

APPROVED FOR RELEASE DATE: 06-08-2015

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COPY OF COPIES
 HQ, CJTF-7
 CAMP VICTORY, IRAQ
 242320DAUG03
 ROUTINE

(S//REL USA and MCFI) FRAGO 749 [INTELLIGENCE AND EVIDENCE-LED DETENTION OPERATIONS RELATING TO DETAINEES] TO CJTF-7 OPORD 03-036

(US//REL TO USA and MCFI) THIS FRAGO HAS BEEN REVIEWED AND APPROVED FOR RELEASE BY COL RADCLIFFE, CJTF-7 CHOPS.

(S//REL TO USA and MCFI) SUBJECT: INTELLIGENCE AND EVIDENCE-LED DETENTION OPERATIONS RELATING TO DETAINEES.

(U) REFERENCES:

- A. (U) V CORPS (US) FRAGO 006M TO V CORPS OPORD 0303-343 (190200ZMAR03) DIRECTING V CORPS PROCEDURES FOR HANDLING THE DETENTION OF IRAQIS IN INTERNMENT FACILITIES AND DETENTION CENTERS.
- B. (U) V CORPS (US) FRAGO 312M TO V CORPS (US) OPORD FINAL VICTORY (252146DMAY03) GUIDANCE ON TACTICS, TECHNIQUES AND PROCEDURES DESIGNED TO IMPROVE THE PRESERVATION OF EVIDENCE OF CRIMES COMMITTED BY CIVILIANS DETAINED AND TRANSPORTED TO DETENTION FACILITIES.
- C. (U) CJTF-7 FRAGO 368 (141028ZJUN03) GUIDANCE FOR THE DETENTION, HANDLING AND RELEASE OF INDIVIDUALS WHO ARE POTENTIALLY SUBJECT TO PROSECUTION FOR WAR CRIMES.
- D. (S//REL TO USA and MCFI) CJTF-7 FRAGO 209 (282021DJUN03) CRIMINAL INVESTIGATIONS ISO FINAL VICTORY, DETENTION FACILITY OPERATIONS, EPW, CRIMINAL DETAINEES AND SECURITY INTERNEE STATUS DETERMINATIONS, AND HANDLING OF SUSPECTED WAR CRIMINALS.
- E. (S//REL TO USA and MCFI) CJTF-7 FRAGO 415 (151950DJUL03) PRESERVATION AND COLLECTION OF EVIDENCE, DETENTION OPERATIONS, AND RELEASE PROCEDURES FOR DETAINEES.
- F. (S//REL TO USA and MCFI) CJTF-7 FRAGO 519 (272249DJUL03) CHANGE 1 TO FRAGO 415 PRESERVATION AND COLLECTION OF EVIDENCE, DETENTION OPERATIONS, AND RELEASE PROCEDURES FOR DETAINEES.
- G. (S//REL TO USA and MCFI) CJTF-7 FRAGO 103 (211100DJUN03) 1AD CONVOY AND BAGHDAD CRIMINAL COURT SECURITY SUPPORT.
- H. (U) CFLCC FRAGO 501 TO COMFLCC OPORD 03-032 (241500ZAPR03), GUIDANCE FOR THE RELEASE AND REPATRIATION OF EPW.
- I. (U) US ARMY REGULATION 190-8, ENEMY PRISONERS OF WAR, RETAINED PERSONNEL, CIVILIAN INTERNEES AND OTHER DETAINEES, 1 OCT 97.
- J. (U) US ARMY REGULATION 195-2, CRIMINAL INVESTIGATION ACTIVITIES, 30 OCT 85.

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- K. (U) DIRECTIVE FROM U.S. SECARMY, 15 APR 03, AUTHORIZING THE U.S. ARMY CRIMINAL INVESTIGATION COMMAND TO EXERCISE ALL INVESTIGATIVE RESPONSIBILITIES RELATING TO WAR CRIMES AND OTHER RELATED OFFENSES.
- L. (U) U.S. DEPARTMENT OF ARMY SIGNAL 030053ZMAY03 CSA EXORD FOR WAR CRIMES AND RELATED INVESTIGATIONS.
- M. (U) CJTF-7 FRAGO 455 (200415DJUL03) CLASSIFYING AND PROCESSING ENEMY PRISONERS OF WAR/DETAINED PERSONS/CIVILIAN INTERNEES]

(U) MAPS: [NO CHANGE]

(U) TIME ZONE USED THROUGHOUT THIS ORDER: DELTA

(U) TASK ORGANIZATION: [NO CHANGE]

1. (U) SITUATION. [CHANGE] REFERENCES A THROUGH F ARE RESCINDED. THIS ORDER CONSOLIDATES PRIOR DETAINEE ORDERS AND GUIDANCE AND CONTROLS DETENTION AND PROCESSING OF ALL CIVILIAN INTERNEES (SECURITY INTERNEES AND CRIMINAL DETAINEES) AND ENEMY PRISONERS OF WAR (EPWS). A FLOWCHART DESCRIBING DETENTION PROCEDURES IS ENCLOSED AT ATTACHMENT A.

1.A. (S//REL TO USA and MCFI) UNDER THE GENEVA CONVENTIONS 1949, THE HAGUE REGULATIONS 1907 AND UN SECURITY COUNCIL REGULATION 1483, COALITION FORCES ARE AUTHORIZED TO DETAIN CIVILIANS IN ORDER TO ASSIST IN THE RESTORATION OF SECURITY AND STABILITY IN IRAQ.

1.B. (S//REL TO USA and MCFI) CAPTURING UNITS WILL NOT DETAIN PERSONS UNLESS THERE IS A REASONABLE BELIEF THAT THE PERSON IS OR WAS ENGAGED IN CRIMINAL ACTIVITY; POSSESSES INFORMATION IMPORTANT TO, OR INTERFERES WITH, COALITION MISSION ACCOMPLISHMENT; IS ON A LIST OF PERSONS WANTED FOR QUESTIONING, ARREST OR DETENTION BY COALITION FORCES; OR IS AN ENEMY COMBATANT.

1.C. (US//REL TO USA and MCFI) DEFINITIONS.

1.C.1. (U) CIVILIAN INTERNEE (CI): A PERSON WHO IS INTERNED DURING ARMED CONFLICT OR OCCUPATION IF HE/SHE IS CONSIDERED A SECURITY RISK, NEEDS PROTECTION OR HAS COMMITTED AN OFFENSE (INSURGENT OR CRIMINAL) AGAINST THE DETAINING POWER. A CIVILIAN INTERNEE IS PROTECTED ACCORDING TO GENEVA CONVENTION IV (PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR).

1.C.2. (U) CRIMINAL DETAINEE (CD): A PERSON DETAINED BECAUSE HE/SHE IS REASONABLY SUSPECTED OF HAVING COMMITTED A CRIME AGAINST IRAQI NATIONALS OR IRAQI PROPERTY OR A CRIME NOT RELATED TO THE COALITION FORCE MISSION.

1.C.3. (U) SECURITY INTERNEE (SI): A CIVILIAN INTERNED DURING CONFLICT OR OCCUPATION FOR THEIR OWN PROTECTION OR BECAUSE THEY POSE A THREAT TO THE SECURITY OF COALITION FORCES, ITS MISSION, OR ARE OF INTELLIGENCE VALUE. THIS INCLUDES PERSONS DETAINED FOR COMMITTING OFFENSES (INCLUDING ATTEMPTS) AGAINST COALITION FORCES (OR PREVIOUS COALITION FORCES) MEMBERS OF THE PROVISIONAL GOVERNMENT, NGOS, STATE INFRASTRUCTURE OR ANY PERSON ACCUSED OF COMMITTING WAR CRIMES OR CRIMES AGAINST HUMANITY. CERTAIN SECURITY INTERNEES MAY ALSO BE

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CLASSIFIED AS A HIGH VALUE DETAINEE (HVD). SECURITY INTERNEES ARE A SUBSET OF CIVILIAN INTERNEES.

1.C.4. (U) HVDS: HVDS ARE SECURITY INTERNEES OF SIGNIFICANT INTELLIGENCE OR POLITICAL VALUE. UNITS WILL BE INFORMED BY C2 CJTF-7 OF THE IDENTITY OF SUCH INDIVIDUALS.

1.C.5. (U) ENEMY PRISONER OF WAR (EPW): A MEMBER OF ARMED OR UNIFORMED SECURITY FORCES THAT CONFORM TO THE REQUIREMENTS OF ARTICLE 4, GENEVA CONVENTION RELATING TO TREATMENT OF PRISONERS OF WAR.

1.C.6. (U) CRIMINAL INVESTIGATION DIVISION (CID) HOLD: A DIRECTIVE TO HOLD AND NOT RELEASE A DETAINEE/INTERNEE IN THE CUSTODY OF COALITION FORCES, ISSUED BY A MEMBER OR AGENT OF THE U.S. ARMY CRIMINAL INVESTIGATION DIVISION.

1.C.7. (U) MILITARY INTELLIGENCE (MI) HOLD: A DIRECTIVE TO HOLD AND NOT RELEASE A DETAINEE/INTERNEE IN THE CUSTODY OF COALITION FORCES, ISSUED BY A MEMBER OR AGENT OF A U.S. MILITARY INTELLIGENCE ORGANIZATION.

1.C.8. (U) CAPTURING UNIT: THE CAPTURING UNIT IS THE COALITION UNIT THAT CAPTURES CIVILIANS OR EPWS.

1.C.8.A. (U) DETAINING UNIT: THE DETAINING UNIT IS THE COALITION UNIT THAT DETAINS CIVILIANS OR EPWS.

1.C.9. (U) DETENTION REVIEW AUTHORITY: THE JAG OR LEGAL OFFICER HOLDING THE AUTHORITY TO REVIEW DETENTION CASES AND WHO, IN DEFINED CIRCUMSTANCES, MAY RELEASE OR AUTHENTICATE AND ORDER FURTHER DETENTION. DETENTION REVIEW AUTHORITIES ARE IDENTIFIED AT ATTACHMENT B.

1.C.10 (U) REVIEW AND APPEAL BOARD: A BOARD APPOINTED BY THIS ORDER, COMPRISED OF THE CJTF-7 C2, COMMANDER 800TH MP BRIGADE, AND CJTF-7 STAFF JUDGE ADVOCATE. THE REVIEW AND APPEAL BOARD ACTS ON RECOMMENDATIONS FOR RELEASE OF SECURITY INTERNEES, ARTICLE 78 APPEALS, AND PERIODIC 6-MONTH DETENTION REVIEWS.

1.C.11 (U) CRIMINAL DETAINEE REVIEW BOARD: A BOARD APPOINTED BY THIS ORDER, COMPRISED OF THE COMMANDER 800TH MP BRIGADE AND SJA 800TH MP BRIGADE AUTHORIZED TO RELEASE FROM DETENTION OR REFER CRIMINAL DETAINEES TO IRAQI COURTS.

1.C.12. (U) REASONABLE BELIEF: UNDER THE CIRCUMSTANCES THAT EXIST AT THE TIME, THERE ARE SUFFICIENT FACTS UPON WHICH A REASONABLE PERSON WOULD RELY TO CONCLUDE THAT A CRIME HAS BEEN COMMITTED OR IS BEING COMMITTED AND THAT THE PERSON TO BE DETAINED HAS COMMITTED, IS COMMITTING, OR IS AIDING ANOTHER TO COMMIT AN OFFENSE.

1.C.13. (U) SERIOUS CRIME: FOR THE PURPOSE OF DETENTION, IS ANY CRIME CONSIDERED TO BE PUNISHABLE BY MORE THAN FIVE YEARS IMPRISONMENT UNDER THE IRAQI CRIMINAL CODE 1969. THE DEFINITION INCLUDES, BUT IS NOT LIMITED TO MURDER, RAPE, ARMED ROBBERY, KIDNAPPING, ABDUCTION, STATE INFRASTRUCTURE SABOTAGE, CAR-JACKING, ASSAULT CAUSING BODILY HARM, ARSON, DESTRUCTION OF PROPERTY OR THEFT WITH A VALUE IN EXCESS OF FIVE HUNDRED U.S. DOLLARS, OR CONSPIRACY, SOLICITATION, ACTING AS AN ACCOMPLICE OR ATTEMPTING TO COMMIT ONE OF THESE OFFENCES.

1.C.14. (U) MINOR CRIME: A CRIMINAL OFFENSE THAT IS NOT A SERIOUS CRIME.

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1.C.15. (U) INTERNMENT FACILITY (IF): FACILITY DESIGNATED BY COALITION FOR LONG TERM DETENTION, INCLUDING EPW OPERATIONS, INDUCTION, CIVILIAN INTERNEES AND POST TRIAL INTERNMENT DESIGNATED BY COMMANDER 800TH MILITARY POLICE BRIGADE (U.S.).

1.C.16. (U) COALITION HOLDING FACILITY (CHF): FACILITY DESIGNATED AS THE CENTRAL COLLECTION FACILITY THROUGH WHICH ALL DETAINEES/INTERNEES SHOULD BE INDUCTED BEFORE TRANSFER TO ANOTHER INTERNMENT FACILITY OR RELEASE.

1.C.17. (U) SPECIAL CONFINEMENT FACILITY: FACILITY DESIGNATED BY THE COALITION FOR THE DETENTION OF HVDS.

1.C.18. (U) HOLDING AREAS AND TEMPORARY DETENTION FACILITIES: ALL OTHER DETENTION AREAS NOT DESIGNATED AS AN INTERNMENT FACILITY, SPECIAL CONFINEMENT FACILITY OR COALITION HOLDING FACILITY.

1.C.19. (U) INDUCTION: THE PROCESS BY WHICH A DETAINEE OR INTERNEE IS RECEIVED INTO THE COALITION HOLDING FACILITY OR INTERNMENT INTO AN INTERNMENT FACILITY.

1.C.20. (U) CONDITIONAL RELEASE: RELEASE OF A CIVILIAN INTERNEE SUBJECT TO CONDITIONS INTENDED TO SECURE THE PRESENCE OF THE PERSON FOR COALITION FORCE PURPOSES, OR TRIAL.

1.C.21 (U) PAROLE: RELEASE OF AN EPW DURING ARMED CONFLICT UNDER CONDITIONS ESTABLISHED IN A PAROLE AGREEMENT.

1.C.22. (U) WAR CRIME: ANY VIOLATION OF THE LAW OF WAR IS A WAR CRIME AS DEFINED UNDER INTERNATIONAL LAW.

1.C.23. (U) CRIME AGAINST HUMANITY/ATROCITY: A BREACH OF HUMANITARIAN LAW THAT IS AN INHUMANE ACT COMMITTED AGAINST ANY PERSON.

2. (U) MISSION. [CHANGE]

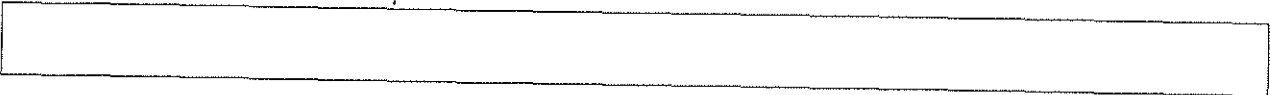
2.A) (U) IT IS THE RESPONSIBILITY OF COALITION FORCES TO ENSURE INVESTIGATION OF ALL CRIMES, AND PRESERVE EVIDENCE TO SUPPORT CRIMINAL OR OTHER PROSECUTION. THIS MEANS THAT IN ORDER TO ASSIST THE FUNCTIONING OF THE CRIMINAL JUDICIAL SYSTEM, AND ESTABLISH THE RULE OF LAW IN IRAQ, COALITION UNITS ARE REQUIRED TO IDENTIFY AND RECORD THE NAMES AND ADDRESSES OF WITNESSES, PRESERVE EVIDENCE AND ENSURE THAT TIMELY AND ACCURATE INFORMATION CONCERNING CRIMINAL DETAINEES AND SECURITY INTERNEES IS REPORTED TO DETENTION FACILITIES IN ACCORDANCE WITH THIS ORDER. ONCE DETAINED OR INTERNED BY COALITION FORCES, PERSONS SHALL BE TREATED IN ACCORDANCE WITH INTERNATIONAL AND HUMANITARIAN LAW.

3. (U) EXECUTION. [CHANGE]

3.A. (U) COMMANDER'S INTENT [NO CHANGE]

3.B. (U) CONCEPT OF THE OPERATION. [NO CHANGE]

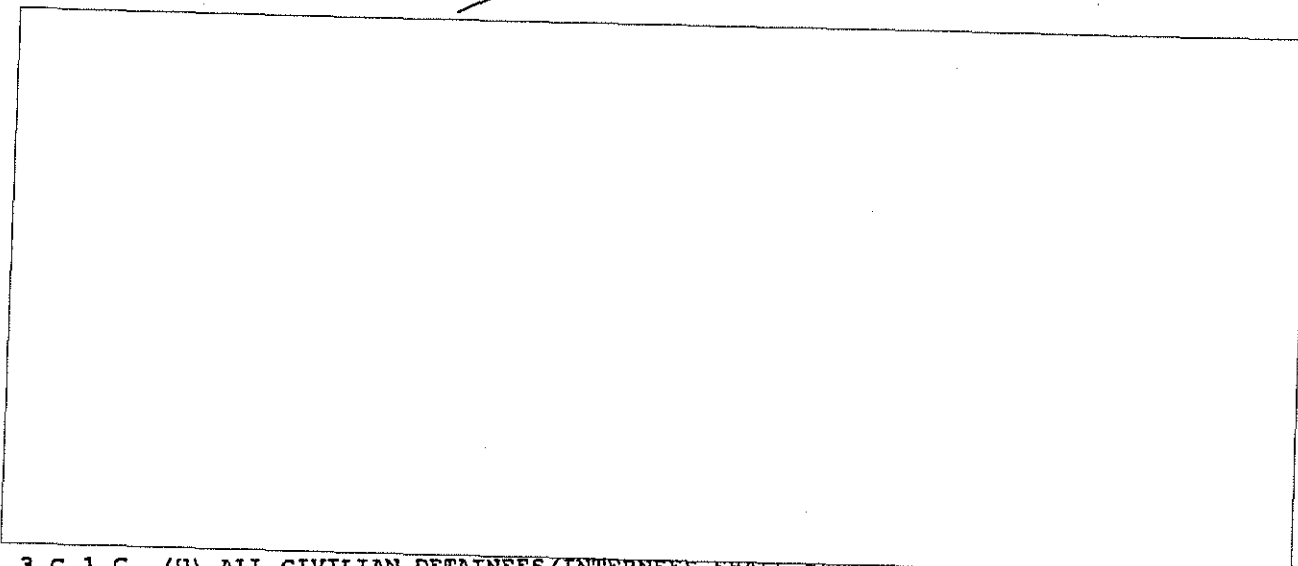
3.C. (U) TASKS TO SUBORDINATE UNITS. [CHANGE]



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3.C.1.C. (U) ALL CIVILIAN DETAINEES/INTERNEES SHALL HAVE A REVIEW BY A DETENTION REVIEW AUTHORITY NOT LATER THAN 72 HOURS FROM THE TIME OF INDUCTION. IF THE DETENTION REVIEW AUTHORITY DETERMINES THAT FURTHER DETENTION IS NOT WARRANTED FOR MINOR CRIMES, THEN THE DETAINEE MAY BE RELEASED. FOR THOSE CRIMINAL DETAINEES THAT HAVE APPEARED BEFORE AN IRAQI INVESTIGATIVE JUDGE, NO ADDITIONAL COALITION REVIEW IS NECESSARY.

3.C.1.D (U) THE DETENTION REVIEW AUTHORITY (DRA) SHALL DETERMINE STATUS (I.E. EPW, SECURITY INTERNEE OR CRIMINAL DETAINEE). IF EPW STATUS IS IN DOUBT, THE DRA WILL REFER THE DETAINEE TO AN ARTICLE 5 TRIBUNAL. DETENTION REVIEW AUTHORITIES ARE STAFF JUDGE ADVOCATE/LEGAL OFFICERS LISTED AT ATTACHMENT B. CJTF-7 C2 WILL CLASSIFY WHICH SECURITY INTERNEES ARE HVD.

3.C.1.E (U) THE DRA STANDARD OF REVIEW FOR CRIMINAL DETAINEES IS PROBABLE CAUSE THAT THE DETAINEE COMMITTED A CRIME. THE DRA IS THE RELEASE AUTHORITY FOR MINOR CRIMES. FOR SERIOUS CRIMES, RECOMMENDATIONS FOR RELEASE SHALL BE FORWARDED TO COMMANDER, 800TH MP BRIGADE (US) WHO WILL LIAISE WITH COMMANDER 3RD MP GROUP (CID) (US) AND CONVENE A CRIMINAL DETAINEE RELEASE BOARD WITH CJTF-7 STAFF JUDGE ADVOCATE (SJA).

3.C.1.F. (U) IN THE CASE OF SECURITY INTERNEES, THE DRA SHALL PREPARE AN AUTHENTICATED ORDER OF INTERNMENT IN ALL CASES WHERE THE REVIEWING AUTHORITY ORDERS CONTINUED DETENTION. THE INTERNMENT ORDER WILL STATE THE REASONS FOR CONTINUED DETENTION AND ANY APPELLATE RIGHTS. THESE ORDERS SHALL BE MAINTAINED IN THE DETAINEE'S DETENTION FILE. THE DETENTION REVIEW AUTHORITY MAY MAKE RECOMMENDATIONS TO THE REVIEW AND APPEAL BOARD REGARDING THE RELEASE OF A SECURITY DETAINEE.

3.C.1.G. (U) COALITION UNITS BE PREPARED TO (BPT) PROVIDE TRANSPORTATION AND SECURITY NECESSARY TO ENSURE THAT COALITION-HELD CRIMINAL DETAINEES APPEAR BEFORE IRAQI COURTS. COALITION UNITS CONTINUE TO MAINTAIN LIAISON WITH IRAQI CRIMINAL COURTS, AND IN CONJUNCTION WITH SERVICING STAFF JUDGE ADVOCATES/LEGAL OFFICERS, IRAQI COURT INVESTIGATORS, AND POLICE, DEVELOP CASE FILES AND APPROPRIATE DATA SHEETS ON EACH DETAINEE FACING IRAQI COURT PROSECUTIONS.

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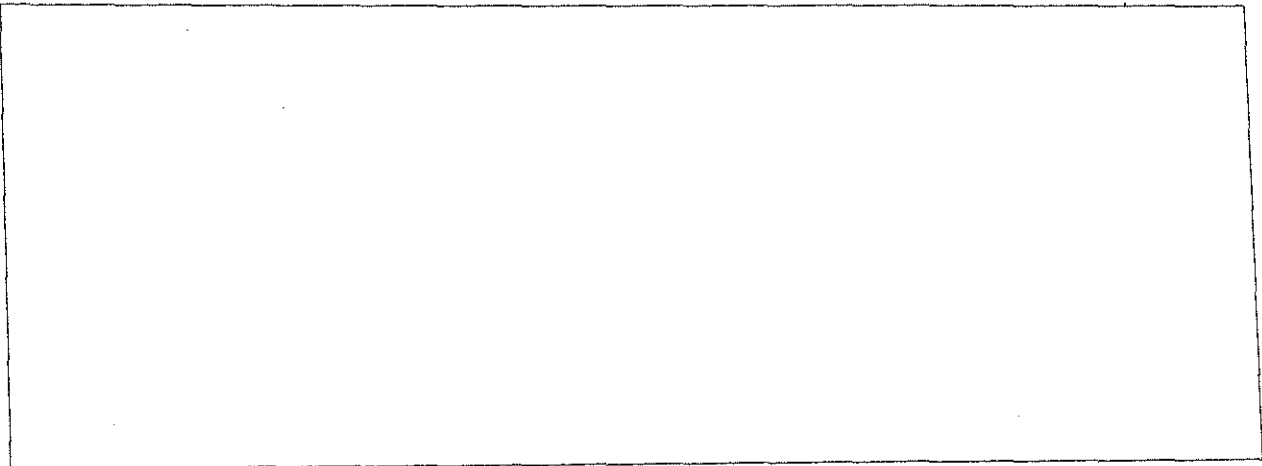
3.C.1.H. (U) COALITION UNITS: ESTABLISH COLLECTION POINTS FOR SECURITY INTERNEES, CRIMINAL DETAINEES AND EPWS.

3.C.1.I. (U) ALL COALITION UNITS ARE TO IMMEDIATELY NOTIFY SUPPORTING MILITARY POLICE UNITS AND U.S. ARMY CRIMINAL INVESTIGATION DIVISION COMMAND OF ANY INCIDENTS RESULTING IN THE DEATH OR SERIOUS INJURY TO COALITION MEMBERS.

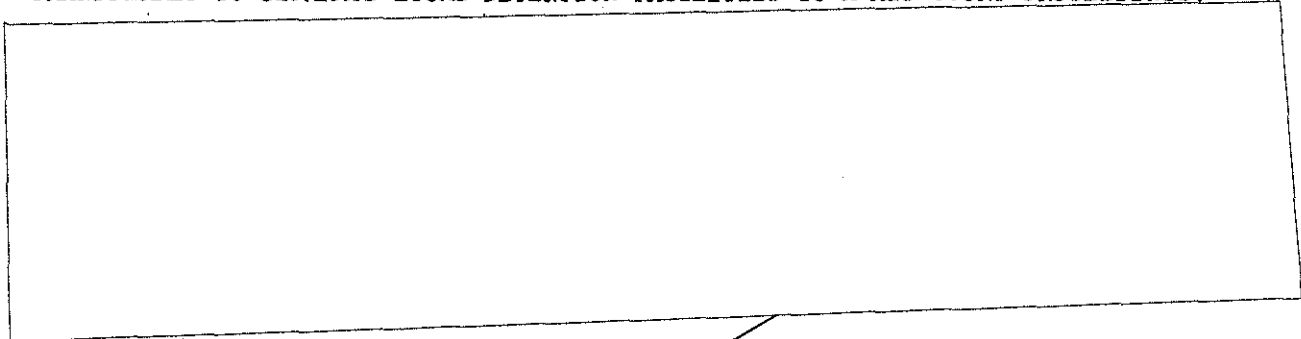
3.C.1.J (U) ALL COALITION UNITS WILL DIRECT FAMILY MEMBERS SEEKING INFORMATION ON DETAINEES TO THE NEAREST CIVIL AFFAIRS OPERATIONS CENTER (CMOC) OR EQUIVALENT UNIT.

3.C.1.K. (U) IMMEDIATELY REPORT TO CJTF-7 C3 AND CJTF-7 PROVOST MARSHAL THROUGH THE CHAIN OF COMMAND, ALL HVDS AND NON-IRAQIS (THIRD COUNTRY NATIONALS) THAT ARE DETAINED. NOTIFICATION TO THE COALITION PROVISIONAL AUTHORITY (CPA) MINISTRY OF FOREIGN AFFAIRS WILL BE MADE BY CJTF-7. REQUESTS FOR RELEASE OF THIRD COUNTRY NATIONALS SHALL BE FORWARDED TO THE CJTF-7 REVIEW AND APPEALS BOARD.

3.c.2. (S//REL TO USA and MCFI) ~~SECRET~~ MP BDE (US):



3.C.2.C. (U) INFORM WITHIN 72 HOURS OF INDUCTION, PERSONS DETAINED ONLY AS CRIMINAL DETAINEES OF THE BASIS OF THE DETENTION AND THE RIGHT TO REMAIN SILENT. CRIMINAL DETAINEES SHOULD BE AFFORDED REASONABLE ACCESS TO COUNSEL PRIOR TO TRIAL. CRIMINAL DETAINEES SHOULD BE SEPARATED WHEN FEASIBLE BASED UPON THE FOLLOWING CATEGORIES: MINOR CRIMES, SERIOUS CRIMES, GENDER, JUVENILES, AND POST-CONVICTION CONFINEMENT. AS SOON AS FEASIBLE, WOMEN AND JUVENILES WILL BE TRANSFERRED TO SEPARATE LOCAL DETENTION FACILITIES TO AWAIT COURT PROCEEDINGS.



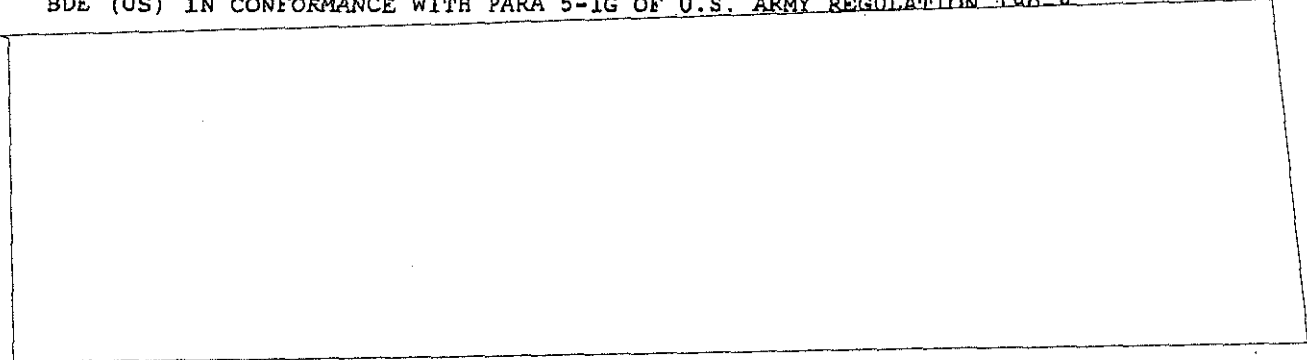
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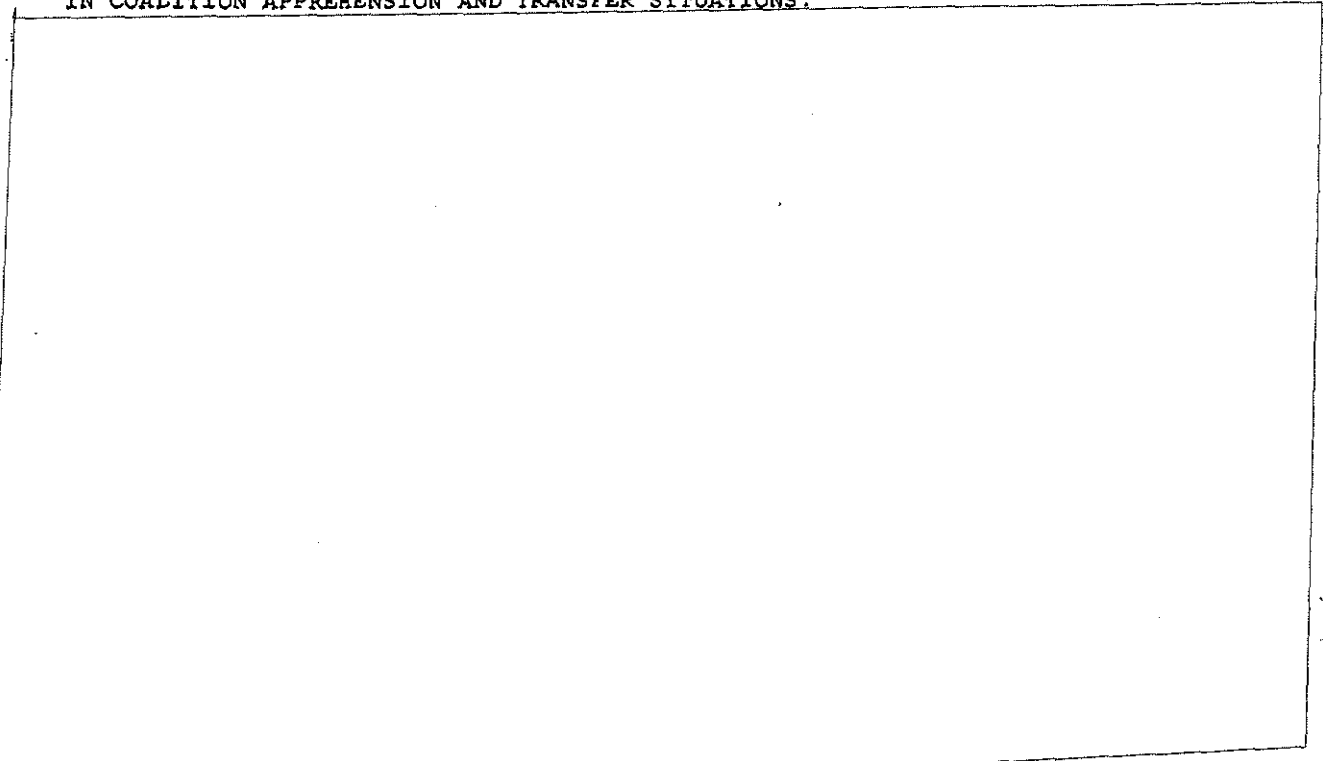
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3.C.2.F. (U) PROVIDE SECURITY INTERNEES WITH A WRITTEN COPY OF THE AUTHENTICATED INTERNMENT ORDER AND A WRITTEN NOTICE OF RIGHT TO APPEAL IN A LANGUAGE THE INTERNEE UNDERSTANDS, ADVISING OF THE RIGHT TO APPEAL THE INTERNMENT ORDER, AND THAT THE ORDER WILL BE REVIEWED IN 6 MONTHS. IN THE CASE OF FURTHER INTERNMENT ORDERS, INTERNMENT SHALL BE REVIEWED EVERY 6 MONTHS THEREAFTER. PROCEDURES FOR APPEALS AND PERIODIC REVIEWS (6 MONTH) SHALL BE ESTABLISHED BY COMMANDER 800TH BDE (US) IN CONFORMANCE WITH PARA 5-1G OF U.S. ARMY REGULATION 190-8



3.C.2.H. (U) IF NOT PREVIOUSLY ESTABLISHED, CREATE FIELDS IN CRIMINAL DATABASE THAT SHOWS OTHER HOLDS ON DETAINEE/INTERNEE.

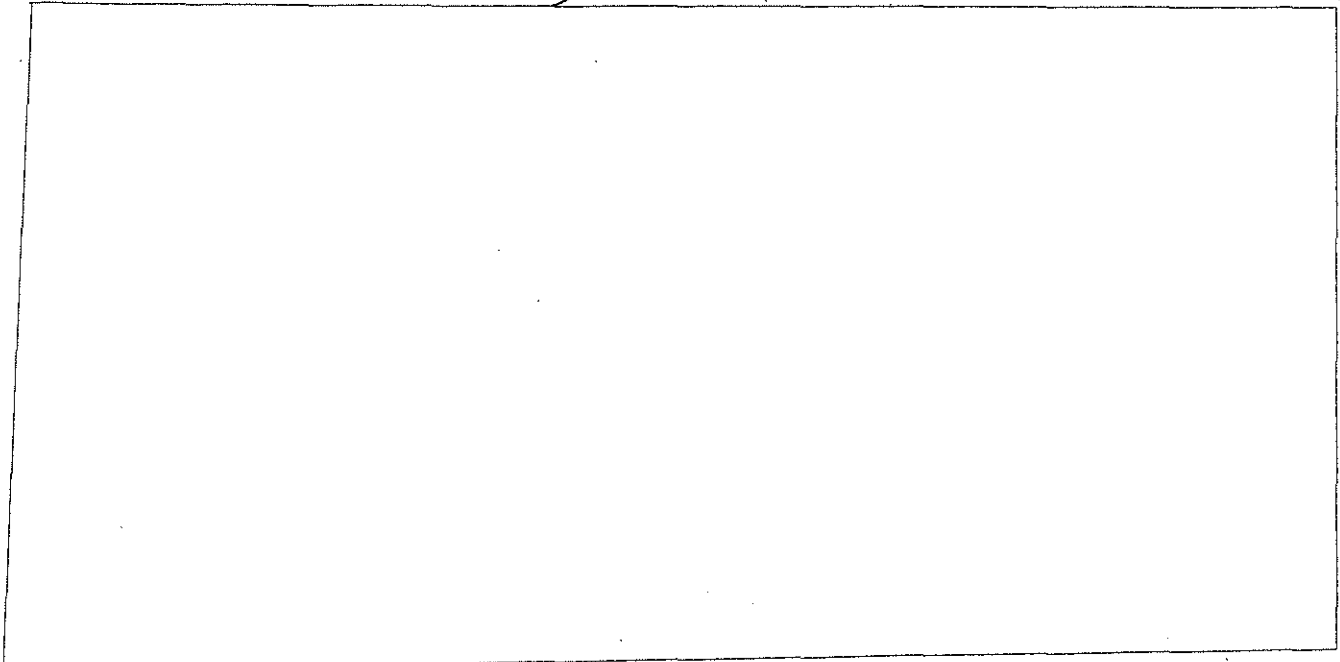
3.C.2.I. (U) ENSURE DETAINEE/INTERNEE DATABASE CONTAINS COALITION DETAINEE IDENTIFICATION NUMBERS THAT CAN BE CROSS-REFERENCED TO U.S. DETAINEE ID NUMBERS IN COALITION APPREHENSION AND TRANSFER SITUATIONS.



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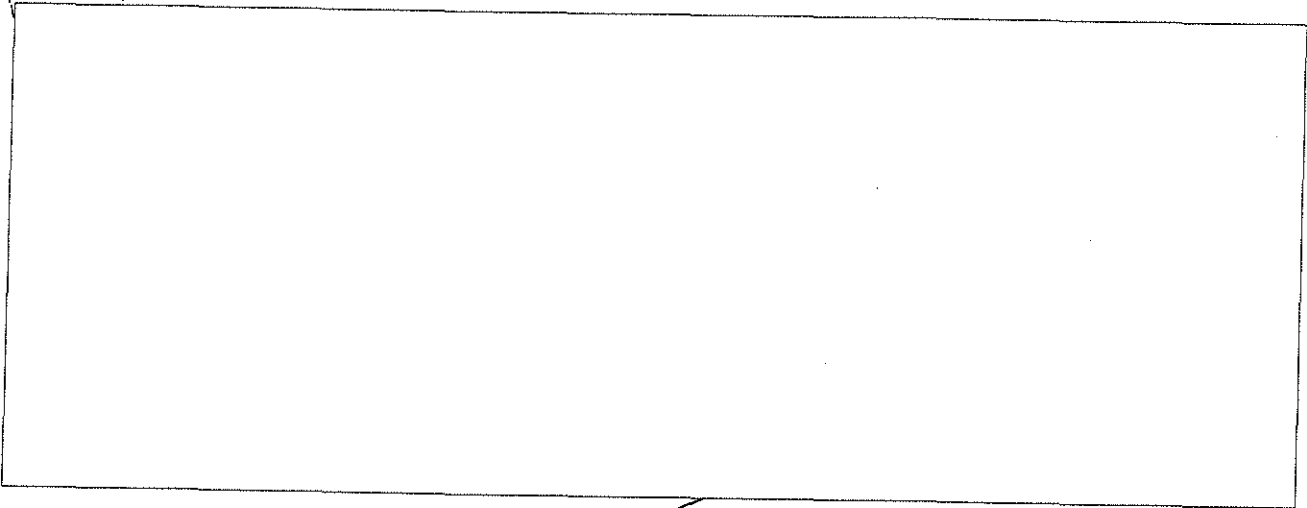


3.C.2.P. (U) FORWARD REQUIREMENTS OF THIS FRAGO TO ALL DETENTION/INTERMENT FACILITIES UNDER ITS COMMAND AND CONTROL.

3.C.2.Q. (U) CONDUCT UNIT TRAINING ON GRADUATED FORCE AND STANDARDS OF CONDUCT OF MILITARY POLICE AND COORDINATE TRAINING WITH COALITION MILITARY POLICE UNITS TO ENSURE THAT TRAINING IS CONSISTENT THROUGH THE CJTF-7 AOR.

3.C.2.R. (U) ENSURE EVIDENCE/PROPERTY ROOMS ARE SET UP AND ORGANIZED AT EACH DETENTION FACILITY AND THAT ADDITIONAL ROOMS ARE PROVIDED FOR IRAQI JUDGES AND INVESTIGATORS WHEN WORKING AT THE DETENTION FACILITY.

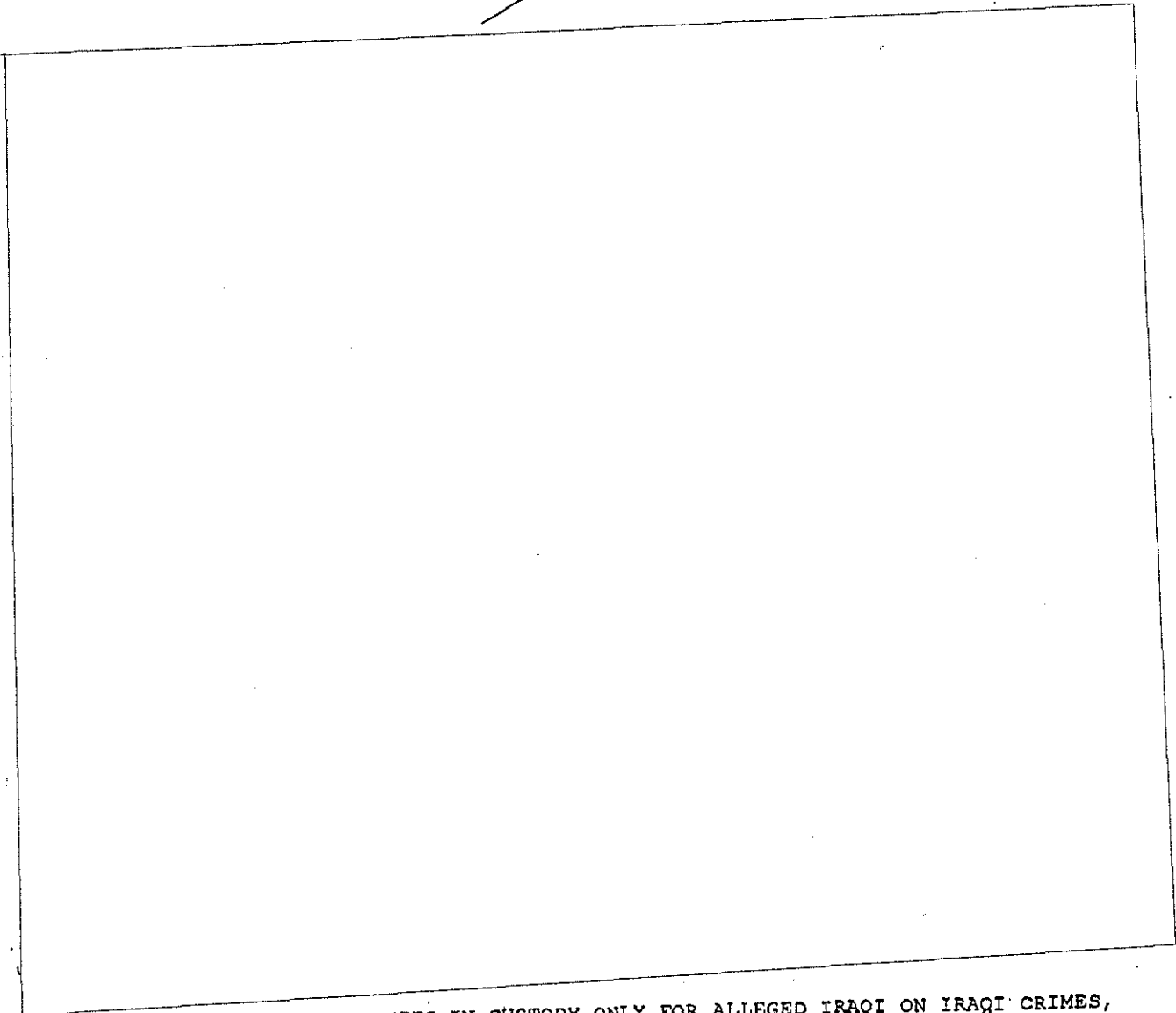
3.C.2.S. (U) PROVIDE FAMILY AND ATTORNEY VISITATION FACILITIES FOR CRIMINAL DETAINEES AND AFFORD REASONABLE VISITATION OPPORTUNITIES.



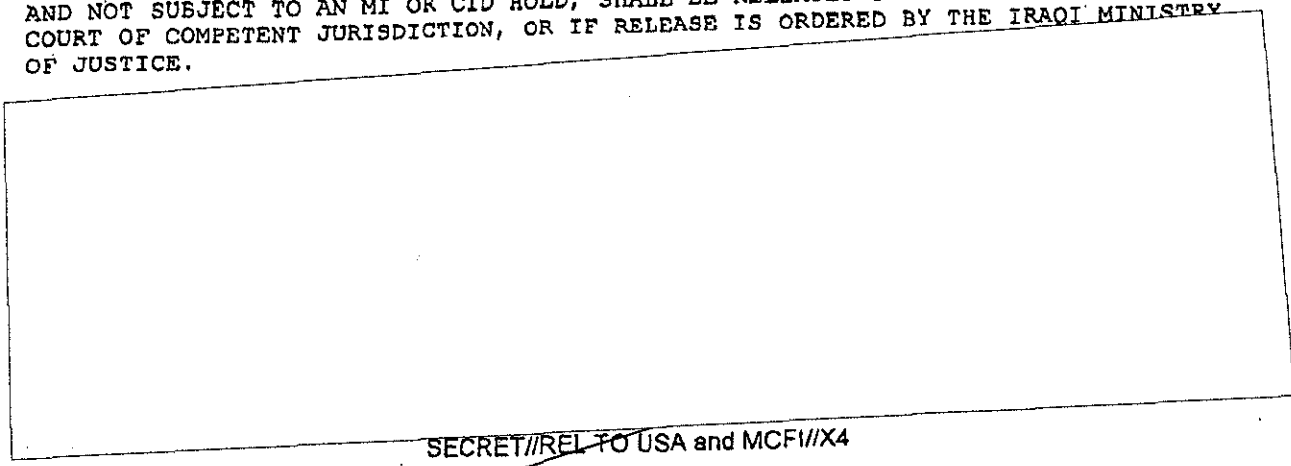
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3.D.6. (U) CRIMINAL DETAINEES IN CUSTODY ONLY FOR ALLEGED IRAQI ON IRAQI CRIMES, AND NOT SUBJECT TO AN MI OR CID HOLD, SHALL BE RELEASED IF ORDERED BY AN IRAQI COURT OF COMPETENT JURISDICTION, OR IF RELEASE IS ORDERED BY THE IRAQI MINISTRY OF JUSTICE.

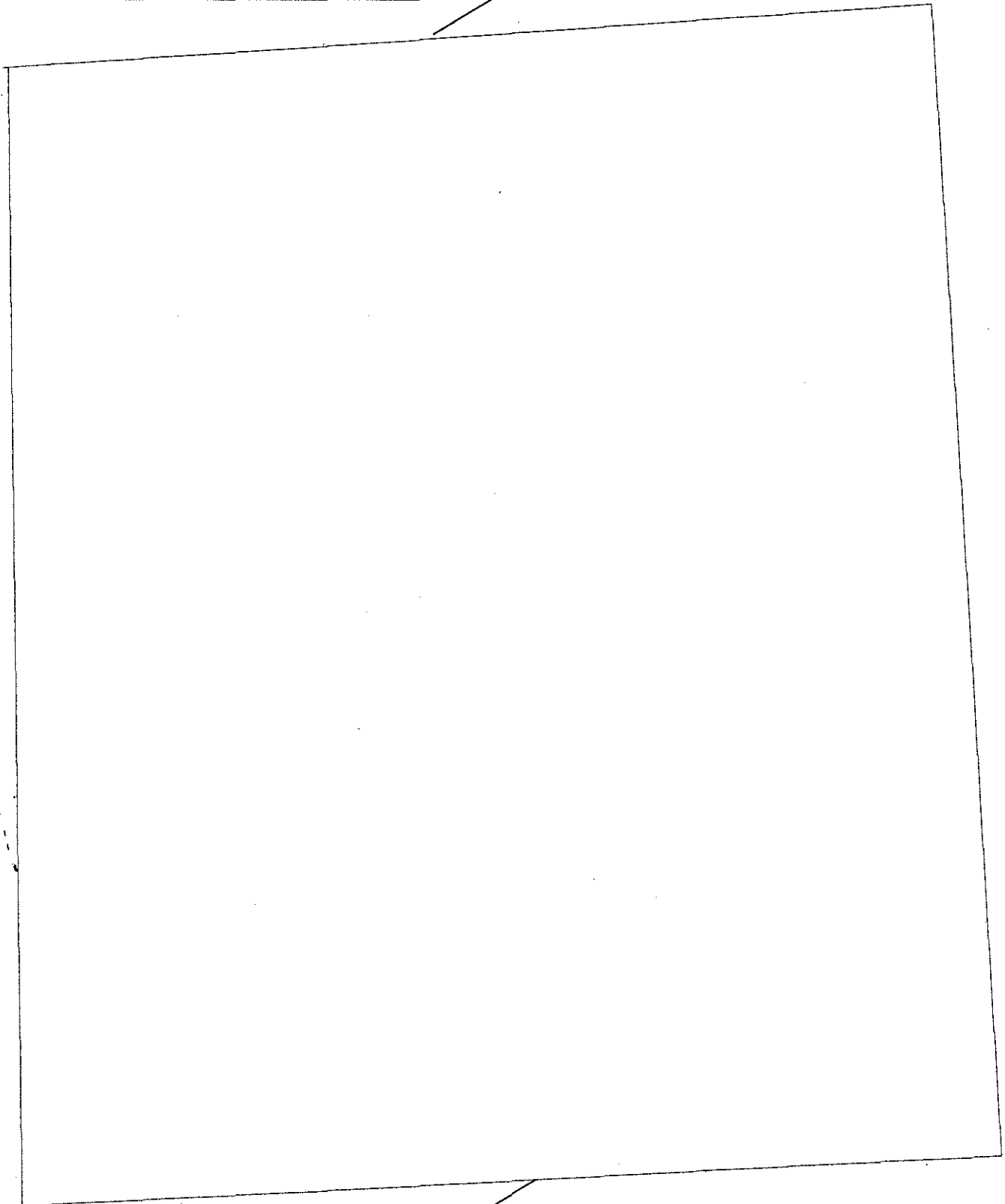


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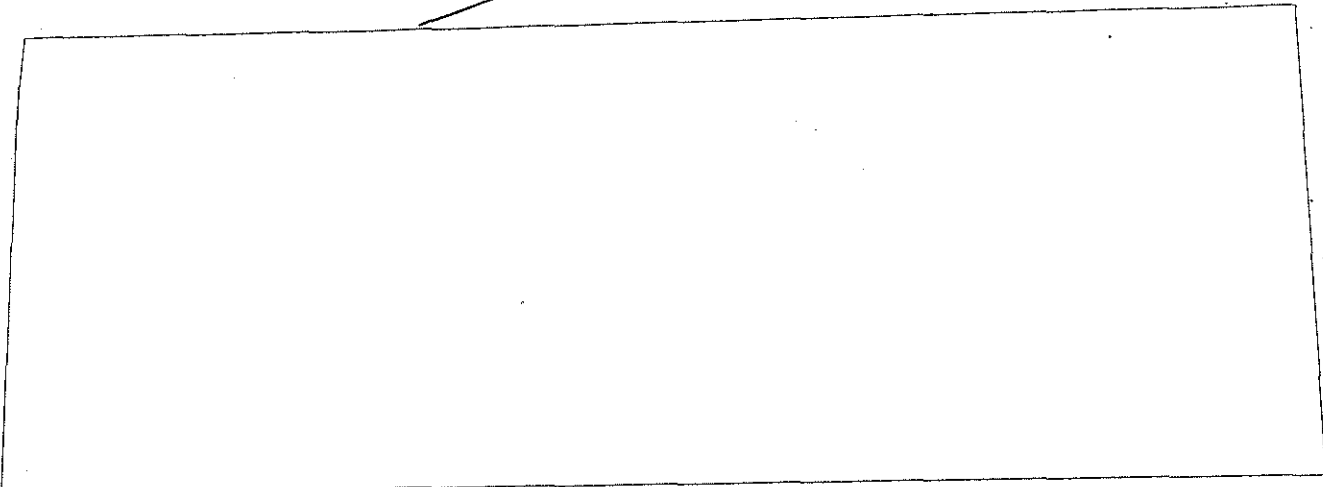
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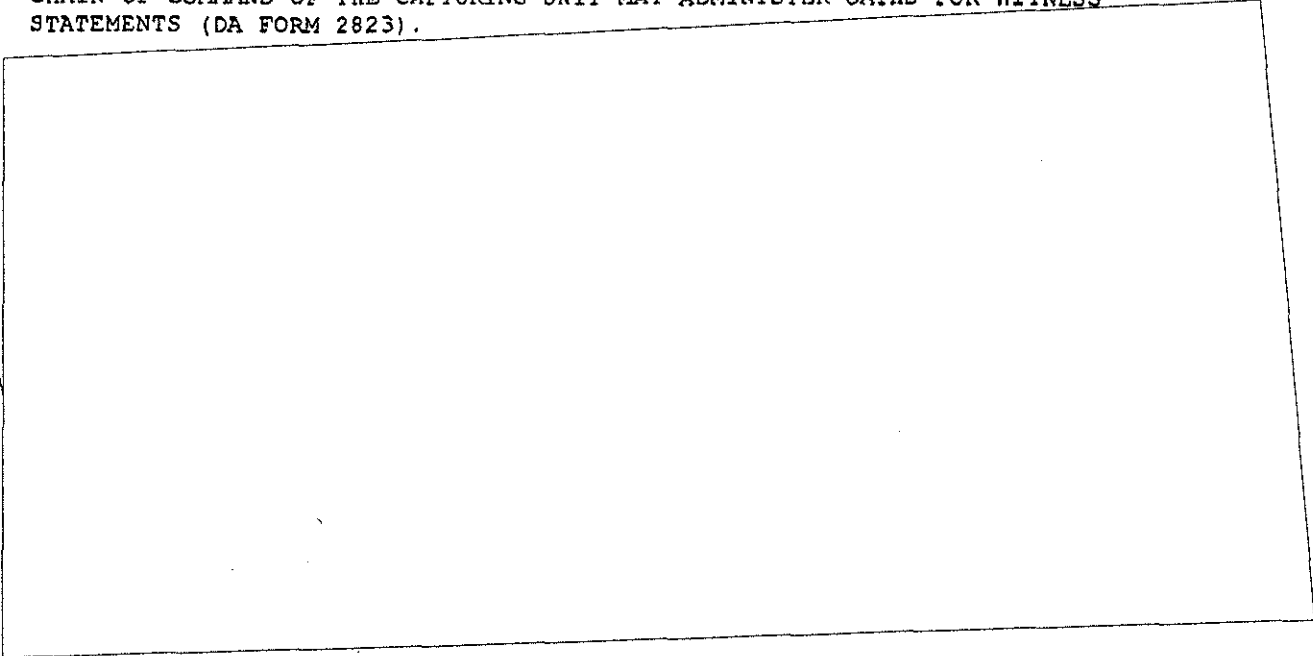
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3.D.12.D. (U) ALL COALITION OFFICERS ARE HEREBY AUTHORIZED TO TAKE SWORN STATEMENTS UNDER THE UNIFORM CODE OF MILITARY JUSTICE ART. 136 FOR THESE PURPOSES. PRIOR TO CONDUCTING THE OATH TO THE WITNESS, THE OIC SHOULD CLOSELY REVIEW THE WRITTEN STATEMENT. THE OIC SHOULD ASK APPROPRIATE FOLLOW UP QUESTIONS IN WRITING ON THE FORM IF THE INFORMATION PROVIDED BY THE WITNESS IS INCOMPLETE, CONFUSING, OR CONTRADICTORY. COMMISSIONED OFFICERS WHO ARE IN THE CHAIN OF COMMAND OF THE CAPTURING UNIT MAY ADMINISTER OATHS FOR WITNESS STATEMENTS (DA FORM 2823).



3.D.12.H. (U) IF POSSIBLE, THE DETAINEE/INTERNEE SHOULD REVIEW THE EVIDENCE/PROPERTY DOCUMENT (DA FORM 4137) AT ATTACHMENT G WITH THE HELP OF A TRANSLATOR, IF REQUIRED AND REASONABLY AVAILABLE.

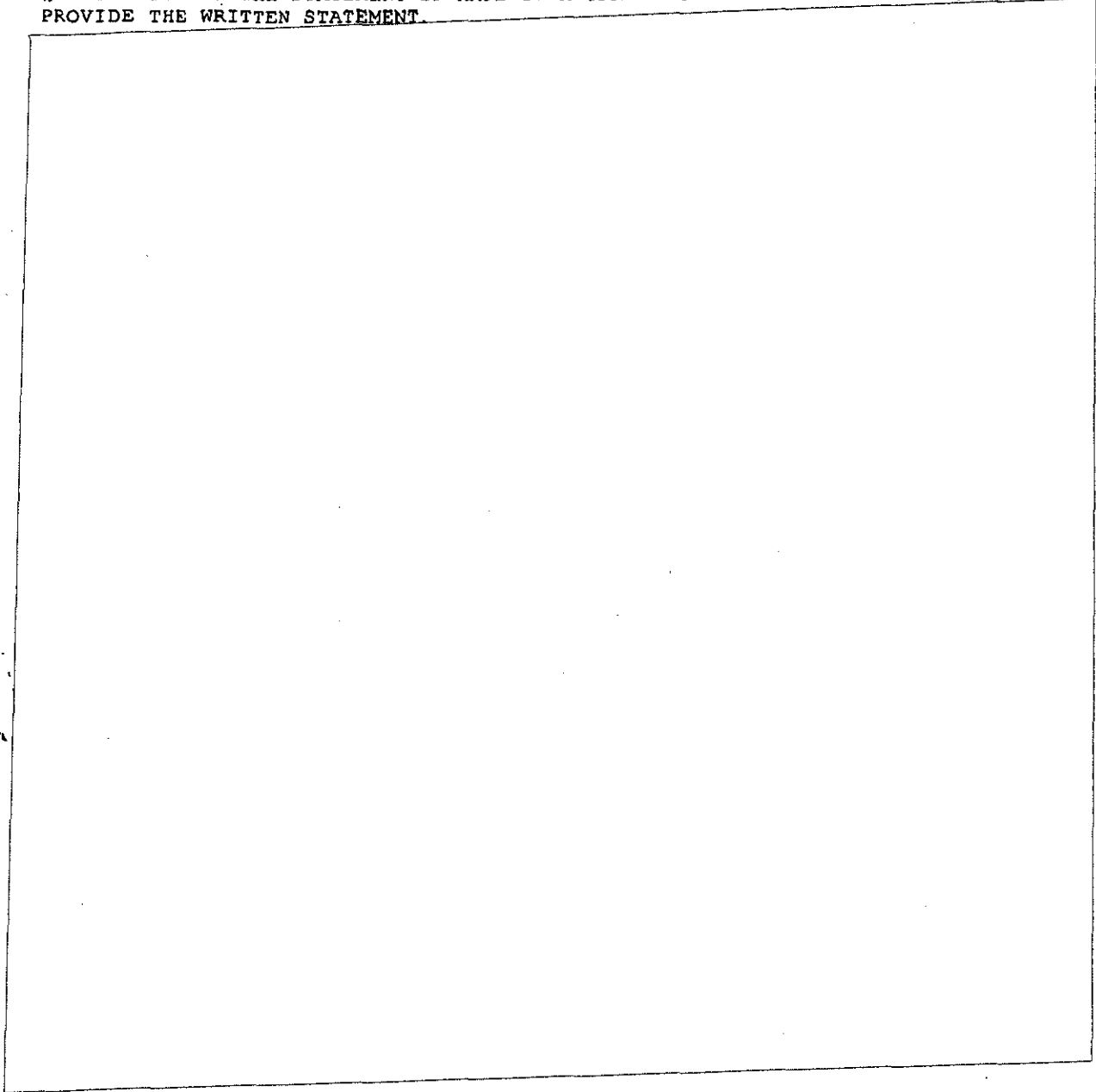
3.D.12.I. (U) CRIMINAL DETAINEES HAVE THE RIGHT TO REMAIN SILENT: CRIMINAL DETAINEES WILL BE INITIALLY INFORMED OF THEIR RIGHT ONCE THE DETAINEE IS INDUCTED INTO A DETENTION FACILITY. THIS RIGHT DOES NOT ATTACH TO SECURITY INTERNEES, HVD'S OR EPWS WHO SHOULD BE TACTICALLY INTERROGATED WHEN APPREHENDED

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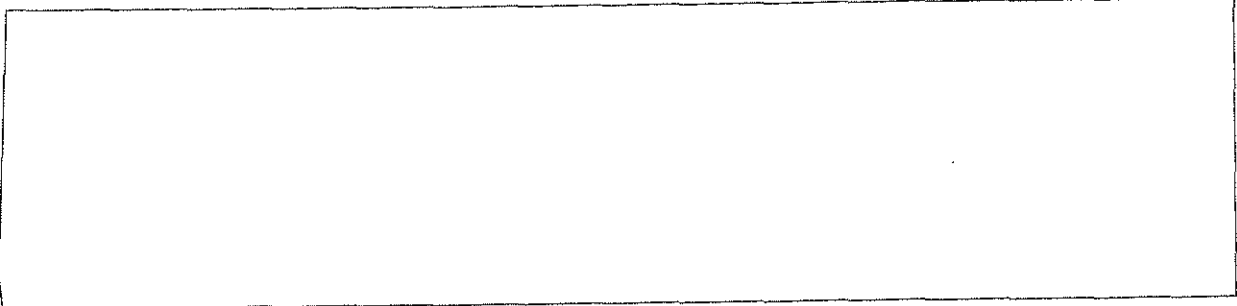
TO COLECT INFORMATION NECESSARY FOR FORCE PROTECTION AND/OR LOCTION OF ACCOMPLICES AND OTHER HOSTILE FORCES. WHERE PRACTICABLE, RIGHTS WILL BE READ IN THE DETAINEE'S NATIVE LANGUAGE. ANY WRITTEN STATEMENT THAT REFERS TO OR DETAILS A DETAINEE'S TESTIMONY SHOULD EXPLICITLY STATE THAT THE DETAINEE WAS INFORMED OF THE RIGHT TO AGAINST SELF-INCRIMINATION AND THE RIGHT WAS SPECIFICALLY WAIVED, OR THAT THE STATEMENT WAS VOLUNTARILY MADE AND NOT IN RESPONSE TO ANY DIRECT QUESTIONS. IF THE STATEMENT IS MADE TO A TRANSLATOR THE TRANSLATOR SHOULD PROVIDE THE WRITTEN STATEMENT.



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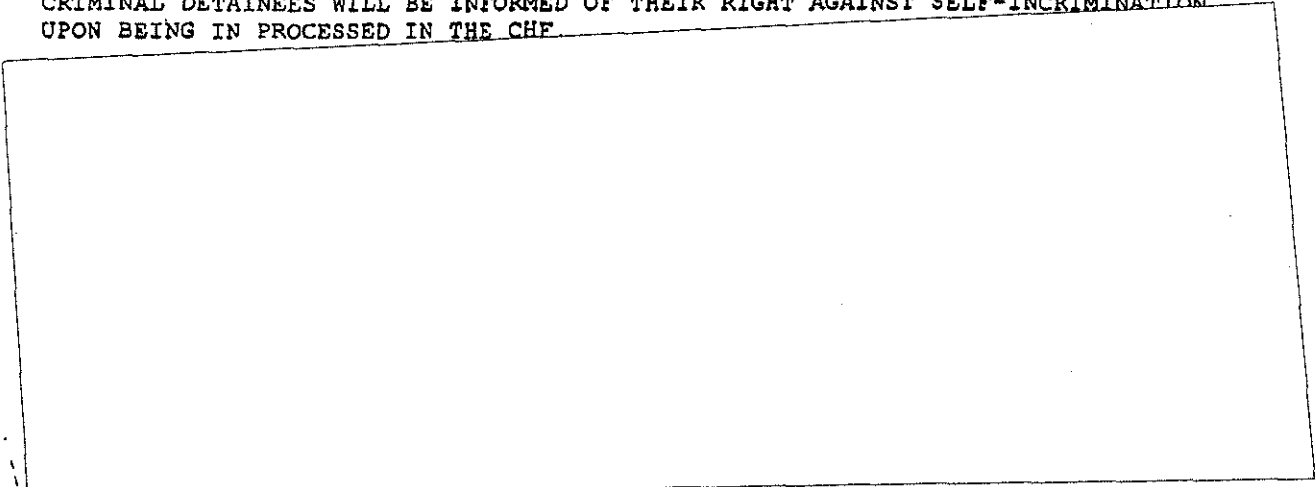
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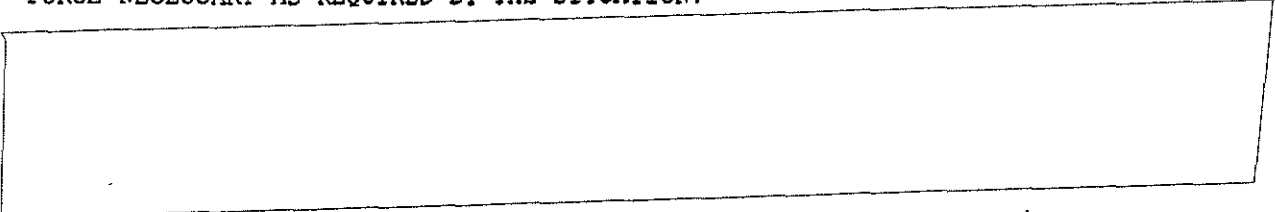


3.D.19. (U) COALITION HOLDING FACILITY (CHF) OPERATIONS

3.D.19.A. (U) ALL DETAINEES AND INTERNEES WILL BE TREATED WITH DIGNITY AND RESPECT FOR THEIR PERSONS AND PROPERTY. UNITS RESPONSIBLE FOR DETENTION/INTERNMENT OPERATIONS WILL FOLLOW APPLICABLE INTERNATIONAL LAW CONCERNING HUMANITARIAN TREATMENT OF PRISONERS AND BE RESPONSIBLE FOR TRAINING THEIR UNITS IN THE SOLDIER'S CODE OF CONDUCT AND ITS STRICT ENFORCEMENT. CRIMINAL DETAINEES WILL BE INFORMED OF THEIR RIGHT AGAINST SELF-INCRIMINATION UPON BEING IN PROCESSED IN THE CHF.



3.D.19.D. (U) DETENTION OFFICIALS WILL HANDLE ALL PRISONERS WITH THE MINIMUM FORCE NECESSARY AS REQUIRED BY THE SITUATION.



3.D.19.F. (U) IF A DETAINEE/INTERNEE IS TRANSFERRED OUT OF THE CHF TO ANOTHER REGIONAL INTERNMENT FACILITY DUE TO OVERCROWDING, ALL PROPERTY AND EVIDENCE IF POSSIBLE, WILL BE TRANSFERRED WITH THE DETAINEE/INTERNEE EXCEPT THE FILE WILL BE HELD AT THE CHF.

3.D.20. (U) RELEASE OF CRIMINAL DETAINEES.

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3.D.20.A. (U) DETENTION OFFICIALS WILL GIVE FULL FAITH AND CREDIT TO ORDERS FOR RELEASE OF CRIMINAL DETAINEES BY IRAQI JUDGES SUBJECT TO THE FOLLOWING RULES AND GUIDANCE.

3.D.20.B. (U) RELEASE ORDERS FROM AN IRAQI COURT WILL BE EXECUTED BY COALITION FORCES, PROVIDED THAT THE DETAINEE IS BEING HELD SOLELY FOR ALLEGED CRIMINAL MISCONDUCT AND THE VICTIM IS IRAQI. DETAINEES WILL CONTINUE TO BE HELD IF THE DETENTION FILE REFLECTS THE DETAINEE COMMITTED OTHER OFFENSES AGAINST COALITION PERSONNEL OR PROPERTY; THE INDIVIDUAL IS BEING HELD FOR INTELLIGENCE EXPLOITATION; OR, IF THE INDIVIDUAL OTHERWISE IS A THREAT TO THE SECURITY OF COALITION FORCES, PROPERTY, OR ACCOMPLISHMENT OF THE CJTF-7 MISSION.

3.D.20.C. (U) RELEASE ORDERS WILL BE RECOGNIZED IF THE RELEASE FORM IS IN BOTH ENGLISH AND ARABIC, SIGNED BY AN IRAQI JUDGE, STAMPED BY AN IRAQI OFFICIAL, AND PRESENTED AFTER THE ALLEGED OFFENSE WAS INVESTIGATED BY A CRIMINAL INVESTIGATION JUDGE OR COURT INVESTIGATOR. AN OFFENSE HAS BEEN INVESTIGATED IF THE DETAINEE APPEARED IN PERSON IN AN IRAQI COURT IN FRONT OF AN INVESTIGATING JUDGE OR, IF INVESTIGATING OFFICIALS HAVE VIEWED THE EVIDENCE AND RECORDS AT THE DETENTION FACILITY RESPONSIBLE FOR HOLDING THE DETAINEE.

3.D.20.D. (U) RELEASE ORDERS RECEIVED BY DETENTION OFFICIALS SHOULD BE FORWARDED TO THE DETENTION REVIEW AUTHORITY. THE DRA WILL INITIATE A RELEASE BOARD PROCESSING WORKSHEET (ATTACHMENT I) AND INDICATE ON THE WORKSHEET WHETHER THE DETAINEE IS SUSPECTED OF OTHER OFFENSES OR CRIMES AGAINST COALITION FORCES. THE REVIEW WORKSHEET WILL BE CIRCULATED TO THE ANNOTATED STAFF SECTIONS TO ENSURE THAT THE DETAINEE IS NOT BEING HELD FOR SECURITY OR INTELLIGENCE REASONS NOT RELATED TO THE OFFENSE.

3.D.20.E. (U) NO UNIT IS AUTHORIZED TO RELEASE ANY DETAINEE HELD IN IRAQI POLICE DETENTION CELLS WITHOUT A DRA REVIEW AND PRIOR COORDINATION WITH THE OFFICE OF STAFF JUDGE ADVOCATE, 800TH MP BDE (US). IRAQI POLICE ARE AUTHORIZED TO RELEASE DETAINEES IN THEIR EXCLUSIVE CONTROL. UNITS MAY ACCEPT CONTROL OF CRIMINAL DETAINEES FROM IRAQI POLICE FOR TRANSFER TO THE CHF PROVIDED THE UNIT FIRST RECEIVES THE IRAQI INVESTIGATION CASE NUMBER. IF NO INVESTIGATION HAS BEEN INITIATED, THE RECEIVING UNIT WILL COMPLETE A CPA APPREHENSION FORM WITH THE ASSISTANCE OF THE IRAQI POLICE RESPONSIBLE FOR THE DETAINEE.

3.D.20.F. (U) A DRA MAY ORDER THE RELEASE OF A CRIMINAL DETAINEE NOT ALLEGED TO HAVE COMMITTED A SERIOUS CRIME UPON 72 HOUR REVIEW. GUIDELINES FOR APPROPRIATE PUNISHMENTS FOR MINOR OFFENCES IS AT ATTACHMENT J.

3.D.20.G. (U) CRIMINAL DETAINEE RELEASE BOARD: A DRA MAY RECOMMEND RELEASE OF A CRIMINAL DETAINEE ALLEGED TO HAVE COMMITTED A SERIOUS CRIME TO THE CRIMINAL DETAINEE RELEASE BOARD. IF IT IS NOT APPROPRIATE IN THE CIRCUMSTANCES OF THE CASE TO REFER THE ALLEGATION TO AN IRAQI COURT, AND IF THE RELEASE BOARD DETERMINES THERE IS NO REASONABLE CASE AGAINST THE DETAINEE, IT MAY ORDER THE RELEASE OF THE DETAINEE.

3.D.21. (U) RELEASE OF SECURITY INTERNEES.

3.D.21.A. (U) INTERNEES HELD FOR THE PURPOSE OF INTELLIGENCE EXPLOITATION MAY ONLY BE RELEASED WITH THE APPROVAL OF THE REVIEW AND APPEAL BOARD, EXCEPT IN THE CASE OF DIA BLACK OR GRAY LIST DETAINEES. SECRETARY OF DEFENSE APPROVAL IS REQUIRED BEFORE RELEASE OF HVDS ON THE U.S. DEFENSE INTELLIGENCE AGENCY (DIA)

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BLACK OR GRAY LISTS AND FOREIGN FIGHTERS. THE STANDARD OF REVIEW FOR EVALUATING RELEASE DETERMINATIONS IS A REASONABLE BELIEF THAT DETENTION IS NECESSARY FOR IMPERATIVE REASONS OF SECURITY.

3.D.21.B. (U) THE REVIEW AND APPEAL BOARD IS COMPRISED OF THE CJTF-7 C2 AS PRESIDENT, COMMANDER 800TH MP BRIGADE (US) AND CJTF-7 STAFF JUDGE ADVOCATE. UPON APPROVAL OF THE BOARD PRESIDENT, ALTERNATE MEMBERS DESIGNATED BY PRINCIPAL MEMBERS MAY SERVE FOR SPECIFIC SITTINGS OF THE BOARD. DECISIONS BY THE BOARD WILL BE BY THE PRESIDENT, UPON CONSULTATION WITH THE OTHER TWO MEMBERS.

3.D.21.C. (U) THE CJTF-7 SENIOR INTERROGATION OFFICER, OR HIS/HER DELEGATE IS TO ADVISE THE CJTF-7 STAFF JUDGE ADVOCATE AND THE CJTF-7 PROVOST MARSHALL OFFICER OR THEIR DELEGATES WHEN AN INTELLIGENCE HOLD IS LIFTED FROM A SECURITY DETAINEE TO ENABLE THE RELEASE PROCEDURE TO BE COMMENCED IF THERE IS NO OTHER REASON TO DETAIN THE DETAINEE.

3.D.22. (U) RELEASE OF PERSONS SUSPECTED OF CRIMES AGAINST COALITION FORCES OR WAR CRIMES.

3.D.22.A. (U) PERSONS SUSPECTED OF CRIMES AGAINST COALITION FORCES OR WAR CRIMES MAY ONLY BE RELEASED WITH THE APPROVAL OF THE REVIEW AND APPEALS BOARD WITH APPROPRIATE COORDINATION WITH COMMANDER 800TH MP BRIGADE (US) AND COMMANDER 3RD MP GROUP (CID) (US).

3.D.23. (U) INVESTIGATION AND DEVELOPMENT OF CRIMINAL CASES.

3.D.23.A. (U) AS A RESULT OF INCOMPLETE CASE FILES TO DATE, IRAQI CRIMINAL INVESTIGATORS, PROSECUTORS, AND INVESTIGATING JUDGES WILL BE ALLOWED TO TRAVEL TO LOCAL COALITION DETENTION FACILITIES TO VIEW PHYSICAL EVIDENCE, APPREHENSION FORMS, SWORN STATEMENTS, AND OTHER RECORDS, IF ANY, RELATED TO THE OFFENSE. MILITARY MAGISTRATES SHALL ENSURE DETAINEE RECORDS PROVIDED TO IRAQI OFFICIALS DO NOT CONTAIN CLASSIFIED DOCUMENTS, EXHIBITS, EVIDENCE, OR OTHER SENSITIVE INFORMATION IRRELEVANT TO THE CASE.

3.D.23.B. (U) TO THE EXTENT POSSIBLE, THE MILITARY POLICE UNIT RESPONSIBLE FOR A LOCAL DETENTION FACILITY'S OPERATIONS SHOULD MAKE AN MP LIAISON OFFICER AVAILABLE TO ASSIST THE IRAQI COURT PERSONNEL AND INVESTIGATORS WITH THEIR INVESTIGATION AT THE DETENTION FACILITY. THE LIAISON IDEALLY SHOULD BE AN NCO AND HAVE PRIOR EXPERIENCE IN MP INVESTIGATIONS OR SIMILAR CIVILIAN EXPERIENCE. THE LIAISON SHOULD MAKE PHYSICAL EVIDENCE AVAILABLE FOR VIEWING, RECEIVE REQUESTS FOR SWORN, WRITTEN STATEMENTS (IF NONE PREVIOUSLY MADE AVAILABLE) FROM SOLDIERS IDENTIFIED IN THE APPREHENSION FORM, AND ACCEPT OTHER REASONABLE REQUESTS. IT IS NOT THE LIAISON'S JOB TO CONDUCT THE INVESTIGATION, BUT MERELY TO ASSIST THE IRAQI COURT PERSONNEL AND INVESTIGATORS IN OBTAINING INFORMATION THAT THEY ARE UNABLE TO OBTAIN THROUGH THEIR OWN EFFORTS.

3.D.23.C. (U) UNITS PREVIOUSLY INVOLVED IN THE CAPTURE AND TRANSPORT OF CRIMINAL DETAINEES SUSPECTED OF CRIMINAL ACTIVITY OR SECURITY INTERNEES, WILL COOPERATE WITH REQUESTS TO HAVE SOLDIERS PROVIDE FOLLOW-UP WITH WRITTEN, SWORN STATEMENTS.

3.D.23.D. (U) THE STANDARDS IN THIS FRAGO ARE MINIMUM STANDARDS. EACH CJTF-7 COALITION UNIT SHOULD IMPLEMENT THIS FRAGO AS NECESSARY BASED UPON THE SITUATION IN EACH AO. ANY ORDER DRAFTED TO IMPLEMENT THIS FRAGO SHOULD BE FORWARDED TO CJTF-7 SJA FOR REVIEW.

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3.D.23.E (U) IN ADDITION, EACH CJTF-7 COALITION DIVISION SHALL BPT STAND UP AND DEPLOY A RAPID RESPONSE TEAM (RRT) IN ORDER TO (IOT) GATHER EVIDENCE REGARDING CRIMES COMMITTED AGAINST COALITION FORCES THAT RESULT IN DEATH OR GRIEVOUS BODILY INJURY TO COALITION FORCES.

3.D.23.F. (U) THE CJTF-7 DIVISION RRT SHALL RESPOND TO ACTUAL OR SUSPECTED INCIDENTS OF CRIMES COMMITTED AGAINST COALITION FORCES THAT RESULT IN DEATH OR GRIEVOUS BODILY INJURY TO COALITION FORCES. THE RRT WILL PRESERVE EVIDENCE, TAKE STATEMENTS FROM WITNESSES AND DETAINEES IN ACCORDANCE WITH GUIDANCE IN THIS AND PREVIOUS FRAGOS, AND ENSURE EVIDENCE IS PRESERVED FOR LATER ADJUDICATION OF THESE CASES. COMPOSITION OF THE RRT WILL NORMALLY INCLUDE THE FOLLOWING DISCIPLINES: STAFF JUDGE ADVOCATE/LEGAL, PUBLIC AFFAIRS OFFICER/MEDIA, PROVOST MARSHALL OFFICER, AND MILITARY CRIMINAL INVESTIGATOR/CID. EACH DIVISION SHALL:

3.D.23.G. (U) BPT SUPPORT THE DIVISION RRT TEAM DURING DIRECTED RESPONSE TO INCIDENT.

3.D.23.H. (U) BPT PROVIDE SECURITY TO BOTH THE INCIDENT LOCATION AND THE RRT ELEMENT FOR DURATION OF ASSESSMENT.

3.D.23.I. (U) BPT TO PROVIDE INTERPRETER.

3.D.23.J. (U) BPT PROVIDE GROUND TRANSPORTATION TO INCIDENT LOCATION.

3.D.23.K. (U) BPT TO TAKE ALL REASONABLE ACTION TO PROTECT/PRESERVE THE SCENE OF THE INCIDENT AND GATHERED EVIDENCE.

3.D.23.L. (U) EACH RRT SHALL BPT TO DEPLOY ISO DIVISION TASKING ON A ONE-HOUR NOTICE AND BPT SUSTAIN OPERATIONS FOR A MINIMUM 48 HOURS.

3.D.23.M. (U) EACH DIVISION SHALL ENSURE PROPER COORDINATION WITH U.S. CRIMINAL INVESTIGATION DIVISION (CID). CID IS THE PRIMARY AGENCY RESPONSIBLE FOR INVESTIGATION OF WAR CRIMES, AND CRIMES AGAINST COALITION FORCES, AND OTHER MATTERS. EVIDENCE COLLECTION, INTERVIEWS, AND SITE INSPECTIONS WILL BE CONDUCTED IN CONSULTATION WITH COMMANDER, 3D MP GROUP (CID).

3.D.23.N. (U) DIVISIONS ARE TO ENSURE ALL UNITS ARE MADE AWARE OF THE REQUIREMENTS IN THIS FRAGO CONCERNING THE APPREHENSION AND TRANSPORT OF CRIMINAL DETAINEES AND SECURITY INTERNEES.

3.D.23.O. (U) DIVISIONS ARE TO CONDUCT UNIT LEVEL TRAINING ON DA FORM 4137 AND DA FORM 2823. TRAINING SHOULD INCLUDE VIGNETTES AND A PRACTICAL EXERCISE ON PREPARING A DETAILED STATEMENT. A SOLDIER'S GUIDANCE CARD ON APPREHENSION AND DETENTION IS AT ATTACHMENT K.

3.D.23.P. (U) DIVISIONS ARE TO ENSURE UNIT LEVEL TRAINING IS CONDUCTED ON THE SOLDIER'S CODE OF CONDUCT AND ITS STRICT ENFORCEMENT. TRAINING SHOULD INCLUDE: PROPER TREATMENT OF THOSE APPREHENDED FOR SUSPECTED CRIMINAL ACTIVITY IN ACCORDANCE WITH INTERNATIONAL HUMANITARIAN LAW; PROPER PROCEDURE FOR SEIZING, INVENTORYING AND SAFEGUARDING THE PERSONAL PROPERTY OF A DETAINEE/INTERNEE.

3.D.23.Q. (U) DIVISIONS ARE TO FORWARD REQUIRED FORMS TO UNITS THAT DO NOT HAVE EASY ACCESS TO AUTOMATION.

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4. (U) SERVICE SUPPORT. [NO CHANGE]

5. (U) COMMAND AND SIGNAL. [CHANGE]

5.A. (U) COMMAND [NO CHANGE]

5.B. (U) SIGNAL [CHANGE]

5.B.1. (S//REL TO USA and MCFI) CJTF-7 SJA OPS POC: DSN [REDACTED] OR [REDACTED]
(SIPR & CENTRIX)5.B.2. (S//REL TO USA and MCFI) CJTF-7 PMO POC: DSN [REDACTED] OR DVNT [REDACTED]
[REDACTED] OR [REDACTED] (SIPR & CENTRIX)5.B.3. (S//REL TO USA and MCFI) 18TH MP BRIGADE (US) POC: LIAISON OFFICER DSN [REDACTED] OR DVNT [REDACTED] OR [REDACTED] (SIPR & CENTRIX)5.B.4. (S//REL TO USA and MCFI) 800TH MP BRIGADE (US) POC: LIAISON OFFICER DSN [REDACTED] OR DVNT [REDACTED] OR [REDACTED] (SIPR & CENTRIX)5.B.5. (S//REL TO USA and MCFI) 3RD MP GROUP (CID) (US) POC: LIAISON OFFICER DSN [REDACTED] OR DVNT [REDACTED] OR [REDACTED] (SIPR & CENTRIX)

ACKNOWLEDGE

SANCHEZ
LTG

OFFICIAL:

MILLER
C3

ATTACHMENTS:

- A. DETENTION FLOWCHART
- B. DETENTION REVIEWING AUTHORITIES
- C. FBI FINGERPRINT CARD (FD FORM 249)
- D. EPW HANDLING AND DETENTION
- E. CPA APPREHENSION FORM
- F. WITNESS STATEMENT FORM (DA FORM 2823 (US))
- G. EVIDENCE/PROPERTY CUSTODY DOCUMENT (DA FORM 4137 (US))
- H. SEIZURE OF PROPERTY GUIDELINES
- I. RELEASE BOARD PROCESSING WORKSHEET
- J. MAXIMUM PERIODS OF PRE-TRIAL DETENTION FOR CRIMINAL DETAINEES
- K. APPREHENSION AND DETENTION SOLDIERS CARD

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