

Joint Publication 3-63



Joint Doctrine for Detainee Operations



**Final Coordination
23 March 2005**



PREFACE

1 **1. Scope**

2

3 This publication provides guidelines for planning and executing detainee operations. It
4 outlines responsibilities and discusses organizational options, and command and control
5 considerations across the range of military operations.

6

7 **2. Purpose**

8

9 This publication has been prepared under the direction of the Chairman of the Joint Chiefs of
10 Staff. It sets forth joint doctrine to govern the activities and performance of the Armed Forces of
11 the United States in operations and provides the doctrinal basis for interagency coordination and
12 for US military involvement in multinational operations. It provides military guidance for the
13 exercise of authority by combatant commanders and other joint force commanders (JFCs) and
14 prescribes joint doctrine for operations and training. It provides military guidance for use by the
15 Armed Forces in preparing their appropriate plans. It is not the intent of this publication to
16 restrict the authority of the JFC from organizing the force and executing the mission in a manner
17 the JFC deems most appropriate to ensure unity of effort in the accomplishment of the overall
18 objective.

19

20

1 **3. Application**

2

3 a. Joint doctrine established in this publication applies to the commanders of combatant
4 commands, subunified commands, joint task forces, subordinate components of these commands,
5 and the Services.

6

7 b. The guidance in this publication is authoritative; as such, this doctrine will be followed
8 except when, in the judgment of the commander, exceptional circumstances dictate otherwise. If
9 conflicts arise between the contents of this publication and the contents of Service publications,
10 this publication will take precedence unless the Chairman of the Joint Chiefs of Staff, normally in
11 coordination with the other members of the Joint Chiefs of Staff, has provided more current and
12 specific guidance. Commanders of forces operating as part of a multinational (alliance or
13 coalition) military command should follow multinational doctrine and procedures ratified by the
14 United States. For doctrine and procedures not ratified by the United States, commanders should
15 evaluate and follow the multinational command's doctrine and procedures, where applicable and
16 consistent with US law, regulations, and doctrine.

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For the Chairman of the Joint Chiefs of Staff:

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NORTON A. SCHWARTZ
Lieutenant General, USAF
Director, Joint Staff

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EXECUTIVE SUMMARY
COMMANDER'S OVERVIEW

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CHAPTER I INTRODUCTION

1 *“American personnel are required to comply with all US laws, including the United*
2 *States Constitution, Federal statutes, including statutes prohibiting torture, and our*
3 *treaty obligations with respect to the treatment of all detainees. The United States also*
4 *remains steadfastly committed to upholding the Geneva Conventions, which have*
5 *been the bedrock of protection in armed conflict for more than 50 years. These*
6 *Conventions provide important protections designed to reduce human suffering in*
7 *armed conflict. We expect other nations to treat our service members and civilians in*
8 *accordance with the Geneva Conventions. Our Armed Forces are committed to*
9 *complying with them and to holding accountable those in our military who do not.”*

10
11 **President George W. Bush**

12 13 **1. Background**

14
15 During the course of military operations, members of the United States armed forces must
16 be prepared to detain personnel who are no longer willing or able to continue fighting, and other
17 personnel based on established detention criteria (threat to US forces; threat to members of the
18 local population; other security interests). During the course of current and future operations,
19 US forces are likely to encounter additional categories of both traditional and non-traditional
20 combatants (terrorists, insurgents, criminals). Following the events of September 11, 2001, a
21 new category of detainee, enemy combatant (EC), was created for personnel who are not granted
22 or entitled to the privileges of the Geneva Convention. US forces must be prepared to take into
23 custody, maintain, protect, and account for all categories of potential detainees. It is imperative

1 that all individuals detained by US forces are treated in accordance with applicable domestic and
2 international law, and national policy.

3

4 **2. Purpose**

5

6 The purpose of this publication is to establish joint level doctrine that will govern detainee
7 operations to support combatant commands, sub-unified commands, joint force commanders
8 (JFC), commanders of joint task forces (JTFs) and subordinate components of these commands.
9 The challenges of today's security environment and the nature of the enemy requires clear
10 operational and strategic guidance for detainee operations in a joint environment. This
11 publication shall provide commanders, Services and components with a single, consolidated
12 source of doctrine that outlines accurate information on planning for detainee operations, roles
13 and responsibilities during detainee operations; capture, initial detention, screening, medical and
14 transportation procedures, long term detention operations and transfer or release from detention.

15

16 **3. Policy**

17

18 Detainee operations must comply with the law of armed conflict (often referred to as the
19 law of war) and implementing US policy. The key sources of US policy for detainee operations
20 include the over-arching US Law of War Policy and the multi-Service Detainee Regulation.

21

22 a. In general, the US Law of War Policy is set forth in Department of Defense Directive
23 5100.77, *DOD Law of War Program*, and CJCS Instruction 5810.01A, *Implementation of DOD*

1 *Law of War Program.* In accordance with these directives, each of the Services and the Unified
2 Combatant Commanders must further implement this Law of War Policy for their respective
3 personnel. The Law of War Policy includes several critical provisions.

4
5 b. First and foremost, the US Law of War Policy directs that all the Armed Forces of the
6 United States shall comply with the law of armed conflict during all armed conflicts, however
7 such conflicts are characterized and, unless otherwise directed by competent authorities, shall
8 comply with the principles and spirit of the law of war during all other operations.” (CJCS
9 Instruction 5810.01A, *Implementation of DOD Law of War Program*).

10

11 c. The law of armed conflict provides protections for certain individuals detained during the
12 course of armed conflicts. In addition, United States policy requires that members of the armed
13 forces comply with the law of armed conflict, and with the principles and spirit of the law of
14 armed conflict during all military operations. Accordingly, all detained personnel shall be
15 accorded the appropriate legal status under the law of armed conflict, and shall be treated
16 humanely at all times.

17

18 d. Joint force commanders shall follow the procedures outlined in applicable directives for
19 the capture, transfer, transport, holding, or release of detainees. Joint forces detaining personnel
20 shall hand them over to Military Police for safeguarding as soon as practical (DODD 2310.1,
21 *DOD Program for Enemy Prisoners of War (EPOW) and Other Detainees*). Joint forces shall
22 initiate personnel and property accountability upon detention of personnel regardless of
23 classification.

1

2 **e. All alleged violations of the law of armed conflict committed by US or**
3 **coalition/allied personnel or by other persons must be promptly reported, thoroughly**
4 **investigated, and where appropriate, remedied by corrective action.** On-scene commanders
5 shall ensure that measures are taken to preserve evidence of alleged violations pending
6 investigation by US, coalition/allied or other appropriate authorities. (DODD 5100.77, *DOD*
7 *Law of Armed Conflict Program*).

8

9 **f. All persons detained by US Armed Forces during the course of military operations**
10 **shall be given humanitarian care and treatment from the moment they fall into the hands**
11 **of US forces until release. The inhumane treatment of detainees is prohibited by**
12 **international law and DOD policy.** There is no military necessity exception to this humane
13 treatment mandate. Accordingly, neither the stress of combat operations, the need for actionable
14 information, nor the provocations by captured/detained personnel justify deviation from this
15 obligation. Acts and/or omissions that constitute inhumane treatment are violations of the law of
16 armed conflict, and as such must be immediately reported and investigated by appropriate
17 authorities IAW DOD policy. Individuals responsible for such acts/omissions may be subject to
18 punishment for violations of the Uniform Code of Military Justice (UCMJ).

19

20

4. Legal Considerations

THE GENEVA CONVENTIONS

The International Committee of the Red Cross (ICRC), founded in 1863, was a major player in the development and subsequent ratification of the Geneva Conventions as they are known today. Prior to World War II there were only two conventions, “Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field” and “Geneva Convention Relative to the Treatment of Prisoners of War.” Following World War II and the massive reconstruction of numerous countries Max Huber, a Swiss Jurist who had been president of the ICRC for many years, proposed discussion to modify the existing Geneva Conventions. These talks resulted in the four new Geneva Conventions that was signed by fifty-four nations by the end of December 1949. The United States Senate ratified the Geneva Conventions in 1956.

SOURCE: *The Road to Abu Ghraib: US Army Detainee Doctrine and Experience*, James Gephardt, Combat Studies Institute

a. As previously stated, detainee operations must comply with the law of armed conflict (LOAC). Often referred to as the law of war, LOAC is that part of international law that regulates the conduct of armed hostilities. LOAC encompasses all international law for the conduct of hostilities binding on the United States or its individual citizens, including treaties

1 and international agreements to which the United States is a party, and applicable customary
2 international law (DODD 5100.77, para 3.1; CJCSI 5810.01A, para 4a). Customary
3 international law is the practice of states which has become accepted as legally binding upon
4 states in their internationally relations.

5
6 b. The Geneva Conventions, comprised of four treaties, are fully applicable as a matter of
7 international law to all military operations that qualify as international armed conflicts. These
8 treaties were intended to provide comprehensive humanitarian standards for the treatment of war
9 victims — a term used to refer to prisoners of war; wounded and sick members of an enemy
10 armed force; wounded, sick, and shipwrecked members of naval forces; and civilians adversely
11 effected by armed conflict. The US ratified the Geneva Conventions for the Protection of War
12 Victims, 2 February 1956, giving them the full force and effect of any other law of the United
13 States. The principles reflected in these treaties are also today considered customary
14 international law, binding on all nations during qualifying conflicts. Application of these
15 principles by the Armed Forces of the United States to military operations that do not rise to the
16 level of international armed conflicts is also required as a matter of Department of Defense
17 Policy. Although often referred to collectively as the “Geneva Conventions”, the specific
18 treaties are:

19

20 (1) The **Geneva Conventions Relative to the Treatment of Prisoners of War**
21 **(GPW)**. This convention provides for the humane treatment of Enemy Prisoners of War
22 **(EPOW)**. It regulates the treatment of EPWs (care, food, clothing, medical care, and housing),

1 discipline and punishment, labor and pay, external relations, representation, the international
2 exchange of information, and the termination of captivity.

3
4 (2) The **Geneva Conventions Relative to the Protection of Civilian Persons in**
5 **Time of War (GC)**. This convention deals with the protection of civilians who find themselves
6 under the control of an enemy nation (normally during a period of belligerent occupation). It
7 regulates the treatment of such civilians, to include establishing procedures for the deprivation of
8 liberty (arrest, internment, assigned residence); and provides a legal framework for the
9 relationship between civilians and the enemy authorities controlling them.

10
11 (3) **Geneva Convention for the Amelioration of the Condition of the Wounded**
12 **and Sick in Armed Forces in the Field, 2 February 1956 (GWS)**. This convention provides
13 protection for members of the armed forces and other persons on the battlefield who are no
14 longer actively participating in hostilities as the result of becoming wounded or sick. It also
15 regulates the conduct and treatment of medical and medical support personnel. It mandates
16 humane treatment for wounded and sick personnel who fall into enemy hands, with an express
17 mandate that such individuals be protected against pillage and ill treatment, and provided
18 necessary and adequate care. It also provides for the collection of dead persons, the recording of
19 interment locations, and prohibits the abuse of remains.

20
21 (4) **Geneva Convention for the Amelioration of the Condition of Wounded, Sick,**
22 **and Shipwrecked Members of Armed Forces at Sea, 2 February 1956 (GWS [Sea])**. This
23 convention mandates the humane treatment and protection of members of the armed forces and

1 other persons at sea who are wounded, sick, or shipwrecked. It also protects hospital ships and
2 provides for burial at sea.

3

4 c. Multi-service directives AR 190-8; OPNAVINST 3461.6; AFJI 31-304 and MCO
5 3461.1 Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees
6 address legal considerations when conducting detainee operations. In addition, DODDs on the
7 Law of Armed Conflict Program and EPOW and Other Detainees discuss legal issues regarding
8 the reception, treatment, process and release of detainees.

9

10 **5. Detainee Classification**

11

12 a. The DOD definition of the word “detainee” refers to any person captured or otherwise
13 detained by an armed force. As a matter of policy, all detainees will be treated in accordance
14 with the principles applicable to enemy prisoners of war unless and until a more precise legal
15 status and accordant treatment is determined appropriate by competent authority. During the
16 course of operations classified by the United States as international armed conflicts, captured
17 opposition personnel who satisfy the requirements to qualify for application of the GPW will be
18 granted appropriate status and accordant treatment as a matter of law. When there is doubt about
19 whether these criteria are satisfied, a competent authority shall convene a tribunal pursuant to
20 Article 5 of the GPW to resolve this doubt. Detaining officials must recognize that a
21 determination that the applicable criteria have not been satisfied will often result in application
22 of the GC to the same individual.

23

DETAINEE CLASSIFICATIONS**Geneva Convention Classifications**

Enemy Prisoner of War

Civilian Internees

Retained Persons

Other Detainees

Additional Classification

Enemy Combatant

b. **Geneva Convention Classifications.** There are four categories of detainees listed under the GC. These persons are entitled to the privileges of the Geneva Convention.

(1) **Enemy Prisoner of War (EPW).** An EPW is defined as a detained person as prescribed in Articles 4 and 5 of the Geneva Convention Relative to the Treatment of Prisoners of War of 2 February 1956. In particular, one who, while engaged in combat under orders of his or her government, is captured by the armed forces of the enemy. As such, he or she is entitled to the combatant's privilege of immunity from the municipal law of the capturing state for

1 warlike acts which do not amount to breaches of the law of armed conflict. For example, a
2 prisoner of war may be, but is not limited to any person belonging to one of the following
3 categories who has fallen into the power of the enemy; a member of the armed forces, organized
4 militia or volunteer corps, a person who accompanies the armed forces without actually being a
5 member thereof, a member of a merchant marine or civilian aircraft crew not qualifying for more
6 favorable treatment, or individuals who, on the approach of the enemy, spontaneously take up
7 arms to resist the invading forces (not sporadic or isolated pockets of civilian opposition). Such
8 personnel qualify for the benefits of the GPW as a matter of law. Individuals who qualify for
9 this status are immune for their pre-capture activities, so long as those activities complied with
10 the law of armed conflict (an individual who qualifies as an EPW who prior to capture
11 committed war crimes may be prosecuted for those war crimes).

12

13 (2) **Civilian Internee (CI).** A civilian who is interned during an international armed
14 conflict or belligerent occupation for security reasons or for protection or because he or she has
15 committed an offense (insurgent, criminals and other persons) against the detaining power. Such
16 individuals generally qualify for protected status in accordance with the GC, which also
17 establishes procedures that must be observed when depriving such civilians of their liberty.
18 (Article 78 of the GC III; Article 84 of GC IV and revision of AR 190-8).

19

20 (3) **Retained Person (RP).** Enemy personnel who come within any of the categories
21 below are eligible to be certified as retained personnel. 1. Medical personnel exclusively
22 engaged in the: a. Search for, collection, transport, or treatment of the wounded or sick; b.
23 Prevention of disease; and/or c. Staff administration of medical units and establishments

1 exclusively. 2. Chaplains attached to enemy armed forces. 3. Staff or National Red Cross
2 societies and other voluntary aid societies duly recognized and authorized by their governments.
3 The staff of such societies must be subject to military laws and regulations. (Article 33 of the
4 GPW and revision of AR 190-8).

5
6 (4) **Other Detainees (OD).** A person in the custody of US armed forces that has not
7 yet been classified as an EPW, CI or RP. OD is treated as EPW until a different legal status and
8 accordant treatment is established by competent authority in accordance with procedures
9 established by law and policy. (JP 1-02 and revision of AR 190-8).

10
11 c. **Additional Classification.** In reference to the Global War on Terror there is an
12 additional classification of detainees who, through their own conduct, are not entitled to the
13 privileges and protection of the Geneva Conventions. These personnel, when detained, are
14 classified as enemy combatants.

15
16 (1) **Enemy Combatant (EC).** Although they do not fall under the provisions of the
17 Geneva Convention, they are still entitled to be treated humanely, subject to military necessity,
18 consistent with the principles of GC, and without any adverse distinction based on race, color,
19 religion, gender, birth, wealth, or any similar criteria, and afforded adequate food, drinking
20 water, shelter, clothing, and medical treatment; allowed the free exercise of religion consistent
21 with the requirements of such detention. There is a comprehensive list of terrorists and terrorist
22 groups identified under Executive Order 13224, located at <http://www.treas.gov/ofac/>. Anyone
23 detained that is affiliated with these organizations will be classified as EC. Furthermore, there

1 are individuals that may not be affiliated with the listed organizations that may be classified as
2 an EC. On these specific individuals, guidance should be obtained from higher headquarters.

3 As defined by the Deputy Secretary of Defense, an EC is defined as:

4

5 *“Any person that US or allied forces could properly detain under the laws and customs*
6 *of war. For purposes of the war on terror an enemy combatant includes, but is not*
7 *necessarily limited to, a member or agent of Al Qaeda, Taliban, or another*
8 *international terrorist organization against which United States is engaged in an armed*
9 *conflict. This may include those individuals or entities designated in accordance with*
10 *references E or G, as identified in applicable Executive Orders approved by the*
11 *Secretary of Defense.”*

12

13 **Deputy Secretary of Defense global screening criteria, Feb 20, 2004**

14

15 *Reference E – Comprehensive List of Terrorists and Terrorist Groups Identified Under*
16 *Executive Order 13224 (updates at <http://www.treas.gov/ofac>)*

17

18 *Reference G Patterns of Global Terrorism. Department of State, 2002 (updates at*
19 *<http://www.state.gov/s/ct/rls/pgtrpt/>).*

20

21 (2) Enemy combatants may be identified into the following sub-categories:

22

23 (a) **Low Level Enemy Combatant (LLEC).** Detainees who are not a threat
24 beyond the immediate battlefield or that do not have high operational or strategic intelligence or

1 law enforcement value that requires the specialized type of exploitation capability available at a
2 Joint Interrogation and Debriefing Center.

3
4 (b) **High Value Detainee (HVD).** A detainee who possesses extensive and/or
5 high level information of value to operational commanders, strategic intelligence or law
6 enforcement agencies and organizations.

7
8 (c) **Criminal Detainee.** A person detained because he is reasonably suspected of
9 having committed a crime against local nationals or their property or a crime not against US or
10 coalition forces. Excludes crimes against humanity or atrocities. (Note: this sub-category may
11 also be applied to CIs).

12
13 (d) **High Value Criminal (HVC).** A detainee who meets the criteria of a HVD
14 and is reasonably suspected of having committed crimes against humanity or committed
15 atrocities, a breach of humanitarian law that is an inhumane act committed against any person.

16
17 (e) **Security Detainee.** A civilian interned during a conflict or occupation for his
18 or her own protection.

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CHAPTER II

PLANNING AND TRAINING FOR DETAINEE OPERATIONS

“These times of increasing terror challenge the world. Terror organizations challenge our comfort and our principles. The United States will continue to take seriously the need to question terrorists who have information that can save lives. But we will not compromise the rule of law or the values and principles that make us strong.”

President George W. Bush

1. Introduction

The joint force commander (JFC) must consider a plan for detainee operations within the joint operations area (JOA). The JFC must ensure all personnel are trained and logistically supported to conduct detainee operations. The commander should analyze the wide array of logistical and operational requirements to conduct detainee operations. These requirements begin with the correct number and type of personnel on the ground to conduct the operation. Secondly are the identification, collection and execution of a logistical plan to support detainee operations throughout the joint operations area (JOA). Lessons learned from Operation Iraqi Freedom demonstrated that personnel conducting those operations and the material/facilities necessary to execute the detainee operations were not prioritized on deployment data listings. Responsibilities include:

1 a. **The JFC shall:**

2

3 (1) Designate a Chief, Detainee Operations (CDO), who will be the single individual
4 responsible for all aspects of detainee operations, to include detention facilities, joint
5 interrogation and debriefing centers (JIDCs), and detainee reporting requirements within the
6 JOA.

7

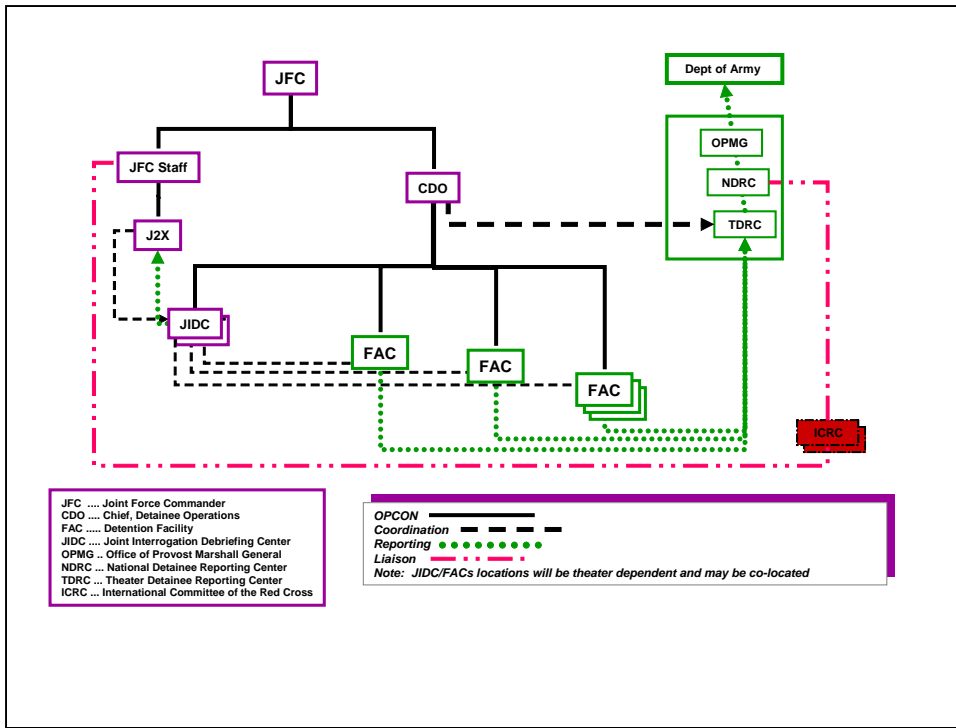
8 (2) Ensure the CDO, detention facilities, and JIDCs comply with applicable laws and
9 regulations.

10

11 b. **Chief, Detainee Operations (CDO).** The JFC shall designate a CDO who is primarily
12 responsible for all detention facility and interrogation operations in the JOA. The CDO shall
13 normally have detainee operations experience. The CDO shall have the following
14 responsibilities:

15

16 (1) Exercises operational control over all assigned and attached forces, detention
17 facilities and JIDCs within the JOA (see Figure II-1).



1

Figure II-1. Command and Control Within the Joint Operations Area

2

3

4

(2) Reports directly to the JFC on all detainee matters.

5

6

(3) Ensures the development of detainee policies for JFC in accordance with the applicable laws and regulations.

8

9

(4) Ensures that all allegations of maltreatment of detainees are immediately reported through the appropriate command channels.

11

12

(5) Coordinates all reporting requirements between internment and resettlement battalions (I/R BN) and the Theater Detainee Reporting Center (TDRC).

14

1 (6) Ensures JIDC commander(s) coordinate directly with J2X elements.

2

3 (7) Ensures logistical requirements for detention facilities are determined and met.

4 These logistical requirements range from initial setup of detention facilities to sustained

5 operations throughout the life of a facility and must be factored in during the planning process

6 for any operation that may involve detainee operations.

7

8 (8) Coordinates with staff elements to conduct detainee operations to include

9 HUMINT collection management efforts.

10

11 (9) Coordinates with appropriate commanders and staffs to ensure that JFC priorities

12 for detainee operations are disseminated throughout the JOA.

13

14 (10) Coordinates all external visits to detainee facilities with Joint Visitors Bureau

15 (JVB).

16

17 (11) Coordinates response as necessary to ICRC complaints and concerns and ensuring

18 they have been addressed by the command.

19

20 (12) Ensures procedures between the JIDC commander(s) and the detention facility

21 commander(s) are clearly delineated, in order to efficiently accomplish intelligence activities at

22 the JIDC and security requirements at all facilities while maintaining all regulatory and statutory

23 guidelines with regard to the humane treatment of detainees.

1

2 (13) Ensures all logistical and operational needs to operate facilities and JIDCs are
3 established and met. These logistical requirements range from initial setup of detention facilities
4 to sustained operations throughout the life of a facility and must be factored in during the
5 planning process for any operation that may involve detainee operations.

6

7 (14) Drafts, edits, staffs and oversees detainee polices and procedures, fragmentary
8 orders (FRAGOs), and directives.

9

10 (15) Directs the issuance of Internment Serial Numbers (ISN).

11

12 (16) Establishes, maintains, and supervises the detainee review process.

13

14 (17) Coordinates all visits by the representatives of the protecting power or designated
15 agency.

16

17 (18) Coordinates with JFC legal advisor for guidance in all matters of planning and
18 execution of operations in order to maintain compliance with applicable laws and regulations.

19

20 c. **Detention Facility Commander (DFC).** The DFC is the commander responsible for
21 the execution of all detention facility operations. He is responsible to the CDO for all matters
22 relating to detention facility operations, to include security, law enforcement, administration,

1 logistics and other operations support requirements. The DFC shall normally be a US Army
2 Military Police officer. Accordingly, the DFC has the following responsibilities:

3

4 (1) Ensures the humane treatment of detainees at all times and all circumstances.

5

6 (2) Ensures the detention operations mission is conducted in accordance with all
7 applicable law and policy.

8

9 (3) Ensures the safety, well-being and training of all personnel operating the facility.

10

11 (4) Ensures the effective management and distribution of logistical resources to the
12 facility.

13

14 (5) Ensures that all allegations of maltreatment of detainees are immediately reported
15 through the appropriate command channels.

16

17 (6) Ensures that all personnel are properly trained on the rules for use of force, the law
18 of land warfare, and all other applicable laws and policies, to include ensuring personnel have an
19 effective knowledge of the Detention Facility SOP.

20

21 (7) Plans for and when necessary executes effective perimeter and security of the
22 Detention Facility, including: personnel and material aspects, external response force operations
23 and planning.

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(8) Coordinating the escort guard for all detainee transportation entering or departing the facility.

(9) Coordinating with counterintelligence elements and the J2 for force protection issues of the detainee population and the facility guard force and tenant units.

(10) Ensuring proper reporting of detainee accountability through TDRC.

(11) Coordinating with military criminal investigative organizations (MCIO) and legal agencies for evidentiary measures and resolutions as required.

d. Joint Interrogation and Debriefing Center (JIDC) Commander. The JIDC commander is the officer responsible for all matters relating to interrogation, intelligence collection and reporting, and interaction with other agencies involved in the intelligence and/or evidence gathering process. He is responsible to the CDO for all matters relating to interrogation operations, to include administration, logistics and other operations support requirements. The JIDC commander shall normally be an intelligence officer. Accordingly the JIDC commander has the following responsibilities:

(1) Development and implementation of synchronized tactics, techniques and procedures that comply with applicable law and policy.

1 (2) Coordinating with the DFC to ensure roles and responsibilities of HUMINT
2 collectors and security personnel are understood and applied throughout all phases of the
3 detainee operation. This responsibility specifically includes advising the DFC of the approved
4 mission specific interrogation tactics, techniques and procedures.

5
6 (3) Coordinating with the DFC for participation in base operations support to include
7 tenant unit force protection, interpreter support, logistics and screening of the processing line.

8
9 (4) Keeping the DFC informed on interrogation operations.

10

11 (5) Executes interrogation and debriefing operations according to priorities and
12 guidance outlined by the J2X.

13

14 (6) Coordinating interrogation procedures with the DFC.

15

16 (7) Coordinating with MCIO and legal agencies for evidentiary measures and
17 resolutions as required.

18

19 (8) Ensures that all allegations of maltreatment of detainees are immediately reported
20 through the appropriate command channels.

21

22 Note: [MCIO will be added to the glossary and upon approval of this publication will be added
23 to the Joint Dictionary JP 1-02]

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e. JFC Surgeon

(1) Ensures detainees receive medical care in accordance with the applicable law and regulations.

(2) Develop policies for detainee medical care in accordance with applicable law and regulations.

(3) Tasks subordinate medical elements to support detainee operations.

(4) Ensures that detainees interned at the strategic detention facility (SIF) receives level 2 and higher medical care as required (including dental and optometry).

f. JFC Legal Advisor

(1) Provides JFC with legal guidance regarding applicable law and regulations.

(2) Serves as the command liaison to the International Committee of the Red Cross (ICRC), and determines authorized ICRC activities related to detention operations.

(3) Provides technical expertise in support of required instruction and training related to the law of war.

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g. JFC Chaplain

(1) Advises JFC on religious needs and practices of detainees.

(2) Develops policy for religious support of detainees.

h. JFC Public Affairs Officer (PAO)

(1) Develops media policies regarding detainee operations for the JFC in accordance with applicable law and regulations.

(2) Coordinates all media activity regarding detainees through chain of command.

CRITICAL DETAINEE PLANNING CONSIDERATIONS

- Facility construction materials
- Sanitation requirements
- Medical & Dental
- JIDC
- Communications capability (NDRC)
- Security requirements
- Transportation
- Public Affairs
- Legal

1

2 **2. Detainee Operations Planning**

3

4 JFCs and their staffs must be aware of special considerations when planning detainee
5 operations. While some of these considerations are present in all operations, many increase the
6 demand upon units and commanders in the JOA and are of greater intensity in detainee
7 operations. JFC commanders should anticipate operational and logistics requirements well in
8 advance of conducting detainee operations. Site selection is critical and must incorporate a wide
9 range of factors including logistical supportability, security, mitigation of escape attempts and
10 engineering aspects. Consideration must be given to the garrison-support activities that support
11 an operating base where internment facilities are located. Comprehensive planning will
12 effectively provide DFC or JIDC commanders the resources needed to perform all associated
13 garrison-type activities that are inherent with facilities of this type. This planning will alleviate
14 potential distractions from the primary mission of detainee operations and JIDC facility
15 commanders.

16

KOREAN WAR EXPERIENCE IN EPW OPERATIONS

1
2
3
4 **“In Late January 1951, POW Camp 1 was designated a major subordinate**
5 **command of 3d Logistical Command and put under the administrative**
6 **headquarters of 60th General Depot. The construction of four enclosures was**
7 **begun on 1 February 1951 using prisoner labor. Each enclosure contained**
8 **eight compounds; each compound was planned to hold from 700 to 1,200**
9 **men. The compounds were separated from each other only by barbed wire.**
10 **This construction resulted in a complex designed to hold a maximum of**
11 **38,400 prisoners, but grew to 53,500 by the end of February, 99,000 at the end**
12 **of March, and 140,000 by June 1951. Another 7,000 to 10,000 prisoners**
13 **remained on the mainland at Pusan, the majority of them in the prison**
14 **hospital there.”**

15
16 **There were many problems related to the over population of facilities at Koje-**
17 **do. One problem was the establishment and maintenance of prisoner**
18 **personnel records. There was also a shortage of trained personnel to**
19 **process the prisoners who were made up of different nationalities. This, in**
20 **turn, led to shortages in trained interpreters for use within the system.**

21
22 **“Another factor in the struggle for control of the camp was the shortage of**
23 **trained guard personnel. The security force assigned to Camp Koje-Do**
24 **consisted of six escort guard companies and two Republic of Korea (ROK)**
25

1 **guard platoons. For a camp of this size, fifty escort guard companies were**
2 **needed. The reasons for using ROK guards, primarily language and shortage**
3 **of American guards, were legitimate.”**

4
5 **Between 1966 and 1968, the United States Army conducted a detailed**
6 **historical study of prisoner-of-war operations drawing the following**
7 **conclusions from the Korean War:**

8
9 **(1) An Army Commander should not be burdened with the administration**
10 **of his communication zone (which included POW camps).**

11
12 **(2) A properly secured PW (POW) program required sufficient and**
13 **qualified administrative and security personnel.**

14
15 **(3) PW (POW) camp locations and layouts should be determined before**
16 **the fact, taking due considerations of terrain, water supply, and**
17 **avoidance of towns and villages.**

18
19 **(4) Positive identification of each individual prisoner and maintenance of**
20 **personnel records are required.**

21
22 **(5) The Camp Commander must have the authority to apply an effective**
23 **judicial system to enforce discipline among the prisoners.**
24

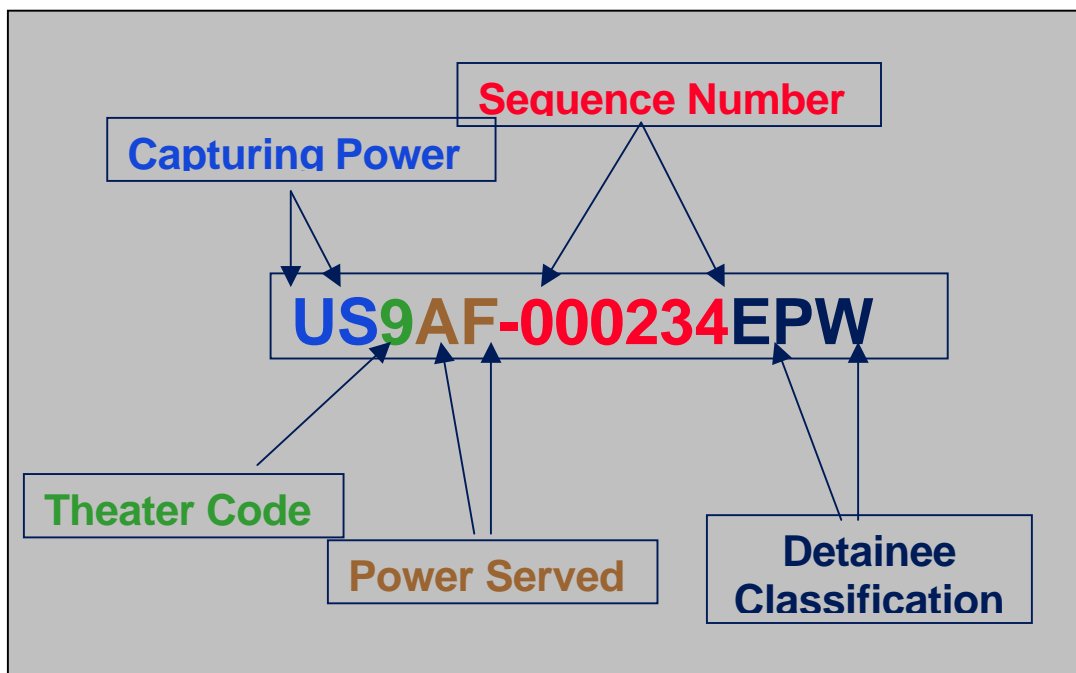
1 **(6) The Camp Commander must have full authority to use the amount of**
2 **force necessary to maintain absolute control of the camp.**

3
4 **(7) A pre-planned and coordinated intelligence and counter-intelligence**
5 **program should be developed to provide a continuous, timely flow of**
6 **intelligence information from the point of capture to the repatriation**
7 **phase.**

8
9 **SOURCE: *The Road to Abu Ghraib: US Army Detainee Doctrine and***
10 ***Experience*, James Gephardt, Combat Studies Institute**

11
12 **3. Internment Serial Numbers**

13
14 a. The internment serial number (ISN) is the DOD mandated identification number used to
15 maintain accountability of detainees. Once an ISN is assigned, all further documentation, to
16 include medical records, will use only this number (no other numbering system will be used).
17 The ISN is generated by the Detainee Reporting System (DRS). DRS is the mandated detainee
18 accountability database for all DOD agencies. The ISN is comprised of five components:



(1) **First Component.** Shall be the two-digit alpha character code representing the capturing power. Only country codes found within DIAM 58-12 will be used.

(2) **Second Component.** Shall be the single digit designation of the command/theater under which the detainee came into the custody of the US.

(3) **Third Component.** Shall be the two-digit alpha character code representing the detainee’s power served. Only country codes found within DIAM 58-12 will be used.

(4) **Fourth Component.** Shall be a unique six-digit number assigned exclusively to an individual detainee. The DRS will assign these sequentially. This component is commonly referred to as the “sequence number”. Not even in the event of a detainee death, release,

1 repatriation, transfer or escape shall a sequence number be reissued during the course of a single
2 conflict. If a detainee is ever issued two sequence numbers the latter number will be voided and
3 the NDRC will be notified. Voided sequence numbers will not be used at a later time.

4
5 (5) **Fifth Component.** Shall be a two- or three-digit alpha character code representing
6 the Detainee's Classification, current classifications are: EPW-Enemy Prisoner of War; CI-
7 Civilian Internee; RP-Retained Person; OD-Other Detainee or EC-Enemy Combatant.

8
9 b. The ISN, once issued, is reported through the TDRC to the National Detainee Reporting
10 Center (NDRC). Once the DRS have created the ISN no component may be changed or
11 corrected at the theater level without approval from the NDRC. All changes to an ISN must be
12 requested in writing and approved by the NDRC.

13
14 c. When required by law and/or policy, the NDRC provides detainee information to the
15 ICRC to satisfy US Geneva Convention obligations. The ICRC uses this information to provide
16 notice of the status of the detained individual to his or her government. The US must be vigilant
17 in executing all obligations to account for detainees and issue detainees an ISN when required by
18 law and/or policy. Commanders should make every effort to standardize tracking detainees
19 from point of capture through the issuance of an ISN. The unique capture tag number that is
20 found on DD Form 2745 is the only authorized tracking number that may be used prior to the
21 assignment of an ISN. After the ISN is assigned, previously generated documents should be
22 annotated with the ISN. For example, medical channels should use the capture tag number and
23 then use an ISN once that is issued to a detainee to track a detainee through the medical facilities

1 and back to the detention facility. The DRS cross references the ISN and the capture tag number
2 for administrative purposes.

3



Figure II-2. Holding Area (Camp Bucca, OIF)

4

5 **4. Operational Considerations**

6

7 It is essential that commanders recognize that conditions for the successful execution of
8 detainee operations are historically set in the planning phase of operations. To this end,
9 commanders should establish planning mechanisms that ensure effective consideration of
10 potential detainee related issues and the development of plans and procedures to respond to these
11 issues as early in the planning process as is feasible. Because such issues historically implicate
12 operations, intelligence, logistics, engineer, legal, religious, and information aspects of the
13 mission, this planning process must include all members of the staff potentially impacted by
14 detainee operations.

15

1 a. **Logistics (Facilities, Sustenance, Hygiene Supplies, Clothing, etc.).** Internment
2 locations must not be set up in places particularly exposed to the dangers of combat. As a result,
3 to the extent possible, places of detention shall be protected from the hazards of the battlefield.
4 In order to protect detainees from the hazards of the battlefield, commanders must manage the
5 control of captured protective equipment that could be used to meet the requirements of
6 detainees, and must ensure that when planning for protective measures and force protection, the
7 potential presence of detainees is considered. As a general rule, detainees should derive the
8 same benefit from force protection measures as do members of the detaining force. Logistic
9 considerations should be reflected in the time-phased force and deployment data (TPFDD). To
10 the extent feasible, the facilities, individually or collectively provided for the use of detainees,
11 shall be protected from dampness and adequately heated and lighted, in particular between dusk
12 and lights out. Detainees shall be segregated according to guidelines of the Geneva
13 Conventions. When feasible, detainees shall be fed three meals a day. At a minimum, basic
14 daily food rations shall be sufficient in quantity, quality and variety to keep detainees in good
15 health and to prevent loss of weight or the development of nutritional deficiencies. The
16 justification for any deviation from the three meals per day standard shall be documented by the
17 commander of the detention facility and should be reviewed by both medical and legal support
18 personnel. Account shall also be taken of the habitual diet and religious/cultural requirements of
19 the detainees. The detaining power shall supply detainees who work with such additional rations
20 as are necessary for the labor on which they are employed. Sufficient drinking water shall be
21 supplied to detainees. Adequate clothing for the climate and a clothing replacement program
22 will be instituted at each facility. If replacement clothing is not available, commanders shall

1 attempt to provide for the cleaning of detainee clothing in order to protect the health and well-
2 being of detainees until a clothing exchange program can be instituted.

3

4 *Initial plans for constructing a detention site with a capacity of 4,000 detainees*
5 *estimate a cost of \$16 million in materials delivered in 600 shipping containers.*
6 *Construction requires approximately 30 days and extensive engineer support.*

7

8

Logistical planning considerations for OIF

9



Figure II-3. Clothing Issue

10

11 **b. Property Safekeeping and Confiscation Accountability.** All effects and articles of
12 personal use, except arms, military equipment, and military documents shall remain in the
13 possession of detainees, to include effects and articles used for their clothing or feeding, unless
14 the detaining force considers continued possession to cause a risk for the detaining force or other
15 detainees. As a general rule, detainees should be permitted to retain individual protective gear
16 and like articles issued for personal protection. This is especially important during initial

1 detention and transportation to a more established detention facility when there is a risk that the
2 detainees will be exposed to a CBRNE threat. This rule does not prohibit the centralized
3 management of such protective equipment by the detention facility Commander if such

4 management is intended to enhance



the overall protection of detainees.

Badges of rank and nationality, decorations and articles having above all a personal or sentimental value may not be taken from detainees. Sums of money carried by detainees may not be taken

12 away from them except by order of a commanding officer, and after the amount and particulars
13 of the owner have been recorded in a special register and an itemized receipt has been given,
14 legibly inscribed with the name, rank, and unit of the person issuing the said receipt. Sums in the
15 currency of the detaining power, or which are changed into such currency at the detainee's
16 request, shall be placed to the credit of the detainee's account. **The detaining power may**
17 **temporarily confiscate articles of value or necessity from detainees when determined**
18 **necessary for reasons of security (which includes intelligence evaluation to contribute to**
19 **the security of the force). Procedures for such confiscation should be established by SOP,**
20 **and should follow the rules applicable for the impoundment of money noted above.** All
21 personal property taken from detainees shall be kept in the custody of the detaining power and if
22 feasible, shall be returned in their initial shape to detainees at the end of their captivity.

23

1 c. **Administrative Processing and Accountability.** Information shall be collected and
2 recorded on each detainee captured and detained by US Armed Forces and referenced to the
3 ISN. Detainees cannot be forced to reveal any information, and the need to obtain such
4 information is never a justification to violate the obligation to treat detainees humanely.
5 Captured members of the opposition armed forces are required to provide their name, rank, serial
6 number (if applicable), and date of birth. However, failure to do so does not result in any type of
7 loss of protection from inhumane or degrading treatment. Instead, a captured member of an
8 opposition armed force that refuses to provide such information shall be regarded as having the
9 lowest rank of that force, and treated accordingly.

10

11 (1) Detainee information (to include information related to personal property taken
12 from the detainee) shall be provided to the National Detainee Reporting Center (NDRC) through
13 the Theater Detainee Reporting Center (TDRC). The NDRC shall maintain all information
14 concerning detainees and their property. If the detainee is determined to be entitled to status as a
15 detainee as a matter of law (not simply policy), that detainee shall have a pay account established
16 that will record all amounts accrued and expended during internment. In past conflicts, canteens
17 were often established in mature internment facilities where detainees could purchase sundry
18 items through expenditure of pay accrued during their detention. Such procedure is rarely
19 feasible in the context of the modern operational environment (although if feasible, should be
20 considered). Commanders should, therefore, consider the gratuitous issue of all sundry items to
21 detainees. The servicing Judge Advocate should render an opinion on such issue to distinguish
22 between those items issued gratuitously, and those items issued in order to satisfy legal
23 obligation. One significant benefit of gratuitous issue of sundry items is that the control of such

1 items may be used as a penalty for non-compliance with camp rules or as an incentive for
2 positive behavior.

3

4 **d. Religious, Social, and Intellectual Activities.** Detainees are not granted US chaplain
5 support. Respect for the religious preferences of detainees is an essential aspect of detainee
6 operations. Accordingly, the organization and administration of the detention facility must not
7 be such as to unjustifiably hinder the observance of religious rites, and commanders should plan
8 for the accommodation of religious needs of detainees. Of course, certain limitations may be
9 necessary due to security concerns. However, a good faith balance should be struck between the
10 detainee's obligation to comply with disciplinary rules and procedures and the detaining powers
11 obligation to afford complete latitude to the detainees in the exercise of their religious duties.
12 The detaining power is also prohibited from imposing any adverse distinctions within the
13 detainee population based on religion. In this regard, it should be noted that in some situations,
14 segregating the detainee population based on religious affiliation may be beneficial and therefore
15 not prohibited, particularly when conflict has been based in part on religious affiliation.
16 Detainees have no privilege to person to person support of military chaplains. Therefore JFCs
17 are under no obligation to provide such support. Accordingly, military chaplains do not
18 generally provide direct (religious ministry) support to detainees. Should the JFC determine a
19 requirement to provide direct military chaplain support to detainees, in any direct interaction
20 with detainees the absolute protection of privileged of communication shall be maintained.
21 Therefore, a decision by the commander to authorize the use of recording devices (or other
22 means that would compromise privileged communications) represents a decision to preclude the
23 involvement of chaplains since chaplains shall observe the ethical and theological imperative to

1 preserve, in courts of law and elsewhere, the confidentiality of communications made to them by
2 detainees.

3
4 (1) Accommodating the social and intellectual activities of detainees often contributes
5 to the maintenance of good order within the detainee population. Commanders are responsible
6 for accommodating these interests when doing so is both feasible and not inconsistent with
7 mission requirements. The extent of such accommodation is considered and/or implemented
8 shall be determined by the needs of the facility population, available resources, and the dictates
9 of the mission. However, commanders should make a good faith assessment of these factors in
10 considering such accommodation. Other activities and programs may include:

11
12 (a) Establishment of a family visitation program.

13
14 (b) Educational services for juveniles.

15
16 (c) Psychological/Psychiatric services.

17
18 (d) Mental health services (mental health treatment, assessment and therapy).

19
20 e. **Nongovernmental Organizations (NGO) and Other Similar Organizations.** During
21 the course of detention operations, it is likely that US commanders will encounter
22 representatives of organizations attempting to assert a role in protecting the interests of
23 detainees. Such representatives will often seek access to detainees, and/or offer their services to

1 assist in the care and maintenance of detainees. Effective detention operations planning will
2 establish a mechanism for command interaction with such organizations in order to maximize
3 the benefit of potential contributions to the US effort. Commanders must anticipate that upon
4 initiation of detention operations, these organizations will request access to and/or information
5 about detainees, and will continue to do so throughout the operation. Commanders should seek
6 guidance through operational command channels for responding to such requests prior to the
7 initiation of detention operations, or as soon thereafter as possible. In the absence of mission
8 specific guidance, all such requests for access or information should flow via the established
9 chain of command to the Office of the Secretary of Defense (OSD). Commanders must also be
10 cognizant of the special status of the ICRC. Per DOD policy, as a general rule the ICRC is the
11 only such organization presumptively authorized access to detainees. This is based on the
12 special role established by international law for the ICRC to monitor compliance with the law of
13 war. Based on this status, the ICRC has a legally based right to immediate free and unfettered
14 access to all places where individuals who qualify as protected persons under the law of war
15 (EPWs; CIs, Retained Personnel; Wounded and Sick). Because it is probable that the legal
16 status of detainees will not be established, the DOD policy to treat such detainees as if they were
17 EPWs, coupled with the obligation to ensure they are treated humanely, justifies extending the
18 right of access, as a matter of national policy, to all detainees. This access, whether based on law
19 or policy, is subject to temporary suspension based in imperative considerations of military
20 necessity. As a general rule, only commanders with a legal advisor in the grade of O-5 or above
21 are authorized to order such suspension.

22

1 f. **Medical Care and Sanitation.** The detaining power shall take all sanitary measures
2 necessary to ensure the cleanliness and healthfulness of facilities and to prevent epidemics.
3 Detainees shall have access to the sanitation facilities that are maintained in a constant state of
4 cleanliness and conform to medical sanitation standards. In any facilities in which women
5 detainees are accommodated, feminine hygiene supplies shall be provided. In all instances
6 accommodations provided for detainees shall be in rough equivalence to those provided for the
7 guard force. Detainees shall receive a full medical history and physical exam at the time of in-
8 processing. A medical record shall be created for each detainee and copies of that record shall
9 accompany the detainee whenever they are transferred to another facility or released. Patient
10 services should include: Bi-weekly diabetic clinic, dental, medicine, wound care, physical
11 therapy, optometry, orthopedic, surgery, prosthesis clinic, mental health and lab work. Under
12 Level I and II care, such treatment should include daily “sick call” routine care, a monthly health
13 assessment, general and comprehensive dental work, simple lab work, optometry and radiology,
14 if possible. Under level III care, treatment should include an intensive care unit, an operating
15 room and radiology and a full lab.

16
17 g. **Media.** Detainees shall in all instances be protected from public curiosity. Strict
18 compliance with this obligation is essential. There is no distinction between international and
19 domestic media with regard to this obligation. Media attention concerning detainees is likely to
20 be substantial. Commanders and staffs should anticipate such attention and ensure that
21 supporting public affairs personnel develop procedures, in advance, for dealing with media
22 requests for visits and information. **OSD is the sole release authority for photographs or**

1 **video of detainees.** Prepare and coordinate in advance public affairs plans for events such as
2 detainee movement, transfer or release, with both the transferring and receiving commanders.

3

4 **5. Detainee Control and Discipline**

5

6 a. Maintaining control and discipline within a detention facility is an essential component
7 of detention operations, and must be carefully planned. JFCs shall ensure that facility
8 commanders establish lawful rules for detainee control and discipline. Because imposition of
9 physical/corporal punishment is generally inconsistent with the humane treatment obligation,
10 commanders must understand the relationship between reward and punishment. As a general
11 rule, withdrawal of privileges is often times the most effective sanction for disciplinary
12 infractions, and reward is often times the most effective incentive for continued
13 compliance/cooperation. Planning for the provision of such privileges is therefore an essential
14 component to any discipline and control program.

15

16 b. Other considerations include, but are not limited to:

17

18 (1) Standard Operating Procedures regarding positive control measure over detainees.

19

20 (2) Implementing procedures to ensure detainee understanding of rules and
21 regulations, and expectations of compliance.

22

1 (3) Providing a viable mechanism for detainees to raise grievances to the chain of
2 command.

3
4 (4) A privilege granting and withdrawal process to enhance compliance.

5
6 (5) Use of force measures to enforce compliance when lesser means have been or
7 would be ineffective.

8
9 (6) Prohibition of fraternization between detainees and US personnel.

10
11 (7) Established and routinely rehearsed SOPs regarding prevention of escape attempts.

12
13 (8) The establishment of a rewards and penalty program. Use appointed detainees to
14 inform the other detainees to cement understanding of the program. Based upon the level of risk
15 for the detainees, a reward program may include: unlimited letters, books/magazines, a reading
16 program, improved mattress and sleeping arrangements. For those detainees who are
17 uncooperative and high risk, the Geneva Convention addresses the minimal level of rewards.

18
19 **6. Protection of Detainees**

20
21 JFCs shall ensure that to the extent permitted by the military situation, all detainees are
22 afforded protection from the effects of the conflict. All detainees taken into custody by US forces
23 shall be treated consistently with the principles of the GPW (opponent personnel) or the GC

1 (detained civilians) until competent authority determines that these protections are inapplicable,
2 and issues contrary directives to the responsible commander. US forces shall treat all detainees
3 humanely at all times. No adverse distinctions will be made based on race, nationality, religion,
4 political opinion, or sex. Once an individual is in the custody and/or control of US personnel,
5 US forces are obligated to protect such detainees against all acts of violence to include murder,
6 rape, forced prostitution, assault, theft, insults, public curiosity, photographing,
7 filming/videotaping for other than administrative purposes, bodily injury, and reprisals of any
8 kind. Detainees shall be treated humanely and with respect at all times regardless of their status.
9 Any acts of humiliation or degradation are strictly prohibited. US forces shall post the text of the
10 applicable Geneva Convention in each facility in the language of the detainees.

12 **7. Use of Force**

13
14 a. Planning and preparing for the Use of Force (UOF) is a necessary element in maintaining
15 order in a facility. JFCs shall ensure that detainee facility security personnel are prepared for the
16 effective use of force when necessary to protect themselves, other members of the force, or
17 detainees. JFC shall also ensure that the use of force continuum is applied when force is
18 required to control detainees. Personnel assigned the mission of providing for the control of
19 detainees and security of the detention facility should be issued and trained on rules of
20 engagement/rules for the use of force specific to that mission. Theater rules of engagement
21 would remain in effect for defending the detention facility from external threat. The UOF
22 continuum is used in determining the appropriate amount of force needed to compel compliance.

1 b. The use of deadly force against detainees should always be considered a measure of last
2 resort. Accordingly, use of deadly force should only be authorized when no other means of
3 suppressing the dangerous activity (attack, escape, etc) is feasible. Furthermore, use of deadly
4 force should, when feasible, be preceded by warnings appropriate to the circumstances, which
5 may include warning shots.

6

7 c. The continuum shown below recognizes five basic types of subjects:

8

9 (1) **Compliant:** offers no resistance to instruction. Individual complies with both
10 physical and verbal directions.

11

12 (2) **Passively Resistant:** does not follow orders but offers no physical resistance to
13 attempts to gain control (e.g., going limp).

14

15 (3) **Actively Resistant:** does not follow orders and offers physical resistance but does
16 not attempt to inflict harm (e.g., bracing or pulling away; attempting to flee).

17

18 (4) **Assaultive:** attempts to attack or inflict injury (e.g., striking with hands or feet,
19 biting).

20

21 (5) **Lethal:** attempts to kill or inflict serious injury (e.g., using knives, clubs, thrown
22 objects, firearms).

23

1 d. The continuum also incorporates five levels of force. Ideally the service member starts
2 at Level 1 and progressively moves up the continuum until the detainee complies. However, the
3 use of force is dictated by the actions of the subject during the encounter. Subject actions may
4 escalate or de-escalate rapidly, possibly skipping one or more levels. The levels of force do not
5 have to be applied in order.

6

7 Note: Nothing in the continuum limits the service members' inherent right to self-
8 defense.

9

10 (1) **Level 1: Cooperative Controls** : used to direct a compliant person (e.g.,
11 presence, verbal direction, hand gestures).

12

13 (2) **Level 2: Soft Controls.** used when cooperative control fails and the level of force
14 required escalates. Designed with a low probability of causing injury. (e.g., compliant or non-
15 compliant escort positions, use of hand and/or leg restraints).

16

17 Note: The above techniques require training by qualified personnel.

18

19 (3) **Level 3: Hard Controls.** used when escort positions fail and the level of force
20 required escalates. Have a slightly greater possibility of causing injury. (e.g., pressure points,
21 joint locks, oleoresin capsicum [OC] spray, electronic stun devices.)

22

1 Note: The above techniques require training by qualified personnel. Nonlethal
2 weapons must be authorized for use by the appropriate commander and must have a
3 lethal overwatch.
4

5 (4) **Level 4: Defensive Techniques:** used when hard controls fail and the level of
6 force required escalates. Have a higher probability of causing injuries. (e.g., empty-hand strikes
7 and blocks, baton strikes and blocks, nonlethal munitions, military working dogs [MWDs]).
8

9 Note: The above techniques require training by qualified personnel. Nonlethal
10 weapons and munitions must be authorized for use by the appropriate commander and
11 must have a lethal overwatch.
12
13
14
15

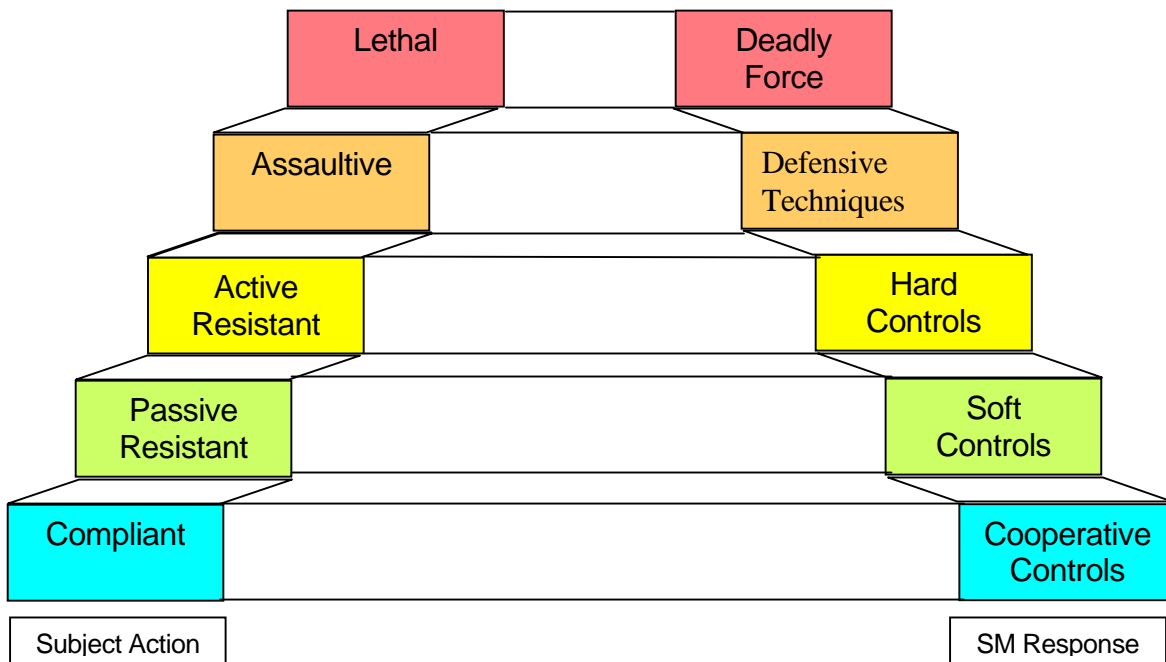


Figure II-4. Use of Force Continuum

1

2 (5) **Level 5: Deadly Force.** Used as a last resort when all lesser means have failed or
3 would be impractical. Used to prevent death or serious injury to self or others; to prevent the
4 theft, damage or destruction of resources vital to national security or dangerous to others; to
5 terminate an active escape attempt. (e.g., firearms, strikes with nonlethal weapons directed at
6 vital points of the body).

7

8 **8. Training for Detainee Operations**

9

10 The Office of the Provost Marshal General (OPMG) has primary Headquarters, Department
11 of the Army (HQDA) executive agent responsibility for detainee programs. When US forces
12 conduct detainee operations governed by the Geneva Conventions, they must possess the text of

1 the applicable Conventions and be specially instructed as to their provisions. Because the
2 Armed Forces of the United States comply with the law of war as a matter of DOD policy during
3 all operations, this requirement is applicable as a matter of policy to all detention operations.
4 JFCs have the overall responsibility to develop, implement, monitor, and when necessary refine
5 standards, policies, and SOPs for detainee operations that are consistent with obligations
6 imposed by law and applicable policy. Pursuant to this obligation, JFCs are responsible to
7 ensure the effective routine review of detention operations and related training to enhance
8 compliance with applicable law and policy. Detention facility commanders shall maintain a
9 record of all documents and other authorities (minutes of meetings, summaries of planning
10 sessions, etc) related to the conduct of detainee operations. These records will be available for
11 review during all inspections and assessments of the detainee operation.

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1 **2. Secretaries of the Army, Navy, and Air Force**

2

3 a. The Secretary of the Army is the designated DOD Executive Agent (EA) for the
4 administration of DOD Enemy Prisoner of War (EPW) Detainee Program (DODD 2310.1).
5 Within the Army, the Office of the Provost Marshal General exercises primary Headquarters,
6 Department of the Army, and staff responsibility for detainee Programs. Service secretaries
7 develop internal policies and procedures to support the DOD's detainee programs.

8

9 b. Service secretaries ensure that appropriate training, as required, pursuant to DODD
10 5100.77 is provided.

11

12 **3. Chairman of the Joint Chiefs of Staff**

13

14 a. Develops internal service policies and procedures to support the DOD's detainee
15 programs.

16

17 b. Ensures that appropriate training, as required, in DODD 5100.77 is provided.

18

19 **4. Combatant Commanders**

20

21 a. Responsible for the oversight of all aspects of detainee operations conducted under the
22 operations authority of that combatant commander of the AOR. For example, when USSOCOM

1 detains individuals in the USCENTCOM AOR, the USCENTCOM Commander has oversight
2 responsibility.

3

4 b. Responsible for ensuring compliance with all applicable laws and policies related to
5 detainee operations, to include ensuring all intelligence activities related to detainees are
6 conducted in accordance with applicable law and policy.

7

8 **5. Subordinate Joint Force Commanders**

9

10 a. Ensures that detainees are treated humanely at all times.

11

12 b. Ensures that policies relating to detainee operations are effectively implemented and
13 monitored, and that measures are in place to ensure compliance.

14

15 c. Ensures that personnel conducting detainee operations understand their respective roles
16 and responsibilities, and their relationship with other personnel involved in detainee operations.

17

18 **6. Functional/Service Component Commanders**

19

20 a. Ensures that detainees are treated humanely at all times.

21

22 b. Ensures that policies relating to detainee operations are effectively implemented and
23 monitored, and that measures are in place to ensure compliance.

1

2 c. Ensures that personnel conducting detainee operations understand their respective roles
3 and responsibilities, and their relationship with other personnel involved in detainee operations.

4

5 d. Identifies conflicts between component doctrine/policies and operational plans, policies,
6 and procedures, and seeks guidance through component command channels on effective de-
7 confliction procedures.

8

9 **7. Chief, Detainee Operations**

10

11 The Chief, Detainee Operations (CDO) will be the single individual responsible for all
12 aspects of detainee operations, to include detention facilities, JIDCs, and detainee reporting
13 requirements within the JOA.

14

15 *For further information regarding roles and responsibilities, refer to Chapter II, “Planning and*
16 *Training for Detainee Operations.”*

17

18 **8. Detention Facility Commander**

19

20 The DFC is the commander responsible for the execution of all detention facility operations.
21 He is responsible to the CDO for all matters relating to detention facility operations, to include
22 security, law enforcement, administration, logistics and other operations support requirements.
23 The DFC shall normally be a US Army Military Police officer.

1

2 *For further information regarding roles and responsibilities, refer to Chapter II, “Planning and*
3 *Training for Detainee Operations.”*

4

5 **9. Joint Interrogation and Debriefing Center Commander**

6

7 The JIDC commander is the officer responsible for all matters relating to interrogation,
8 intelligence collection and reporting, and interaction with other agencies involved in the
9 intelligence and/or evidence gathering process.

10

11 *For further information regarding roles and responsibilities, refer to Chapter II, “Planning and*
12 *Training for Detainee Operations.”*

13

14 **10. Intelligence Analysts, Human Intelligence Collectors, Interpreters, and Translators**

15

16 **a. Intelligence Analyst**

17

18 (1) Analyzes, fuses and disseminates information collected through the interrogation
19 process.

20

21 (2) Develops and maintains databases specific to HUMINT collection activities.

22

1 (3) Develops indicators for each intelligence requirement to support screening
2 operations.

3

4 (4) Manages dossiers and cases for the HAC and HARC. Manages single source
5 collection via HUMINT collection requirements (HCRs, SDRs, and TCRs).

6

7 (5) Verifies full exploitation of a detainee during the release from MI hold and the
8 active interrogation stage.

9

10 **b. HUMINT Collectors.** HUMINT collectors include DOD and Service components
11 trained HUMINT collectors, counterintelligence agents, and case officers. Interrogation
12 operations incorporate the whole spectrum of HUMINT collection from spotting and assessing
13 (developmental cycle) via the screening mission, to exploitation via interrogation, and case
14 termination via release from active interrogation and MI hold.

15

16 (1) Develops indicators for each intelligence requirement to support screening
17 operations.

18

19 (2) Makes recommendation to the detention facility commander for release/transfer of
20 detainees.

21

22 (3) Provides recommendations to the detention facility commander concerning the
23 segregation of detainees.

1

2 (4) Analyzes, fuses and disseminates information collected through the interrogation
3 process.

4

5 (5) Conducts controlled interrogations of detainees in order to obtain tactical
6 information.

7

8 (6) Ensures all interrogation techniques are implemented in accordance with applicable
9 law and policy.

10

11 **c. Interpreters and Translators**

12

13 (1) Unless otherwise authorized by JFC, only individuals with the appropriate level
14 security clearance shall be allowed within the confines of the facility to perform
15 interpreter/translator duties.

16

17 (2) Categories of Interpreters

18

19 (a) Category I. Locally hired and screened. Shall not be used for
20 interviews/interrogations.

21

22 (b) Category II. A US citizen that has a command of the target language and a
23 good command of the English language. Possesses the equivalent of a Secret clearance.

1

2 (c) Category III. US Citizen that has a command of both the target and English
3 languages. Possesses the equivalent of a Top Secret clearance, and shall be primarily used in
4 strategic information collection and high-ranking official meetings.

5

6 **11. Joint Force Intelligence Directorate Counterintelligence and Human Intelligence**
7 **Staff Element Officer and Collection Manager**

8

9 a. Responsible for the technical control, support, and deconfliction of all HUMINT/CI
10 activities and operations.

11

12 b. Participates in planning for deployment of HUMINT/CI assets in support of operations.

13

14 c. Coordinates and deconflicts all HUMINT/CI operations within the operational area.

15

16 d. Coordinates with senior US national intelligence representatives for specific operational
17 approval when required by standing agreements.

18

19 **12. Civil Affairs Officers**

20

21 a. Recommends measures intended to enhance the level of cooperation between US forces
22 and the detainee population.

23

1 b. Assists the security force commander with control of detainees during emergencies.

2

3 c. Uses comprehensive information, educational and vocational programs to prepare
4 detainees for release.

5

6 **13. Medical Officer/Surgeon**

7

8 a. Reports directly to the detention facility commander.

9

10 b. Coordinates actions of medically qualified retained persons (individuals who satisfy the
11 criteria for this status established in the GWS).

12

13 c. Provides Level 1 medical services to the detainee population. Such support shall include
14 monitoring of general health, routine and emergency medical treatment, dental and mental health
15 services. Coordinates Level 2 or higher medical services.

16

17 d. Advises the commander on medical and health-related issues.

18

19 e. Coordinates for the visitation of medical specialists (e.g., psychologists, gynecologists,
20 etc.) as needed.

21

22 f. Coordinates with the Civil Affairs Officer to ensure detainee medical concerns are being
23 considered for possible presentation at the CMIC.

1

2 g. Ensures the medical requirements within the detention facility are met. Such
3 requirements shall include:

4

5 (1) Examination and documentation of detainee's physical condition upon initiation of
6 detention.

7

8 (2) Monthly record of detainees' height and weight.

9

10 (3) Monitoring of general cleanliness of the facility (latrines, showers, and wash
11 stations).

12

13 (4) Examining detainees for contagious diseases.

14

15 h. Coordinates for preventive medicine inspections of the facility.

16

17 i. Coordinates veterinary inspection of food sources. Advises detention facility commander
18 of caloric content and dietary suitability of detainee rations.

19

20 j. Develops pre/post interrogation medical screening criteria.

21

1 k. Upon death of a detainee, coordinates with the armed forces medical examiner who will
2 determine if an autopsy will be performed. The remains shall not be released from US custody
3 without authorization from the armed forces medical examiner. (DODM 9 June 2004).

4

5 **14. Staff Judge Advocate/Legal Advisor**

6

7 a. Serves as the representative of the JFC legal advisor for the detention facility
8 commander.

9

10 b. Advises the commander and other personnel responsible for detention operations on all
11 matters pertaining to compliance with applicable law and policy.

12

13 c. Provides legal advice on the proper composition and function of tribunals to required to
14 determine detainee status per Geneva Conventions.

15

16 d. Advises appropriate commander regarding investigation of suspected maltreatment or
17 abuse of detainees, or other violations of applicable law or policy.

18

19 **15. Chaplain**

20

21 a. Serves as the chaplain for the detention facility personnel.

22

23 b. Advises the commander on detainee religious issues.

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c. Serves as the moral and ethical advisor for the DFC.

d. Coordinates the actions of religiously qualified Retained Persons as required. Detainees have no privilege of direct support from military chaplains. Therefore JFCs are under no obligation to provide such support. Accordingly, military chaplains do not generally provide direct (religious ministry) support to detainees. Should the JFC determine a requirement to provide direct military chaplain support to detainees, in any direct interaction with detainees the absolute privilege of communication shall be maintained. Support to the detainees shall reflect a respect for their cultural beliefs.

16. Engineer

a. Responsible for the construction, maintenance, and repair of utilities (water, electricity, heat, and sanitation) and sustainment of the detention facility.

b. Responsible for construction support and ongoing maintenance throughout the lifespan of the facility.

c. Ensures adequate fire protection for the detainees and the guard force.

d. Responsible for construction of force protection measures.

1 **17. Interagency Representatives**

2

3 a. Coordinates all visits with the CDO.

4

5 b. Coordinates with the detention facility commander prior to participation in each or any
6 interview/interrogation.

7

8 **18. Multinational/Allied Representatives**

9

10 a. Coordinates all visits with the JFC.

11

12 b. Coordinates all visits with the detention facility commander for inspections of conditions
13 for detainees captured by their forces.

14

15 c. Coordinates with the facility commander prior to participation in any
16 interview/interrogation.

17

18 **19. Inspector General**

19

20 a. Reviews detention operations for all sites and agencies handling detainee's in-theater.

21

22 b. Commander's advocate in interactions with the ICRC regarding detainee treatment.

23

- 1 c. Commander's advocate for adherence to Geneva and Hague Conventions standards for
- 2 site construction and resourcing for logistics.
- 3
- 4
- 5

CHAPTER IV
CAPTURE AND INITIAL DETENTION AND SCREENING

“Humane Treatment. We find expressed here the fundamental principle underlying the four Geneva Conventions. The word treatment must be understood here in its most general sense as applying to all aspects of man’s life. The requirement of humane treatment and the prohibition of certain acts incompatible with it are general and absolute in character . . . they are valid in all circumstances and at all times.”

Commentary to the GC

1. Background

a. In any given joint operations area (JOA), any of the Services may find themselves on a mission in which individuals are captured or placed under the control of US forces. The efficient and effective control, processing, detention, and intelligence exploitation of such personnel is often critical to the success of US forces. Effective detention operations achieve this efficient and effective execution while always ensuring the humane treatment and proper care of detained personnel as they are moved to either temporary or permanent internment facilities.

b. A point of capture may occur during any military operation: on an objective, during a raid, at sea, near an air base, during a cordon and search mission, at a traffic control point, at border crossing points, on base camps, or even as local nationals attempt to gain information on US, allied, or coalition forces. Commanders must anticipate this reality, and plan and train

1 accordingly, to ensure their forces are prepared to meet the needs of the mission and respect all
2 applicable law and policy related to detainees.

3

4 **2. Principles of Detention and Screening**

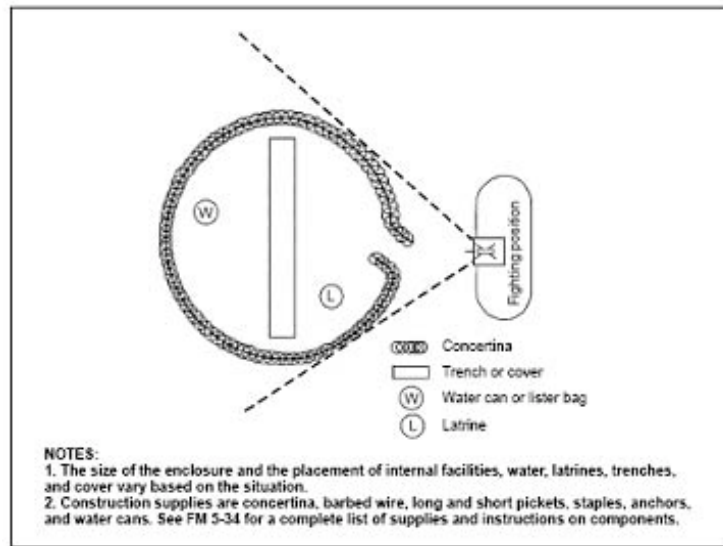
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6 a. It is paramount that all treatment of captured personnel complies with all legal
7 obligations, and at all times the spirit and principles of the law of war, from the initial time of
8 capture until they are transferred or released. Once the capture of individuals has occurred, the
9 proper identification and classification of those personnel remain critical to the overall
10 intelligence and detainee identification effort. Tactical commanders must exercise discretion
11 when determining whether an individual poses a credible threat or possesses sufficient
12 information requiring evacuation and detention. All DOD Services shall establish collection
13 points within their specific area of operation that meet the requirements of this publication.

14

15 b. Consistent with longstanding military practice, individuals captured or detained by US
16 forces must be evacuated expeditiously through transit points to reach an internment facility in a
17 secure area. Capturing units conduct tactical questioning for combat information relative to the
18 commander's critical information requirements (CCIR). However, the need to obtain
19 information to satisfy these requirements is never a justification to deviate from the obligation to
20 treat detainees humanely. At the detention facility, formal accountability consistent with the
21 GPW or the GC is established by the issue of an ISN. If feasible, appropriate segregation of
22 detainees is implemented at this point in the detention process. Additionally, a JIDC may be
23 located in close proximity to the detention facility.

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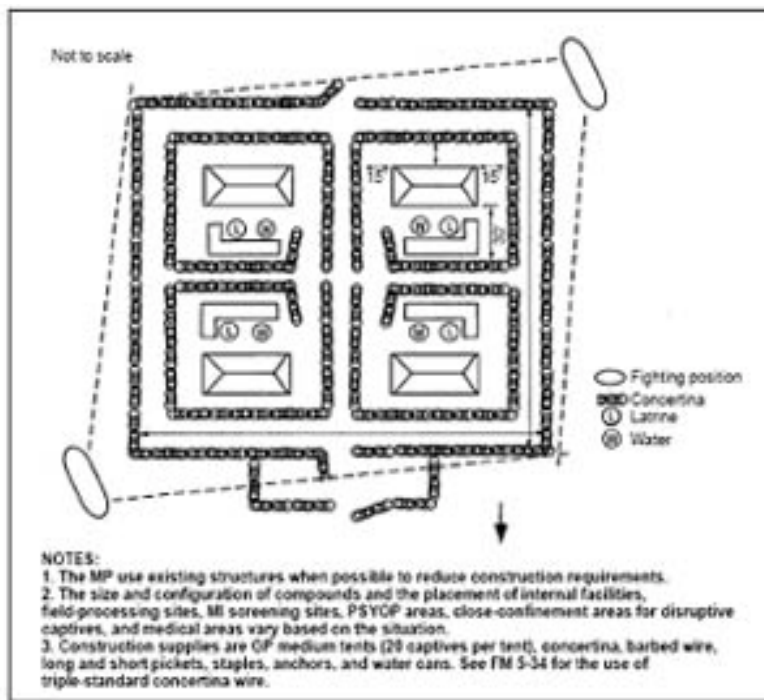
Figure IV-1. Detainee Initial Collection Point

4

5 c. While at the detention facility, determination is made regarding further evacuation for
6 strategic intelligence exploitation and dissemination in accordance with directives, policies, and
7 procedures applicable to the detention operation. Capturing units must have supplies of the
8 following equipment: flex-cuffs, zip-lock bags, trash bags, duct tape, DD Form 2745 Capture
9 Tag, and evidence/property custody documents. Upon transfer to detainee initial collection
10 points or detention facilities guard units must have supplies of the following equipment:
11 restraints, latex exam gloves, flex-cuffs, civil disturbance gear, and non-lethal capability. When
12 captured, detainees are normally held at the detainee initial collection point (DICP) pending their
13 immediate evacuation. The DICP supports the rapid transfer of control from capturing forces to
14 US military police custody and control. It should therefore be located close to the area of actual
15 operations for quick evacuation of detainees, but should also be situated in a location intended to
16 ensure safety and security of the detainees and the security force. The DICP shall be located in

1 the brigade support areas of the brigade combat team, the unit of action (UA) or marine
 2 expeditionary unit (MEU) or equivalent type units. Detainees should be transported from the
 3 DICP to the detainee holding area within 24 hours unless prohibited by the exigent
 4 circumstances. Detainees are evacuated to the detainee holding area (DHA) (see Figure IV-2).
 5 The DHA shall normally be located in a secure location that provides safety and easily
 6 accessible for receipt and evacuation of detainees. The DHA is normally operated by MP
 7 assigned under the UEx maneuver enhancement brigade. Upon arrival at the DHA, HUMINT
 8 collectors shall normally screen all arriving detainees to determine those suspected of possessing
 9 information of immediate tactical value. All detainees will be evacuated to the detainee holding
 10 area within 24 hours of arrival using all available logistics back-haul capability.

11



12

13

14

Figure IV-2. Detainee Holding Area

1 d. Detainees are evacuated either directly from the battlefield or from the DICP to the
2 DHA. The DICP shall coordinate with the supporting higher headquarters for the evacuation of
3 detainees using organic assets to the DHA. Detainees are not given a determined status at the
4 DHA. Until such status is officially determined, IAW DOD policy, all detainees will be
5 accorded EPW treatment at all times and locations.

6

7 e. The DHA should be located in a secure area with easy access to transportation nodes, but
8 must be protected from the effects of the battlefield to the extent feasible based on the mission,
9 enemy, time, terrain, troops available and civilian considerations (METT-TC). Detainees should
10 be held at the DHA for no longer than 72 hours, unless transfer is prohibited by exigent
11 circumstances. If possible, increased numbers of HUMINT collectors should be available for
12 exploitation activities as the DHA. Effective operation of the DHA will be greatly enhanced by
13 and must have the following minimal requirements in order to operate effectively:

14

15 (1) After 72 hours, detainees are transported to a strategic internment facility (SIF)
16 where they are assigned an internment serial number (ISN) from a block of numbers maintained
17 by the national detainee reporting center (NDRC). The SIF (Figure IV-3) shall be located in the
18 UEy AO and serves as the theater detainee collection facility. All detainees arriving from any
19 and all sources and agencies shall be inprocessed and receive an ISN immediately upon arrival at
20 the SIF. An Internment/Resettlement (I/R) battalion, with the appropriate units assigned,
21 conducts operations at a SIF with a specific capacity of up to 4000 detainees, based on a docile,
22 compliant population. Units shall mark, tag and transport all detainee-associated documents and

- 1 property with the transporting unit to the SIF to maintain detainee property accountability and
- 2 for further analysis and evaluation by trained HUMINT collectors and CI agents.
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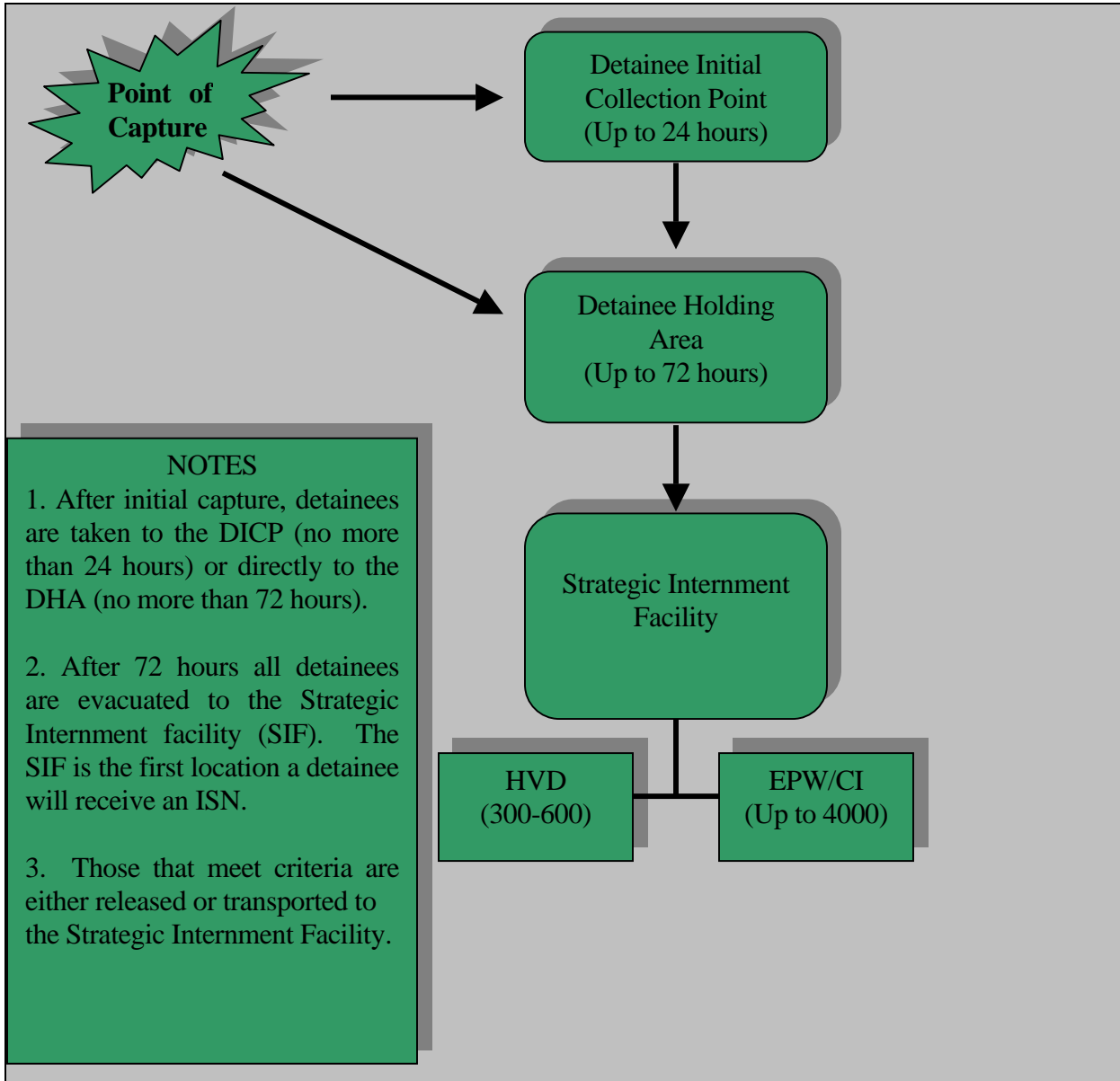


Figure IV-3. Detainee Flow Diagram

(2) Critical within the planning process by the joint staff shall be close coordination and synchronization of assets with all involved Services for the transportation of detainees to the SIFs. Such planning considerations should include locations of the collection points and

1 internment facilities within the JOA, transportation responsibilities (air, land and sea), logistic
2 support (for real-time and future operations) for all DHAs and SIFs within the JOA.

3

4 f. A SIF is an improved, semi-permanent/or permanent facility and can hold detainees until
5 they are released or until it is determined that out-of-theater evacuation is necessary. JFCs must
6 weigh heavily the decision to establish and maintain more than one SIF in a JOA. Associated
7 costs, manning requirements and logistic sustainability may not allow for operating more than
8 one SIF. Ideally, the SIF shall have:

9

10 (1) Increased MP corrections specialists once the theater has matured.

11

12 (2) Permanent structures, lighting, water and utilities, hygiene and sanitation facilities.

13

14 (3) Ability to provide Level 2 and higher medical care to detainees.

15

16 (4) Religious and morale facilities.

17

18 (5) Networked information system for issue of ISNs and maintaining the detainee
19 database in DRS.

20

21 (6) Communications capability (for accountability of detainees through to the
22 TDRC/NDRC).

23

1 (7) Support by an area support group (ASG) for all classes of supply and service
2 support.

3
4 g. An interview area is established near the receiving/processing line so that MI personnel
5 can interview detainees and examine their equipment and documents after they have been
6 assigned an ISN. If detainees or their equipment or documents are removed from the
7 receiving/processing line, accountability must be maintained IAW applicable SOPs.

8
9 h. If a detainee's status is in doubt, a formal tribunal can be conducted at the SIF in
10 accordance with Article 5, GPW. The tribunal determines the status of an individual who does
11 not appear entitled to EPW status but:

12
13 (1) Commits a belligerent act to aid enemy armed forces.

14
15 (2) Engages in a hostile activity to aid enemy armed forces.

16
17 (3) Asserts that he or she is entitled to treatment as an EPW.

18
19 i. HUMINT collectors and CI agents conduct further exploitation at the SIF. In addition to
20 responding to the CCIR, they support the detainee disposition process by providing
21 recommendations to release, continue to hold, or transport to the Strategic Internment Facility.

1 j. Trained HUMINT collectors, CI agents, and MP personnel play a critical role throughout
2 all phases of detainee operations. While HUMINT personnel can assist with producing
3 intelligence products, they can also quickly identify those personnel who hold no intelligence
4 value at all and can subsequently be released based on the designated commander's directive.
5 Organic MP CI can identify certain individuals that have significant force protection intelligence
6 that may assist the detention facility commander to achieve this requirement to provide security
7 and maintain good order in the detainee population.

8

9 k. Trained MP personnel are vital throughout the tactical and operational levels when
10 conducting detainee operations. Being as far forward as possible will assist the tactical
11 maneuver commander in freeing up combat assets to close with and destroy the enemy. These
12 assets may normally be safeguarding and securing detainees when MP are not available. Thus, it
13 is critical that planners identify early on the requirements for MP to conduct these types of
14 missions.

15

16 l. The NDRC serves as the national collection center for detainee information. The theater
17 detention reporting center (TDRC) is assigned to the MP I/R BDE and functions as the field
18 operations agency for the NDRC. It is the central agency responsible for maintaining and
19 reporting information on all detainees and their personal property within an assigned theater.
20 The TDRC reports detainee accountability of persons and property to the NDRC every 24 hours.
21 A failure to do so will bring unwanted scrutiny on the US Government for neglecting its duties
22 under international law. Note: I/R BNs may report directly to NDRC when a TDRC is not
23 operating in theater.

1

2 *For more information on the NDRC, see Appendix C, “Detainee Reporting System,” of this*
3 *publication.*

4

5 **3. Procedures**

6

7 **DETAINEE CAPTURE PRINCIPLES**

8

9 Search

10

Segregate

11

Silence

12

Speed

13

Safeguard

14

Tag

15

16 The tactical commander/leader ensures the following steps are taken when handling
17 detainees:

18

19 a. Point of Capture Units below battalion shall be trained on how to conduct tactical
20 questioning (TQ) and make recommendations to MI trained personnel on potential interrogation
21 targets. Units that may handle detainees should be issued the detainee field processing kit to
22 assist in securing and safeguarding detainees IAW doctrine. Detainee capture kits need to be
23 incorporated and issued to capturing units to assist in the proper securing and transportation of
24 detainees. These kits may include latex gloves, surgical masks, flexi-cuffs, ear muffs, capture
25 tag and property bags along with property custody documents.

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(1) Each detainee must arrive at the DHA or SIF with a completed capture tag and the required information that can be found in the detainee tagging kit. JFCs may implement additional measures beyond the required capture tag. The point of capture noted on the capture tag is important to the release of the detainee. Failure to provide a properly annotated capture tag may substantially degrade the ability to effectively process the detainee, and may result in denial of acceptance of detainees at a facility until the required paperwork is completed and turned over to the new facility.

During Operation ENDURING FREEDOM, the coalition joint task force (CJTF) required all capturing units to use the Coalition Provisional Authority Forces Apprehension Form. Units did not uniformly forward the required documentation (medical, evidence/property, capture and intelligence documents) when detainees were transferred to other echelons of detention. Furthermore, there was no mechanism during the transfer process to maintain accountability for records that accompanied a particular detainee.

b. Daily detention operations

(1) Detention facility commanders shall establish policies and procedures for the detention and interrogation of detainees in the detention facility. Such policies must be consistent with applicable law and policy.

1 (2) All locations where detainees are held by US forces must, to the extent feasible
2 based on METT-TC, be shielded from the dangers associated with military operations.
3 Commanders should attempt to utilize building type structures for Internment Facilities.
4 However, while this may be a preference, there is no prohibition against using less improved
5 facilities when they offer the best option for satisfying all legal and policy obligations related to
6 detainee treatment, particularly when use of an improved structure is not feasible. There is no
7 legal requirement to provide detainees with conditions significantly better than those of the US
8 forces executing the detainee operation mission.

9
10 (3) It is important, either at the DHA or the SIF, that trained HUMINT collectors and
11 CI agents have access to the detainees as quickly as possible. This shall facilitate either the
12 release of those that do not meet holding criteria or expedite exploitation of valuable information
13 in support of the intelligence process.

14
15 (4) Another critical aspect of detainee operations is record keeping. As detainees are
16 inprocessed, a medical screening is conducted in which height and weight are recorded. In
17 addition, any marks or injuries on the detainees are annotated and recorded. Commanders
18 should also consider including medical screening prior to and subsequent to interrogations. A
19 daily log shall be maintained on each detainee and shall include, but is not limited to, records of
20 any injuries sustained incidental to capture, during evacuation, or during internment, hunger
21 strikes and duration, disciplinary problems and corrective measures taken. This information is
22 provided to the next detention facility if a detainee is transferred.

23

1 (5) Detainees shall be segregated within internment facilities according to the
2 distinctions specified by law and policy, unless such segregation is not permitted by the
3 conditions of the facility. If the SIF commander determines that such segregation is required by
4 law, but is prohibited by conditions of the facility, the commander shall attempt to develop other
5 methods of protecting the interests of detainees, and will request the additional resources
6 required to provide for such segregation.

7

8 (6) The detention facility commander shall ensure that each detainee understands the
9 meaning of the English word “halt”. The guard force shall become familiar with simple
10 commands to be given in the language of the detainee population. Each detention/internment
11 facility shall provide copies of the applicable Geneva Conventions for detainees in their own
12 language.

13



14

15

1 (7) When a detainee in US custody dies, the attending medical officer shall
2 immediately provide the Detention facility commander (or medical facility) the following
3 information:

4
5 (a) Full name.

6
7 (b) ISN of deceased.

8
9 (c) ICRC number, if available.

10
11 (d) Date and place.

12
13 (e) Statement that death was, or was not, the result of the deceased's own
14 misconduct.

15
16 (f) A statement as to the cause of death.

17
18 (8) The detention facility's senior medical officer shall personally sign the death
19 certificate. This authority shall not be delegated. Upon the death of a detainee, the internment
20 facility, unit, or medical facility shall immediately notify the TDRC through the chain of
21 command by the most expeditious means possible.

1 c. JIDC. A JIDC is located in close proximity to a SIF. The detention facility commander
2 and the interrogations commander shall develop procedures that include accountability and
3 security responsibilities of detainees when they are undergoing interrogation. An interview site
4 shall be established near the receiving/processing line so that MI personnel can screen detainees
5 and examine their equipment and documents. HUMINT collectors and CI agents shall
6 coordinate with the SIF commander in order to obtain information on detainees obtained by
7 organic MP and CI personnel through passive custodial observation and conversation.

8

9 **Military Police shall escort the detainee to the JIDC, which is located in close**
10 **proximity to the internment facility. Depending on security concerns and**
11 **force manning levels, the HUMINT collectors and CI agents may request that**
12 **the MP remain to guard the detainee, or he may release the MP until the**
13 **detainee needs to be returned to the living area. The only purpose for an MP**
14 **in the HCA is for custody and control. MP shall not be involved in the**
15 **interrogation process nor set conditions for interrogations.**

16

17

18

CHAPTER V
TRANSPORT PROCEDURES

“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 46 GPW

1. Background

The primary considerations in the planning and execution of the detainee escort missions are the security of the conveyance, the safety of all US resources, and the protection of the detainees. The coordination for transportation of detainees is the responsibility of the detaining power and is a task that must be performed by military personnel. The foremost planning consideration for JFC in transport is assessing and allocating the appropriate amount of land, maritime and air transportation assets to accomplish the mission. Considerations shall also be made for the logistical, medical and linguistic needs of detainees while in transit. Given the array of transportation and variety of arrangements; no single instruction can outline all tactics, techniques and procedures to be used throughout the detainee escort missions. Therefore, it is necessary for commanders, security elements and other personnel to use their best judgment when selecting a course of action to accomplish this task. Ideally, the issues related to detainee transport should be addressed in orders or directives issued by the JFC.

1 **2. Procedures**

2

3 a. Commanders of detention facilities shall forward copies of detainee records (to include at
4 a minimum: disciplinary actions, medical records, property, record of any injuries sustained
5 since capture) along with a complete manifest for each detainee transferred. Prior to transport
6 from the DHA to an SIF, all detainees shall receive a thorough medical exam, be deloused,
7 bathed and if necessary, shaved. Detainees shall be thoroughly searched for weapons and
8 contraband immediately before boarding the conveyance. Detainees shall be briefed in a
9 language they understand about the departure and restrictions while on board the conveyance as
10 well as safety and emergency procedures. Detainee records and property shall accompany them
11 during transport.

12

13 b. Another aspect of transfer missions revolves around transportation requirements for
14 detainees when they must be transported to medical facilities or to judicial proceedings.
15 Commanders must conduct a thorough mission analysis and determine requirements for such
16 transportation as this is likely to involve many security assets to conduct this type of mission.
17 Such unanticipated requirements may stretch security requirements to the limit and should be
18 considered when planning for detainee operations.

19

20 **3. In-transit Operations for Escort Missions**

21

22 In-transit operations represent the most vulnerable period of detainee operations. The
23 security escort team leader has tactical command and control of all operations in the detainee

1 holding area and adopts tactics, techniques, and procedures to meet mission requirements
2 including feeding, latrine escort, medical aid and any emergency actions aboard the conveyance.
3 Detainees shall be isolated from friendly personnel and from each other to the maximum extent
4 possible and in all instances, and shall be protected from public curiosity (including avoidable
5 exposure to media). All restraints shall remain in place except during an emergency. Friendly
6 forces personnel shall not move in close proximity to detainees without a security over-watch.
7 The security team shall maintain a log and the detainee manifest, recording all transfers of
8 custody, use of force and any significant events. The security team shall maintain control of all
9 detainees until custody is transferred and the mission requirements are complete.

10

11 **4. Detainee Movement by Land Transportation**

12

13 JFCs should plan for and assign the mission of detainee evacuation to a properly resourced
14 transportation element. The transportation of detainees is a separate mission from the escort and
15 guarding of detainees in transit. Capturing units and initial transfers shall primarily utilize land
16 transportation. Further movement of detainees by land transportation should be minimized to
17 limit exposure to hazards, public curiosity and the media.

18

19 **5. Detainee Movement by Maritime Transportation**

20

21 Detainee movement by maritime transportation can be used but normally shall not be
22 considered as a location for detention (in rare circumstances, maritime detention may provide the
23 best course of action to protect detainees from operational and environmental hazards). Use of

1 maritime detention must be authorized by a commander no lower than JFC level. When used,
2 appropriate resources and areas aboard maritime vessels shall be sequestered for the use of
3 detainees and shall meet the requirements of the Geneva Conventions.

4

5 **6. Detainee Movement by Air**

6

7 Detainee movement by air shall be the primary means of transporting detainees outside the
8 JOA. This affords high capacity and rapid evacuation. Aircraft shall be assigned to meet the
9 needs and time requirements for evacuation. Aircrews that are responsible for the transportation
10 of detainees shall be briefed on the proper handling and interacting procedures. Security escort
11 teams will be trained for the mission and perform all detainee handling procedures on board the
12 aircraft. Rotary, as well as fixed-wing aircraft should be considered in the transport of detainees.



Transportation of a detainee.

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CHAPTER VI
LONG TERM DETENTION

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“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.”

Article 71 GPW

9 **1. General**

10

11 When dictated by the anticipated mission, the JFC must plan for long term internment
12 operations. JFC must ensure all Service personnel are trained and logistically supported to
13 conduct such operations. The purpose of long term internment (as with all detention/internment)
14 is to deprive detainees from access to the JOA (or other operational locations) for as long as is
15 necessary, and not to punish detainees.

16

17 **2. Background**

18

19 The strategic internment facility is a permanent or semi-permanent facility with the
20 capability of detaining detainees for an extended period of time. A SIF shall be considered for
21 long-term internment under the condition that they are in full accordance with all applicable law
22 and policy. It is possible that detainees may bypass an initial detention facility and be

1 transferred directly to the strategic facility. In such cases, all in-processing and the assignment
2 of ISNs takes place immediately upon arrival to the SIF.

3



4

5

Long-Term Detention facility

6

7 **3. Organization**

8

9 Key organization elements in the strategic internment facility may include the following:

10 joint security group, joint interrogation group, detainee hospital, joint logistics group, and joint

11 internment operations group. Special staff considerations may include: joint visitors bureau,

12 chaplain, inspector general, staff judge advocate, public affairs, surgeon (forensic psychologist,

13 forensic psychiatrist, medical plans and operations officer and an environmental health officer),

14 and provost marshal.

15

16

1 **4. Facility Operations**

2
3 a. **Logistics.** The aforementioned logistic requirements in Chapter II shall apply to the
4 long-term internment facility. Direct long-term facility construction queries to OPMG or the
5 United States Disciplinary Barracks (USDB) before initiating a construction contract. The
6 manpower intensive, close-quarters operation of a long-term internment facility requires special
7 knowledge, training and skills of corrections specialists and support personnel.

8
9 b. **Environment.** The operating procedures shall make allowance for the habits and
10 customs of the detainees and shall in no case be prejudicial to their health. The foregoing shall
11 apply in particular to the housing units of detainees as it regards both total surface and minimum
12 cubic space and the general installation of bedding and blankets (refer to Geneva and Hague
13 Conventions, DODD and all applicable regulations). Quarters furnished to detainees must be
14 such as to protect the detainees from the negative effects of the natural environment, must be
15 adequately lit and heated (particularly between dusk and lights-out), and must have adequate
16 precautions taken against the dangers of fire. Detainees must be segregated and quartered
17 separately as directed by applicable law and policy.

18
19 c. **Procedure.** The commander shall formalize all SOPs in writing, providing guidance for
20 handling detainees, medical, hygiene operations, food service, use of force, emergency plans,
21 count procedures, disciplinary policy, and reward programs. Orders concerning rules,
22 procedures or instructions for the administration of an orderly facility shall be posted for the
23 detainees and the guard force. The orders posted for the detainees shall be printed in a language

1 the detainee understands. An interpreter shall also read the orders in the detainees' language
2 during in-processing and on a regularly recurring basis.

3

4 **5. Reception of Detainees**

5

6 a. Detainees shall not be accepted for detainment or transfer to US Military control from
7 outside nations without prior approval from SecDef. The officer designated to accept them will
8 properly account for all detainees received. The receipt indicates the place and date the facility
9 assumed custody and the name, grade, and nationality of each transferred detainee. Three or
10 more copies of the receipt are prepared. The original, plus one copy, are delivered to the
11 commander of the facility to which the detainee is assigned. A DD Form 2708 or an allied
12 equivalent form for individuals listed on the receipt should be delivered to the accepting officer
13 at the time the transfer is affected.

14

15 b. When directed, detainees transferred between facilities and hospitals are receipted for as
16 above and are returned to the original facility. When detainees are transferred to hospitals
17 outside the jurisdiction of the internment facility hospital, guards are assigned to accompany the
18 injured detainee.

19

20 c. The use of a manifest identifying the name, identification number, nationality, and
21 physical condition of each detainee transferred and received is required. The manifest is
22 attached to the original receipt of transfer and forwarded to the appropriate authorities.

23

1 d. Individuals held by other agencies may be turned over to the custody and control of a
2 DOD internment facility only IAW JFC directive. The SIF Commander shall, absent controlling
3 directive, designate the transfer location. All other agency transfers should be affected as soon
4 as possible after initial classification and administrative processing has been accomplished. A
5 manifest is required to identify the: name, rank/status, ISN (if assigned), power
6 served/nationality, and physical condition of each detainee that is transferred and received. The
7 manifest is attached to the receipt of transfer and becomes a permanent record to ensure
8 accountability of each prisoner.

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CHAPTER VII TRANSFER OR RELEASE FROM DETENTION

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2 *“American personnel are required to comply with all US laws, including the United*
3 *States Constitution, Federal statutes, including statutes prohibiting torture, and our*
4 *treaty obligations with respect to the treatment of all detainees. The United States also*
5 *remains steadfastly committed to upholding the Geneva Conventions, which have*
6 *been the bedrock of protection in armed conflict for more than fifty years. These*
7 *Conventions provide important protections designed to reduce human suffering in*
8 *armed conflict. We expect other nations to treat our service members and civilians in*
9 *accordance with the Geneva Conventions. Our Armed Forces are committed to*
10 *complying with them and to holding accountable those in our military who do not.”*

11
12 **President George W. Bush**

13 14 **1. General**

15
16 a. The JFC must consider a plan for the transfer or release of detainees. JFC must ensure
17 all Service personnel are trained and logistically supported to transfer or release operations. The
18 JFC should ensure that all transfer and/or release operations are conducted IAW applicable law
19 and policy. The JFC also determines air, land or sea transportation requirements for transfer
20 and/or release operations to the point of capture through the unit responsible for that JOA. The
21 JFC also establishes the C2 relationship between all elements involved in transfers and/or release
22 operations. The JFC ensures that notification is made of the transfer and/or release of a detainee
23 to the NDRC.

1

2 b. Other responsibilities include:

3

4 (1) JFC

5

6 (a) Develops detainee policies regarding transfer or release operations in
7 accordance with applicable law and policy.

8

9 (b) Coordinates with adjacent staff elements to conduct transfer or release
10 operations.

11

12 (c) Coordinates with appropriate commanders and staffs to ensure that transfer or
13 release operations are disseminated throughout the JOA.

14

15 (2) JFC Surgeon

16

17 (a) Ensures policies established regarding medical requirements for the transfer or
18 release of detainees is in accordance with applicable law and policy.

19

20 (b) Ensures coordination of subordinate medical elements to support transfer or
21 release operations.

22

23 (3) JFC Staff Judge Advocate

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(a) Provides the JFC with legal guidance regarding applicable law and regulations.

(b) Serves as the command liaison to the ICRC, and determines authorized ICRC activities related to the transfer/release of detainees.

(c) Provides technical expertise in support of required instruction and training related to the law of war.

(4) JFC PAO

(a) Develops media policies regarding detainee operations for the JFC in accordance with applicable law and policy.

(b) Coordinates all media coverage regarding detainee transfer or release operations through chain of command.

1 **2. Background**

2

3 The initial classification of a detainee may be based on unsupported statements or
4 documentation accompanying the detainee. After a detainee is assigned to a facility, expect a
5 continuing need for further classification. If the identity of the detainee may have been based on
6 unsupported statements or documentation, it may be necessary to reclassify the detainee as more
7 information is obtained. If classification remains in doubt, a tribunal may be convened to
8 determine the detainee's status. Reclassification may result in release of detainees, or
9 reassignment of detainees within the facility or to other facilities.

10

11 **3. Review and Approval Process**

12

13 a. For transfer or release authority of US-captured detainees from within the JOA, the JFC
14 shall establish criteria for transfer or release and communicate those criteria to all commanders
15 operating within the theater.

16

17 b. For long-term detention, the designated combatant commanders shall periodically assess
18 the detainees release or transfer per applicable regulations. Recommendations for transfer or
19 release are coordinated with US governmental agencies as appropriate and forwarded to SecDef
20 for decision.

21

22

1 **4. Transfer to Established Recognized National Authority, Allied Facilities, or Inter-**
2 **Service Agencies**

3
4 a. The permanent transfer or release of detainees from the custody of US forces to the host
5 nation, other allied/coalition forces or outright release requires the approval of the SecDef. The
6 permanent transfer of a detainee to a foreign nation may be governed by bilateral agreements, or
7 may be based on ad hoc arrangements. However, detainees who qualify, as a matter of law, as
8 EPWs, RPs, or CIs, ECs may only be transferred IAW the requirements of the applicable
9 international law and policy.

10
11 b. The detention facility commander in accordance with applicable procedures shall make
12 the transfer or release of a detainee from a collection point or a detention facility. All proposed
13 transfers/releases should be reviewed by the legal advisor to ensure compliance with applicable
14 law and policy. Unless prohibited by command policies, immediate release of detainees may be
15 made at the point of capture based on the decision of the most senior official on the ground. The
16 decision should be based on criteria established by higher headquarters.

17
18 c. The temporary transfer of detainees from one facility to the next is authorized to
19 accommodate surges in the detainee population beyond capacity. Transfers shall also occur to
20 ensure detainee treatment and conditions are IAW applicable law and policy. As a general rule,
21 detainees should not be transferred closer to the harmful effects of military operations.

1 d. A detainee who is captured or detained by the US Navy, Air Force, Marine Corps, and
2 Coast Guard or other agencies shall be turned over to the US Army detention facility designated
3 by the JFC at the earliest opportunity. Inter-Service or intra-theater transfers are executed
4 following initial classification and administrative processing.

5
6 e. Release is the process of returning a detainee to his country of birth or citizenship or to
7 the point of capture. A detainee who is not sick or wounded is released at the end of hostilities,
8 or at any other time, as directed by the Office of the Secretary of Defense (OSD).

9

10 **5. Transfer Between Department of Defense Facilities**

11

12 a. Reclassification or other situations may result in a detainee's transfer. The transferring
13 unit shall determine appropriate security measures based on the type of detainee being
14 transferred, the mode of transportation used, and other relevant conditions.

15

16 b. The detention facility commander shall:

17

18 (1) Publish a transfer order and inform the TDRC/NDRC of the movement.

19

20 (2) Verifies the accuracy and completeness of the detainee's personal records and
21 provide copies of the records (in a sealed envelope) to the guards accompanying the movement.

22

23 (3) Verifies that the detainees possess their authorized clothing and equipment.

1

2 (4) Accounts for and prepares impounded personal property for shipment with the
3 escorting unit or separate shipment, as appropriate.

4

5 (5) Briefs escort personnel on their duties and responsibilities, including procedures
6 for an escape, a death, or other emergencies.

7

8 (6) Provides rations and basic needs to the detainees during the movement.

9

10 (7) Ensures the detainees are manifested by name, ISN, nationality, and physical
11 condition (to include a statement of “communicable diseases” if applicable).

12

13 (8) Prepares paperwork in English and other languages (if required) before transferring
14 the detainees.

15

16 (9) Ensures detainees are given a full physical, instruction for medication, and a supply
17 of medications.

18

19 (10) Ensures all appropriate medical, mental, dental, and disciplinary records
20 accompany the detainee.

21

22 (11) Coordinate prior to transfer with JFC subordinate commanders regarding transfer
23 of detainees.

1

2 c. Detainee property that has not been the subject of lawful seizure by the US shall
3 accompany them when being transferred.

4

5 **6. Transfer or Release Mission**

6

7 a. For transfer or release from within the JOA to either other detention facilities or direct
8 release of the detainee back into the community, the following requirements should be met:

9

10 (1) When required by the applicable GC, publication of the transfer/release order and
11 informing the detainees in order to make next-of-kin notifications of their new location.

12

13 (2) Verifies accuracy of the detainees' personnel records and provide copies (in a
14 sealed envelope) to the transporting unit.

15

16 (3) Verifies the detainees possess their authorized clothing and equipment.

17

18 (4) Accounts for and prepare impounded personal property for shipment with the
19 escorting unit.

20

21 (5) Ensures logistic resources are adequate (food, water, etc.)

22

1 (6) Ensures that the detainees are manifested by name, rank/status, ISN, power served,
2 nationality and physical condition. Attach the manifest to the original receipt and provide a copy
3 to the NDIC.

4
5 (7) Prepares paperwork in English and other languages (if required) before
6 transferring/releasing the detainees.

7
8 (8) Coordinates prior to transfer with JFC subordinate commanders regarding transfer
9 of detainees.

10
11 (9) Verification of biometric data collected.

12
13 b. For release from a long-term detention facility, the following requirements should be
14 considered. SecDef, or his designee, shall send official notification of transfer or release from
15 long-term detention. Applicable Joint Staff execute orders shall delineate the responsibilities
16 and procedures to undertake. Some steps normally taken to execute the order includes:

17
18 (1) The releasing unit must prepare, maintain, and report the chain of custody and
19 transfer/release documentation in accordance with current transfer and release procedures as
20 directed by SecDef.

21
22 (2) Figure VII-1 outlines the release process from long-term detention for detainees.
23 The facility commander may tailor stations to meet the current situation and conditions.

Step	Actions
Control and accountability	<p>Maintain control and accountability until releases or transfers are received by the appropriate authorities</p> <p>Maintain a manifest that contains:</p> <ul style="list-style-type: none"> -Name -Rank/status -Control number -Power served/nationality -Physical condition <p>NOTE: A manifest is used as an official receipt of transfer and becomes a permanent record to ensure accountability of each detainee until release.</p>
Records	<p>Ensure that copies of appropriate personnel, finance, and medical records accompany released detainees. Signed release agreements will be maintained within DOD.</p> <p>Transfer the records to the designated receiving authority</p>
Personal property	<p>Ensure that confiscated personal property (that can be released) accompanies released detainees.</p> <p>Conduct an inventory and identify discrepancies.</p> <p>Ensure that detainees sign property receipts.</p> <p>Ensure release is provided with appropriate food, clothing, and equipment for safe transition and movement upon release.</p>

Figure VII-1. Transfer Accountability Measures

1

2 (3) Individual detainee preparation to include, at a minimum, segregation and out-
3 briefing, medical screening, execution of conditional release statement for those detainees being
4 released.

5

6 (4) Determination of receipt/transfer location.

7

8 (5) Movement routes to transfer location. Coordinate all routes through the
9 appropriate combatant commanders.

10

11 (6) Due to operational security concerns, only make public notification of a release
12 and/or transfer in consultation and coordination with OSD.

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APPENDIX A RIOT CONTROL MEASURES

1 **1. Introduction**

2

3 Riot control doctrine is usually written for quelling civil disturbances that occur in large
4 open areas where the size of the responding force or the type of formation employed is not
5 hampered by a lack of space. However, in a detention facility, detainee disturbances may occur
6 in small, closed areas, such as a housing area, a dining facility, or a chapel where available
7 maneuver space limits the size of the element and equipment that may be employed. The layout
8 of each facility is different and presents its own problems when employing forces. Some
9 facilities may have large open compounds in addition to the smaller areas mentioned above.

10

11 **2. Crowd Tactics Within a Detention Facility**

12

13 a. In detention facility disturbances, detainees may employ a number of tactics to resist
14 control or to achieve their goals. Nonviolent tactics range from obscene remarks, taunts, and
15 jeers to building barricades to impede troop movement. Violent crowd tactics used by detainees
16 are often extremely destructive and can include physical attacks on guards, other detainees, or
17 property. The use of violent tactics and makeshift weapons against individuals (guards or
18 detainees), property, or facilities is limited only by the attitudes and ingenuity of the detainees,
19 and the materials available to them.

20

1 b. The guard force is susceptible to crowd behavior. They will become emotionally
2 stimulated during a tense confrontation with unruly and violent detainees. To counteract the
3 affect of crowd behavior on the guard force, the commanders must institute rigorous training and
4 firm and effective leadership. This training must include a complete awareness and
5 understanding of the use of force and as well as the commanders intent.

6

7 **3. Planning**

8

9 a. Detention facility commanders must be aware of the potential risks involved in quelling
10 disturbances within a detention facility. Careful planning minimizes collateral damage and risks
11 to control force members.

12

13 b. Planners must consider:

14

15 (1) The location of disturbance.

16

17 (2) The estimated number of rioters.

18

19 (3) Access to weapons or improvised weapons.

20

21 (4) Detainees' military training.

22

23 (5) Hostage situations.

1

2 **4. Use-of-Force Guidelines**

3

4 Plans, SOPs, and other directives must establish the procedures for authorization and use of
5 lethal and non-lethal force. The use of pepper irritant can be a valuable non-lethal tool.
6 Oleoresin capsicum (OC), the active ingredient in pepper irritant is neither a chemical nor a gas,
7 but an all-natural, organic substance 750 times more powerful than o-chlorobenzyl-malononitrile
8 (CS) (tear gas). It does not cause permanent damage and its effects last 30 to 40 minutes after
9 exposed persons are placed in fresh air.

10

11 **5. Record of Events**

12

13 A record of events must be initiated to provide a basis for the preparation and submission of
14 a formal report to higher headquarters. Augment the record with video or still photographs if
15 possible.

16

17 **6. Training and Equipment**

18

19 a. Guard units and associated teams must establish a continuous training program and train
20 on a regular basis in emergency plans, riot control formations, use of force, first aid and
21 interpersonal communication skills.

22

23 b. Recommended basic riot gear used by the control force includes:

1

(1) Riot baton.

3

4

(2) Riot Shield.

5

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(3) Helmet with face shield.

7

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(4) Groin protector.

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(5) Flak vest.

11

12

(6) Leather gloves.

13

14

(7) Shin protection.

15

16 **7. Force Cell Move Teams (FCMTs)**

17

18

The intent of a force cell move is to remove an unruly and or uncooperative detainee from one cell and place him in another. This is a difficult task and must not be taken lightly. A force cell move must be thoroughly planned, rehearsed, and properly resourced to ensure the safety of the team members and the detainee. A number of reasons may compel the commander to consider a force cell move. The detainee may refuse to eat, take his medication or refuse to

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- 1 accept medical attention, refuse to get a haircut, to keep him clean, to move or rotate cells when
- 2 ordered.
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APPENDIX B
DETENTION OF ENEMY COMBATANTS AT MILITARY
CONFINEMENT FACILITIES

1

2 1. Detention and release authority of enemy combatants at DOD military confinement
3 facilities rest with the Secretary of Defense or his designee. When detained at DOD military
4 confinement facilities, enemy combatants shall be administered separately and no prisoner of the
5 US Armed Forces may be placed in their immediate association (10 USC, Section 812). Enemy
6 combatants not sentenced to punishment shall be considered national security risk prisoners and
7 confinement facility commanders shall ensure appropriate security safeguards are implemented
8 for purposes of control, to prevent escape or belligerent acts, for prevention of injury to
9 themselves or others, and for the orderly and safe administration of the confinement facility.

10

11 2. DOD Military Commission Order No. 1 of March 21, 2002 and accompanying instructions
12 implements policy, assigns responsibilities, and prescribes procedures for trials before military
13 commissions of individuals subject to the President's Military Order. Upon conviction of an
14 accused by the Commission that includes a sentence to confinement, the adjudged detention
15 shall begin immediately following the trial at a place of confinement designated by the Secretary
16 of Defense or his designee. Post-trial procedures are identified within DOD Military
17 Commission Order No. 1 of March 21, 2002 and accompanying instructions.

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APPENDIX C DETAINEE REPORTING SYSTEM

1 **1. Introduction**

2

3 Critical to ensuring accountability of detainees is timely and accurate reporting through the
4 detainee reporting system (DRS). As detainees are collected and processed, international law
5 requires that such information is forwarded to the appropriate authorities. A failure to do so may
6 bring unwanted scrutiny on the US Government for neglecting its duties under international law.

7

8 **2. National Detainee Reporting Center**

9

10 The National Detainee Reporting Center (NDRC) is the executive agent designated by the
11 Office of the Provost Marshal General as the recipient and archive for all detainee information.
12 The NDRC's principal responsibility is to ensure the collection, storage, and appropriate
13 dissemination of detainee information as required by AR 190-8 and DOD 2310.1. The NDRC
14 provides detainee information to the International Committee for the Red Cross (ICRC) to fulfill
15 US obligations under the Geneva Convention of 1956. The NDRC directs the development of
16 Detainee Reporting Systems (DRS). It issues blocks of Detention Serial Numbers (ISNs) to the
17 Theater Detainee Reporting Centers (TDRCs).

18

19

1 **3. Theater Detainee Reporting Center**

2

3 a. The TDRC functions as the field operations agency for the NDRC. It reports all detainee
4 data directly to the NDRC. It is the central agency responsible to maintain information on all
5 detainees and their personal property within an assigned theater of operations. They shall obtain
6 and store information concerning all detainees in the custody of US Armed Forces, those
7 captured by US Armed Forces and transferred to or from other powers for detention (either
8 temporarily or permanently). The TDRC serves as the theater repository for information
9 pertaining to accountability of detainees and implementation of DOD policy. They shall provide
10 initial and replacement block ISN assignments to organizations operating in the theater and
11 request replacement ISNs from the NDRC. The ISN is the sole number used to track detainees
12 and their property. The TDRC shall issue a block of ISNs to organizations that process
13 detainees upon authorization from the NDRC.

14

15 b. All locations issued ISNs by the TDRC shall forward information concerning the
16 detainee back to the TDRC. The ISN is used throughout the detainees' detention as their
17 primary means of identification and is used to link the detainee with biometric data, DNA,
18 personal property, medical information and issued equipment. Within 96 hours of capture every
19 detainee will either be released from confinement or processed into the DRS and given an ISN.

20

21 c. Any location that holds detained persons may receive a DRS if deemed necessary by the
22 combatant commander, TDRC or NDRC. If provided with a DRS, the facility can request ISNs

1 (except collection points) from the TDRC and forward all information concerning the detainees
2 to the TDRC. The ISN issued at the facility shall be used throughout the detainees' detention.

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**APPENDIX D
REFERENCES**

1 The development of JP 3-63 is based upon the following primary references:

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To be Developed

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APPENDIX E
ADMINISTRATIVE INSTRUCTIONS

1 **1. User Comments**

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7 appearance.

8
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10
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13
14 **3. Change Recommendations**

15
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21

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34 CHANGE COPY DATE OF DATE POSTED
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21 Washington, DC 20301-7400.
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GLOSSARY
PART I — ABBREVIATIONS AND ACRONYMS

1	ASG	area support group
2	AO	area of operations
3	AOR	area of responsibility
4		
5	CBRNE	chemical, biological, radiological, nuclear, and high yield
6		explosives
7	CCIR	commander's critical information requirements
8	CDO	Chief, Detainee Operations
9	CI	civilian internee; counterintelligence
10	CMIC	
11	CS	o-chlorobenzyl-malononitrile
12		
13	DASD DA	Deputy Assistant Secretary of Defense for Detainee Affairs
14	DFC	Detention Facility Commander
15	DICP	detainee initial collection point
16	DHA	detainee holding area
17	DRS	Detainee Reporting System
18		
19	EA	Executive Agent
20	EC	enemy combatant
21	EPOW	Enemy Prisoners of War

Glossary

1	EPW	Enemy Prisoner of War
2		
3	FCMT	Force Cell Move Team
4	FRAGO	fragmentary order
5		
6	HAC	
7	HARC	
8	HCR	
9	HQDA	Headquarters, Department of the Army
10	HUMINT	human intelligence
11	HVC	high value criminal
12	HVD	high value detainee
13		
14	GC	Geneva Conventions Relative to the Protection of Civilian
15		Persons in Time of War
16	GPW	Geneva Conventions Relative to the Treatment of Prisoners of
17		War
18	GWS	Geneva Convention for the Amelioration of the Condition of the
19		Wounded and Sick in Armed Forces in the Field
20	GWS (Sea)	Geneva Convention for the Amelioration of the Condition of
21		Wounded, Sick, and Shipwrecked Members of Armed Forces
22		at Sea
23		

1	I/R BN	internment and resettlement battalion
2	IAW	in accordance with
3	ICRC	International Committee of the Red Cross
4	ISN	Internment Serial Numbers
5		
6	J2X	joint force intelligence directorate counterintelligence and human
7		intelligence staff element
8	JFC	joint force commander
9	JIDC	joint interrogation and debriefing center
10	JTF	joint task force
11	JOA	Joint Operations Area
12	JVB	Joint Visitors Bureau
13		
14	LLEC	Low Level Enemy Combatant
15	LOAC	law of armed conflict
16		
17	MCIO	military criminal investigative organizations
18	MEU	Marine Expeditionary Unit
19	METT-TC	mission, enemy, time, terrain, troops available and civilian
20		considerations
21	MI	military intelligence
22	MP	military police
23	MWD	military working dogs

1		
2	NDRC	National Detainee Reporting Center
3	NGO	Nongovernmental Organizations
4		
5	OC	oleoresin capsicum
6	OD	other detainees
7	OPMG	Office of the Provost Marshal General
8	OSD	Office of the Secretary of Defense
9		
10	PAO	Public Affairs Officer
11		
12	RP	retained person
13		
14	SDR	
15	SIF	strategic detention facility
16	SOP	standing operating procedure
17		
18	TCR	
19	TDRC	Theater Detainee Reporting Center
20	TQ	tactical questioning
21	TPFDD	Time Phased Force and Deployment Data
22		
23	UA	unit of action

1	UCMJ	Uniform Code of Military Justice
2	UOF	Use of Force
3	USDB	United States Disciplinary Barracks
4	USD(P)	Under Secretary of Defense for Policy
5	USSOCOM	US Special Operations Command
6	USCENTCOM	US Central Command
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PART II — TERMS AND DEFINITIONS

area of operations. An operational area defined by the joint force commander for land and naval forces. Areas of operation do not typically encompass the entire operational area of the joint force commander, but should be large enough for component commanders to accomplish their missions and protect their forces. Also called AO. (JP 1-02)

area of responsibility. The geographical area associated with a combatant command within which a combatant commander has authority to plan and conduct operations. Also called AOR. (JP 1-02)

civilian internee. 1. A civilian who is interned during armed conflict or occupation for security reasons or for protection or because he or she has committed an offense against the detaining power. 2. A term used to refer to persons interned and protected in accordance with the Geneva Convention Relative to the Protection of Civilian Persons in Time of War, 12 August 1949 (Geneva Convention). Also called CI. (JP 1-02)

commander's critical information requirements. Commander's critical information requirements comprise information requirements identified by the commander as being critical in facilitating timely information management and the decision-making process that affect successful mission accomplishment. The two key subcomponents are critical friendly force information and priority intelligence requirements. Also called CCIRs. (JP 1-02)

1

2 **counterintelligence.** Information gathered and activities conducted to protect against
3 espionage, other intelligence activities, sabotage, or assassinations conducted by or on
4 behalf of foreign governments or elements thereof, foreign organizations, or foreign
5 persons, or international terrorist activities. Also called CI. (JP 1-02)

6

7 **detainee collecting point.** A facility or other location where detainees are assembled for
8 subsequent movement to a detainee processing station. (JP 1-02)

9

10 **detainee processing station.** A facility or other location where detainees are administratively
11 processed and provided custodial care pending disposition and subsequent release, transfer,
12 or movement to a prisoner-of-war or civilian internee camp. (JP 1-02)

13

14 **executive agent.** A term used to indicate a delegation of authority by the Secretary of Defense
15 to a subordinate to act on the Secretary's behalf. An agreement between equals does not
16 create an executive agent. For example, a Service cannot become a Department of Defense
17 executive agent for a particular matter with simply the agreement of the other Services; such
18 authority must be delegated by the Secretary of Defense. Designation as executive agent, in
19 and of itself, confers no authority. The exact nature and scope of the authority delegated
20 must be stated in the document designating the executive agent. An executive agent may be
21 limited to providing only administration and support or coordinating common functions, or
22 it may be delegated authority, direction, and control over specified resources for specified
23 purposes. Also called EA. (JP 1-02)

1

2 **enemy combatant.** Any person in an armed conflict who could be properly detained under the
3 laws and customs of war. Also called EC. (JP 1-02)

4

5 **human intelligence.** A category of intelligence derived from information collected and
6 provided by human sources. Also called HUMINT. (JP 1-02)

7

8 **J-2X.** A J-2 staff element normally associated with a deployed joint force, consisting of the
9 human intelligence operations cell and the task force counterintelligence coordinating
10 authority. The J-2X is responsible for coordination and deconfliction of all human source
11 related activity. (JP 1-02)

12

13 **joint force commander.** A general term applied to a combatant commander, subunified
14 commander, or joint task force commander authorized to exercise combatant command
15 (command authority) or operational control over a joint force. Also called JFC. (JP 1-02)

16

17 **joint interrogation and debriefing center.** A physical location for the exploitation of
18 intelligence information from enemy prisoners of war and other nonprisoner sources. It is
19 normally subordinate to the joint force/J-2. Also called JIDC. (JP 1-02)

20

21 **joint interrogation operations.** 1. Activities conducted by a joint or interagency organization
22 to extract information for intelligence purposes from enemy prisoners of war, dislocated
23 civilians, enemy combatants, or other uncategorized detainees. 2. Activities conducted in

1 support of law enforcement efforts to adjudicate enemy combatants who are believed to
2 have committed crimes against US persons or property. Also called JIO. (JP 1-02)

3

4 **joint task force.** A joint force that is constituted and so designated by the Secretary of Defense,
5 a combatant commander, a subunified commander, or an existing joint task force
6 commander. Also called JTF. (JP 1-02)

7

8 **joint operations area.** An area of land, sea, and airspace, defined by a geographic combatant
9 commander or subordinate unified commander, in which a joint force commander
10 (normally a joint task force commander) conducts military operations to accomplish a
11 specific mission. Joint operations areas are particularly useful when operations are limited
12 in scope and geographic area or when operations are to be conducted on the boundaries
13 between theaters. Also called JOA. (JP 1-02)

14

15 **law of war.** That part of international law that regulates the conduct of armed hostilities. Also
16 called the law of armed conflict. (JP 1-02)

17

18 **other detainee.** Person in the custody of the US Armed Forces who has not been classified as
19 an enemy prisoner of war (article 4, Geneva Convention of 1949 Relative to the Treatment
20 of Prisoners of War (GPW)), retained personnel (article 33, GPW), or civilian internee
21 (article 78, Geneva Convention). Also called OD. (JP 1-02)

22

1 **prisoner of war.** A detained person as defined in Articles 4 and 5 of the Geneva Convention
2 Relative to the Treatment of Prisoners of War of August 12, 1949. In particular, one who,
3 while engaged in combat under orders of his or her government, is captured by the armed
4 forces of the enemy. As such, he or she is entitled to the combatant's privilege of immunity
5 from the municipal law of the capturing state for warlike acts which do not amount to
6 breaches of the law of armed conflict. For example, a prisoner of war may be, but is not
7 limited to, any person belonging to one of the following categories who has fallen into the
8 power of the enemy: a member of the armed forces, organized militia or volunteer corps; a
9 person who accompanies the armed forces without actually being a member thereof; a
10 member of a merchant marine or civilian aircraft crew not qualifying for more favorable
11 treatment; or individuals who, on the approach of the enemy, spontaneously take up arms to
12 resist the invading forces. Also called POW or PW. (JP 1-02)

13
14 **retained personnel.** Enemy personnel who come within any of the categories below are
15 eligible to be certified as retained personnel. a. Medical personnel exclusively engaged in
16 the: (1) Search for collection, transport, or treatment of the wounded or sick; (2) Prevention
17 of disease; and/or (3) Staff administration of medical units and establishments exclusively.
18 b. Chaplains attached to enemy armed forces. c. Staff of national Red Cross societies and
19 other voluntary aid societies duly recognized and authorized by their governments. The
20 staffs of such societies must be subject to military laws and regulations. Also called RP.
21 (JP 1-02)

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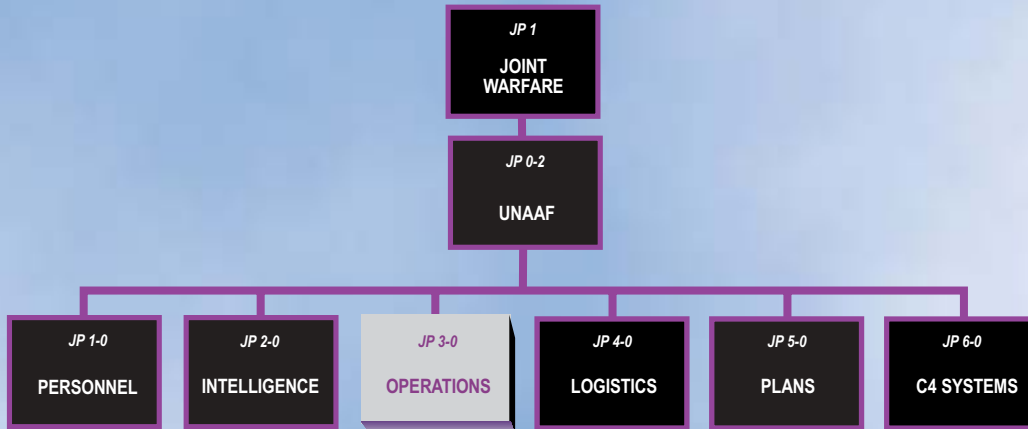
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JOINT DOCTRINE PUBLICATIONS HIERARCHY



All joint doctrine and tactics, techniques, and procedures are organized into a comprehensive hierarchy as shown in the chart above. **Joint Publication (JP) 3-63** is in the **Operations** series of joint doctrine publications. The diagram below illustrates an overview of the development process:

