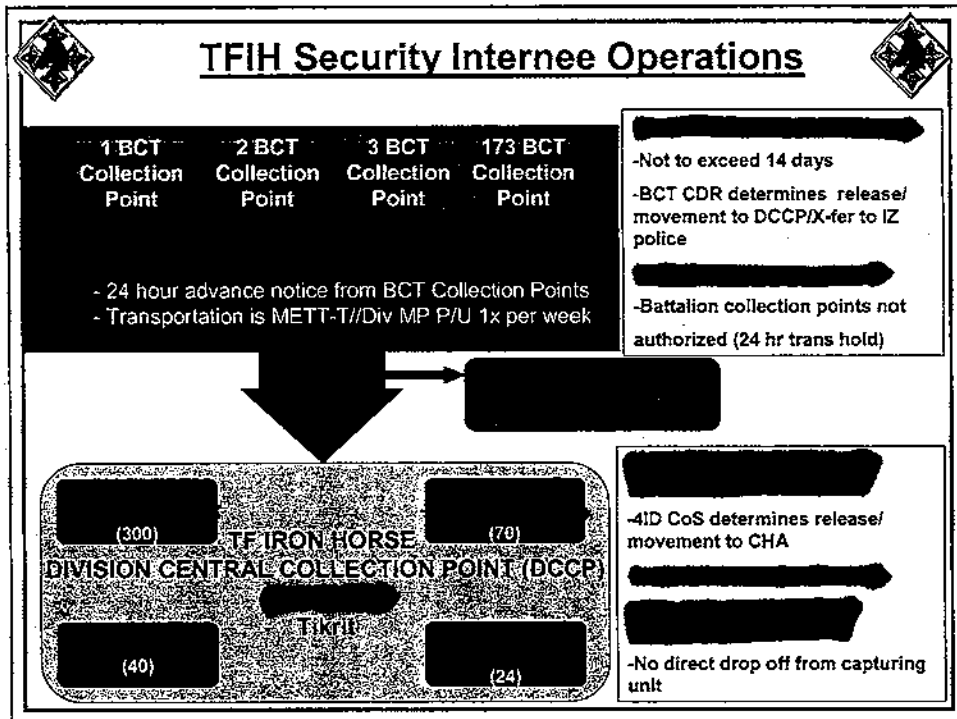
- Overview
- Definitions
- References
- Property accountability
- Use of force
- Back-haul operations
- Release process (Division level)

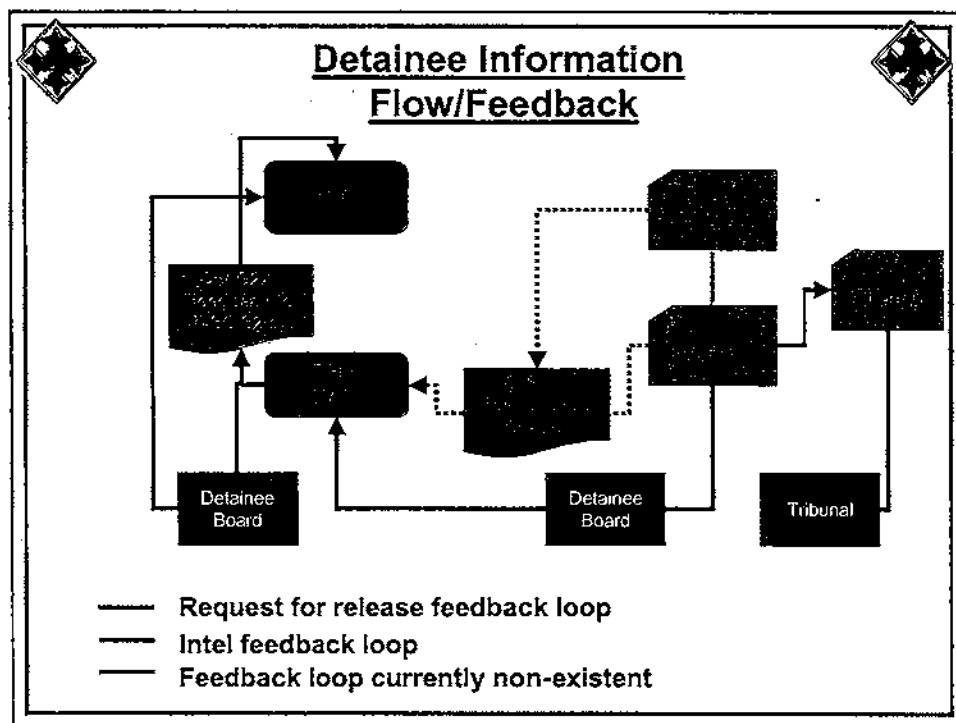
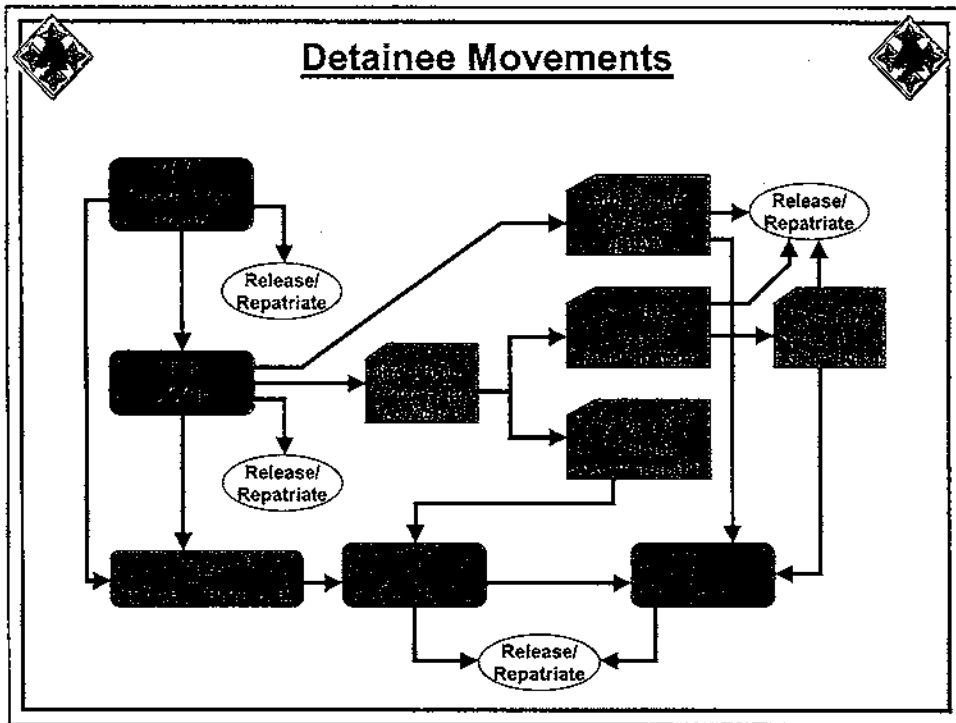
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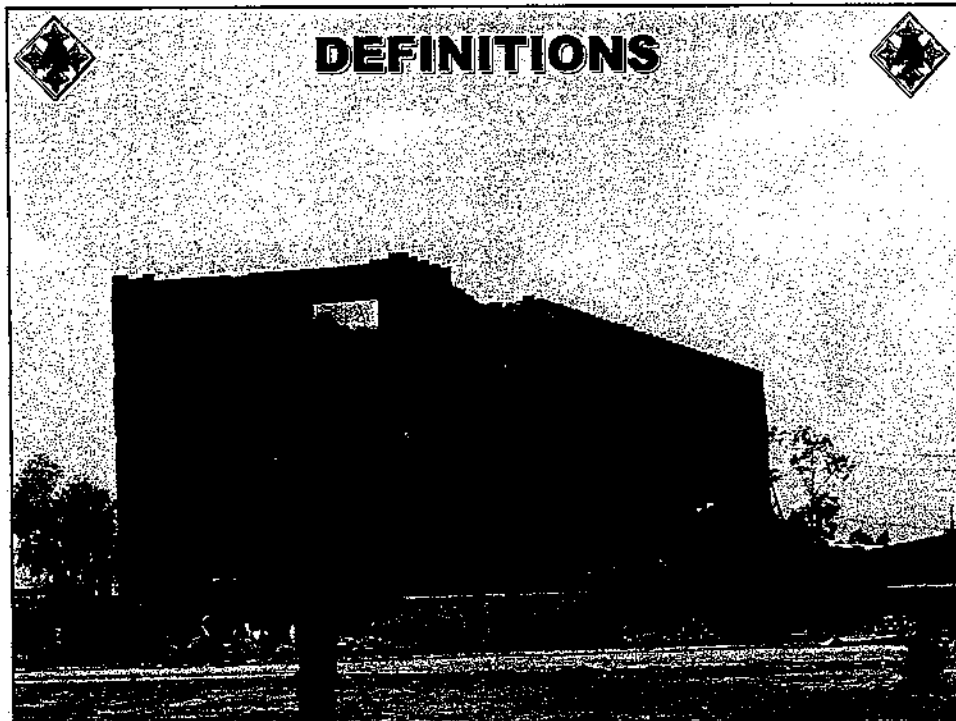
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All: B2-3







DEFINITIONS

Definitions- (General)

CIVILIAN INTERNEE- A person who is interned during armed conflict or occupation if he/she is considered a security risk, needs protection or has committed an offense (insurgent or criminal) against the detaining power. A civilian internee is protected according to Geneva convention IV (protection of civilian persons in time of war).

CRIMINAL DETAINEE- A person detained because he/she is reasonably suspected of having committed a crime against Iraqi nationals or Iraqi property or a crime related to the coalition force mission.

SECURITEE INTERNEE- A civilian interned during conflict or occupation for their own protection or because they pose a 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 (or previous coalition forces) members of the provisional government, NGOs, state infrastructure or any person accused of committing war crimes or crimes against humanity. Certain security internees may also be classified as a high value detainee (HVD).

HIGH VALUE DETAINEE- Are security internees of significant intelligence or political value.

EPW- A member of armed or uniformed security forces that conform to the requirements of article 4, Geneva convention relating to treatment of prisoners of war.

Definitions-(Security Internee Sub-Categories)

CATEGORY A - High level EPW/Detained Persons/Civilian Internees, including black list individuals, suspected war criminals, and violators of UN resolutions whose broad or specific knowledge makes it necessary for them to be questioned without delay by specially qualified interrogators or de-briefer. This category requires multiple interrogations and/or debriefings a mobile interrogation team (MIT) from the Iraqi survey group (ISG), comprised of specially qualified interrogators and/or de-briefer, and possibly technical experts should be dispatched to the location of category a EPW/ Detained Persons/Civilian Internees. Immediately transfer category A personnel to the task force central collection point (TFCCP)

CATEGORY A1 - Mid-level EPW/Detained Persons/Civilian Internees, including gray list individuals, whose broad or specific knowledge of regional and national level ba'ath party and fedayeen activities, leadership and cell structure, identities of members, recruiting, intelligence capabilities, financing, training, planning, communications and/or locations, makes it necessary for them to be questioned without delay by operationally focused interrogators. Also includes persons suspected of affiliation with terrorist organizations, foreign intelligence services and foreign fighters. Transfer category A1 personnel to the TFCCP immediately so that they may be processed and transported to the coalition interrogation facility vic Baghdad International Airport (BIAP) within 24 hours of categorization.


Definitions-(Security Internee Sub-Categories)

CATEGORY B- Non-mid/high level EPW/Detained Persons/Civilian Internees who have enough information on any subject of intelligence value, including information of immediate tactical value, to warrant a follow-on interrogation or debriefing. Transfer category B personnel to the CIF NLT 72 hours after categorization.


CATEGORY C- EPW or other detainees who have only information of immediate tactical value and do not warrant further questioning.

CATEGORY D- EPW or other detainees who have no information of intelligence value.





**Task Force Iron horse Division Central Control Point
Glossary**



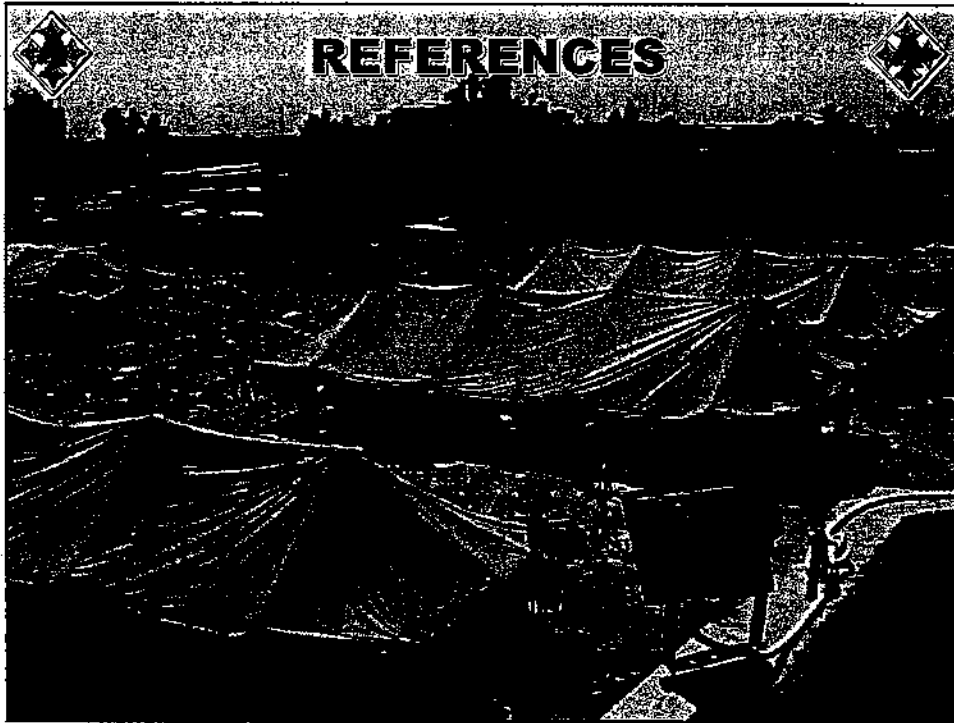
- **DCCP: Division Central Collection Point**
- **CI: Civilian Internee**
- **CD: Civilian Detainee**
- **SI: Security Internee**
- **HVD: High Value Detainee**
- **EPW: Enemy Prisoner of War**
- **DP: Detained Persons**
- **RP: Retained Persons**
- **TCN: Third Country National**



**Task Force Iron horse Division Central Control Point
Glossary**



- **CHA: Corps Holding Area**
- **PAO: Public Affairs Office**
- **SJA: Staff Judge Advocate**
- **PSYOP: Psychological Operations**
- **CA: Civil Affairs**
- **HN: Host Nation**
- **IFRC: International Federation of Red Cross and Red Crescent Societies**
- **IHO: International Humanitarian Organization**
- **IG: Inspector General**

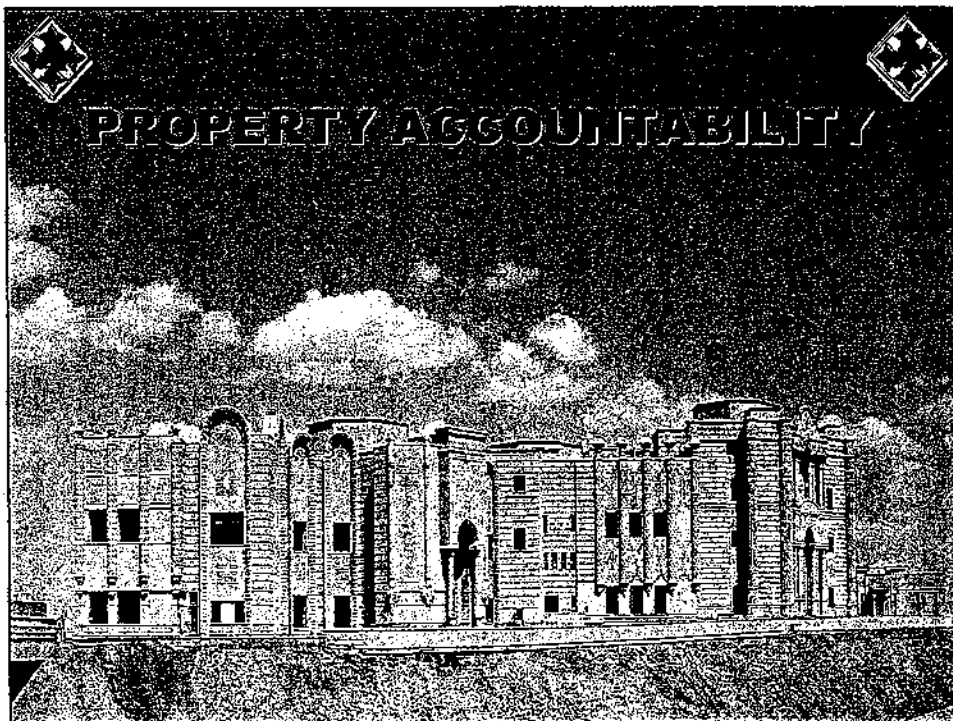


**Task Force Iron horse Division Central Control Point
References**

- The Hague Regulations 1907
- Geneva Hague Conventions 1949
- UN Security Council Regulation 1483
- AR 190-8 Enemy Prisoners of War
- AR 190-47 The Army Corrections System
- AR 195-2 Criminal Investigations Command
- FM 3-19-40 Military Police Internment-Resettlement Operations
- FM 19-10 Military Police Law and Order Operations
- FM 19-15 Civil Disturbances

**Task Force Iron horse Division Central Control Point
References**

- FM 19-20 Law Enforcement Investigations
- FM 21-10 Field Hygiene and Sanitation
- STP 19-95B1-SM Soldiers Manual MOS 95B Military Police Skill Level 1
- Coalition Provisional Authority Forces Apprehension Form
- DA Form 2823 Sworn Statement
- DA Form 4137 Evidence/Property Custody Document
- DD Form 2745 Capture Tag
- DD Form 629 Receipt for Prisoner or Detained Person
- FBI Form FD-249 Arrest and Institutional Fingerprint Card





Task Force Ironhorse Division Central Control Point

PROPERTY DURING IN-PROCESSING

Account for each captive and his/her equipment when they arrive at the CP:



- Inventory and record property (in the presence of EPWs) brought from temporary property storage areas.
- Make separate lists for returned, stored, impounded, and confiscated property.
- List property to be returned to EPWs or stored during internment on a separate list.
- Provide receipts for property placed in temporary storage.
- Provide receipts for money placed in EPW accounts (AR 190-8 and DFAS-IN 37-1).



Task Force Ironhorse Division Central Control Point



PROPERTY DURING IN-PROCESSING

- Return retained property that was taken from the EPW at Station 1 of in-processing.
- Supervise the movement of EPWs throughout in-processing.
- Maintain control and accountability until EPWs are received by the serving power or designated protecting power.
- Have MI sign for property on DA Form 4137 and for captives on DD Form 2708
- Return confiscated property to supply/storage area after it is cleared by MI teams
- Evacuate retained items with the captive when he/she moves to the next level of internment.

 **Task Force Ironhorse Division Central Control Point** 

Control and Accountability

- Maintain a manifest that contains the—
 - Name
 - Rank/status
 - ISN
 - Power served/nationality
 - Physical condition
- **NOTE: A manifest is used as an official receipt of transfer and becomes a permanent record to ensure accountability of each EPW until his/her final release.**

 **Task Force Ironhorse Division Central Control Point** 

Control and Accountability

- **Records**
 - Ensure the copies of appropriate personnel, finance, and medical records accompany released and repatriated EPWs.
 - Transfer the records to the designated official receiving EPWs.
- Ensure that confiscated personal property (that can be released) accompanies released and repatriated EPWs.
- Conduct an inventory and identify discrepancies.
- Ensure that EPWs sign property receipts.



Task Force Ironhorse Division Central Control Point



• **Retained Items:** Captive is allowed to keep certain items during his/her captivity. Generally two groups, these lists are not all inclusive.

• **Group 1**

- Military mess equipment (except knives and forks).
- Helmet
- Protective clothing and equipment for use during evacuation from the CZ
- Personal clothing if detainee uniforms are not available
- Badges of rank and nationality
- ID cards and tags
- Rations (in the early stages of captivity).

• **Group 2**

- Religious literature (within reason)
- Personal items having no intelligence value (jewelry and pictures)



Task Force Ironhorse Division Central Control Point

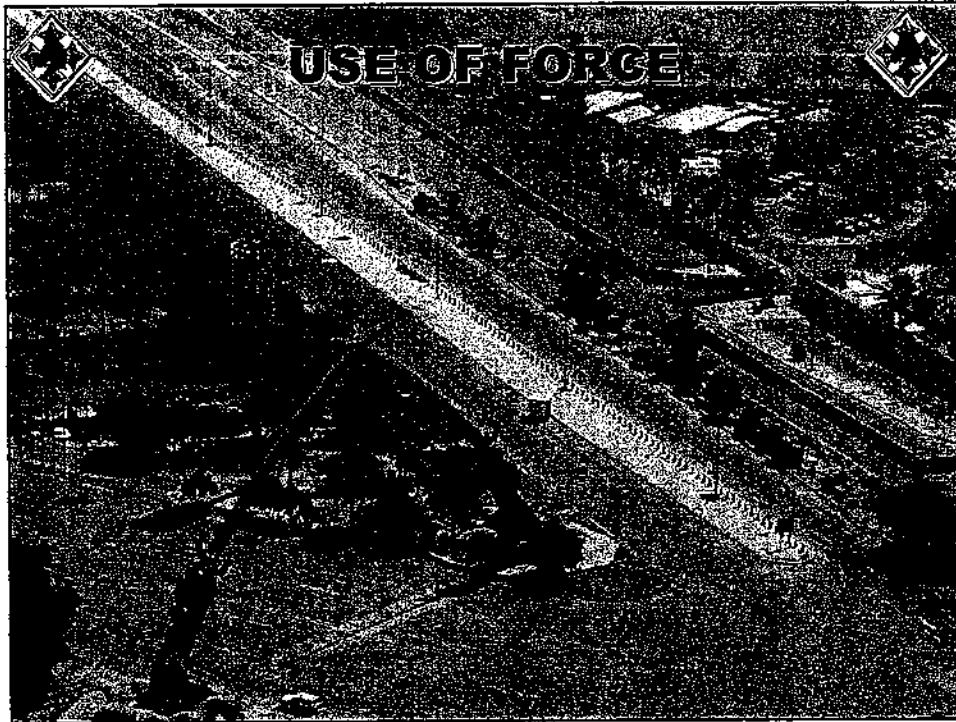


• **Impounded Items:** A captive is not allowed to keep impounded items during his/her internment.

- Cameras
- Radios
- Currency
- Negotiable instruments.

• **Confiscated Items:** The following items are confiscated when searching a captive.

- Weapons
- Ammunition
- Items of intelligence value (maps and orders).
- Other inappropriate items.



Task Force Ironhorse Division Central Control Point
USE OF FORCE
LEVELS OF FORCE

- 1st: Verbal Persuasion
- 2nd: Show of Force
- 3rd: Chemical Spray (Guard Must Be Certified To Use)
- 4th: Use of Physical Force (I.E. Restraints, Riot Batons, Tasers)
- 5th: Presentation Of Deadly Force
- 6th: Deadly Force



Task Force Ironhorse Division Central Control Point
USE OF FORCE



Deadly Force causes death or serious bodily harm. Deadly Force is authorized for the following reasons only:

- Self-Defense And Defense Of Others
- Protection Of Assets Involving National Security
- Protection Of Assets Dangerous To Others
- Serious Offenses Against Persons
- Escapes (Guard Must Command Halt three (3) Times in the Detainees Native Language) breaching outer perimeter of compound



Task Force Ironhorse Division Central Control Point
USE OF FORCE



IAW with TF IH Frago 1291 (Detainee Operations) detention Officials will handle all prisoners with the minimum amount of force necessary as required by the situation. Use of deadly force against unarmed prisoners is authorized only in cases when the following situations apply:

- US/Coalition Forces Are At Risk Of Loss Of Life
- Other Prisoners Are At risk Of Loss Of Life
- Escape Is Apparent



BACK-HAUL OPERATIONS

Task Force Ironhorse Division Central Control Point Back-haul Operations


- The DCCP will back-haul detainees from the BCPs to the DCCP on a weekly basis with the exception of 1BCT due to their close proximity to FOB Ironhorse

- CORPS will back-haul detainees from the DCCP on a weekly basis


- The schedule for back-haul is

<u>Day</u>	<u>Unit Responsible</u>	<u>Pick-up location</u>
Monday	DCCP	173 RD ABN
Wednesday	DCCP	2 ND / 3 RD BCT
Friday	CORPS	DCCP


- Units need to be prepared to report the number of detainees expected to be ready for transfer the day prior to transferring detainees




**Task Force Ironhorse Division Central Control Point
Back-haul Operations**



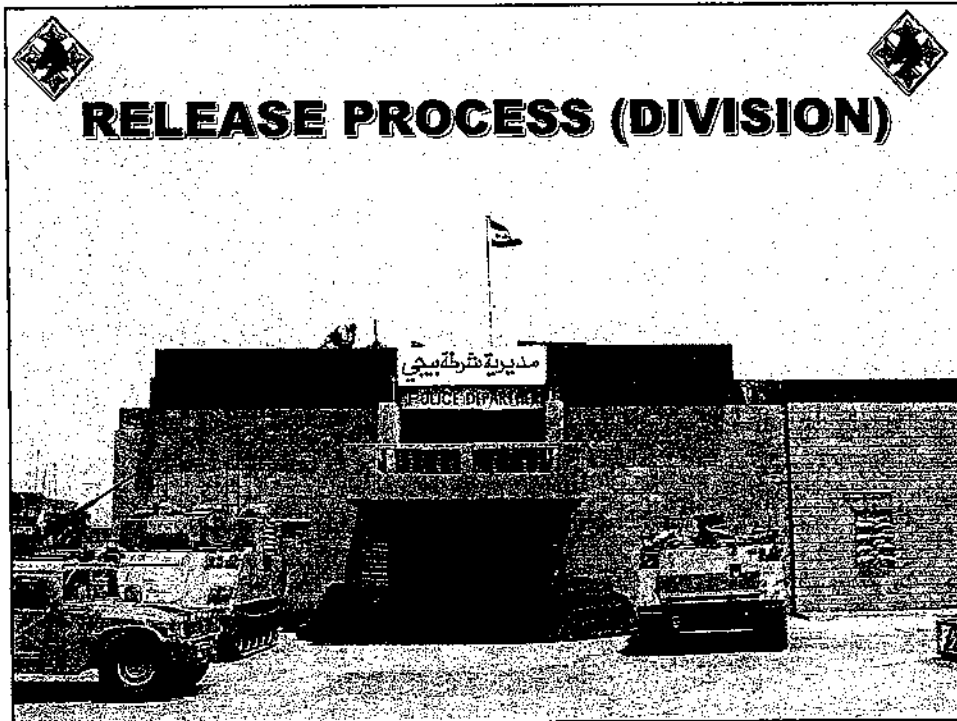
- Detainees may be transferred by respective units to the DCCP provided prior coordination is made with the PMO (534-8003) at least 24 hours prior to transfer
- Detainees will be transferred with all personal property recorded on a DA 4137. All personal property will accompany the detainee when transferred unless it requires special handling (vehicles, explosives, large equipment, ect). Property not transferred with the detainee will be photographed with a copy attached to the detainees packet
- Detainees will be transferred with CPA form, witness statements, screening paperwork, medical screenings, photograph, and all related paperwork
- No detainees in U.S. custody will be transferred to the control of another coalition force nation without U.S. Secretary of Defense approval



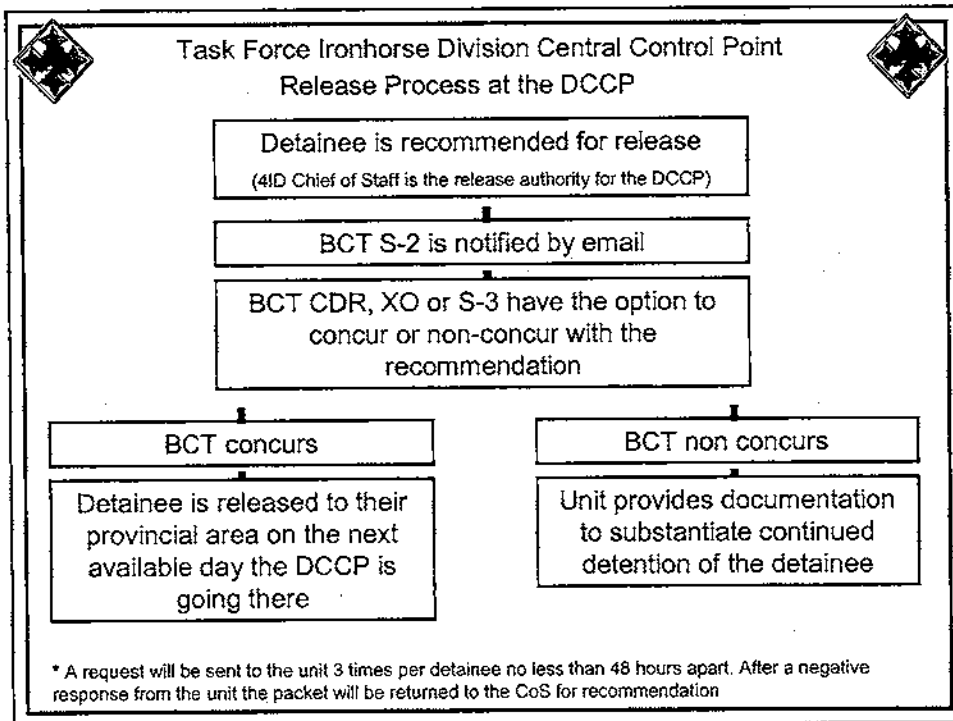
**Task Force Ironhorse Division Central Control Point
Back-haul Operations**



- Detainees being released will be released in cities from their respective provinces as close to their home as possible
- Detainees being transferred to IZ police will be delivered to police stations nearest their home

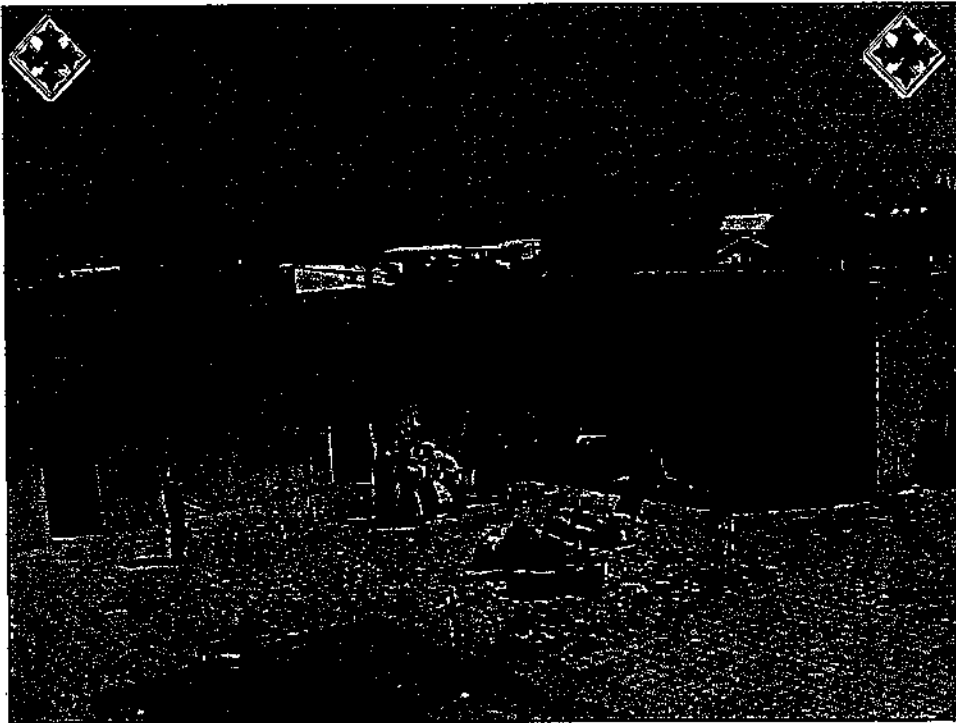


RELEASE PROCESS (DIVISION)



Issues

- Excessive detention period at BCTs
- All evidence not transported with detainee
- Detention facilities not operating IAW AR 190-8
- Improper property accountability
- Incomplete coalition capture forms/statements
- Back-haul from BCTs not properly coordinated
- Release feedback takes to Ing from BCTs



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CHECKLIST FOR BRIGADE LEVEL DETENTION FACILITIES

1. Is a copy of TF IH FRAGO 1291 (Detainee Operations) on hand?
2. Does the BCCP have a SOP on hand?
3. Are Journals (DA FM 1594) being maintained at BCCP?
4. Is the BCCP in a good state of police (i.e. clean, litter free, central located trash point)?
5. Are BCCP Operations employing military police augmented by ten (10) augmentees minimum for safe operations?
6. Are military police platoons receiving support for facility operations from supporting BCTs?
7. Are person's detained/captured in brigade AOR transferred within 24 hours to designated BCT Collection Points?
8. Are proper guidelines for detainee deaths being followed IAW TF IH Frago 1291?
9. Are CAT A detainee's immediately transferred to Corps and TF IH PMO notified?
10. Are MSCs coordinating with TF IH G2X prior to detainee's being processed to TF IH DCCP?
11. Are guidelines being followed for the handling of all HVDs and non-Iraqi detainees IAW TF IH Frago 1291?
12. Are capturing units providing proper documentation at time of release to BCCP (i.e. CPA forms, (2) DA FM 2823s)?
13. Is the BCCP NCOIC ensuring all detainees have the proper paper work at in processing?

YES	NO	REMARKS

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14. Are capturing units recording detainee property on a DA FM 4137?
15. Is the detainee property clearly marked and inventoried with detainee name and capture number?
16. Does BCCP have adequate storage space for evidence and property?
17. Does the amount of evidence in evidence room match up with detainees in detention?
18. Are detention officials handling detainees with the minimum force necessary required by the situation?
19. Are detainees who require medical attention receiving proper care?
20. Are military police maintaining accountability of detainee packets?
21. Are detainees being transferred to TF IH DCCP NLT fourteen (14) days after capture?
22. Are BCCP Personnel releasing names or status of detained persons to third parties?
23. Are detainees being assigned a sequence number at in processing?
24. Does the BCCP report current on hand numbers of detainees twice a day to the TF IH PMO

YES	NO	REMARKS

- 25. Is there a clearly defined outer perimeter that is identifiable by the detainee's?
- 26. Is there a QRF dedicated to detention facility uprisings? What is the response time?
- 27. Is there riot control/less than lethal equipment available to the MPs?
- 28. Are weapons/munitions adequately controlled and out of sight of the detainee's?
- 29. Are there an adequate # of armed MPs on the outer perimeter instructed and equipped to use lethal force?
- 30. Are detainee's receiving adequate water throughout the day?
- 31. Are inner barrier's/perimeters able to prevent detainee escape attempts? – more than a single strand of concertina wire?
- 32. Is the detainee area clean of excess debris and clutter?
- 33. Is there an MP PLT SGT or higher on duty at all times? Are the MPs in charge of the facility?
- 34. Is there a plan for improvement? Winter preparation?
- 35. Are there any detainee's being held below BDE Level?

YES	NO	REMARKS

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

Offense against Civilian(s) [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. 399)	<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

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/Surveilling 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) _____ Time of Incident: _____ Date of Report: (D/M/Y) _____ Time of Report: _____ hrs

/ / to / / hrs to hrs / /

Detainee # _____		Key Connected Person: <input type="checkbox"/> Victim <input type="checkbox"/> Witness	
Last Name: _____		Last Name: _____	
First Name: _____ Given Name: _____		First Name: _____ Given Name: _____	
Fair Color: _____	Scars/Tattoos/Deformities: _____	Hair Color: _____	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/ Sect: _____	Sex: <input type="checkbox"/> M <input type="checkbox"/> F	Phone#: _____	DOB D/M/Y: _____
	<input type="checkbox"/> Mobile <input type="checkbox"/> Regular		<input type="checkbox"/> Mobile <input type="checkbox"/> Regular
<input type="checkbox"/> Passport	<input type="checkbox"/> Dr. license	<input type="checkbox"/> Other (specify)	<input type="checkbox"/> Passport <input type="checkbox"/> Dr. license <input type="checkbox"/> Other (specify)
Document #:		Document #:	

Total Number of Persons Involved _____ (list names/identifying info on reverse under "Additional Helpful Information")

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: _____		

Contraband/Weapons in Vehicle: _____

Property/Contraband Weapon . Photo Taken of Suspect with Weapon/Contraband: Yes/ No

Type: _____	Model: _____	Color/Caliber: _____
Serial No.: _____	Quantity: _____	Make: _____
Other Details: _____	Where Found: _____	Owner: _____

Name of Assisting Interpreter: _____ Email, Phone, or Contact Info: _____

Retaining Soldier's Name (Print): _____	Supervising Officer's Name (Print): _____
Last, First MI	Last, First MI
Signature: _____	Signature: _____
Email: _____	Email: _____

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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 traveling (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: _____

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REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
TASK FORCE IRONHORSE
OFFICE OF THE PROVOST MARSHAL
TIKRIT MAIN PALACE, TIKRIT, IRAQ

AFYB-PM

23 Jul 2003

MEMORANDUM FOR RECORD

SUBJECT: Standard Operating Procedure for Death of a Detainee

1. The purpose of this memorandum is to outline the actions needed in order to properly dispose of and record the death of a Detainee in US custody. References used include Article 120 and Article 121 of the Geneva Convention: relative to the Treatment of Prisoners of War.
2. Initial notification will begin, upon discovery of the body. 4th MP CO Operations will notify the Provost Marshal. The CIC and Mortuary Affairs will be notified by the Provost Marshal, see enclosure 1, for the flow of information.
3. A doctor must confirm the death and record approximate time of death. The body must be removed immediately upon examination from DCCP and placed in an area out of sight of both detainees and US Forces.

Contact Mortuary Affairs for temporary storage and transport of body. The detaining authorities shall ensure that prisoners of war who have died in captivity are transferred to their families, morgue, hospital or a facility that can properly dispose of the body.

4. If such a facility is not available they will be honorably buried, if possible according to the rites of the religion to which they belonged, and that their graves are respected, suitably maintained and marked, so as to be found at anytime.
5. Every death or serious injury of a prisoner of war caused or suspected to have been caused by a sentry, another prisoner of war, or any other person, as well as any death the cause of which is unknown, shall be immediately followed by an official inquiry by CID as well as a 15-6 Investigation. A medical doctor must conduct the 15-6 investigation.

Communication on this subject shall be sent immediately to V Corps. Statements shall be taken from witnesses on a DA Form 2823, specifically from those who are prisoners of war, and a report including such statements shall be forwarded to the V Corps and CID.

002070

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If the inquiry indicates the guilt of one or more persons, the 4th Infantry Division (M) shall recommend measures for the prosecution of the person or persons responsible to host nation.

B3/B6

6. The POC for this memo is CPT [REDACTED] and can be reached at DNV 312-534 [REDACTED]

[REDACTED]

MAJ (P), MP
Provost Marshal

Encl 1: Information Flow Chart

002071

TAG # _____

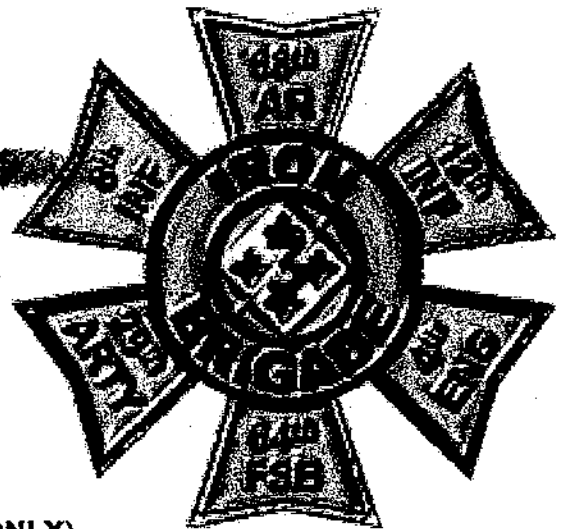
DATE DETAINED: _____

NAME: _____

DATE BCCP: _____

3BCT DETAINEE PACKET CHECKLIST

- _____ EPW TAG (DA FORM 2745) (OR EQUIVALENT)
- _____ COALITION APPREHENSION FORM
- _____ TWO SWORN STATEMENTS
- _____ MEDICAL SCREEN (IF NEEDED)
- _____ DA FORM 4137 (IF DETAINEE HAS PROPERTY)
- _____ PHOTOGRAPH OF DETAINEE
- _____ 3BCT WEAPONS / CONTRABAND MEMO (DCCP ONLY)



UNIT OF CAPTURE:

1-8 IN 1-68 AR 1-66 AR 4 ENGR 3-29 FA DIVARTY BRT

RECOMMENDATIONS:

CI RECOMMENDATION:

RELEASE
 TRANSFER TO APPREHENDING UNIT
 SEND TO DCCP (TIKRIT)
 OTHER: _____

S2 RECOMMENDATION:

RELEASE
 TRANSFER TO APPREHENDING UNIT
 SEND TO DCCP (TIKRIT)
 OTHER: _____

3-29 FA CDR RECOMMENDATION:

RELEASE
 TRANSFER TO APPREHENDING UNIT
 SEND TO DCCP (TIKRIT)
 OTHER: _____

DETAINEE CATEGORY: A A1 B C D

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DETAINEE PROCESS

1. Unit brings detainee(s) to Striker Detention Facility at FOB Pacesetter.
2. Prior to admitting any detainee into the detention facility, the OIC/NCOIC that accompanies the detainee(s) to FOB Pacesetter comes to the 3-29 FA TOC and conducts an initial in-processing with the 3-29 FA S-2 section. Initial in processing includes a review of the detainee's packet. The detainee's packet should include:
 - a. Filled out Coalition Apprehension Form
 - b. CI screening form (if the unit has a CI team)
 - c. Any sworn statements
 - d. DA 4137 for all confiscated property
 - e. EPW Category assessed
 - f. A synopsis memo
 - g. Identification validated
 - h. Photo printed

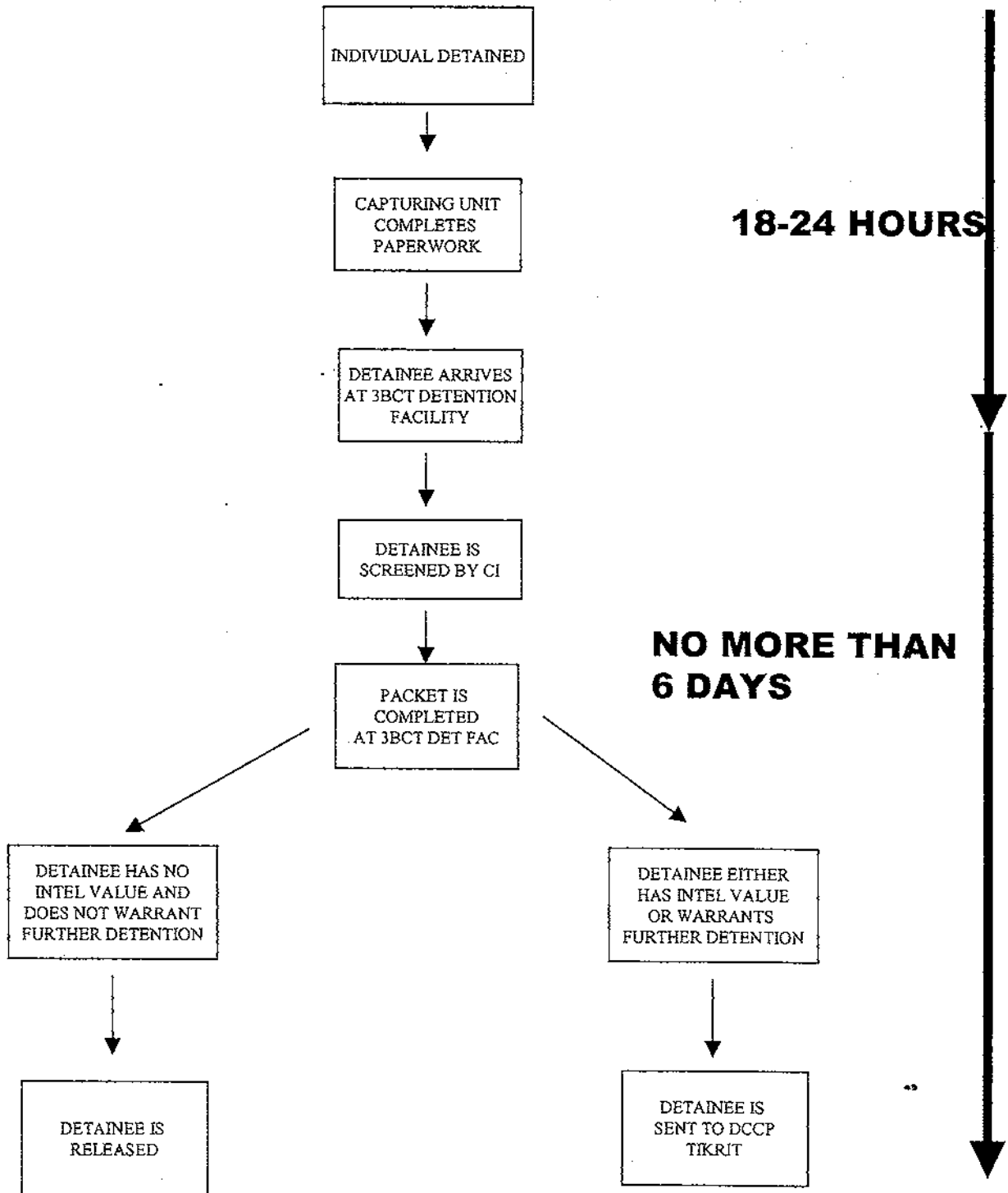
Any discrepancies identified are annotated and the detaining unit is responsible for corrections needed.

3. Once the initial in-processing is complete, the detainee(s) are then taken to the detention facility and in-processed by the 64th MP Company. Simultaneously the 3-29 FA S-2 section validates the identity of the detainee(s) through the BDE S-2 while concurrently verifying against the Battalion's list.
4. If the detaining Battalion S-2 does not conduct an initial interrogation of the detainee(s), the 3-29 FA THT will conduct the interrogation.
5. If the detainee(s) is a CAT I or IA (have intelligence value, HVT, or a Foreign fighter), the detainee(s) will be immediately transferred to DCCP. Pacesetter S-2 will coordinate with DCCP not less than 24 hours prior to transfer. (DCCP runs occur every TUE and FRI)
6. If the detainee(s) is determined to have no intelligence value (CAT B, C, or D) from and/or through interrogations, the detainee(s) is/are tried for the violations listed. A DA Form 6 selects the trial officer. Proceedings are conducted based on a summary courts martial model written by the 3BCT JAG.
7. If detainee(s) was apprehended and is not of intel value or has not committed any other violations, then they are released. Prior to any release, Pacesetter S-2 contacts the detaining unit not less than 24 hours prior and receives an acknowledgement that a release is going to occur in the detaining units AO. If the unit has no objections or reasons to further detain the individual the detainee(s) is released. The releases are conducted on every WED and SAT.
8. The major shortfalls that usually hold up a detainee from being released or transferred to DCCP are:
 - a. Coalition Apprehension Form improperly filled out. The form does not have all the information needed. The Detaining soldiers name and Supervising officers name are the items that are usually left off.
 - b. Synopsis memo is missing or incomplete.
 - c. CI screening sheet is missing or incomplete
 - d. DA 4137 missing
 - e. Sworn statements missing.

If the information is not on hand, it takes some units up to 3 weeks to complete the packets to expedite the process.

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DETAINEE PROCESSING





TFIH DCCP

Required documentation prior to in processing

1. **Coalition Provisional Authority Forces Apprehension Form** (CPA form) must be properly filled out. Yellow fields must be filled in, if applicable, upon apprehension.
 2. **DD Form 2745** EPW capture tag or an equivalent document containing information shown on DD 2745
 3. **Photograph of detainee**
 4. **DA Form 2823s** are required for criminal detainees from two individuals present at time of capture which must have the who, what, when, why, how and where explained. It is recommended all detainees have a DA Form 2823 completed by the capturing unit to assist in explaining why detainees were detained and the events that took place at time of capture.
 5. **Medical screening documents** need to accompany any detainee who has a medical condition
 6. **DA Form 4137** is required for any property that was taken from the detainee since time of capture. If a weapon is mentioned on the DA Form 4137 but is not transferred with the detainee a disposition statement is required explaining where the weapon is.
 7. **Photographs of any property** that was not transferred with the detainee for any reason. Examples are vehicles, explosives, weapons, or equipment to large to transport.
- * The more information that is transferred with a detainee the more likely it is he will not be released due to lack of evidence or information concerning his detention. The detainees packet should provide information specific as to why he was detained. Several forms reviewed by the Division only state the individual was detained during a raid or in the vicinity of an IED. This alone will most often cause a recommendation for release, after further inquires it is often discovered that there are more circumstances warranting the detainees detention that were not provided in the individual packet.



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

AFYB-CG

21 September 2003

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.

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207.7

AFYB-CG

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

B3/B6

7. POC for this memorandum is LTC [REDACTED] Staff Judge Advocate, at ONVT 534-
[REDACTED]

"STEADFAST AND LOYAL"

RAYMOND T. CORDERO
Major General, USA
Commanding

ENCLOSURE 1 SOP FOR TF IH DETAINEE COLLECTION POINTS



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
HEADQUARTERS, 4TH INFANTRY DIVISION
(MECHANIZED)
OFFICE OF THE PROVOST MARSHAL
MAIN PALACE, TIKRIT IRAQ

AFYB-PM

20 September 2003

MEMORANDUM FOR RECORD

SUBJECT: Standard Operating Procedures for all Task Force Ironhorse Detainee Collection Points

1. OVERVIEW

The purpose of this memorandum is to standardize the operations of the Task Force Detainee Collection Points and provide guidance for the handling of detainees. All MSC's operating holding areas in their area of operations will follow this SOP. All BCCP's will be operated by military police and augmentations as needed. The size of the facility is based on the number of prisoners being detained. It may be a room or a tent, as long as it provides shelter equal to that offered to other soldiers in the combat zone. The physical criteria for permanent and temporary structures are the same. MP should use existing structures if you can. Otherwise, use tents. Field-expedient facilities must be approved and periodically inspected by a medical corps officer or a designated representative. All individuals that are captured and detained in the TFIH AOR are transported to the DCCP for final disposition. Detainees are transferred to the DCCP no later than fourteen days from the date of capture. Individuals include criminals, soldiers, terrorists, government officials, and anyone else who disrupts Coalition Forces' operations, poses a threat to U.S. soldiers, or has information of the same; and anyone who was actively engaged in and supported the removed regime. U.S. military prisoners may at times be detained in the facility. This SOP covers some of the basic internal procedures for operating the collection point.

2. GUARD FORCE

a. General. The MSC Holding Collection Points will operate with [REDACTED] with enough military police to adequately guard the detainees. Augmentation will, at a minimum be [REDACTED] personnel.

b. Administrative. Holding Area OICs/NCOICs will maintain a journal during their shift and review the journal with the oncoming NCOIC at the end of the shift. Any entries made in the pass on book will be annotated on a DA Form 1594. All visitors to the facility will be logged in.

c. Equipment:

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B2-3

1. MP and augmentee guards will report to shift with Kevlar, LBV, IBAS, Gloves, Flexi-Cuffs and required rations. Guards in the inner areas of the facility will keep their equipment in a designated area readily available to them. [REDACTED]

2. The Guard Force Commander will have a [REDACTED] (if qualified) when available, which will be kept in a secure area. [REDACTED]

3. Any losses or shortages of equipment that occur during a shift will be logged on the DA Form 1594 and the OIC and NCOIC will be notified immediately.

d. Guard Force Commanders (GFC) during each shift will:

1. [REDACTED]

2. [REDACTED]

3. [REDACTED]

4. Log all relevant information in the journal to include, but should not be limited to:

- a. Sick call and medication times
- b. Detainees' who are taken outside the wire for any reason
- c. Water and meal times
- d. Detainees' who failed to follow the rules and the action taken
- e. Detainee interrogation by CI/MI (EPW Tag #)
- f. Any refusal by a prisoner of food, water, or medical attention and reason
- g. Any significant events
- h. Shortages of equipment

5. [REDACTED]

6. Brief incoming GFC on changes in the pass on book and all significant actions or events during shift.

e. Guard Force Commanders will notify the OIC/ NCOIC immediately of the following:

1. A problem with the headcount and actions taken to fix it
2. A significant event in the compound such as riots or disturbances
3. Excessive amounts of money or equipment being turned over on 4137's
4. Any use of force
5. Any punishments given to a detainee

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All:
B2-3

6. Any medical issues or emergencies
7. Any un-authorized personnel who enter the compound. Authorized persons include the following personnel:

All: B2-3

- a. Military Police
- b. Medics
- c. Assigned Augmentees'
- d. MI and CI
- e. Any other personnel granted authorization by the OIC/ NCOIC

[REDACTED]

3. ADMINISTRATIVE OPERATIONS

a. In processing:

1. The dismount point will notify the OIC/ NCOIC will get notified from the dismount point that Detainee's have arrived. Detainee operations will then be notified of the new arrivals.
2. SOG, OIC, or NCOIC will screen packets for any discrepancies and will categorize the detainees.
3. Once the coalition packet is screened, it is handed off to SOG for in processing. The capturing or transporting unit will not bring prisoners past dismount point until packets are screened and SOG is ready for processing.
4. Once SOG is ready, the capturing unit will escort prisoners and their property to the inner processing area. Property will be received and signed for on a DA 4137. High property will be signed for by the OIC and placed in the safe of securable area.
5. [REDACTED]
6. Property will be marked by detainee number and maintained in the in processing room.
7. [REDACTED]
8. Once detainees are in-processed, the coalition packets will be handed over to Operations for administrative data and maintained until detainee is transferred to the DCCP. Packets will be handed over to the DCCP OIC or NCOIC for processing.

9. A detainee packet will be created, which will include a DA Form 1597 detailing any disciplinary actions, a DA Form 4137, sworn statements from capturing units, and any biographical information on the detainee.
10. Arriving detainees with medical conditions will stay with the capturing unit and will not be signed for until a final determination is made regarding their status, which will be determined by qualified medical personnel located at the Aid Station

b. Out-processing:

- All: B2-3
1. [REDACTED]
 2. SOG ensures that the detainees and their property are accounted for and verified. The DA Form 4137's and DA Form 2708's will be completed prior to the detainee(s) being released.
 3. SOG records the notification on the DA 1594.
 4. [REDACTED]
 5. [REDACTED]
 6. SOG will check and re-check badge numbers and the detainee(s) photo to verify that the correct detainee(s) are being transported.
 7. [REDACTED]
 8. [REDACTED]
 9. All property and personnel shall be released on DA Form 2708's.
 10. An entry will be annotated in the journal stating the time the convoy departed the facility. The detainee register will then be completed, which is located in the in-processing room.

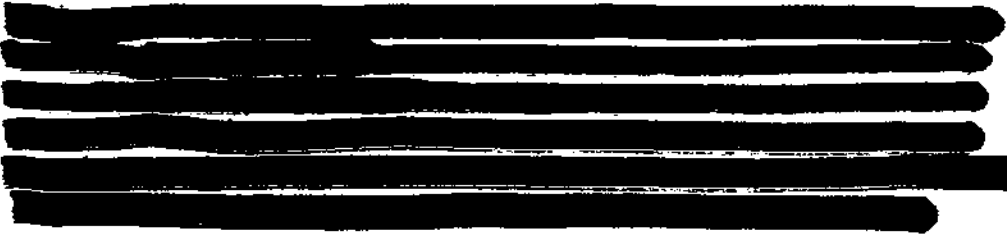
c. Logistics:

1. The NCOIC of the Collection Point is responsible for logistics.
2. Detainees will be used to load and down load rations, transport trash, and burn human waste.

All: B2-3

3. Rations for the detainees will be based off the ration allowances for the U.S. Soldiers. (2 MRE's for detainees.)
4. Detainees will receive two MRE's a day. They will receive two fresh bottles of water a day. They will also refill their bottles with potable water from a water blivit or water buffalo under direct supervision of the roving military police or augmentee. Detainees will get a total of 6 bottles of water a day.
5. MRE's will be broken down before being received by detainees. The heaters, matches and Tobassco sauce will be removed from each MRE. Religious customs will be taken into consideration when distributing meals.
6. There are jump suits available for detainees who show up with severely ripped or soiled clothing. There are also shower shoes available for those that arrive at the TFICCP without shoes.
7. Soap will be distributed evenly among detainees and hygiene kits will be distributed when available.

d. Medical Operations

1. The MSC's on call Medic will be notified of all medical issues regarding detainees and U.S. Soldiers. Notification will include the initial assessment of the situation, detainee(s) identification number and the action(s) taken.
2. 
3. Medics will be the only ones authorized to administer medication(s) to detainees; not US military police soldiers.
4. Medical logs will be maintained in the detainee's folder.
5. Any medical action(s) taken with the detainee will be logged in the daily journal. Any refusal of medical care or medications by a detainee will also be annotated.
6. Operations will be notified on all medical treatment received by the detainee(s).

4. DISCIPLINE AND SECURITY

- a. The following acts WILL NOT be permitted at the Holding Areas:

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1. Fraternalization between detainees and U.S. military or civilian personnel. Fraternalization is defined as improper or intimate communications or actions between U.S. Armed Forces and the detainees.
2. Donating or receiving gifts or engaging in any commercial activity between persons in U.S. custody and U.S. personnel.
3. Disciplinary powers will not be delegated to or exercised by detainees. Detainees will not administer punishments.
4. The following notice will be posted in both areas of the compound:

“A detainee who feels that their lives are in danger or that they may suffer physical injury at the hands of other detainees will immediately report the fact personally to a U.S. military guard. From that time on the Officer-In-Charge will assure adequate protection to the detainee by segregation, transfer, or other means. Detainees who mistreat other detainees will be punished.”

5. Security guidelines outlined below concern the custody and use of detainees.

6. Guard and work details.

[REDACTED]

All: B2-3

b. Preventing Escape:

1. SOG's will ensure that each detainee understands the meaning of the word "halt" (Arabic: OGOFF).

[REDACTED]

- 2.

[REDACTED]

c. Security of detention facility.

1. The NCOIC will handle all logistical materials in and around the camp.
2. The NCOIC will ensure that there is adequate C-wire around the camp and that there are no gaps in C-wire.

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3. The NCOIC will ensure that the camp is sufficiently lit during hours of darkness so the guards can see any escape attempt.
4. The SOG will ensure the following security measure are met at all times:

All: B2-3

- a. [REDACTED]
- b. [REDACTED]
- c. [REDACTED]
- d. [REDACTED]
- e. If these requirements cannot be met due to personnel strength, the SOG will immediately notify the OIC .

d. General provisions common to disciplinary and judicial punishments:

- [REDACTED]
- Punishment will not be inhumane, brutal, or dangerous to the health of the CI. The age, sex, and state of health of the CI will be considered.
- Disciplinary punishments may be ordered by the OIC or NCOIC.

5. Proponent for this SOP is the Task Force Ironhorse Provost Marshal.

6. Point of contact for this SOP is the undersigned at 534 [REDACTED]

[REDACTED]

MAJ(P), MP
Provost Marshal

ANNEX A- FACILITY MAP
ANNEX B- QRF PLAN
ANNEX C- AUGMENTEE INTEGRATION

COLLECTION POINTS/HOLDING AREAS CHECKLIST

Facility

1. Are detainees/prisoners exposed to fire of the combat zone?
2. Are detainees/prisoners segregated by category?
3. Are detainees/prisoners quartered under conditions as favorable as those of detaining power?
4. Are there adequate blankets/bedding for population?
5. Is adequate heat and light provided ? (In particular between dusk and Lights out)
6. Are there separate dormitories for men and women?
7. Is there an interview/screening area?

YES	NO	REMARKS

Detainees/ Prisoners

1. Have there been any detainees/prisoners killed in your facility?
2. Are detainees/prisoners protected against acts of violence/intimidation?
3. Are detainees/prisoners subjected to physical/mental torture?
4. Are detainees/prisoners questioned in their own language?
5. Are detainees treated with respect?
6. Are women treated with all regard due their sex?

YES	NO	REMARKS

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7. Are all detainees/prisoners treated equally with no distinction based on race, nationality, religious belief or political opinions?
8. Are detainees'/prisoners' classification know by facility OIC/NCOIC
9. Are detainees/prisoners asked if they would like to have their family notified of their detention?
10. Are family members notified upon request?
11. Are detainees/prisoners allowed visits from family or Religious Leaders

YES	NO	REMARKS

Religious Freedoms

1. Are detainees/prisoners permitted complete latitude in the exercise of their religious duties, including attendance at the service of their faith?
2. Are detained Chaplains authorized to conduct services and visit with other detainees in other camps?
3. Do detainees/prisoners who are Ministers of Religion receive the same treatment as Chaplains?

YES	NO	REMARKS

Food

1. Are detainees/prisoners receiving basic daily food rations?
2. Are rations sufficient in quality, quantity, and variety to keep detainees/prisoners in good health and prevent loss of weight or the development of nutritional deficiencies?
3. Are additional rations supplied to those that conduct work?
4. Are detainees/prisoners receiving sufficient drinking water?
5. Are detainees/prisoners permitted the use of tobacco?
6. Are there adequate facilities for messing?

YES	NO	REMARKS

Canteens

1. Are detainees/prisoners allowed to procure foodstuffs, soap, tobacco, and ordinary articles for daily use?

YES	NO	REMARKS

Clothing/Personal Effects

1. Are detainees/prisoners clothing, underwear, and footwear Supplied in sufficient quantities?
2. Are detainees/prisoners retaining personal effects and articles used for their clothing or feeding?

YES	NO	REMARKS

Hygiene

1. Do detainees/prisoners have access to all sanitary measures, baths and showers?
2. Are separate conveniences provided for women?
3. Are detainees/prisoners provided sufficient water and soap for personal toilet and laundry use?

YES	NO	REMARKS

Medical Attention

1. Is there an adequate infirmary/aid station?
2. Is there an isolation ward if necessary for cases of Contagious or mental disease?
3. Are detainees/prisoners suffering from serious disease, or whose condition requires special treatment admitted to a hospital? (Military or Civilian)
4. Are detainees/prisoners paying for medical attention?
5. Medical emergency transportation within 10 minutes away.

YES	NO	REMARKS

Medical Inspections

1. Are medical inspections being conducted atleast once a month?
2. Are detainees/prisoners weight checked and recorded? (DA Form 2664-R)

YES	NO	REMARKS

Recreation, Study, Sports and Games

1. Are detainees/prisoners given the opportunity for taking physical exercise, including sports and games outdoors?
2. Is sufficient open space provided for recreation, study, sports and games?

YES	NO	REMARKS

Evacuation of Detainees/Prisoners

1. Are detainees/prisoners evacuated in a timely manner?
2. Are detainees/prisoners exposed to danger while awaiting evacuation?
3. Are detainees/prisoners supplied with sufficient food and potable water, clothing and medical attention?
4. Are detainees/prisoners passing through transit camps and is Their stay there as short as possible.

YES	NO	REMARKS

Overall Condition of Facility

FAIR	GOOD	ABOVE AVG	EXCELLENT

Person Conducting Assessment: _____

Comments: _____

EPW Categories

1. **CATEGORY A** - HIGH LEVEL EPW/DETAINED PERSONS/CIVILIAN INTERNEES, INCLUDING BLACK LIST INDIVIDUALS, SUSPECTED WAR CRIMINALS, AND VIOLATORS OF UN RESOLUTIONS WHOSE BROAD OR SPECIFIC KNOWLEDGE MAKES IT NECESSARY FOR THEM TO BE QUESTIONED WITHOUT DELAY BY SPECIALLY QUALIFIED INTERROGATORS OR DEBRIEFERS. THIS CATEGORY REQUIRES MULTIPLE INTERROGATIONS AND/OR DEBRIEFINGS A MOBILE INTERROGATION TEAM (MIT) FROM THE IRAQI SURVEY GROUP (ISG), COMPRISED OF SPECIALLY QUALIFIED INTERROGATORS AND/OR DEBRIEFERS, AND POSSIBLY TECHNICAL EXPERTS SHOULD BE DISPATCHED TO THE LOCATION OF CATEGORY A EPW/DETAINED PERSONS/CIVILIAN INTERNEES. **IMMEDIATELY TRANSFER CATEGORY A PERSONNEL TO THE TASK FORCE CENTRAL COLLECTION POINT (TFCCP).**
2. **CATEGORY A1** - MID-LEVEL EPW/DETAINED PERSONS/CIVILIAN INTERNEES, INCLUDING GREY LIST INDIVIDUALS, WHOSE BROAD OR SPECIFIC KNOWLEDGE OF REGIONAL AND NATIONAL LEVEL BA'ATH PARTY AND FEDAYEEN ACTIVITIES, LEADERSHIP AND CELL STRUCTURE, IDENTITIES OF MEMBERS, RECRUITING, INTELLIGENCE CAPABILITIES, FINANCING, TRAINING, PLANNING, COMMUNICATIONS AND/OR LOCATIONS, MAKES IT NECESSARY FOR THEM TO BE QUESTIONED WITHOUT DELAY BY OPERATIONALLY FOCUSED INTERROGATORS. ALSO INCLUDES PERSONS SUSPECTED OF AFFILIATION WITH TERRORIST ORGANIZATIONS, FOREIGN INTELLIGENCE SERVICES AND FOREIGN FIGHTERS. **TRANSFER CATEGORY A1 PERSONNEL TO THE TFCCP IMMEDIATELY SO THAT THEY MAY BE PROCESSED AND TRANSPORTED THE COALITION INTERROGATION FACILITY VIC BAGHDAD INTERNATIONAL AIRPORT (BIAP) WITHIN 24 HOURS OF CATEGORIZATION.**
3. **CATEGORY B** - NON-MID/HIGH LEVEL EPW/DETAINED PERSONS/CIVILIAN INTERNEES WHO HAVE ENOUGH INFORMATION ON ANY SUBJECT OF INTELLIGENCE VALUE, INCLUDING INFORMATION OF IMMEDIATE TACTICAL VALUE, TO WARRANT A FOLLOW-ON INTERROGATION OR DEBRIEFING. **TRANSFER CATEGORY B PERSONNEL TO THE CIF NLT 72 HOURS AFTER CATEGORIZATION.**
4. **CATEGORY C** - EPW OR OTHER DETAINEES WHO HAVE ONLY INFORMATION OF IMMEDIATE TACTICAL VALUE AND DO NOT WARRANT FURTHER QUESTIONING.
5. **CATEGORY D** - EPW OR OTHER DETAINEES WHO HAVE NO INFORMATION OF INTELLIGENCE VALUE.

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DETAINEE PROCESSING

- PACKET REQUIREMENTS
 - COALITION APPREHENSION FORM
 - EPW CAPTURE TAG (MAY BE DONE AT SEAF)
 - DA FORM 2823, SWORN STATEMENT, WITH SYNOPSIS OF DETAINMENT, SIGNED AND DATED
 - DA FORM 4137, EVIDENCE/PROPERTY CUSTODY DOCUMENT, FILLED OUT WITH ALL CONTRABAND AND PERSONAL PROPERTY OF DETAINEE
 - ALL BACKGROUND INFORMATION
 - INFORMATION ON INFORMANTS (ON SWORN STATEMENT)
 - RELIABILITY
 - PRIOR WORK
 - REASONS FOR INFORMING ON DETAINEE
 - BACKGROUND ON MISSION OR RAID (COPY OF OPORD)
 - SUMMARY OF INTEL SOURCE THAT PROMPTED RAID OR MISSION
 - NEED TO ENSURE THAT DETAINEE INFORMATION IS SPECIFIC. OFTEN, WHEN A GROUP OF PEOPLE ARE DETAINED, THE PACKETS FOR ALL OF THEM ARE EXACTLY THE SAME

- NEW GUIDANCE FROM IRONHORSE (FRAGO 1120)
 - DETAINEES ARE SEND TO DCCP WITHIN 6 DAYS OF CAPTURE
 - CATEGORY A AND A1 DETAINEES ARE SENT TO DCCP IMMEDIATELY
 - CREATE A NEW MECHANISM FOR UNITS TO BE ABLE TO ACCESS INTELLIGENCE THAT COMES FROM INTERROGATIONS
 - MOST OF INTERROGATION WILL BE DONE AT THE DIVISION LEVEL

- THINK OF DETAINEE'S PACKET LIKE IT IS A COURT CASE. MOST DETAINEES ARE TRIED WITH JAG AT THE DIVISION AND CORPS LEVEL, WITH A PROCESS SIMILAR TO A COURT MARTIAL. PROVIDING AS MUCH INFORMATION AS POSSIBLE IS ESSENTIAL TO ENSURE A PROPER TRIAL IS CONDUCTED, AND MORE IMPORTANTLY, THAT INTELLIGENCE IS GATHERED MORE EFFECTIVELY BY THE INTERROGATORS.



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
TASK FORCE IRONHORSE
TIKRIT MAIN PALACE, TIKRIT, IRAQ

AFYB-CG

21 SEP 03

MEMORANDUM FOR ALL DETAINEE COLLECTION POINT VISITORS

SUBJECT: Detainee Collection Point Access Control Guidance

1. The proper safeguarding of detainees is the responsibility of capturing US forces as directed by AR 190-8. Within TFIH this responsibility is solely that of the Provost Marshal.
2. In order to properly safeguard detainees under the control of TFIH, the release of the names and detailed information to third parties not directly related to the detainee is not authorized.
3. Exceptions to this policy are members of the International Committee of the Red Cross or legal representatives to the party that have been properly documented.
 - a. Visitation to TFIH collection points and the DCCP by HN personnel is not authorized.
 - b. Visitation to TFIH collection points and the DCCP by US/Coalition forces is limited to:
 - Military Police performing security/detainee duties
 - MI/CI personnel performing interview/screening duties
 - Linguists directly supporting TFIH DCCP/BCCP operations
 - SJA personnel performing interview/screening duties
 - Visitors authorized as directed by the TFIH, CG/CoS
 - ICRC visits as approved by the TFIH, CG
 - Designated guard force augmentee's as directed by the G3/S3
 - Work details authorized by the TFIH PM/MP OIC/NCOIC
 - Medical personnel performing health screenings
 - Capturing unit personnel delivering detainees to the facility
4. Detainees are not authorized to receive items from outside of the facility (food, clothing, notes, etc).

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SUBJECT: Release of Detainee Status

5. OPSEC is of paramount concern in operating a facility such as those designated in TF IH:

a. Alerting the local populace to who is located exactly where and when has obvious implications, and poses a direct threat against individual BCCP's and our soldiers.

b. Concurrently, identifying these three W's to the local populace potentially places the detainee at risk due to his/her past position or information that they may be sharing with our interviewers.

6. Point of contact is the Task Force Ironhorse Provost Marshal, MAJ(P) [REDACTED] at 534- [REDACTED]

B3/B6

RAYMOND T. ODIERNO
MG, USA
Commanding

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United Nations

OHCHR

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Human Rights

Geneva Convention relative to the Treatment of Prisoners of War

Adopted on 12 August 1949 by the Diplomatic Conference for the Establishment of International Conventions for the Protection of Victims of War, held in Geneva from 21 April to 12 August, 1949

entry into force 21 October 1950

PART I

GENERAL PROVISIONS

Article 1

The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances.

Article 2

In addition to the provisions which shall be implemented in peace time, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them.

The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.

Although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations. They shall furthermore be bound by the Convention in relation to the said Power, if the latter accepts and applies the provisions thereof.

Article 3

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each party to the conflict shall be bound to apply, as a minimum, the following provisions:

1. Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end the following acts are and shall remain prohibited at any time and in any place

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whatsoever with respect to the above-mentioned persons:

- (a) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- (b) Taking of hostages;
- (c) Outrages upon personal dignity, in particular, humiliating and degrading treatment;
- (d) The passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

2. The wounded and sick shall be collected and cared for.

An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

Article 4

A. Prisoners of war, in the sense of the present Convention, are persons belonging to one of the following categories, who have fallen into the power of the enemy:

1. Members of the armed forces of a Party to the conflict as well as members of militias or volunteer corps forming part of such armed forces.
2. Members of other militias and members of other volunteer corps, including those of organized resistance movements, belonging to a Party to the conflict and operating in or outside their own territory, even if this territory is occupied, provided that such militias or volunteer corps, including such organized resistance movements, fulfil the following conditions:
 - (a) That of being commanded by a person responsible for his subordinates;
 - (b) That of having a fixed distinctive sign recognizable at a distance;
 - (c) That of carrying arms openly;
 - (d) That of conducting their operations in accordance with the laws and customs of war.
3. Members of regular armed forces who profess allegiance to a government or an authority not recognized by the Detaining Power.
4. Persons who accompany the armed forces without actually being members thereof, such as

civilian members of military aircraft crews, war correspondents, supply contractors, members of labour units or of services responsible for the welfare of the armed forces, provided that they have received authorization from the armed forces which they accompany, who shall provide them for that purpose with an identity card similar to the annexed model.

5. Members of crews, including masters, pilots and apprentices, of the merchant marine and the crews of civil aircraft of the Parties to the conflict, who do not benefit by more favourable treatment under any other provisions of international law.

6. Inhabitants of a non-occupied territory, who on the approach of the enemy spontaneously take up arms to resist the invading forces, without having had time to form themselves into regular armed units, provided they carry arms openly and respect the laws and customs of war.

B. The following shall likewise be treated as prisoners of war under the present Convention:

1. Persons belonging, or having belonged, to the armed forces of the occupied country, if the occupying Power considers it necessary by reason of such allegiance to intern them, even though it has originally liberated them while hostilities were going on outside the territory it occupies, in particular where such persons have made an unsuccessful attempt to rejoin the armed forces to which they belong and which are engaged in combat, or where they fail to comply with a summons made to them with a view to internment.

2. The persons belonging to one of the categories enumerated in the present Article, who have been received by neutral or non-belligerent Powers on their territory and whom these Powers are required to intern under international law, without prejudice to any more favourable treatment which these Powers may choose to give and with the exception of Articles 8, 10, 15, 30, fifth paragraph, 58-67, 92, 126 and, where diplomatic relations exist between the Parties to the conflict and the neutral or non-belligerent Power concerned, those Articles concerning the Protecting Power. Where such diplomatic relations exist, the Parties to a conflict on whom these persons depend shall be allowed to perform towards them the functions of a Protecting Power as provided in the present Convention, without prejudice to the functions which these Parties normally exercise in conformity with diplomatic and consular usage and treaties.

C. This Article shall in no way affect the status of medical personnel and chaplains as provided for in Article 33 of the present Convention.

Article 5

The present Convention shall apply to the persons referred to in Article 4 from the time they fall into the power of the enemy and until their final release and repatriation.

Should any doubt arise as to whether persons, having committed a belligerent act and having fallen into the hands of the enemy, belong to any of the categories enumerated in Article 4, such persons shall enjoy the protection of the present Convention until such time as their status has been determined by a competent tribunal.

Article 6

In addition to the agreements expressly provided for in Articles 10, 23, 28, 33, 60, 65, 66, 67,

72, 73, 75, 109, 110, 118, 119, 122 and 132, the High Contracting Parties may conclude other special agreements for all matters concerning which they may deem it suitable to make separate provision. No special agreement shall adversely affect the situation of prisoners of war, as defined by the present Convention, nor restrict the rights which it confers upon them.

Prisoners of war shall continue to have the benefit of such agreements as long as the Convention is applicable to them, except where express provisions to the contrary are contained in the aforesaid or in subsequent agreements, or where more favourable measures have been taken with regard to them by one or other of the Parties to the conflict.

Article 7

Prisoners of war may in no circumstances renounce in part or in entirety the rights secured to them by the present Convention, and by the special agreements referred to in the foregoing Article, if such there be.

Article 8

The present Convention shall be applied with the cooperation and under the scrutiny of the Protecting Powers whose duty it is to safeguard the interests of the Parties to the conflict. For this purpose, the Protecting Powers may appoint, apart from their diplomatic or consular staff, delegates from amongst their own nationals or the nationals of other neutral Powers. The said delegates shall be subject to the approval of the Power with which they are to carry out their duties.

The Parties to the conflict shall facilitate to the greatest extent possible the task of the representatives or delegates of the Protecting Powers.

The representatives or delegates of the Protecting Powers shall not in any case exceed their mission under the present Convention. They shall, in particular, take account of the imperative necessities of security of the State wherein they carry out their duties.

Article 9

The provisions of the present Convention constitute no obstacle to the humanitarian activities which the International Committee of the Red Cross or any other impartial humanitarian organization may, subject to the consent of the Parties to the conflict concerned, undertake for the protection of prisoners of war and for their relief.

Article 10

The High Contracting Parties may at any time agree to entrust to an organization which offers all guarantees of impartiality and efficacy the duties incumbent on the Protecting Powers by virtue of the present Convention.

When prisoners of war do not benefit or cease to benefit, no matter for what reason, by the activities of a Protecting Power or of an organization provided for in the first paragraph above, the Detaining Power shall request a neutral State, or such an organization, to undertake the functions performed under the present Convention by a Protecting Power designated by the Parties to a conflict.

If protection cannot be arranged accordingly, the Detaining Power shall request or shall accept, subject to the provisions of this Article, the offer of the services of a humanitarian organization, such as the International Committee of the Red Cross, to assume the humanitarian functions performed by Protecting Powers under the present Convention.

Any neutral Power or any organization invited by the Power concerned or offering itself for these purposes, shall be required to act with a sense of responsibility towards the Party to the conflict on which persons protected by the present Convention depend, and shall be required to furnish sufficient assurances that it is in a position to undertake the appropriate functions and to discharge them impartially.

No derogation from the preceding provisions shall be made by special agreements between Powers one of which is restricted, even temporarily, in its freedom to negotiate with the other Power or its allies by reason of military events, more particularly where the whole, or a substantial part, of the territory of the said Power is occupied.

Whenever in the present Convention mention is made of a Protecting Power, such mention applies to substitute organizations in the sense of the present Article.

Article 11

In cases where they deem it advisable in the interest of protected persons, particularly in cases of disagreement between the Parties to the conflict as to the application or interpretation of the provisions of the present Convention, the Protecting Powers shall lend their good offices with a view to settling the disagreement.

For this purpose, each of the Protecting Powers may, either at the invitation of one Party or on its own initiative, propose to the Parties to the conflict a meeting of their representatives, and in particular of the authorities responsible for prisoners of war, possibly on neutral territory suitably chosen. The Parties to the conflict shall be bound to give effect to the proposals made to them for this purpose. The Protecting Powers may, if necessary, propose for approval by the Parties to the conflict a person belonging to a neutral Power, or delegated by the International Committee of the Red Cross, who shall be invited to take part in such a meeting.

PART II

GENERAL PROTECTION OF PRISONERS OF WAR

Article 12

Prisoners of war are in the hands of the enemy Power, but not of the individuals or military units who have captured them. Irrespective of the individual responsibilities that may exist, the Detaining Power is responsible for the treatment given them.

Prisoners of war may only be transferred by the Detaining Power to a Power which is a party to the Convention and after the Detaining Power has satisfied itself of the willingness and ability of such transferee Power to apply the Convention. When prisoners of war are transferred under such circumstances, responsibility for the application of the Convention rests on the Power accepting them while they are in its custody.

Nevertheless if that Power fails to carry out the provisions of the Convention in any important respect, the Power by whom the prisoners of war were transferred shall, upon being notified by the Protecting Power, take effective measures to correct the situation or shall request the return of the prisoners of war. Such requests must be complied with.

Article 13

Prisoners of war must at all times be humanely treated. Any unlawful act or omission by the Detaining Power causing death or seriously endangering the health of a prisoner of war in its custody is prohibited, and will be regarded as a serious breach of the present Convention. In particular, no prisoner of war may be subjected to physical mutilation or to medical or scientific experiments of any kind which are not justified by the medical, dental or hospital treatment of the prisoner concerned and carried out in his interest.

Likewise, prisoners of war must at all times be protected, particularly against acts of violence or intimidation and against insults and public curiosity.

Measures of reprisal against prisoners of war are prohibited.

Article 14

Prisoners of war are entitled in all circumstances to respect for their persons and their honour. Women shall be treated with all the regard due to their sex and shall in all cases benefit by treatment as favourable as that granted to men. Prisoners of war shall retain the full civil capacity which they enjoyed at the time of their capture. The Detaining Power may not restrict the exercise, either within or without its own territory, of the rights such capacity confers except in so far as the captivity requires.

Article 15

The Power detaining prisoners of war shall be bound to provide free of charge for their maintenance and for the medical attention required by their state of health.

Article 16

Taking into consideration the provisions of the present Convention relating to rank and sex, and subject to any privileged treatment which may be accorded to them by reason of their state of health, age or professional qualifications, all prisoners of war shall be treated alike by the Detaining Power, without any adverse distinction based on race, nationality, religious belief or political opinions, or any other distinction founded on similar criteria.

PART III

CAPTIVITY

SECTION I

BEGINNING OF CAPTIVITY

Article 17

Every prisoner of war, when questioned on the subject, is bound to give only his surname, first names and rank, date of birth, and army, regimental, personal or serial number, or failing this, equivalent information. If he wilfully infringes this rule, he may render himself liable to a restriction of the privileges accorded to his rank or status.

Each Party to a conflict is required to furnish the persons under its jurisdiction who are liable to become prisoners of war, with an identity card showing the owner's surname, first names, rank, army, regimental, personal or serial number or equivalent information, and date of birth. The identity card may, furthermore, bear the signature or the fingerprints, or both, of the owner, and may bear, as well, any other information the Party to the conflict may wish to add concerning persons belonging to its armed forces. As far as possible the card shall measure 6.5 x 10 cm. and shall be issued in duplicate. The identity card shall be shown by the prisoner of war upon demand, but may in no case be taken away from him.

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 any unpleasant or disadvantageous treatment of any kind.

Prisoners of war who, owing to their physical or mental condition, are unable to state their identity, shall be handed over to the medical service. The identity of such prisoners shall be established by all possible means, subject to the provisions of the preceding paragraph.

The questioning of prisoners of war shall be carried out in a language which they understand.

Article 18

All effects and articles of personal use, except arms, horses, military equipment and military documents shall remain in the possession of prisoners of war, likewise their metal helmets and gas masks and like articles issued for personal protection. Effects and articles used for their clothing or feeding shall likewise remain in their possession, even if such effects and articles belong to their regulation military equipment.

At no time should prisoners of war be without identity documents. The Detaining Power shall supply such documents to prisoners of war who possess none.

Badges of rank and nationality, decorations and articles having above all a personal or sentimental value may not be taken from prisoners of war.

Sums of money carried by prisoners of war may not be taken away from them except by order of an officer, and after the amount and particulars of the owner have been recorded in a special register and an itemized receipt has been given, legibly inscribed with the name, rank and unit of the person issuing the said receipt. Sums in the currency of the Detaining Power, or which are changed into such currency at the prisoner's request, shall be placed to the credit of the prisoner's account as provided in Article 64.

The Detaining Power may withdraw articles of value from prisoners of war only for reasons of security; when such articles are withdrawn, the procedure laid down for sums of money impounded shall apply.

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Such objects, likewise the sums taken away in any currency other than that of the Detaining Power and the conversion of which has not been asked for by the owners, shall be kept in the custody of the Detaining Power and shall be returned in their initial shape to prisoners of war at the end of their captivity.

Article 19

Prisoners of war shall be evacuated, as soon as possible after their capture, to camps situated in an area far enough from the combat zone for them to be out of danger.

Only those prisoners of war who, owing to wounds or sickness, would run greater risks by being evacuated than by remaining where they are, may be temporarily kept back in a danger zone.

Prisoners of war shall not be unnecessarily exposed to danger while awaiting evacuation from a fighting zone.

Article 20

The evacuation of prisoners of war shall always be effected humanely and in conditions similar to those for the forces of the Detaining Power in their changes of station.

The Detaining Power shall supply prisoners of war who are being evacuated with sufficient food and potable water, and with the necessary clothing and medical attention. The Detaining Power shall take all suitable precautions to ensure their safety during evacuation, and shall establish as soon as possible a list of the prisoners of war who are evacuated.

If prisoners of war must, during evacuation, pass through transit camps, their stay in such camps shall be as brief as possible.

SECTION II

INTERNMENT OF PRISONERS OF WAR

Chapter I

GENERAL OBSERVATIONS

Article 21

The Detaining Power may subject prisoners of war to internment. It may impose on them the obligation of not leaving, beyond certain limits, the camp where they are interned, or if the said camp is fenced in, of not going outside its perimeter. Subject to the provisions of the present Convention relative to penal and disciplinary sanctions, prisoners of war may not be held in close confinement except where necessary to safeguard their health and then only during the continuation of the circumstances which make such confinement necessary.

Prisoners of war may be partially or wholly released on parole or promise, in so far as is allowed by the laws of the Power on which they depend. Such measures shall be taken particularly in cases where this may contribute to the improvement of their state of health. No

prisoner of war shall be compelled to accept liberty on parole or promise.

Upon the outbreak of hostilities, each Party to the conflict shall notify the adverse Party of the laws and regulations allowing or forbidding its own nationals to accept liberty on parole or promise. Prisoners of war who are paroled or who have given their promise in conformity with the laws and regulations so notified, are bound on their personal honour scrupulously to fulfil, both towards the Power on which they depend and towards the Power which has captured them, the engagements of their paroles or promises. In such cases, the Power on which they depend is bound neither to require nor to accept from them any service incompatible with the parole or promise given.

Article 22

Prisoners of war may be interned only in premises located on land and affording every guarantee of hygiene and healthfulness. Except in particular cases which are justified by the interest of the prisoners themselves, they shall not be interned in penitentiaries.

Prisoners of war interned in unhealthy areas, or where the climate is injurious for them, shall be removed as soon as possible to a more favourable climate.

The Detaining Power shall assemble prisoners of war in camps or camp compounds according to their nationality, language and customs, provided that such prisoners shall not be separated from prisoners of war belonging to the armed forces with which they were serving at the time of their capture, except with their consent.

Article 23

No prisoner of war may at any time be sent to or detained in areas where he may be exposed to the fire of the combat zone, nor may his presence be used to render certain points or areas immune from military operations.

Prisoners of war shall have shelters against air bombardment and other hazards of war, to the same extent as the local civilian population. With the exception of those engaged in the protection of their quarters against the aforesaid hazards, they may enter such shelters as soon as possible after the giving of the alarm. Any other protective measure taken in favour of the population shall also apply to them.

Detaining Powers shall give the Powers concerned, through the intermediary of the Protecting Powers, all useful information regarding the geographical location of prisoner of war camps.

Whenever military considerations permit, prisoner of war camps shall be indicated in the daytime by the letters PW or PG, placed so as to be clearly visible from the air. The Powers concerned may, however, agree upon any other system of marking. Only prisoner of war camps shall be marked as such.

Article 24

Transit or screening camps of a permanent kind shall be fitted out under conditions similar to those described in the present Section, and the prisoners therein shall have the same treatment as in other camps.

Chapter II

QUARTERS, FOOD AND CLOTHING OF PRISONERS OF WAR

Article 25

Prisoners of war shall be quartered under conditions as favourable as those for the forces of the Detaining Power who are billeted in the same area. The said conditions shall make allowance for the habits and customs of the prisoners and shall in no case be prejudicial to their health.

The foregoing provisions shall apply in particular to the dormitories of prisoners of war as regards both total surface and minimum cubic space, and the general installations, bedding and blankets.

The premises provided for the use of prisoners of war individually or collectively, shall be entirely protected from dampness and adequately heated and lighted, in particular between dusk and lights out. All precautions must be taken against the danger of fire.

In any camps in which women prisoners of war, as well as men, are accommodated, separate dormitories shall be provided for them.

Article 26

The basic daily food rations shall be sufficient in quantity, quality and variety to keep prisoners of war in good health and to prevent loss of weight or the development of nutritional deficiencies. Account shall also be taken of the habitual diet of the prisoners.

The Detaining Power shall supply prisoners of war who work with such additional rations as are necessary for the labour on which they are employed.

Sufficient drinking water shall be supplied to prisoners of war. The use of tobacco shall be permitted.

Prisoners of war shall, as far as possible, be associated with the preparation of their meals; they may be employed for that purpose in the kitchens. Furthermore, they shall be given the means of preparing, themselves, the additional food in their possession.

Adequate premises shall be provided for messing.

Collective disciplinary measures affecting food are prohibited.

Article 27

Clothing, underwear and footwear shall be supplied to prisoners of war in sufficient quantities by the Detaining Power, which shall make allowance for the climate of the region where the prisoners are detained. Uniforms of enemy armed forces captured by the Detaining Power should, if suitable for the climate, be made available to clothe prisoners of war.

The regular replacement and repair of the above articles shall be assured by the Detaining Power. In addition, prisoners of war who work shall receive appropriate clothing, wherever the nature of the work demands.

Article 28

Canteens shall be installed in all camps, where prisoners of war may procure foodstuffs, soap and tobacco and ordinary articles in daily use. The tariff shall never be in excess of local market prices. The profits made by camp canteens shall be used for the benefit of the prisoners; a special fund shall be created for this purpose. The prisoners' representative shall have the right to collaborate in the management of the canteen and of this fund.

When a camp is closed down, the credit balance of the special fund shall be handed to an international welfare organization, to be employed for the benefit of prisoners of war of the same nationality as those who have contributed to the fund. In case of a general repatriation, such profits shall be kept by the Detaining Power, subject to any agreement to the contrary between the Powers concerned.

Chapter III

HYGIENE AND MEDICAL ATTENTION

Article 29

The Detaining Power shall be bound to take all sanitary measures necessary to ensure the cleanliness and healthfulness of camps and to prevent epidemics.

Prisoners of war shall have for their use, day and night, conveniences which conform to the rules of hygiene and are maintained in a constant state of cleanliness. In any camps in which women prisoners of war are accommodated, separate conveniences shall be provided for them.

Also, apart from the baths and showers with which the camps shall be furnished, prisoners of war shall be provided with sufficient water and soap for their personal toilet and for washing their personal laundry; the necessary installations, facilities and time shall be granted them for that purpose.

Article 30

Every camp shall have an adequate infirmary where prisoners of war may have the attention they require, as well as appropriate diet. Isolation wards shall, if necessary, be set aside for cases of contagious or mental disease.

Prisoners of war suffering from serious disease, or whose condition necessitates special treatment, a surgical operation or hospital care, must be admitted to any military or civilian medical unit where such treatment can be given, even if their repatriation is contemplated in the near future. Special facilities shall be afforded for the care to be given to the disabled, in particular to the blind, and for their rehabilitation, pending repatriation.

Prisoners of war shall have the attention, preferably, of medical personnel of the Power on

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which they depend and, if possible, of their nationality.

Prisoners of war may not be prevented from presenting themselves to the medical authorities for examination. The detaining authorities shall, upon request, issue to every prisoner who has undergone treatment, an official certificate indicating the nature of his illness or injury, and the duration and kind of treatment received. A duplicate of this certificate shall be forwarded to the Central Prisoners of War Agency.

The costs of treatment, including those of any apparatus necessary for the maintenance of prisoners of war in good health, particularly dentures and other artificial appliances, and spectacles, shall be borne by the Detaining Power.

Article 31

Medical inspections of prisoners of war shall be held at least once a month. They shall include the checking and the recording of the weight of each prisoner of war. Their purpose shall be, in particular, to supervise the general state of health, nutrition and cleanliness of prisoners and to detect contagious diseases, especially tuberculosis, malaria and venereal disease. For this purpose the most efficient methods available shall be employed, e.g. periodic mass miniature radiography for the early detection of tuberculosis.

Article 32

Prisoners of war who, though not attached to the medical service of their armed forces, are physicians, surgeons, dentists, nurses or medical orderlies, may be required by the Detaining Power to exercise their medical functions in the interests of prisoners of war dependent on the same Power. In that case they shall continue to be prisoners of war, but shall receive the same treatment as corresponding medical personnel retained by the Detaining Power. They shall be exempted from any other work under Article 49.

Chapter IV

MEDICAL PERSONNEL AND CHAPLAINS RETAINED TO ASSIST PRISONERS OF WAR

Article 33

Members of the medical personnel and chaplains while retained by the Detaining Power with a view to assisting prisoners of war, shall not be considered as prisoners of war. They shall, however, receive as a minimum the benefits and protection of the present Convention, and shall also be granted all facilities necessary to provide for the medical care of, and religious instruction to, prisoners of war.

They shall continue to exercise their medical and spiritual functions for the benefit of prisoners of war, preferably those belonging to the armed forces upon which they depend, within the scope of the military laws and regulations of the Detaining Power and under the control of its competent services, in accordance with their professional etiquette. They shall also benefit by the following facilities in the exercise of their medical or spiritual functions:

- (a) They shall be authorized to visit periodically prisoners of war situated in working detachments or in hospitals outside the camp. For this purpose, the Detaining Power shall

place at their disposal the necessary means of transport.

(b) The senior medical officer in each camp shall be responsible to the camp military authorities for everything connected with the activities of retained medical personnel. For this purpose, Parties to the conflict shall agree at the outbreak of hostilities on the subject of the corresponding ranks of the medical personnel, including that of societies mentioned in Article 26 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949. This senior medical officer, as well as chaplains, shall have the right to deal with the competent authorities of the camp on all questions relating to their duties. Such authorities shall afford them all necessary facilities for correspondence relating to these questions.

(c) Although they shall be subject to the internal discipline of the camp in which they are retained, such personnel may not be compelled to carry out any work other than that concerned with their medical or religious duties.

During hostilities, the Parties to the conflict shall agree concerning the possible relief of retained personnel and shall settle the procedure to be followed.

None of the preceding provisions shall relieve the Detaining Power of its obligations with regard to prisoners of war from the medical or spiritual point of view.

Chapter V

RELIGIOUS, INTELLECTUAL AND PHYSICAL ACTIVITIES

Article 34

Prisoners of war shall enjoy complete latitude in the exercise of their religious duties, including attendance at the service of their faith, on condition that they comply with the disciplinary routine prescribed by the military authorities.

Adequate premises shall be provided where religious services may be held.

Article 35

Chaplains who fall into the hands of the enemy Power and who remain or are retained with a view to assisting prisoners of war, shall be allowed to minister to them and to exercise freely their ministry amongst prisoners of war of the same religion, in accordance with their religious conscience. They shall be allocated among the various camps and labour detachments containing prisoners of war belonging to the same forces, speaking the same language or practising the same religion. They shall enjoy the necessary facilities, including the means of transport provided for in Article 33, for visiting the prisoners of war outside their camp. They shall be free to correspond, subject to censorship, on matters concerning their religious duties with the ecclesiastical authorities in the country of detention and with international religious organizations. Letters and cards which they may send for this purpose shall be in addition to the quota provided for in Article 71.

Article 36

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Prisoners of war who are ministers of religion, without having officiated as chaplains to their own forces, shall be at liberty, whatever their denomination, to minister freely to the members of their community. For this purpose, they shall receive the same treatment as the chaplains retained by the Detaining Power. They shall not be obliged to do any other work.

Article 37

When prisoners of war have not the assistance of a retained chaplain or of a prisoner of war minister of their faith, a minister belonging to the prisoners' or a similar denomination, or in his absence a qualified layman, if such a course is feasible from a confessional point of view, shall be appointed, at the request of the prisoners concerned, to fill this office. This appointment, subject to the approval of the Detaining Power, shall take place with the agreement of the community of prisoners concerned and, wherever necessary, with the approval of the local religious authorities of the same faith. The person thus appointed shall comply with all regulations established by the Detaining Power in the interests of discipline and military security.

Article 38

While respecting the individual preferences of every prisoner, the Detaining Power shall encourage the practice of intellectual, educational, and recreational pursuits, sports and games amongst prisoners, and shall take the measures necessary to ensure the exercise thereof by providing them with adequate premises and necessary equipment.

Prisoners shall have opportunities for taking physical exercise, including sports and games, and for being out of doors. Sufficient open spaces shall be provided for this purpose in all camps.

Chapter VI

DISCIPLINE

Article 39

Every prisoner of war camp shall be put under the immediate authority of a responsible commissioned officer belonging to the regular armed forces of the Detaining Power. Such officer shall have in his possession a copy of the present Convention; he shall ensure that its provisions are known to the camp staff and the guard and shall be responsible, under the direction of his government, for its application.

Prisoners of war, with the exception of officers, must salute and show to all officers of the Detaining Power the external marks of respect provided for by the regulations applying in their own forces.

Officer prisoners of war are bound to salute only officers of a higher rank of the Detaining Power; they must, however, salute the camp commander regardless of his rank.

Article 40

The wearing of badges of rank and nationality, as well as of decorations, shall be permitted.

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Article 41

In every camp the text of the present Convention and its Annexes and the contents of any special agreement provided for in Article 6, shall be posted, in the prisoners' own language, at places where all may read them. Copies shall be supplied, on request, to the prisoners who cannot have access to the copy which has been posted.

Regulations, orders, notices and publications of every kind relating to the conduct of prisoners of war shall be issued to them in a language which they understand. Such regulations, orders and publications shall be posted in the manner described above and copies shall be handed to the prisoners' representative. Every order and command addressed to prisoners of war individually must likewise be given in a language which they understand.

Article 42

The use of weapons against prisoners of war, especially against those who are escaping or attempting to escape, shall constitute an extreme measure, which shall always be preceded by warnings appropriate to the circumstances.

Chapter VII**RANK OF PRISONERS OF WAR***Article 43*

Upon the outbreak of hostilities, the Parties to the conflict shall communicate to one another the titles and ranks of all the persons mentioned in Article 4 of the present Convention, in order to ensure equality of treatment between prisoners of equivalent rank. Titles and ranks which are subsequently created shall form the subject of similar communications.

The Detaining Power shall recognize promotions in rank which have been accorded to prisoners of war and which have been duly notified by the Power on which these prisoners depend.

Article 44

Officers and prisoners of equivalent status shall be treated with the regard due to their rank and age.

In order to ensure service in officers' camps, other ranks of the same armed forces who, as far as possible, speak the same language, shall be assigned in sufficient numbers, account being taken of the rank of officers and prisoners of equivalent status. Such orderlies shall not be required to perform any other work.

Supervision of the mess by the officers themselves shall be facilitated in every way.

Article 45

Prisoners of war other than officers and prisoners of equivalent status shall be treated with the regard due to their rank and age.

Supervision of the mess by the prisoners themselves shall be facilitated in every way.

Chapter VIII

TRANSFER OF PRISONERS OF WAR AFTER THEIR ARRIVAL IN CAMP

Article 46

The Detaining Power, when deciding upon the transfer of prisoners of war, shall take into account the interests of the prisoners themselves, more especially so as not to increase the difficulty of their repatriation.

The transfer of prisoners of war shall always be effected humanely and in conditions not less favourable than those under which the forces of the Detaining Power are transferred. Account shall always be taken of the climatic conditions to which the prisoners of war are accustomed and the conditions of transfer shall in no case be prejudicial to their health.

The Detaining Power shall supply prisoners of war during transfer with sufficient food and drinking water to keep them in good health, likewise with the necessary clothing, shelter and medical attention. The Detaining Power shall take adequate precautions especially in case of transport by sea or by air, to ensure their safety during transfer, and shall draw up a complete list of all transferred prisoners before their departure.

Article 47

Sick or wounded prisoners of war shall not be transferred as long as their recovery may be endangered by the journey, unless their safety imperatively demands it.

If the combat zone draws closer to a camp, the prisoners of war in the said camp shall not be transferred unless their transfer can be carried out in adequate conditions of safety, or if they are exposed to greater risks by remaining on the spot than by being transferred.

Article 48

In the event of transfer, prisoners of war shall be officially advised of their departure and of their new postal address. Such notifications shall be given in time for them to pack their luggage and inform their next of kin.

They shall be allowed to take with them their personal effects, and the correspondence and parcels which have arrived for them. The weight of such baggage may be limited, if the conditions of transfer so require, to what each prisoner can reasonably carry, which shall in no case be more than twenty-five kilograms per head.

Mail and parcels addressed to their former camp shall be forwarded to them without delay. The camp commander shall take, in agreement with the prisoners' representative, any measures needed to ensure the transport of the prisoners' community property and of the luggage they are unable to take with them in consequence of restrictions imposed by virtue of the second paragraph of this Article.

The costs of transfers shall be borne by the Detaining Power.

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SECTION III**LABOUR OF PRISONERS OF WAR***Article 49*

The Detaining Power may utilize the labour of prisoners of war who are physically fit, taking into account their age, sex, rank and physical aptitude, and with a view particularly to maintaining them in a good state of physical and mental health.

Non-commissioned officers who are prisoners of war shall only be required to do supervisory work. Those not so required may ask for other suitable work which shall, so far as possible, be found for them.

If officers or persons of equivalent status ask for suitable work, it shall be found for them, so far as possible, but they may in no circumstances be compelled to work.

Article 50

Besides work connected with camp administration, installation or maintenance, prisoners of war may be compelled to do only such work as is included in the following classes:

- (a) Agriculture;
- (b) Industries connected with the production or the extraction of raw materials, and manufacturing industries, with the exception of metallurgical, machinery and chemical industries; public works and building operations which have no military character or purpose;
- (c) Transport and handling of stores which are not military in character or purpose;
- (d) Commercial business, and arts and crafts;
- (e) Domestic service;
- (f) Public utility services having no military character or purpose.

Should the above provisions be infringed, prisoners of war shall be allowed to exercise their right of complaint, in conformity with Article 78.

Article 51

Prisoners of war must be granted suitable working conditions, especially as regards accommodation, food, clothing and equipment; such conditions shall not be inferior to those enjoyed by nationals of the Detaining Power employed in similar work; account shall also be taken of climatic conditions.

The Detaining Power, in utilizing the labour of prisoners of war, shall ensure that in areas in which prisoners are employed, the national legislation concerning the protection of labour, and, more particularly, the regulations for the safety of workers, are duly applied.

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Prisoners of war shall receive training and be provided with the means of protection suitable to the work they will have to do and similar to those accorded to the nationals of the Detaining Power. Subject to the provisions of Article 52, prisoners may be submitted to the normal risks run by these civilian workers.

Conditions of labour shall in no case be rendered more arduous by disciplinary measures.

Article 52

Unless he be a volunteer, no prisoner of war may be employed on labour which is of an unhealthy or dangerous nature.

No prisoner of war shall be assigned to labour which would be looked upon as humiliating for a member of the Detaining Power's own forces.

The removal of mines or similar devices shall be considered as dangerous labour.

Article 53

The duration of the daily labour of prisoners of war, including the time of the journey to and fro, shall not be excessive, and must in no case exceed that permitted for civilian workers in the district, who are nationals of the Detaining Power and employed on the same work.

Prisoners of war must be allowed, in the middle of the day's work, a rest of not less than one hour. This rest will be the same as that to which workers of the Detaining Power are entitled, if the latter is of longer duration. They shall be allowed in addition a rest of twenty-four consecutive hours every week, preferably on Sunday or the day of rest in their country of origin. Furthermore, every prisoner who has worked for one year shall be granted a rest of eight consecutive days, during which his working pay shall be paid him.

If methods of labour such as piece-work are employed, the length of the working period shall not be rendered excessive thereby.

Article 54

The working pay due to prisoners of war shall be fixed in accordance with the provisions of Article 62 of the present Convention.

Prisoners of war who sustain accidents in connection with work, or who contract a disease in the course, or in consequence of their work, shall receive all the care their condition may require. The Detaining Power shall furthermore deliver to such prisoners of war a medical certificate enabling them to submit their claims to the Power on which they depend, and shall send a duplicate to the Central Prisoners of War Agency provided for in Article 123.

Article 55

The fitness of prisoners of war for work shall be periodically verified by medical examinations at least once a month. The examinations shall have particular regard to the nature of the work which prisoners of war are required to do.

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If any prisoner of war considers himself incapable of working, he shall be permitted to appear before the medical authorities of his camp. Physicians or surgeons may recommend that the prisoners who are, in their opinion, unfit for work, be exempted therefrom.

Article 56

The organization and administration of labour detachments shall be similar to those of prisoner of war camps.

Every labour detachment shall remain under the control of and administratively part of a prisoner of war camp. The military authorities and the commander of the said camp shall be responsible, under the direction of their government, for the observance of the provisions of the present Convention in labour detachments.

The camp commander shall keep an up-to-date record of the labour detachments dependent on his camp, and shall communicate it to the delegates of the Protecting Power, of the International Committee of the Red Cross, or of other agencies giving relief to prisoners of war, who may visit the camp.

Article 57

The treatment of prisoners of war who work for private persons, even if the latter are responsible for guarding and protecting them, shall not be inferior to that which is provided for by the present Convention. The Detaining Power, the military authorities and the commander of the camp to which such prisoners belong shall be entirely responsible for the maintenance, care, treatment, and payment of the working pay of such prisoners of war.

Such prisoners of war shall have the right to remain in communication with the prisoners' representatives in the camps on which they depend.

SECTION IV

FINANCIAL RESOURCES OF PRISONERS OF WAR

Article 58

Upon the outbreak of hostilities, and pending an arrangement on this matter with the Protecting Power, the Detaining Power may determine the maximum amount of money in cash or in any similar form, that prisoners may have in their possession. Any amount in excess, which was properly in their possession and which has been taken or withheld from them, shall be placed to their account, together with any monies deposited by them, and shall not be converted into any other currency without their consent.

If prisoners of war are permitted to purchase services or commodities outside the camp against payment in cash, such payments shall be made by the prisoner himself or by the camp administration who will charge them to the accounts of the prisoners concerned. The Detaining

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Power will establish the necessary rules in this respect.

Article 59

Cash which was taken from prisoners of war, in accordance with Article 18, at the time of their capture, and which is in the currency of the Detaining Power, shall be placed to their separate accounts, in accordance with the provisions of Article 64 of the present Section.

The amounts, in the currency of the Detaining Power, due to the conversion of sums in other currencies that are taken from the prisoners of war at the same time, shall also be credited to their separate accounts.

Article 60

The Detaining Power shall grant all prisoners of war a monthly advance of pay, the amount of which shall be fixed by conversion, into the currency of the said Power, of the following amounts:

Category I: Prisoners ranking below sergeant: eight Swiss francs.

Category II: Sergeants and other non-commissioned officers, or prisoners of equivalent rank: twelve Swiss francs.

Category III: Warrant officers and commissioned officers below the rank of major or prisoners of equivalent rank: fifty Swiss francs.

Category IV: Majors, lieutenant-colonels, colonels or prisoners of equivalent rank: sixty Swiss francs.

Category V: General officers or prisoners of equivalent rank: seventy-five Swiss francs.

However, the Parties to the conflict concerned may by special agreement modify the amount of advances of pay due to prisoners of the preceding categories.

Furthermore, if the amounts indicated in the first paragraph above would be unduly high compared with the pay of the Detaining Power's armed forces or would, for any reason, seriously embarrass the Detaining Power, then, pending the conclusion of a special agreement with the Power on which the prisoners depend to vary the amounts indicated above, the Detaining Power:

(a) Shall continue to credit the accounts of the prisoners with the amounts indicated in the first paragraph above;

(b) May temporarily limit the amount made available from these advances of pay to prisoners of war for their own use, to sums which are reasonable, but which, for Category I, shall never be inferior to the amount that the Detaining Power gives to the members of its own armed forces.

The reasons for any limitations will be given without delay to the Protecting Power.

Article 61

The Detaining Power shall accept for distribution as supplementary pay to prisoners of war sums which the Power on which the prisoners depend may forward to them, on condition that the sums to be paid shall be the same for each prisoner of the same category, shall be payable to all prisoners of that category depending on that Power, and shall be placed in their separate accounts, at the earliest opportunity, in accordance with the provisions of Article 64. Such supplementary pay shall not relieve the Detaining Power of any obligation under this Convention.

Article 62

Prisoners of war shall be paid a fair working rate of pay by the detaining authorities direct. The rate shall be fixed by the said authorities, but shall at no time be less than one-fourth of one Swiss franc for a full working day. The Detaining Power shall inform prisoners of war, as well as the Power on which they depend, through the intermediary of the Protecting Power, of the rate of daily working pay that it has fixed.

Working pay shall likewise be paid by the detaining authorities to prisoners of war permanently detailed to duties or to a skilled or semi-skilled occupation in connection with the administration, installation or maintenance of camps, and to the prisoners who are required to carry out spiritual or medical duties on behalf of their comrades.

The working pay of the prisoners' representative, of his advisers, if any, and of his assistants, shall be paid out of the fund maintained by canteen profits. The scale of this working pay shall be fixed by the prisoners' representative and approved by the camp commander. If there is no such fund, the detaining authorities shall pay these prisoners a fair working rate of pay.

Article 63

Prisoners of war shall be permitted to receive remittances of money addressed to them individually or collectively.

Every prisoner of war shall have at his disposal the credit balance of his account as provided for in the following Article, within the limits fixed by the Detaining Power, which shall make such payments as are requested. Subject to financial or monetary restrictions which the Detaining Power regards as essential, prisoners of war may also have payments made abroad. In this case payments addressed by prisoners of war to dependants shall be given priority.

In any event, and subject to the consent of the Power on which they depend, prisoners may have payments made in their own country, as follows: the Detaining Power shall send to the aforesaid Power through the Protecting Power a notification giving all the necessary particulars concerning the prisoners of war, the beneficiaries of the payments, and the amount of the sums to be paid, expressed in the Detaining Power's currency. The said notification shall be signed by the prisoners and countersigned by the camp commander. The Detaining Power shall debit the prisoners' account by a corresponding amount; the sums thus debited shall be placed by it to the credit of the Power on which the prisoners depend.

To apply the foregoing provisions, the Detaining Power may usefully consult the Model

Regulations in Annex V of the present Convention.

Article 64

The Detaining Power shall hold an account for each prisoner of war, showing at least the following:

1. The amounts due to the prisoner or received by him as advances of pay, as working pay or derived from any other source; the sums in the currency of the Detaining Power which were taken from him; the sums taken from him and converted at his request into the currency of the said Power.
2. The payments made to the prisoner in cash, or in any other similar form; the payments made on his behalf and at his request; the sums transferred under Article 63, third paragraph.

Article 65

Every item entered in the account of a prisoner of war shall be countersigned or initialled by him, or by the prisoners' representative acting on his behalf.

Prisoners of war shall at all times be afforded reasonable facilities for consulting and obtaining copies of their accounts, which may likewise be inspected by the representatives of the Protecting Powers at the time of visits to the camp.

When prisoners of war are transferred from one camp to another, their personal accounts will follow them. In case of transfer from one Detaining Power to another, the monies which are their property and are not in the currency of the Detaining Power will follow them. They shall be given certificates for any other monies standing to the credit of their accounts.

The Parties to the conflict concerned may agree to notify to each other at specific intervals through the Protecting Power, the amount of the accounts of the prisoners of war.

Article 66

On the termination of captivity, through the release of a prisoner of war or his repatriation, the Detaining Power shall give him a statement, signed by an authorized officer of that Power, showing the credit balance then due to him. The Detaining Power shall also send through the Protecting Power to the government upon which the prisoner of war depends, lists giving all appropriate particulars of all prisoners of war whose captivity has been terminated by repatriation, release, escape, death or any other means, and showing the amount of their credit balances. Such lists shall be certified on each sheet by an authorized representative of the Detaining Power.

Any of the above provisions of this Article may be varied by mutual agreement between any two Parties to the conflict.

The Power on which the prisoner of war depends shall be responsible for settling with him any credit balance due to him from the Detaining Power on the termination of his captivity.

Article 67

Advances of pay, issued to prisoners of war in conformity with Article 60, shall be considered as made on behalf of the Power on which they depend. Such advances of pay, as well as all payments made by the said Power under Article 63, third paragraph, and Article 68, shall form the subject of arrangements between the Powers concerned, at the close of hostilities.

Article 68

Any claim by a prisoner of war for compensation in respect of any injury or other disability arising out of work shall be referred to the Power on which he depends, through the Protecting Power. In accordance with Article 54, the Detaining Power will, in all cases, provide the prisoner of war concerned with a statement showing the nature of the injury or disability, the circumstances in which it arose and particulars of medical or hospital treatment given for it. This statement will be signed by a responsible officer of the Detaining Power and the medical particulars certified by a medical officer.

Any claim by a prisoner of war for compensation in respect of personal effects, monies or valuables impounded by the Detaining Power under Article 18 and not forthcoming on his repatriation, or in respect of loss alleged to be due to the fault of the Detaining Power or any of its servants, shall likewise be referred to the Power on which he depends. Nevertheless, any such personal effects required for use by the prisoners of war whilst in captivity shall be replaced at the expense of the Detaining Power. The Detaining Power will, in all cases, provide the prisoner of war with a statement, signed by a responsible officer, showing all available information regarding the reasons why such effects, monies or valuables have not been restored to him. A copy of this statement will be forwarded to the Power on which he depends through the Central Prisoners of War Agency provided for in Article 123.

SECTION V

RELATIONS OF PRISONERS OF WAR WITH THE EXTERIOR

Article 69

Immediately upon prisoners of war falling into its power, the Detaining Power shall inform them and the Powers on which they depend, through the Protecting Power, of the measures taken to carry out the provisions of the present Section. They shall likewise inform the parties concerned of any subsequent modifications of such measures.

Article 70

Immediately upon capture, or not more than one week after arrival at a camp, even if it is a transit camp, likewise in case of sickness or transfer to hospital or another camp, every prisoner of war shall be enabled to write direct to his family, on the one hand, and to the Central Prisoners of War Agency provided for in Article 123, on the other hand, a card similar, if possible, to the model annexed to the present Convention, informing his relatives of his capture, address and state of health. The said cards shall be forwarded as rapidly as possible and may not be delayed in any manner.

Article 71

Prisoners of war shall be allowed to send and receive letters and cards. If the Detaining Power

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deems it necessary to limit the number of letters and cards sent by each prisoner of war, the said number shall not be less than two letters and four cards monthly, exclusive of the capture cards provided for in Article 70, and conforming as closely as possible to the models annexed to the present Convention. Further limitations may be imposed only if the Protecting Power is satisfied that it would be in the interests of the prisoners of war concerned to do so owing to difficulties of translation caused by the Detaining Power's inability to find sufficient qualified linguists to carry out the necessary censorship. If limitations must be placed on the correspondence addressed to prisoners of war, they may be ordered only by the Power on which the prisoners depend, possibly at the request of the Detaining Power. Such letters and cards must be conveyed by the most rapid method at the disposal of the Detaining Power; they may not be delayed or retained for disciplinary reasons.

Prisoners of war who have been without news for a long period, or who are unable to receive news from their next of kin or to give them news by the ordinary postal route, as well as those who are at a great distance from their homes, shall be permitted to send telegrams, the fees being charged against the prisoners of war's accounts with the Detaining Power or paid in the currency at their disposal. They shall likewise benefit by this measure in cases of urgency.

As a general rule, the correspondence of prisoners of war shall be written in their native language. The Parties to the conflict may allow correspondence in other languages.

Sacks containing prisoner of war mail must be securely sealed and labelled so as clearly to indicate their contents, and must be addressed to offices of destination.

Article 72

Prisoners of war shall be allowed to receive by post or by any other means individual parcels or collective shipments containing, in particular, foodstuffs, clothing, medical supplies and articles of a religious, educational or recreational character which may meet their needs, including books, devotional articles, scientific equipment, examination papers, musical instruments, sports outfits and materials allowing prisoners of war to pursue their studies or their cultural activities.

Such shipments shall in no way free the Detaining Power from the obligations imposed upon it by virtue of the present Convention.

The only limits which may be placed on these shipments shall be those proposed by the Protecting Power in the interest of the prisoners themselves, or by the International Committee of the Red Cross or any other organization giving assistance to the prisoners, in respect of their own shipments only, on account of exceptional strain on transport or communications.

The conditions for the sending of individual parcels and collective relief shall, if necessary, be the subject of special agreements between the Powers concerned, which may in no case delay the receipt by the prisoners of relief supplies. Books may not be included in parcels of clothing and foodstuffs. Medical supplies shall, as a rule, be sent in collective parcels.

Article 73

In the absence of special agreements between the Powers concerned on the conditions for the receipt and distribution of collective relief shipments, the rules and regulations concerning

collective shipments, which are annexed to the present Convention, shall be applied.

The special agreements referred to above shall in no case restrict the right of prisoners' representatives to take possession of collective relief shipments intended for prisoners of war, to proceed to their distribution or to dispose of them in the interest of the prisoners.

Nor shall such agreements restrict the right of representatives of the Protecting Power, the International Committee of the Red Cross or any other organization giving assistance to prisoners of war and responsible for the forwarding of collective shipments, to supervise their distribution to the recipients.

Article 74

All relief shipments for prisoners of war shall be exempt from import, customs and other dues.

Correspondence, relief shipments and authorized remittances of money addressed to prisoners of war or despatched by them through the post office, either direct or through the Information Bureaux provided for in Article 122 and the Central Prisoners of War Agency provided for in Article 123, shall be exempt from any postal dues, both in the countries of origin and destination, and in intermediate countries.

If relief shipments intended for prisoners of war cannot be sent through the post office by reason of weight or for any other cause, the cost of transportation shall be borne by the Detaining Power in all the territories under its control. The other Powers party to the Convention shall bear the cost of transport in their respective territories.

In the absence of special agreements between the Parties concerned, the costs connected with transport of such shipments, other than costs covered by the above exemption, shall be charged to the senders.

The High Contracting Parties shall endeavour to reduce, so far as possible, the rates charged for telegrams sent by prisoners of war, or addressed to them.

Article 75

Should military operations prevent the Powers concerned from fulfilling their obligation to assure the transport of the shipments referred to in Articles 70, 71, 72 and 77, the Protecting Powers concerned, the International Committee of the Red Cross or any other organization duly approved by the Parties to the conflict may undertake to ensure the conveyance of such shipments by suitable means (railway wagons, motor vehicles, vessels or aircraft, etc.). For this purpose, the High Contracting Parties shall endeavour to supply them with such transport and to allow its circulation, especially by granting the necessary safe-conducts.

Such transport may also be used to convey:

(a) Correspondence, lists and reports exchanged between the Central Information Agency referred to in Article 123 and the National Bureaux referred to in Article 122;

(b) Correspondence and reports relating to prisoners of war which the Protecting Powers, the International Committee of the Red Cross or any other body assisting the prisoners, exchange

either with their own delegates or with the Parties to the conflict.

These provisions in no way detract from the right of any Party to the conflict to arrange other means of transport, if it should so prefer, nor preclude the granting of safe-conducts, under mutually agreed conditions, to such means of transport.

In the absence of special agreements, the costs occasioned by the use of such means of transport shall be borne proportionally by the Parties to the conflict whose nationals are benefited thereby.

Article 76

The censoring of correspondence addressed to prisoners of war or despatched by them shall be done as quickly as possible. Mail shall be censored only by the despatching State and the receiving State, and once only by each.

The examination of consignments intended for prisoners of war shall not be carried out under conditions that will expose the goods contained in them to deterioration; except in the case of written or printed matter, it shall be done in the presence of the addressee, or of a fellow-prisoner duly delegated by him. The delivery to prisoners of individual or collective consignments shall not be delayed under the pretext of difficulties of censorship.

Any prohibition of correspondence ordered by Parties to the conflict, either for military or political reasons, shall be only temporary and its duration shall be as short as possible.

Article 77

The Detaining Powers shall provide all facilities for the transmission, through the Protecting Power or the Central Prisoners of War Agency provided for in Article 123, of instruments, papers or documents intended for prisoners of war or despatched by them, especially powers of attorney and wills.

In all cases they shall facilitate the preparation and execution of such documents on behalf of prisoners of war; in particular, they shall allow them to consult a lawyer and shall take what measures are necessary for the authentication of their signatures.

SECTION VI

RELATIONS BETWEEN PRISONERS OF WAR AND THE AUTHORITIES

Chapter I

COMPLAINTS OF PRISONERS OF WAR RESPECTING THE CONDITIONS OF CAPTIVITY

Article 78

Prisoners of war shall have the right to make known to the military authorities in whose power they are, their requests regarding the conditions of captivity to which they are subjected.

They shall also have the unrestricted right to apply to the representatives of the Protecting Powers either through their prisoners' representative or, if they consider it necessary, direct, in order to draw their attention to any points on which they may have complaints to make regarding their conditions of captivity.

These requests and complaints shall not be limited nor considered to be a part of the correspondence quota referred to in Article 71. They must be transmitted immediately. Even if they are recognized to be unfounded, they may not give rise to any punishment.

Prisoners' representatives may send periodic reports on the situation in the camps and the needs of the prisoners of war to the representatives of the Protecting Powers.

Chapter II

PRISONER OF WAR REPRESENTATIVES

Article 79

In all places where there are prisoners of war, except in those where there are officers, the prisoners shall freely elect by secret ballot, every six months, and also in case of vacancies, prisoners' representatives entrusted with representing them before the military authorities, the Protecting Powers, the International Committee of the Red Cross and any other organization which may assist them. These prisoners' representatives shall be eligible for re-election.

In camps for officers and persons of equivalent status or in mixed camps, the senior officer among the prisoners of war shall be recognized as the camp prisoners' representative. In camps for officers, he shall be assisted by one or more advisers chosen by the officers; in mixed camps, his assistants shall be chosen from among the prisoners of war who are not officers and shall be elected by them.

Officer prisoners of war of the same nationality shall be stationed in labour camps for prisoners of war, for the purpose of carrying out the camp administration duties for which the prisoners of war are responsible. These officers may be elected as prisoners' representatives under the first paragraph of this Article. In such a case the assistants to the prisoners' representatives shall be chosen from among those prisoners of war who are not officers.

Every representative elected must be approved by the Detaining Power before he has the right to commence his duties. Where the Detaining Power refuses to approve a prisoner of war elected by his fellow prisoners of war, it must inform the Protecting Power of the reason for such refusal.

In all cases the prisoners' representative must have the same nationality, language and customs as the prisoners of war whom he represents. Thus, prisoners of war distributed in different sections of a camp, according to their nationality, language or customs, shall have for each section their own prisoners' representative, in accordance with the foregoing paragraphs.

Article 80

Prisoners' representatives shall further the physical, spiritual and intellectual well-being of prisoners of war.

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In particular, where the prisoners decide to organize amongst themselves a system of mutual assistance, this organization will be within the province of the prisoners' representative, in addition to the special duties entrusted to him by other provisions of the present Convention.

Prisoners' representatives shall not be held responsible, simply by reason of their duties, for any offences committed by prisoners of war.

Article 81

Prisoners' representatives shall not be required to perform any other work, if the accomplishment of their duties is thereby made more difficult.

Prisoners' representatives may appoint from amongst the prisoners such assistants as they may require. All material facilities shall be granted them, particularly a certain freedom of movement necessary for the accomplishment of their duties (inspection of labour detachments, receipt of supplies, etc.).

Prisoners' representatives shall be permitted to visit premises where prisoners of war are detained, and every prisoner of war shall have the right to consult freely his prisoners' representative.

All facilities shall likewise be accorded to the prisoners' representatives for communication by post and telegraph with the detaining authorities, the Protecting Powers, the International Committee of the Red Cross and their delegates, the Mixed Medical Commissions and with the bodies which give assistance to prisoners of war. Prisoners' representatives of labour detachments shall enjoy the same facilities for communication with the prisoners' representatives of the principal camp. Such communications shall not be restricted, nor considered as forming a part of the quota mentioned in Article 71.

Prisoners' representatives who are transferred shall be allowed a reasonable time to acquaint their successors with current affairs.

In case of dismissal, the reasons therefor shall be communicated to the Protecting Power.

Chapter III

PENAL AND DISCIPLINARY SANCTIONS

I. General provisions

Article 82

A prisoner of war shall be subject to the laws, regulations and orders in force in the armed forces of the Detaining Power; the Detaining Power shall be justified in taking judicial or disciplinary measures in respect of any offence committed by a prisoner of war against such laws, regulations or orders. However, no proceedings or punishments contrary to the provisions of this Chapter shall be allowed.

If any law, regulation or order of the Detaining Power shall declare acts committed by a prisoner of war to be punishable, whereas the same acts would not be punishable if committed

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by a member of the forces of the Detaining Power, such acts shall entail disciplinary punishments only.

Article 83

In deciding whether proceedings in respect of an offence alleged to have been committed by a prisoner of war shall be judicial or disciplinary, the Detaining Power shall ensure that the competent authorities exercise the greatest leniency and adopt, wherever possible, disciplinary rather than judicial measures.

Article 84

A prisoner of war shall be tried only by a military court, unless the existing laws of the Detaining Power expressly permit the civil courts to try a member of the armed forces of the Detaining Power in respect of the particular offence alleged to have been committed by the prisoner of war.

In no circumstances whatever shall a prisoner of war be tried by a court of any kind which does not offer the essential guarantees of independence and impartiality as generally recognized, and, in particular, the procedure of which does not afford the accused the rights and means of defence provided for in Article 105.

Article 85

Prisoners of war prosecuted under the laws of the Detaining Power for acts committed prior to capture shall retain, even if convicted, the benefits of the present Convention.

Article 86

No prisoner of war may be punished more than once for the same act, or on the same charge.

Article 87

Prisoners of war may not be sentenced by the military authorities and courts of the Detaining Power to any penalties except those provided for in respect of members of the armed forces of the said Power who have committed the same acts.

When fixing the penalty, the courts or authorities of the Detaining Power shall take into consideration, to the widest extent possible, the fact that the accused, not being a national of the Detaining Power, is not bound to it by any duty of allegiance, and that he is in its power as the result of circumstances independent of his own will. The said courts or authorities shall be at liberty to reduce the penalty provided for the violation of which the prisoner of war is accused, and shall therefore not be bound to apply the minimum penalty prescribed.

Collective punishment for individual acts, corporal punishments, imprisonment in premises without daylight and, in general, any form of torture or cruelty, are forbidden.

No prisoner of war may be deprived of his rank by the Detaining Power, or prevented from wearing his badges.

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Article 88

Officers, non-commissioned officers and men who are prisoners of war undergoing a disciplinary or judicial punishment, shall not be subjected to more severe treatment than that applied in respect of the same punishment to members of the armed forces of the Detaining Power of equivalent rank.

A woman prisoner of war shall not be awarded or sentenced to a punishment more severe, or treated whilst undergoing punishment more severely, than a woman member of the armed forces of the Detaining Power dealt with for a similar offence.

In no case may a woman prisoner of war be awarded or sentenced to a punishment more severe, or treated whilst undergoing punishment more severely, than a male member of the armed forces of the Detaining Power dealt with for a similar offence.

Prisoners of war who have served disciplinary or judicial sentences may not be treated differently from other prisoners of war.

II. Disciplinary sanctions*Article 89*

The disciplinary punishments applicable to prisoners of war are the following:

1. A fine which shall not exceed 50 per cent of the advances of pay and working pay which the prisoner of war would otherwise receive under the provisions of Articles 60 and 62 during a period of not more than thirty days.
2. Discontinuance of privileges granted over and above the treatment provided for by the present Convention.
3. Fatigue duties not exceeding two hours daily.
4. Confinement.

The punishment referred to under (3) shall not be applied to officers.

In no case shall disciplinary punishments be inhuman, brutal or dangerous to the health of prisoners of war.

Article 90

The duration of any single punishment shall in no case exceed thirty days. Any period of confinement awaiting the hearing of a disciplinary offence or the award of disciplinary punishment shall be deducted from an award pronounced against a prisoner of war.

The maximum of thirty days provided above may not be exceeded, even if the prisoner of war is answerable for several acts at the same time when he is awarded punishment, whether such acts are related or not.

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The period between the pronouncing of an award of disciplinary punishment and its execution shall not exceed one month.

When a prisoner of war is awarded a further disciplinary punishment, a period of at least three days shall elapse between the execution of any two of the punishments, if the duration of one of these is ten days or more.

Article 91

The escape of a prisoner of war shall be deemed to have succeeded when:

1. He has joined the armed forces of the Power on which he depends, or those of an allied Power;
2. He has left the territory under the control of the Detaining Power, or of an ally of the said Power;
3. He has joined a ship flying the flag of the Power on which he depends, or of an allied Power, in the territorial waters of the Detaining Power, the said ship not being under the control of the last-named Power.

Prisoners of war who have made good their escape in the sense of this Article and who are recaptured, shall not be liable to any punishment in respect of their previous escape.

Article 92

A prisoner of war who attempts to escape and is recaptured before having made good his escape in the sense of Article 91 shall be liable only to a disciplinary punishment in respect of this act, even if it is a repeated offence.

A prisoner of war who is recaptured shall be handed over without delay to the competent military authority.

Article 88, fourth paragraph, notwithstanding, prisoners of war punished as a result of an unsuccessful escape may be subjected to special surveillance. Such surveillance must not affect the state of their health, must be undergone in a prisoner of war camp, and must not entail the suppression of any of the safeguards granted them by the present Convention.

Article 93

Escape or attempt to escape, even if it is a repeated offence, shall not be deemed an aggravating circumstance if the prisoner of war is subjected to trial by judicial proceedings in respect of an offence committed during his escape or attempt to escape.

In conformity with the principle stated in Article 83, offences committed by prisoners of war with the sole intention of facilitating their escape and which do not entail any violence against life or limb, such as offences against public property, theft without intention of self-enrichment, the drawing up or use of false papers, the wearing of civilian clothing, shall occasion disciplinary punishment only.

Prisoners of war who aid or abet an escape or an attempt to escape shall be liable on this count to disciplinary punishment only.

Article 94

If an escaped prisoner of war is recaptured, the Power on which he depends shall be notified thereof in the manner defined in Article 122, provided notification of his escape has been made.

Article 95

A prisoner of war accused of an offence against discipline shall not be kept in confinement pending the hearing unless a member of the armed forces of the Detaining Power would be so kept if he were accused of a similar offence, or if it is essential in the interests of camp order and discipline.

Any period spent by a prisoner of war in confinement awaiting the disposal of an offence against discipline shall be reduced to an absolute minimum and shall not exceed fourteen days.

The provisions of Articles 97 and 98 of this Chapter shall apply to prisoners of war who are in confinement awaiting the disposal of offences against discipline.

Article 96

Acts which constitute offences against discipline shall be investigated immediately.

Without prejudice to the competence of courts and superior military authorities, disciplinary punishment may be ordered only by an officer having disciplinary powers in his capacity as camp commander, or by a responsible officer who replaces him or to whom he has delegated his disciplinary powers.

In no case may such powers be delegated to a prisoner of war or be exercised by a prisoner of war.

Before any disciplinary award is pronounced, the accused shall be given precise information regarding the offences of which he is accused, and given an opportunity of explaining his conduct and of defending himself. He shall be permitted, in particular, to call witnesses and to have recourse, if necessary, to the services of a qualified interpreter. The decision shall be announced to the accused prisoner of war and to the prisoners' representative.

A record of disciplinary punishments shall be maintained by the camp commander and shall be open to inspection by representatives of the Protecting Power.

Article 97

Prisoners of war shall not in any case be transferred to penitentiary establishments (prisons, penitentiaries, convict prisons, etc.) to undergo disciplinary punishment therein.

All premises in which disciplinary punishments are undergone shall conform to the sanitary

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requirements set forth in Article 25. A prisoner of war undergoing punishment shall be enabled to keep himself in a state of cleanliness, in conformity with Article 29.

Officers and persons of equivalent status shall not be lodged in the same quarters as non-commissioned officers or men.

Women prisoners of war undergoing disciplinary punishment shall be confined in separate quarters from male prisoners of war and shall be under the immediate supervision of women.

Article 98

A prisoner of war undergoing confinement as a disciplinary punishment, shall continue to enjoy the benefits of the provisions of this Convention except in so far as these are necessarily rendered inapplicable by the mere fact that he is confined. In no case may he be deprived of the benefits of the provisions of Articles 78 and 126.

A prisoner of war awarded disciplinary punishment may not be deprived of the prerogatives attached to his rank.

Prisoners of war awarded disciplinary punishment shall be allowed to exercise and to stay in the open air at least two hours daily.

They shall be allowed, on their request, to be present at the daily medical inspections. They shall receive the attention which their state of health requires and, if necessary, shall be removed to the camp infirmary or to a hospital.

They shall have permission to read and write, likewise to send and receive letters. Parcels and remittances of money, however, may be withheld from them until the completion of the punishment; they shall meanwhile be entrusted to the prisoners' representative, who will hand over to the infirmary the perishable goods contained in such parcels.

III. Judicial proceedings

Article 99

No prisoner of war may be tried or sentenced for an act which is not forbidden by the law of the Detaining Power or by international law, in force at the time the said act was committed.

No moral or physical coercion may be exerted on a prisoner of war in order to induce him to admit himself guilty of the act of which he is accused.

No prisoner of war may be convicted without having had an opportunity to present his defence and the assistance of a qualified advocate or counsel.

Article 100

Prisoners of war and the Protecting Powers shall be informed as soon as possible of the offences which are punishable by the death sentence under the laws of the Detaining Power.

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Other offences shall not thereafter be made punishable by the death penalty without the concurrence of the Power upon which the prisoners of war depend.

The death sentence cannot be pronounced on a prisoner of war unless the attention of the court has, in accordance with Article 87, second paragraph, been particularly called to the fact that since the accused is not a national of the Detaining Power, he is not bound to it by any duty of allegiance, and that he is in its power as the result of circumstances independent of his own will.

Article 101

If the death penalty is pronounced on a prisoner of war, the sentence shall not be executed before the expiration of a period of at least six months from the date when the Protecting Power receives, at an indicated address, the detailed communication provided for in Article 107.

Article 102

A prisoner of war can be validly sentenced only if the sentence has been pronounced by the same courts according to the same procedure as in the case of members of the armed forces of the Detaining Power, and if, furthermore, the provisions of the present Chapter have been observed.

Article 103

Judicial investigations relating to a prisoner of war shall be conducted as rapidly as circumstances permit and so that his trial shall take place as soon as possible. A prisoner of war shall not be confined while awaiting trial unless a member of the armed forces of the Detaining Power would be so confined if he were accused of a similar offence, or if it is essential to do so in the interests of national security. In no circumstances shall this confinement exceed three months.

Any period spent by a prisoner of war in confinement awaiting trial shall be deducted from any sentence of imprisonment passed upon him and taken into account in fixing any penalty.

The provisions of Articles 97 and 98 of this Chapter shall apply to a prisoner of war whilst in confinement awaiting trial.

Article 104

In any case in which the Detaining Power has decided to institute judicial proceedings against a prisoner of war, it shall notify the Protecting Power as soon as possible and at least three weeks before the opening of the trial. This period of three weeks shall run as from the day on which such notification reaches the Protecting Power at the address previously indicated by the latter to the Detaining Power.

The said notification shall contain the following information:

1. Surname and first names of the prisoner of war, his rank, his army, regimental, personal or serial number, his date of birth, and his profession or trade, if any;

2. Place of internment or confinement;

3. Specification of the charge or charges on which the prisoner of war is to be arraigned, giving the legal provisions applicable;

4. Designation of the court which will try the case, likewise the date and place fixed for the opening of the trial.

The same communication shall be made by the Detaining Power to the prisoners' representative.

If no evidence is submitted, at the opening of a trial, that the notification referred to above was received by the Protecting Power, by the prisoner of war and by the prisoners' representative concerned, at least three weeks before the opening of the trial, then the latter cannot take place and must be adjourned.

Article 105

The prisoner of war shall be entitled to assistance by one of his prisoner comrades, to defence by a qualified advocate or counsel of his own choice, to the calling of witnesses and, if he deems necessary, to the services of a competent interpreter. He shall be advised of these rights by the Detaining Power in due time before the trial.

Failing a choice by the prisoner of war, the Protecting Power shall find him an advocate or counsel, and shall have at least one week at its disposal for the purpose. The Detaining Power shall deliver to the said Power, on request, a list of persons qualified to present the defence. Failing a choice of an advocate or counsel by the prisoner of war or the Protecting Power, the Detaining Power shall appoint a competent advocate or counsel to conduct the defence.

The advocate or counsel conducting the defence on behalf of the prisoner of war shall have at his disposal a period of two weeks at least before the opening of the trial, as well as the necessary facilities to prepare the defence of the accused. He may, in particular, freely visit the accused and interview him in private. He may also confer with any witnesses for the defence, including prisoners of war. He shall have the benefit of these facilities until the term of appeal or petition has expired.

Particulars of the charge or charges on which the prisoner of war is to be arraigned, as well as the documents which are generally communicated to the accused by virtue of the laws in force in the armed forces of the Detaining Power, shall be communicated to the accused prisoner of war in a language which he understands, and in good time before the opening of the trial. The same communication in the same circumstances shall be made to the advocate or counsel conducting the defence on behalf of the prisoner of war.

The representatives of the Protecting Power shall be entitled to attend the trial of the case, unless, exceptionally, this is held in camera in the interest of State security. In such a case the Detaining Power shall advise the Protecting Power accordingly.

Article 106

Every prisoner of war shall have, in the same manner as the members of the armed forces of

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the Detaining Power, the right of appeal or petition from any sentence pronounced upon him, with a view to the quashing or revising of the sentence or the reopening of the trial. He shall be fully informed of his right to appeal or petition and of the time limit within which he may do so.

Article 107

Any judgment and sentence pronounced upon a prisoner of war shall be immediately reported to the Protecting Power in the form of a summary communication, which shall also indicate whether he has the right of appeal with a view to the quashing of the sentence or the reopening of the trial. This communication shall likewise be sent to the prisoners' representative concerned. It shall also be sent to the accused prisoner of war in a language he understands, if the sentence was not pronounced in his presence. The Detaining Power shall also immediately communicate to the Protecting Power the decision of the prisoner of war to use or to waive his right of appeal.

Furthermore, if a prisoner of war is finally convicted or if a sentence pronounced on a prisoner of war in the first instance is a death sentence, the Detaining Power shall as soon as possible address to the Protecting Power a detailed communication containing:

1. The precise wording of the finding and sentence;
2. A summarized report of any preliminary investigation and of the trial, emphasizing in particular the elements of the prosecution and the defence;
3. Notification, where applicable, of the establishment where the sentence will be served.

The communications provided for in the foregoing subparagraphs shall be sent to the Protecting Power at the address previously made known to the Detaining Power.

Article 108

Sentences pronounced on prisoners of war after a conviction has become duly enforceable, shall be served in the same establishments and under the same conditions as in the case of members of the armed forces of the Detaining Power. These conditions shall in all cases conform to the requirements of health and humanity.

A woman prisoner of war on whom such a sentence has been pronounced shall be confined in separate quarters and shall be under the supervision of women.

In any case, prisoners of war sentenced to a penalty depriving them of their liberty shall retain the benefit of the provisions of Articles 78 and 126 of the present Convention. Furthermore, they shall be entitled to receive and despatch correspondence, to receive at least one relief parcel monthly, to take regular exercise in the open air, to have the medical care required by their state of health, and the spiritual assistance they may desire. Penalties to which they may be subjected shall be in accordance with the provisions of Article 87, third paragraph.

PART IV

TERMINATION OF CAPTIVITY

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SECTION I**DIRECT REPATRIATION AND ACCOMMODATION IN NEUTRAL COUNTRIES***Article 109*

Subject to the provisions of the third paragraph of this Article, Parties to the conflict are bound to send back to their own country, regardless of number or rank, seriously wounded and seriously sick prisoners of war, after having cared for them until they are fit to travel, in accordance with the first paragraph of the following Article.

Throughout the duration of hostilities, Parties to the conflict shall endeavour, with the cooperation of the neutral Powers concerned, to make arrangements for the accommodation in neutral countries of the sick and wounded prisoners of war referred to in the second paragraph of the following Article. They may, in addition, conclude agreements with a view to the direct repatriation or internment in a neutral country of able-bodied prisoners of war who have undergone a long period of captivity.

No sick or injured prisoner of war who is eligible for repatriation under the first paragraph of this Article, may be repatriated against his will during hostilities.

Article 110

The following shall be repatriated direct:

1. Incurably wounded and sick whose mental or physical fitness seems to have been gravely diminished.
2. Wounded and sick who, according to medical opinion, are not likely to recover within one year, whose condition requires treatment and whose mental or physical fitness seems to have been gravely diminished.
3. Wounded and sick who have recovered, but whose mental or physical fitness seems to have been gravely and permanently diminished.

The following may be accommodated in a neutral country:

1. Wounded and sick whose recovery may be expected within one year of the date of the wound or the beginning of the illness, if treatment in a neutral country might increase the prospects of a more certain and speedy recovery.
2. Prisoners of war whose mental or physical health, according to medical opinion, is seriously threatened by continued captivity, but whose accommodation in a neutral country might remove such a threat.

The conditions which prisoners of war accommodated in a neutral country must fulfil in order to permit their repatriation shall be fixed, as shall likewise their status, by agreement between the Powers concerned. In general, prisoners of war who have been accommodated in a neutral country, and who belong to the following categories, should be repatriated:

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1. Those whose state of health has deteriorated so as to fulfil the conditions laid down for direct repatriation;
2. Those whose mental or physical powers remain, even after treatment, considerably impaired.

If no special agreements are concluded between the Parties to the conflict concerned, to determine the cases of disablement or sickness entailing direct repatriation or accommodation in a neutral country, such cases shall be settled in accordance with the principles laid down in the Model Agreement concerning direct repatriation and accommodation in neutral countries of wounded and sick prisoners of war and in the Regulations concerning Mixed Medical Commissions annexed to the present Convention.

Article 111

The Detaining Power, the Power on which the prisoners of war depend, and a neutral Power agreed upon by these two Powers, shall endeavour to conclude agreements which will enable prisoners of war to be interned in the territory of the said neutral Power until the close of hostilities.

Article 112

Upon the outbreak of hostilities, Mixed Medical Commissions shall be appointed to examine sick and wounded prisoners of war, and to make all appropriate decisions regarding them. The appointment, duties and functioning of these Commissions shall be in conformity with the provisions of the Regulations annexed to the present Convention.

However, prisoners of war who, in the opinion of the medical authorities of the Detaining Power, are manifestly seriously injured or seriously sick, may be repatriated without having to be examined by a Mixed Medical Commission.

Article 113

Besides those who are designated by the medical authorities of the Detaining Power, wounded or sick prisoners of war belonging to the categories listed below shall be entitled to present themselves for examination by the Mixed Medical Commissions provided for in the foregoing Article:

1. Wounded and sick proposed by a physician or surgeon who is of the same nationality, or a national of a Party to the conflict allied with the Power on which the said prisoners depend, and who exercises his functions in the camp.
2. Wounded and sick proposed by their prisoners' representative.
3. Wounded and sick proposed by the Power on which they depend, or by an organization duly recognized by the said Power and giving assistance to the prisoners.

Prisoners of war who do not belong to one of the three foregoing categories may nevertheless present themselves for examination by Mixed Medical Commissions, but shall be examined only after those belonging to the said categories.

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The physician or surgeon of the same nationality as the prisoners who present themselves for examination by the Mixed Medical Commission, likewise the prisoners' representative of the said prisoners, shall have permission to be present at the examination.

Article 114

Prisoners of war who meet with accidents shall, unless the injury is self-inflicted, have the benefit of the provisions of this Convention as regards repatriation or accommodation in a neutral country.

Article 115

No prisoner of war on whom a disciplinary punishment has been imposed and who is eligible for repatriation or for accommodation in a neutral country, may be kept back on the plea that he has not undergone his punishment.

Prisoners of war detained in connection with a judicial prosecution or conviction and who are designated for repatriation or accommodation in a neutral country, may benefit by such measures before the end of the proceedings or the completion of the punishment, if the Detaining Power consents.

Parties to the conflict shall communicate to each other the names of those who will be detained until the end of the proceedings or the completion of the punishment.

Article 116

The costs of repatriating prisoners of war or of transporting them to a neutral country shall be borne, from the frontiers of the Detaining Power, by the Power on which the said prisoners depend.

Article 117

No repatriated person may be employed on active military service.

SECTION II

RELEASE AND REPATRIATION OF PRISONERS OF WAR AT THE CLOSE OF HOSTILITIES

Article 118

Prisoners of war shall be released and repatriated without delay after the cessation of active hostilities.

In the absence of stipulations to the above effect in any agreement concluded between the Parties to the conflict with a view to the cessation of hostilities, or failing any such agreement, each of the Detaining Powers shall itself establish and execute without delay a plan of repatriation in conformity with the principle laid down in the foregoing paragraph.

In either case, the measures adopted shall be brought to the knowledge of the prisoners of war.

The costs of repatriation of prisoners of war shall in all cases be equitably apportioned between the Detaining Power and the Power on which the prisoners depend. This apportionment shall be carried out on the following basis:

(a) If the two Powers are contiguous, the Power on which the prisoners of war depend shall bear the costs of repatriation from the frontiers of the Detaining Power.

(b) If the two Powers are not contiguous, the Detaining Power shall bear the costs of transport of prisoners of war over its own territory as far as its frontier or its port of embarkation nearest to the territory of the Power on which the prisoners of war depend. The Parties concerned shall agree between themselves as to the equitable apportionment of the remaining costs of the repatriation. The conclusion of this agreement shall in no circumstances justify any delay in the repatriation of the prisoners of war.

Article 119

Repatriation shall be effected in conditions similar to those laid down in Articles 46 to 48 inclusive of the present Convention for the transfer of prisoners of war, having regard to the provisions of Article 118 and to those of the following paragraphs.

On repatriation, any articles of value impounded from prisoners of war under Article 18, and any foreign currency which has not been converted into the currency of the Detaining Power, shall be restored to them. Articles of value and foreign currency which, for any reason whatever, are not restored to prisoners of war on repatriation, shall be despatched to the Information Bureau set up under Article 122.

Prisoners of war shall be allowed to take with them their personal effects, and any correspondence and parcels which have arrived for them. The weight of such baggage may be limited, if the conditions of repatriation so require, to what each prisoner can reasonably carry. Each prisoner shall in all cases be authorized to carry at least twenty-five kilograms.

The other personal effects of the repatriated prisoner shall be left in the charge of the Detaining Power which shall have them forwarded to him as soon as it has concluded an agreement to this effect, regulating the conditions of transport and the payment of the costs involved, with the Power on which the prisoner depends.

Prisoners of war against whom criminal proceedings for an indictable offence are pending may be detained until the end of such proceedings, and, if necessary, until the completion of the punishment. The same shall apply to prisoners of war already convicted for an indictable offence.

Parties to the conflict shall communicate to each other the names of any prisoners of war who are detained until the end of the proceedings or until punishment has been completed.

By agreement between the Parties to the conflict, commissions shall be established for the purpose of searching for dispersed prisoners of war and of assuring their repatriation with the least possible delay.

SECTION III**DEATH OF PRISONERS OF WAR***Article 120*

Wills of prisoners of war shall be drawn up so as to satisfy the conditions of validity required by the legislation of their country of origin, which will take steps to inform the Detaining Power of its requirements in this respect. At the request of the prisoner of war and, in all cases, after death, the will shall be transmitted without delay to the Protecting Power; a certified copy shall be sent to the Central Agency.

Death certificates in the form annexed to the present Convention, or lists certified by a responsible officer, of all persons who die as prisoners of war shall be forwarded as rapidly as possible to the Prisoner of War Information Bureau established in accordance with Article 122. The death certificates or certified lists shall show particulars of identity as set out in the third paragraph of Article 17, and also the date and place of death, the cause of death, the date and place of burial and all particulars necessary to identify the graves.

The burial or cremation of a prisoner of war shall be preceded by a medical examination of the body with a view to confirming death and enabling a report to be made and, where necessary, establishing identity.

The detaining authorities shall ensure that prisoners of war who have died in captivity are honourably buried, if possible according to the rites of the religion to which they belonged, and that their graves are respected, suitably maintained and marked so as to be found at any time. Wherever possible, deceased prisoners of war who depended on the same Power shall be interred in the same place.

Deceased prisoners of war shall be buried in individual graves unless unavoidable circumstances require the use of collective graves. Bodies may be cremated only for imperative reasons of hygiene, on account of the religion of the deceased or in accordance with his express wish to this effect. In case of cremation, the fact shall be stated and the reasons given in the death certificate of the deceased.

In order that graves may always be found, all particulars of burials and graves shall be recorded with a Graves Registration Service established by the Detaining Power. Lists of graves and particulars of the prisoners of war interred in cemeteries and elsewhere shall be transmitted to the Power on which such prisoners of war depended. Responsibility for the care of these graves and for records of any subsequent moves of the bodies shall rest on the Power controlling the territory, if a Party to the present Convention. These provisions shall also apply to the ashes, which shall be kept by the Graves Registration Service until proper disposal thereof in accordance with the wishes of the home country.

Article 121

Every death or serious injury of a prisoner of war caused or suspected to have been caused by a sentry, another prisoner of war, or any other person, as well as any death the cause of which is unknown, shall be immediately followed by an official enquiry by the Detaining Power.

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A communication on this subject shall be sent immediately to the Protecting Power. Statements shall be taken from witnesses, especially from those who are prisoners of war, and a report including such statements shall be forwarded to the Protecting Power.

If the enquiry indicates the guilt of one or more persons, the Detaining Power shall take all measures for the prosecution of the person or persons responsible.

PART V

INFORMATION BUREAUX AND RELIEF SOCIETIES FOR PRISONERS OF WAR

Article 122

Upon the outbreak of a conflict and in all cases of occupation, each of the Parties to the conflict shall institute an official Information Bureau for prisoners of war who are in its power. Neutral or non-belligerent Powers who may have received within their territory persons belonging to one of the categories referred to in Article 4, shall take the same action with respect to such persons. The Power concerned shall ensure that the Prisoners of War Information Bureau is provided with the necessary accommodation, equipment and staff to ensure its efficient working. It shall be at liberty to employ prisoners of war in such a Bureau under the conditions laid down in the Section of the present Convention dealing with work by prisoners of war.

Within the shortest possible period, each of the Parties to the conflict shall give its Bureau the information referred to in the fourth, fifth and sixth paragraphs of this Article regarding any enemy person belonging to one of the categories referred to in Article 4, who has fallen into its power. Neutral or non-belligerent Powers shall take the same action with regard to persons belonging to such categories whom they have received within their territory.

The Bureau shall immediately forward such information by the most rapid means to the Powers concerned, through the intermediary of the Protecting Powers and likewise of the Central Agency provided for in Article 123.

This information shall make it possible quickly to advise the next of kin concerned. Subject to the provisions of Article 17, the information shall include, in so far as available to the Information Bureau, in respect of each prisoner of war, his surname, first names, rank, army, regimental, personal or serial number, place and full date of birth, indication of the Power on which he depends, first name of the father and maiden name of the mother, name and address of the person to be informed and the address to which correspondence for the prisoner may be sent.

The Information Bureau shall receive from the various departments concerned information regarding transfers, releases, repatriations, escapes, admissions to hospital, and deaths, and shall transmit such information in the manner described in the third paragraph above.

Likewise, information regarding the state of health of prisoners of war who are seriously ill or seriously wounded shall be supplied regularly, every week if possible.

The Information Bureau shall also be responsible for replying to all enquiries sent to it concerning prisoners of war, including those who have died in captivity; it will make any

enquiries necessary to obtain the information which is asked for if this is not in its possession.

All written communications made by the Bureau shall be authenticated by a signature or a seal.

The Information Bureau shall furthermore be charged with collecting all personal valuables, including sums in currencies other than that of the Detaining Power and documents of importance to the next of kin, left by prisoners of war who have been repatriated or released, or who have escaped or died, and shall forward the said valuables to the Powers concerned. Such articles shall be sent by the Bureau in sealed packets which shall be accompanied by statements giving clear and full particulars of the identity of the person to whom the articles belonged, and by a complete list of the contents of the parcel. Other personal effects of such prisoners of war shall be transmitted under arrangements agreed upon between the Parties to the conflict concerned.

Article 123

A Central Prisoners of War Information Agency shall be created in a neutral country. The International Committee of the Red Cross shall, if it deems necessary, propose to the Powers concerned the organization of such an Agency.

The function of the Agency shall be to collect all the information it may obtain through official or private channels respecting prisoners of war, and to transmit it as rapidly as possible to the country of origin of the prisoners of war or to the Power on which they depend. It shall receive from the Parties to the conflict all facilities for effecting such transmissions.

The High Contracting Parties, and in particular those whose nationals benefit by the services of the Central Agency, are requested to give the said Agency the financial aid it may require.

The foregoing provisions shall in no way be interpreted as restricting the humanitarian activities of the International Committee of the Red Cross, or of the relief Societies provided for in Article 125.

Article 124

The national Information Bureaux and the Central Information Agency shall enjoy free postage for mail, likewise all the exemptions provided for in Article 74, and further, so far as possible, exemption from telegraphic charges or, at least, greatly reduced rates.

Article 125

Subject to the measures which the Detaining Powers may consider essential to ensure their security or to meet any other reasonable need, the representatives of religious organizations, relief societies, or any other organization assisting prisoners of war, shall receive from the said Powers, for themselves and their duly accredited agents, all necessary facilities for visiting the prisoners, distributing relief supplies and material, from any source, intended for religious, educational or recreative purposes, and for assisting them in organizing their leisure time within the camps. Such societies or organizations may be constituted in the territory of the Detaining Power or in any other country, or they may have an international character.

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The Detaining Power may limit the number of societies and organizations whose delegates are allowed to carry out their activities in its territory and under its supervision, on condition, however, that such limitation shall not hinder the effective operation of adequate relief to all prisoners of war.

The special position of the International Committee of the Red Cross in this field shall be recognized and respected at all times.

As soon as relief supplies or material intended for the above-mentioned purposes are handed over to prisoners of war, or very shortly afterwards, receipts for each consignment, signed by the prisoners' representative, shall be forwarded to the relief society or organization making the shipment. At the same time, receipts for these consignments shall be supplied by the administrative authorities responsible for guarding the prisoners.

PART VI

EXECUTION OF THE CONVENTION

SECTION I

GENERAL PROVISIONS

Article 126

Representatives or delegates of the Protecting Powers shall have permission to go to all places where prisoners of war may be, particularly to places of internment, imprisonment and labour, and shall have access to all premises occupied by prisoners of war; they shall also be allowed to go to the places of departure, passage and arrival of prisoners who are being transferred. They shall be able to interview the prisoners, and in particular the prisoners' representatives, without witnesses, either personally or through an interpreter.

Representatives and delegates of the Protecting Powers shall have full liberty to select the places they wish to visit. The duration and frequency of these visits shall not be restricted. Visits may not be prohibited except for reasons of imperative military necessity, and then only as an exceptional and temporary measure.

The Detaining Power and the Power on which the said prisoners of war depend may agree, if necessary, that compatriots of these prisoners of war be permitted to participate in the visits.

The delegates of the International Committee of the Red Cross shall enjoy the same prerogatives. The appointment of such delegates shall be submitted to the approval of the Power detaining the prisoners of war to be visited.

Article 127

The High Contracting Parties undertake, in time of peace as in time of war, to disseminate the text of the present Convention as widely as possible in their respective countries, and, in particular, to include the study thereof in their programmes of military and, if possible, civil instruction, so that the principles thereof may become known to all their armed forces and to the entire population.

Any military or other authorities, who in time of war assume responsibilities in respect of prisoners of war, must possess the text of the Convention and be specially instructed as to its provisions.

Article 128

The High Contracting Parties shall communicate to one another through the Swiss Federal Council and, during hostilities, through the Protecting Powers, the official translations of the present Convention, as well as the laws and regulations which they may adopt to ensure the application thereof.

Article 129

The High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article.

Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a prima facie case.

Each High Contracting Party shall take measures necessary for the suppression of all acts contrary to the provisions of the present Convention other than the grave breaches defined in the following Article.

In all circumstances, the accused persons shall benefit by safeguards of proper trial and defence, which shall not be less favourable than those provided by Article 105 and those following of the present Convention.

Article 130

Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, compelling a prisoner of war to serve in the forces of the hostile Power, or wilfully depriving a prisoner of war of the rights of fair and regular trial prescribed in this Convention.

Article 131

No High Contracting Party shall be allowed to absolve itself or any other High Contracting Party of any liability incurred by itself or by another High Contracting Party in respect of breaches referred to in the preceding Article.

Article 132

At the request of a Party to the conflict, an enquiry shall be instituted, in a manner to be

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decided between the interested Parties, concerning any alleged violation of the Convention.

If agreement has not been reached concerning the procedure for the enquiry, the Parties should agree on the choice of an umpire who will decide upon the procedure to be followed.

Once the violation has been established, the Parties to the conflict shall put an end to it and shall repress it with the least possible delay.

SECTION 11

FINAL PROVISIONS

Article 133

The present Convention is established in English and in French. Both texts are equally authentic. The Swiss Federal Council shall arrange for official translations of the Convention to be made in the Russian and Spanish languages.

Article 134

The present Convention replaces the Convention of 27 July 1929, in relations between the High Contracting Parties.

Article 135

In the relations between the Powers which are bound by The Hague Convention respecting the Laws and Customs of War on Land, whether that of July 29, 1899, or that of October 18, 1907, and which are parties to the present Convention, this last Convention shall be complementary to Chapter II of the Regulations annexed to the above-mentioned Conventions of The Hague.

Article 136

The present Convention, which bears the date of this day, is open to signature until February 12, 1950, in the name of the Powers represented at the Conference which opened at Geneva on April 21, 1949; furthermore, by Powers not represented at that Conference, but which are parties to the Convention of July 27, 1929.

Article 137

The present Convention shall be ratified as soon as possible and the ratifications shall be deposited at Berne.

A record shall be drawn up of the deposit of each instrument of ratification and certified copies of this record shall be transmitted by the Swiss Federal Council to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

Article 138

The present Convention shall come into force six months after not less than two instruments of

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ratification have been deposited.

Thereafter, it shall come into force for each High Contracting Party six months after the deposit of the instrument of ratification.

Article 139

From the date of its coming into force, it shall be open to any Power in whose name the present Convention has not been signed, to accede to this Convention.

Article 140

Accessions shall be notified in writing to the Swiss Federal Council, and shall take effect six months after the date on which they are received.

The Swiss Federal Council shall communicate the accessions to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

Article 141

The situations provided for in Articles 2 and 3 shall give immediate effect to ratifications deposited and accessions notified by the Parties to the conflict before or after the beginning of hostilities or occupation. The Swiss Federal Council shall communicate by the quickest method any ratifications or accessions received from Parties to the conflict.

Article 142

Each of the High Contracting Parties shall be at liberty to denounce the present Convention.

The denunciation shall be notified in writing to the Swiss Federal Council, which shall transmit it to the Governments of all the High Contracting Parties.

The denunciation shall take effect one year after the notification thereof has been made to the Swiss Federal Council. However, a denunciation of which notification has been made at a time when the denouncing Power is involved in a conflict shall not take effect until peace has been concluded, and until after operations connected with the release and repatriation of the persons protected by the present Convention have been terminated.

The denunciation shall have effect only in respect of the denouncing Power. It shall in no way impair the obligations which the Parties to the conflict shall remain bound to fulfil by virtue of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity and the dictates of the public conscience.

Article 143

The Swiss Federal Council shall register the present Convention with the Secretariat of the United Nations. The Swiss Federal Council shall also inform the Secretariat of the United Nations of all ratifications, accessions and denunciations received by it with respect to the present Convention.

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IN WITNESS WHEREOF the undersigned, having deposited their respective full powers, have signed the present Convention.

DONE at Geneva this twelfth day of August 1949, in the English and French languages. The original shall be deposited in the Archives of the Swiss Confederation. The Swiss Federal Council shall transmit certified copies thereof to each of the signatory and acceding States.

ANNEX I

Model agreement concerning direct repatriation and accommodation in neutral countries
of wounded and sick prisoners of war

(see Article 110)

I.-PRINCIPLES FOR DIRECT REPATRIATION AND ACCOMMODATION IN NEUTRAL COUNTRIES

A. DIRECT REPATRIATION

The following shall be repatriated direct:

1. All prisoners of war suffering from the following disabilities as the result of trauma: loss of limb, paralysis, articular or other disabilities, when this disability is at least the loss of a hand or a foot, or the equivalent of the loss of a hand or a foot.

Without prejudice to a more generous interpretation, the following shall be considered as equivalent to the loss of a hand or a foot:

- (a) Loss of a hand or of all the fingers, or of the thumb and forefinger of one hand; loss of a foot, or of all the toes and metatarsals of one foot.
- (b) Ankylosis, loss of osseous tissue, cicatricial contracture preventing the functioning of one of the large articulations or of all the digital joints of one hand.
- (c) Pseudarthrosis of the long bones.
- (d) Deformities due to fracture or other injury which seriously interfere with function and weight-bearing power.

2. All wounded prisoners of war whose condition has become chronic, to the extent that prognosis appears to exclude recovery-in spite of treatment-within one year from the date of the injury, as, for example, in case of:

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- (a) Projectile in the heart, even if the Mixed Medical Commission should fail, at the time of their examination, to detect any serious disorders.
- (b) Metallic splinter in the brain or the lungs, even if the Mixed Medical Commission cannot, at the time of examination, detect any local or general reaction.
- (c) Osteomyelitis, when recovery cannot be foreseen in the course of the year following the injury, and which seems likely to result in ankylosis of a joint, or other impairments equivalent to the loss of a hand or a foot.
- (d) Perforating and suppurating injury to the large joints.
- (e) Injury to the skull, with loss or shifting of bony tissue.
- (f) Injury or burning of the face with loss of tissue and functional lesions.
- (g) Injury to the spinal cord.
- (h) Lesion of the peripheral nerves, the sequelae of which are equivalent to the loss of a hand or foot, and the cure of which requires more than a year from the date of injury, for example: injury to the brachial or lumbosacral plexus, the median or sciatic nerves, likewise combined injury to the radial and cubital nerves or to the lateral popliteal nerve (*N. peroneus communes*) and medial popliteal nerve (*N. tibialis*); etc. The separate injury of the radial (musculo-spiral), cubital, lateral or medial popliteal nerves shall not, however, warrant repatriation except in case of contractures or of serious neurotrophic disturbance.
- (i) Injury to the urinary system, with incapacitating results.

3. All sick prisoners of war whose condition has become chronic to the extent that prognosis seems to exclude recovery-in spite of treatment-within one year from the inception of the disease, as, for example, in case of:

- (a) Progressive tuberculosis of any organ which, according to medical prognosis, cannot be cured, or at least considerably improved, by treatment in a neutral country.
- (b) Exudate pleurisy.
- (c) Serious diseases of the respiratory organs of non-tubercular etiology, presumed incurable, for example: serious pulmonary emphysema, with or without bronchitis, chronic asthma,* chronic bronchitis* lasting more than one year in captivity; bronchiectasis,* etc.
- (d) Serious chronic affections of the circulatory system, for example: valvular lesions and myocarditis* which have shown signs of circulatory failure during captivity, even though the Mixed Medical Commission cannot detect any such signs at the time of examination; affections of the pericardium and the vessels (Buerger's disease, aneurism of the large vessels); etc.
- (e) Serious chronic affections of the digestive organs, for example: gastric or duodenal

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ulcer-, sequelae of gastric operations performed in captivity; chronic gastritis, enteritis or colitis, having lasted more than one year and seriously affecting the general condition: cirrhosis of the liver, chronic cholecystopathy;* etc.

(f) Serious chronic affections of the genito-urinary organs, for example: chronic diseases of the kidney with consequent disorders; nephrectomy because of a tubercular kidney; chronic pyelitis or chronic cystitis: hydronephrosis or pyonephrosis; chronic grave gynaecological conditions-, normal pregnancy, and obstetrical disorder, where it is impossible to accommodate in a neutral country; etc.

(g) Serious chronic diseases of the central and peripheral nervous system, for example: all obvious psychoses and psychoneuroses, such as serious hysteria, serious captivity psychoneurosis, etc., duly verified by a specialist;* any epilepsy duly verified by the camp physicians.' cerebral arteriosclerosis- chronic neuritis lasting more than one year. etc.

(h) Serious chronic disease of the neuro-vegetative system, with considerable diminution of mental or physical fitness. noticeable loss of weight and general asthenia.

(i) Blindness of both eyes, or of one eye when the vision of the other is less than 1 in spite of the use of corrective glasses; diminution of visual acuity in cases where it is impossible to restore it by correction to an acuity of 1/2 in at least one eye;* other grave ocular affections, for example: glaucoma, iritis, choroiditis; trachoma, etc.

(k) Auditive disorders, such as total unilateral deafness, if the other ear does not discern the ordinary spoken word at a distance of one metre;* etc.

(l) Serious affections of metabolism, for example: diabetes mellitus requiring insulin treatment; etc.

(m) Serious disorders of the endocrine glands, for example: thyrotoxicosis; hypothyrosis; Addison's disease; Simmonds' cachexia; tetany; etc.

(n) Grave and chronic disorders of the blood-forming organs.

(o) Serious cases of chronic intoxication, for example: lead poisoning, mercury poisoning, morphinism. cocainism, alcoholism; gas or radiation poisoning; etc.

(p) Chronic affections of locomotion, with obvious functional disorders, for example: arthritis deformans, primary and secondary progressive chronic polyarthritis; rheumatism with serious clinical symptoms; etc.

(q) Serious chronic skin diseases. not amenable to treatment.

(r) Any malignant growth.

(s) Serious chronic infectious diseases, persisting for one year after their inception, for example: malaria with decided organic impairment, amoebic or bacillary dysentery with grave disorders; tertiary visceral syphilis resistant to treatment; leprosy; etc.

(t) Serious avitaminosis or serious inanition.

*The decision of the Mixed Medical Commission shall be based to a great extent on the records kept by camp physicians and surgeons of the same nationality as the prisoners of war, or on an examination by medical specialists of the Detaining Power.

B. ACCOMMODATION IN NEUTRAL COUNTRIES

The following shall be eligible for accommodation in a neutral country:

1. All wounded prisoners of war who are not likely to recover in captivity, but who might be cured or whose condition might be considerably improved by accommodation in a neutral country.
2. Prisoners of war suffering from any form of tuberculosis, of whatever organ, and whose treatment in a neutral country would be likely to lead to recovery or at least to considerable improvement, with the exception of primary tuberculosis cured before captivity.
3. Prisoners of war suffering from affections requiring treatment of the respiratory, circulatory, digestive, nervous, sensory, genito-urinary, cutaneous, locomotive organs, etc., if such treatment would clearly have better results in a neutral country than in captivity.
4. Prisoners of war who have undergone a nephrectomy in captivity for a nontubercular renal affection; cases of osteomyelitis, on the way to recovery or latent; diabetes mellitus not requiring insulin treatment; etc.
5. Prisoners of war suffering from war or captivity neuroses.

Cases of captivity neurosis which are not cured after three months of accommodation in a neutral country, or which after that length of time are not clearly on the way to complete cure, shall be repatriated.
6. All prisoners of war suffering from chronic intoxication (gases, metals, alkaloids, etc.), for whom the prospects of cure in a neutral country are especially favourable.
7. All women prisoners of war who are pregnant or mothers with infants and small children.

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The following cases shall not be eligible for accommodation in a neutral country:

1. All duly verified chronic psychoses.
2. All organic or functional nervous affections considered to be incurable.
3. All contagious diseases during the period in which they are transmissible, with the exception of tuberculosis.

II. GENERAL OBSERVATIONS

1. The conditions given shall, in a general way, be interpreted and applied in as broad a spirit as possible.

Neuropathic and psychopathic conditions caused by war or captivity, as well as cases of tuberculosis in all stages, shall above all benefit by such liberal interpretation. Prisoners of war Who have sustained several wounds, none of which, considered by itself, justifies repatriation, shall be examined in the same spirit, with due regard for the psychic traumatism due to the number of their wounds.

2. All unquestionable cases giving the right to direct repatriation (amputation, total blindness or deafness, open pulmonary tuberculosis, mental disorder, malignant growth, etc.) shall be examined and repatriated as soon as possible by the camp physicians or by military medical commissions appointed by the Detaining Power.

3. Injuries and diseases which existed before the war and which have not become worse, as well as war injuries which have not prevented subsequent military service, shall not entitle to direct repatriation.

4. The provisions of this Annex shall be interpreted and applied in a similar manner in all countries party to the conflict. The Powers and authorities concerned shall grant to Mixed Medical Commissions all the facilities necessary for the accomplishment of their task.

5. The examples quoted under (1) above represent only typical cases. Cases which do not correspond exactly to these provisions shall be judged in the spirit of the provisions of Article 10 of the present Convention, and of the principles embodied in the present Agreement.

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ANNEX IIRegulations concerning Mixed Medical Commissions
(see Article 112)*Article 1*

The Mixed Medical Commissions provided for in Article 112 of the Convention shall be composed of three members, two of whom shall belong to a neutral country, the third being appointed by the Detaining Power. One of the neutral members shall take the chair.

Article 2

The two neutral members shall be appointed by the International Committee of the Red Cross, acting in agreement with the Protecting Power, at the request of the Detaining Power. They may be domiciled either in their country of origin, in any other neutral country, or in the territory of the Detaining Power.

Article 3

The neutral members shall be approved by the Parties to the conflict concerned, who notify their approval to the International Committee of the Red Cross and to the Protecting Power. Upon such notification, the neutral members shall be considered as effectively appointed.

Article 4

Deputy members shall also be appointed in sufficient number to replace the regular members in case of need. They shall be appointed at the same time as the regular members or, at least, as soon as possible.

Article 5

If for any reason the International Committee of the Red Cross cannot arrange for the appointment of the neutral members, this shall be done by the Power protecting the interests of the prisoners of war to be examined.

Article 6

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So far as possible, one of the two neutral members shall be a surgeon and the other a physician.

Article 7

The neutral members shall be entirely independent of the Parties to the conflict, which shall grant them all facilities in the accomplishment of their duties.

Article 8

By agreement with the Detaining Power, the International Committee of the Red Cross, when making the appointments provided for in Articles 2 and 4 of the present Regulations, shall settle the terms of service of the nominees.

Article 9

The Mixed Medical Commissions shall begin their work as soon as possible after the neutral members have been approved, and in any case within a period of three months from the date of such approval.

Article 10

The Mixed Medical Commissions shall examine all the prisoners designated in Article 113 of the Convention. They shall propose repatriation, rejection, or reference to a later examination. Their decisions shall be made by a majority vote.

Article 11

The decisions made by the Mixed Medical Commissions in each specific case shall be communicated, during the month following their visit, to the Detaining Power, the Protecting Power and the International Committee of the Red Cross. The Mixed Medical Commissions shall also inform each prisoner of war examined of the decision made, and shall issue to those whose repatriation has been proposed, certificates similar to the model appended to the present Convention.

Article 12

The Detaining Power shall be required to carry out the decisions of the Mixed Medical

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Commissions within three months of the time when it receives due notification of such decisions.

Article 13

If there is no neutral physician in a country where the services of a Mixed Medical Commission seem to be required, and if it is for any reason impossible to appoint neutral doctors who are resident in another country, the Detaining Power, acting in agreement with the Protecting Power, shall set up a Medical Commission which shall undertake the same duties as a Mixed Medical Commission, subject to the provisions of Articles 1, 2, 3, 4, 5 and 8 of the Present Regulations.

Article 14

Mixed Medical Commissions shall function permanently and shall visit each camp at intervals of not more than six months.

ANNEX III

Regulations concerning collective relief (see Article 73)

Article 1

Prisoners' representatives shall be allowed to distribute collective relief shipments for which they are sible, to all prisoners of war administered by their camp, including those who are in hospitals or in prisons or other penal establishments.

Article 2

The distribution of collective relief shipments shall be effected in accordance with the instructions of the donors and with a plan drawn up by the prisoners' representatives. The issue of medical stores shall, however, be made for preference in agreement with the senior medical officers, and the latter may, in hospitals and infirmaries, waive the said instructions, if the needs of their patients so demand. Within the limits thus defined, the distribution shall always be carried out equitably.

Article 3

The said prisoners' representatives or their assistants shall be allowed to go to the points of

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arrival of relief supplies near their camps, so as to enable the prisoners' representatives or their assistants to verify the quality as well as the quantity of the goods received, and to make out detailed reports thereon for the donors.

Article 4

Prisoners' representatives shall be given the facilities necessary for verifying whether the distribution of collective relief in all sub-divisions and annexes of their camps has been carried out in accordance with their instructions.

Article 5

Prisoners' representatives shall be allowed to fill up, and cause to be filled up by the prisoners' representatives of labour detachments or by the senior medical officers of infirmaries and hospitals, forms or questionnaires intended for the donors, relating to collective relief supplies (distribution, requirements, quantities, etc.). Such forms and questionnaires, duly completed, shall be forwarded to the donors without delay.

Article 6

In order to secure the regular issue of collective relief to the prisoners of war in their camp, and to meet any needs that may arise from the arrival of new contingents of prisoners, prisoners' representatives shall be allowed to build up and maintain adequate reserve stocks of collective relief. For this purpose, they shall have suitable warehouses at their disposal; each warehouse shall be provided with two locks, the prisoners' representative holding the keys of one lock and the camp commander the keys of the other.

Article 7

When collective consignments of clothing are available each prisoner of war shall retain in his possession at least one complete set of clothes. If a prisoner has more than one set of clothes, the prisoners' representative shall be permitted to withdraw excess clothing from those with the largest number of sets, or particular articles in excess of one, if this is necessary in order to supply prisoners who are less well provided. He shall not, however, withdraw second sets of underclothing, socks or footwear, unless this is the only means of providing for prisoners of war with none.

Article 8

The High Contracting Parties, and the Detaining Powers in particular, shall authorize, as far as

possible and subject to the regulations governing the supply of the population, all purchases of goods made in their territories for the distribution of collective relief to prisoners of war. They shall similarly facilitate the transfer of funds and other financial measures of a technical or administrative nature taken for the purpose of making such purchases.

Article 9

The foregoing provisions shall not constitute an obstacle to the right of prisoners of war to receive collective relief before their arrival in a camp or in the course of transfer, nor to the possibility of representatives of the Protecting Power, the International Committee of the Red Cross, or any other body giving assistance to prisoners which may be responsible for the forwarding of such supplies, ensuring the distribution thereof to the addressees by any other means that they may deem useful.

ANNEX IV.

A. IDENTITYCARD

(see Article 4)

[...]

B. CAPTURE CARD

(see Article 70)

[...]

C. CORRESPONDENCE CARD AND LETTER

(see Article 71)

[...]

D. NOTIFICATION OF DEATH

(see Article 120)

[...]

E. REPATRIATION CERTIFICATE

(see Annex II, Article 11)

REPATRIATION CERTIFICATE

Date:

Camp:

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Hospital:

Surname:

First names:

Date of birth:

Rank:

Army number:

P. W. number:

Injury-Disease:

Decision of the Commission:

Chairman of the
Mixed Medical Commission:

A= direct repatriation

B= accommodation in a neutral country

NC= re-examination by next Commission

ANNEX V

Model regulations concerning payments sent by prisoners to their own country

1. The notification referred to in the third paragraph of Article 63 will show:

(a) Number as specified in Article 17, rank, surname and first names of the prisoner of war who is the payer;

(b) The name and address of the payee in the country of origin;

(c) The amount to be so paid in the currency of the country in which he is detained.

2. The notification will be signed by the prisoner of war, or his witnessed mark made upon if it he cannot write, and shall be countersigned by the prisoners' representative.

3. The camp commander will add to this notification a certificate that the prisoner of war concerned has a credit balance of not less than the amount registered as payable.

4. The notification may be made up in lists, each sheet of such lists witnessed by the prisoners' representative and certified by the camp commander.

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Office of the United Nations High Commissioner for Human Rights
Geneva, Switzerland

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9/29/2004

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MEMORANDUM FOR RECORD

Subject: DCCP guidelines for the interrogation of prisoners.

1. Effective immediately the following guidelines are in effect for the TFIH DCCP. Accordingly, the 4th MP CO will:
 - a. Have all personnel assigned duties at the DCCP to include MP, CI and augmentee's or unit leadership overseeing operations at the facility read this policy letter.
 - b. Keep on hand a roster signed by all individuals that they are aware of these policies.
2. Read the TFIH DCCP SOP.
3. Read the Commanding General's DCCP policy letter dated 21 Sep 03.
4. Be briefed on Division FRAGO 1291.
5. Receive a class on the Geneva conventions as it applies to the treatment of detained persons.
6. Only MP and designated augmentee's will possess (touch) a riot baton. Under no circumstances will a soldier of any other MOS or duty position possess a baton or any other weapon while inside of the DCCP. Specifically, interrogators will not possess a weapon of any type while in the proximity of detainee's. If interpreters are in fear of a prisoner, then they will request an MP to be present during the interview.
7. Only the three designated interrogation tents are authorized for detainee screening. That is it—period. The senior MP present is responsible to ensure that this is enforced, I hold you personally responsible for any violation of this policy. Interrogation tents will have as a minimum, one side up at all times, viewable by an MP. If a request is made to put all sides down, then an MP will be present inside of the tent.
8. Interrogators (CI) are not authorized to physically strike, in any manner, a detainee. MP **will** detainee as subjects all personnel striking a prisoner that is not directly related to the safeguarding of other prisoners or themselves ~~JAW~~ the ROE or in the prevention of imminent harm to other persons working within the facility.
9. Temporary re-arranging of cell's by other than MP is not authorized. MP will adhere to established guidelines for separation and categorization. Exceptions will be approved by myself or the DPM.
10. If MP witness any questionable behavior during the questioning of detainee's they will immediately notify their supervisor who will log the action and make immediate contact to the Provost Office.

11. TF-20 personnel will abide by our guidelines regarding the detention of their detainee's. They will routinely 'sign out' a detainee for various reasons. In order to do so they must possess a signed cover sheet with the division Chief of Staffs signature. This will have a date beside it—for each and every time. The unit will call the PMO to verify a sign out has been authorized. TF-20 is authorized to question persons within the DCCP at any time at one of the designated tents and under the same conditions as CI personnel.

12. **Military Police are solely responsible for all actions within the DCCP.** This authority is not delegated in any manner to any other person working inside of the facility. I will hold MP accountable for all actions that occur regardless of the fact that they were out ranked, quoted a regulation/policy they are not familiar with, or simply bullied into compromising our standards.

[REDACTED]

MAJ(P), MP
Provost Marshal

DETAINEE PROCESS

1. Unit brings detainee(s) to Striker Detention Facility at FOB Pacesetter.
 2. Prior to admitting any detainee into the detention facility, the OIC/NCOIC that accompanies the detainee(s) to FOB Pacesetter comes to the 3-29 FA TOC and conducts an initial in-processing with the 3-29 FA S-2 section. Initial in processing includes a review of the detainee's packet. The detainee's packet should include:
 - a. Filled out Coalition Apprehension Form
 - b. CI screening form (if the unit has a CI team)
 - c. Any sworn statements
 - d. DA 4137 for all confiscated property
 - e. EPW Category assessed
 - f. A synopsis memo
 - g. Identification validated
 - h. Photo printed
- Any discrepancies identified are annotated and the detaining unit is responsible for corrections needed.
3. Once the initial in-processing is complete, the detainee(s) are then taken to the detention facility and in-processed by the 64th MP Company. Simultaneously the 3-29 FA S-2 section validates the identity of the detainee(s) through the BDE S-2 while concurrently verifying against the Battalion's list.
 4. If the detaining Battalion S-2 does not conduct an initial interrogation of the detainee(s), the 3-29 FA THT will conduct the interrogation.
 5. If the detainee(s) is a CAT I or IA (have intelligence value, HVT, or a Foreign fighter), the detainee(s) will be immediately transferred to DCCP. Pacesetter S-2 will coordinate with DCCP not less than 24 hours prior to transfer. (DCCP runs occur every TUE and FRI)
 6. If the detainee(s) is determined to have no intelligence value (CAT B, C, or D) from and/or through interrogations, the detainee(s) is/are tried for the violations listed. A DA Form 6 selects the trial officer. Proceedings are conducted based on a summary courts martial model written by the 3BCT JAG.
 7. If detainee(s) was apprehended and is not of intel value or has not committed any other violations, then they are released. Prior to any release, Pacesetter S-2 contacts the detaining unit not less than 24 hours prior and receives an acknowledgement that a release is going to occur in the detaining units AO. If the unit has no objections or reasons to further detain the individual the detainee(s) is released. The releases are conducted on every WED and SAT.
 8. The major shortfalls that usually hold up a detainee from being released or transferred to DCCP are:
 - a. Coalition Apprehension Form improperly filled out. The form does not have all the information needed. The Detaining soldiers name and Supervising officers name are the items that are usually left off.
 - b. Synopsis memo is missing or incomplete.
 - c. CI screening sheet is missing or incomplete
 - d. DA 4137 missing
 - e. Sworn statements missing.

If the information is not on hand, it takes some units up to 3 weeks to complete the packets to expedite the process.

002156

DETAINEE PROCESS

1. Unit brings detainee(s) to Striker Detention Facility at FOB Pacesetter.
2. Prior to admitting any detainee into the detention facility, the OIC/NCOIC that accompanies the detainee(s) to FOB Pacesetter comes to the 3-29 FA TOC and conducts an initial in-processing with the 3-29 FA S-2 section. Initial in processing includes a review of the detainee's packet. The detainee's packet should include:
 - a. Filled out Coalition Apprehension Form
 - b. CI screening form (if the unit has a CI team)
 - c. Any sworn statements
 - d. DA 4137 for all confiscated property
 - e. EPW Category assessed
 - f. A synopsis memo
 - g. Identification validated.
 - h. Photo printed

Any discrepancies identified are annotated and the detaining unit is responsible for corrections needed.

3. Once the initial in-processing is complete, the detainee(s) are then taken to the detention facility and in-processed by the 64th MP Company. Simultaneously the 3-29 FA S-2 section validates the identity of the detainee(s) through the BDE S-2 while concurrently verifying against the Battalion's list.
4. If the detaining Battalion S-2 does not conduct an initial interrogation of the detainee(s), the 3-29 FA THT will conduct the interrogation.
5. If the detainee(s) is a CAT I or IA (have intelligence value, HVT, or a Foreign fighter), the detainee(s) will be immediately transferred to DCCP. Pacesetter S-2 will coordinate with DCCP not less than 24 hours prior to transfer. (DCCP runs occur every TUE and FRI)
6. If the detainee(s) is determined to have no intelligence value (CAT B, C, or D) from and/or through interrogations, the detainee(s) is/are tried for the violations listed. A DA Form 6 selects the trial officer. Proceedings are conducted based on a summary courts martial model written by the 3BCT JAG.
7. If detainee(s) was apprehended and is not of intel value or has not committed any other violations, then they are released. Prior to any release, Pacesetter S-2 contacts the detaining unit not less than 24 hours prior and receives an acknowledgement that a release is going to occur in the detaining units AO. If the unit has no objections or reasons to further detain the individual the detainee(s) is released. The releases are conducted on every WED and SAT.
8. The major shortfalls that usually hold up a detainee from being released or transferred to DCCP are:
 - a. Coalition Apprehension Form improperly filled out. The form does not have all the information needed. The Detaining soldiers name and Supervising officers name are the items that are usually left off.
 - b. Synopsis memo is missing or incomplete.
 - c. CI screening sheet is missing or incomplete
 - d. DA 4137 missing
 - e. Sworn statements missing.

If the information is not on hand, it takes some units up to 3 weeks to complete the packets to expedite the process.

002157

TAG # _____

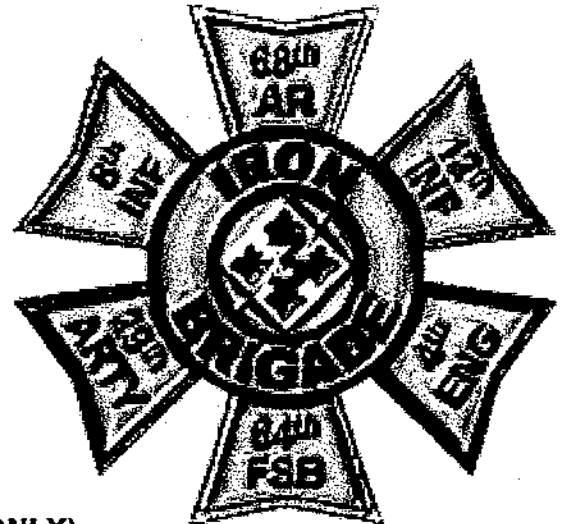
DATE DETAINED: _____

NAME: _____

DATE BCCP: _____

3BCT DETAINEE PACKET CHECKLIST

- _____ EPW TAG (DA FORM 2745) (OR EQUIVALENT)
- _____ COALITION APPREHENSION FORM
- _____ TWO SWORN STATEMENTS
- _____ MEDICAL SCREEN (IF NEEDED)
- _____ DA FORM 4137 (IF DETAINEE HAS PROPERTY)
- _____ PHOTOGRAPH OF DETAINEE
- _____ 3BCT WEAPONS / CONTRABAND MEMO (DCCP ONLY)



UNIT OF CAPTURE:

1-8 IN 1-68 AR 1-66 AR 4 ENGR 3-29 FA DIVARTY BRT

RECOMMENDATIONS:

CI RECOMMENDATION:

RELEASE
 TRANSFER TO APPREHENDING UNIT
 SEND TO DCCP (TIKRIT)
 OTHER: _____

S2 RECOMMENDATION:

RELEASE
 TRANSFER TO APPREHENDING UNIT
 SEND TO DCCP (TIKRIT)
 OTHER: _____

3-29 FA CDR RECOMMENDATION:

RELEASE
 TRANSFER TO APPREHENDING UNIT
 SEND TO DCCP (TIKRIT)
 OTHER: _____

DETAINEE CATEGORY:

A A1 B C

D 002158

DEPARTMENT OF THE ARMY REPORT OF RESULTS OF TRIAL

For use of this form, see AR 27-10; the proponent agency is TJAG

TO: Commander
B Battery, 4th Battalion, 1st Armored Division
Baghdad, Iraq APO AE 09324

1. Notification under R.C.M. 1101 and AR 27-10, paragraph 5-26 is hereby given in the case of the United States v. McKENZIE, John C.

SSG. B BTRY., 4th BN, 1st FA, 3rd BDE, 1st AD

2. Trial by general court-martial on 8 Dec 03 at Baghdad, Iraq

convened by CMCO Number 5 HQ, 1st Armored Division, APO AE 09324.

3. Summary of offenses, pleas, and findings:

CH	ART UCMJ	SPEC	BRIEF DESCRIPTION OF OFFENSE(S)	PLEA	FINDING
THE	128	THE	Assault with a loaded firearm	Not Guilty	Not Guilty

4. SENTENCE: None.

5. Date sentence adjudged: None.

6. Contents of pretrial agreement concerning sentence, if any: None.

7. Number of days of presentence confinement, if any: None.

8. Number of days of judge-ordered administrative credit for illegal presentence confinement or restriction found tantamount to confinement, if any: None

9. Total present confinement credit towards post-trial confinement: None.

10. Name(s) and SSN(s) of companion accused or co-accused, if any: None.

CF: Commander
4th Battalion, 1st Field Artillery
Baghdad, Iraq APO AE 09324

SJA
1st Armored Division
Baghdad, Iraq APO AE 09324

TYPED NAME

SIGNATURE

RANK

BRANCH OF SERVICE

CPT

JA

CHARGE SHEET

I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, Middle Initial) McKenzie, John C.		2. SSN	3. GRADE OR RANK SSG	4. PAY GRADE E6
5. UNIT OR ORGANIZATION Bravo Battery, 4 th Battalion, 1 st Field Artillery Baghdad, Iraq APO AE 09324		6. CURRENT SERVICE		
		a. INITIAL DATE 20001208	b. TERM 6 years	
7. PAY PER MONTH		8. NATURE OF RESTRAINT OF ACCUSED		9. DATE(S) IMPOSED
a. BASIC	b. SEA/FOREIGN DUTY	c. TOTAL		
\$2,400.90	None	\$2,400.90		None.

II. CHARGES AND SPECIFICATIONS

10. CHARGE I: VIOLATION OF THE UCMJ, ARTICLE 93.

THE SPECIFICATION: In that Staff Sergeant (E6) John C. McKenzie, U.S. Army, at or near Baghdad, Iraq, on or about 21 June 2003, was cruel toward [REDACTED] a person subject to his orders, by laughing at [REDACTED] after he was assaulted by Private First Class [REDACTED] and saying to [REDACTED] "What happened, did you fall and break your nose?", or words to that effect.

operable firearm
offering an
while other army soldiers
guarded
16 NOV 03

CHARGE II: VIOLATION OF THE UCMJ, ARTICLE 128.

THE SPECIFICATION: In that Staff Sergeant (E6) John C. McKenzie, U.S. Army, did at or near Baghdad, Iraq, on or about 21 June 2003, commit an assault upon [REDACTED] by pointing at him with a dangerous weapon likely to produce death or grievous bodily harm, to wit: a loaded firearm.

III. PREFERRAL

11a. NAME OF ACCUSER (Last, First, Middle Initial)	b. GRADE	c. ORGANIZATION OF ACCUSER
[REDACTED]	MAJ	HHC, 3 rd Brigade
d. SIGNATURE OF ACCUSER	e. DATE (YYYYMMDD)	
[REDACTED]	20030919	

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 19 day of September, 2003, and signed the foregoing charges and specifications under oath that he/she is a person subject to the Uniform Code of Military Justice and that he/she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief.

<p>[REDACTED]</p> <p>Typed Name of Officer</p>	<p>HHC, 3rd Bde, 1st AD</p> <p>Organization of Officer</p>
<p>CPT</p> <p>Grade</p>	<p>Trial Counsel</p> <p>Official Capacity to Administer Oath (See R.C.M. 307(b) - must be a commissioned officer)</p>
<p>[REDACTED]</p> <p>Signature</p>	

12.

On 20 September, 2003, the accused was informed of the charges against him/her and of the name(s) of the accuser(s) known to me (See R.C.M. 308(a)). (See R.C.M. 308 if notification cannot be made.)

[Redacted]
Typed Name of Immediate Commander

B Btry, 4-1 FA
Organization of Immediate Commander

CPT
Grade

[Redacted]
Signature

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

The sworn charges were received at 1530 hours, 20 SEPT., 2003 at

HQ, 4-1 FA
Designation of Command or

Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)

FOR THE ¹

[Redacted]
Typed Name of Officer

Commander
Official Capacity of Officer Signing

LTC
Grade

[Redacted]
Signature

V. REFERRAL; SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY

HEADQUARTERS, 1st ARMORED DIVISION

b. PLACE

BAGHDAD, IRAQ

c. DATE (YYYYMMDD)

20031114

Referred for trial to the general court-martial convened by Court-Martial Convening Order Number 5,

this headquarters,

dated 20 August 2003, subject to the following instructions:²

COMMAND of BRIGADIER GENERAL DEMPSEY

Command or Order

[Redacted]
Typed Name of Officer

Chief, Military Justice

Official Capacity of Officer Signing

MAJ
Grade

[Redacted]
Signature

15.

On _____, I (caused to be) served a copy hereof on (each of) the above named accused.

[Redacted]
Typed Name of Trial Counsel

CPT
Grade or Rank of Trial Counsel

[Redacted]
Signature

FOOTNOTES: 1 - When an appropriate commander signs personally, inapplicable words are stricken.
2 - See R.C.M. 601(e) concerning instructions. If none, so state.

DEPARTMENT OF THE ARMY
HEADQUARTERS, 1ST ARMORED DIVISION
BAGHDAD INTERNATIONAL AIRPORT COMPLEX
UNIT 93054
APO AE 09324

COURT-MARTIAL CONVENING ORDER
NUMBER 9

1 December 2003

The following members are detailed to the Special Court-Martial empowered to adjudge a bad-conduct discharge convened by Court-Martial Convening Order Number 5, this headquarters, dated 20 August 2003, for the trial of United States v. SSG John C. McKenzie, Battery B, 4th Battalion, 1st Field Artillery, 1st Armored Division only:

CSM [REDACTED] HHT, 1-2 ACR (L)
CSM [REDACTED] HHC, 47th FSB, 1AD

Vice

CSM [REDACTED] 1 AR EN BDE
SGM [REDACTED] HHC, 2d BDE, 82d ABN

BY COMMAND OF BRIGADIER GENERAL MARTIN E. DEMPSEY:

[REDACTED]

DISTRIBUTION:
Each Indiv Conc (1)
Record of Trial (1)
Record Set (1)
Reference Set (1)

MAJ, JA
Chief, Military Justice

002162

CORRECTED COPY

DEPARTMENT OF THE ARMY
HEADQUARTERS, 1ST ARMORED DIVISION
BAGHDAD INTERNATIONAL AIRPORT COMPLEX
APO AE 09324-3054

COURT-MARTIAL CONVENING ORDER
NUMBER

5

20 August 2003

A general or special court-martial is convened with the following members and shall meet at a location to be determined:

COL. [REDACTED], HHC, 4th BDE, 1AD
COL. [REDACTED], HHT, 2ACR (L)
LTC [REDACTED], HHB, 2-3 FA
LTC [REDACTED], HHC, 2 BDE
LTC [REDACTED], HHC, 501st MI BN
MAJ [REDACTED], HHC, 1AD
MAJ [REDACTED], HHC, 1457th EN BN
CPT [REDACTED], HSC, 389th EN BN
CPT [REDACTED], HHC, 1st BCT, 1AD

In the event the accused submits a request pursuant to Article 25c, UCMJ, that the court be composed of at least one-third enlisted members, the officers not named below are excused and the court will be composed of the following officers and enlisted members:

COL. [REDACTED], HHT, 2ACR (L)
COL. [REDACTED], HHC, 4th BDE, 1AD
LTC [REDACTED], HHB, 2-3 FA
LTC [REDACTED], HHC, 501st MI BN
CPT [REDACTED], 389th EN BN
CSM [REDACTED], 1 AR EN BDE
SGM [REDACTED], HHC, 2ND BDE, 82ND ABN
MSG [REDACTED], RHHT, 2ACR
SFC [REDACTED], HHC 1-6 IN

All cases referred to the general or special court-martial convened by Court-Martial Convening Order Number 17 or 18, this headquarters, dated 8 December 2002 in which the court has not yet been assembled, will be brought to trial before the court-martial hereby convened.

BY COMMAND OF BRIGADIER GENERAL DEMPSEY:

DISTRIBUTION:
Each Indiv Conc (1)
Record of Trial (1)
Record Set (1)
Reference Set (1)

[REDACTED]

MAJ, JA
Chief, Military Justice

002163



DEPARTMENT OF THE ARMY
HEADQUARTERS, 3RD BRIGADE COMBAT TEAM, 1ST ARMORED DIVISION
BAGHDAD, IRAQ
UNIT 92940, APO AE 09324-2940

REPLY TO
ATTENTION OF:

AFZN-BB-CO


3 November 2003

MEMORANDUM THRU Staff Judge Advocate, 1st Armored Division, Baghdad, Iraq

FOR Commanding General, 1st Armored Division, Baghdad, Iraq

SUBJECT: Disposition of Court Martial Case (U.S. v. SSG John C. McKenzie)

1. This memorandum is to inform you of the results of a recently completed Article 32 investigation in the case of U.S. v SSG John C. McKenzie and to discuss with you my preference for the disposition of this case.
2. Staff Sergeant McKenzie was charged on 19 September 2003 with a violation of Article 93, UCMJ, for maltreatment of a detainee, and with a violation of Article 128, UCMJ, for assaulting the same detainee. The Article 32 investigation for this case was conducted on 22 October 2003. This investigation found reasonable grounds to believe that SSG McKenzie committed the Article 128 offense, as well as a variation on the charged Article 93 offense. It also found reasonable grounds to believe that SSG McKenzie violated Article 92, UCMJ, for being derelict in his duty to correct a subordinate soldier's maltreatment of the detainee. The recommendation of the investigating officer was that the case be referred to a Special Court-Martial empowered to adjudge a Bad-Conduct Discharge.
3. Despite this recommendation, it is my preference that I handle this case with a Field Grade Article 15. Although the charges in this case are serious, this appears to be the only indiscretion by the noncommissioned officer in question. In fact, even the witnesses against him stated that he is "by the book" and always sets the standard. I feel a Field Grade Article 15 is appropriate for this offense considering the circumstances surrounding it.
4. This case has not previously been referred to you for disposition. I will await word from you as to whether my intended resolution of this case is acceptable before executing any nonjudicial punishment, and will understand if you decide to pull the case up to your level for a court-martial.


COL, AR
Commanding

002164