



EPW / Detainee Guide



SEARCH for weapons, documents. After thorough search, person must be allowed to maintain:

- Protective clothing
- helmet
- rank
- personal items (jewelry, watch, pictures)
- Shoes or shoe laces
- ID card
- wallet
- rucksack / luggage
- Secure all other items for S-2 for exploitation (maps, orders, diagrams, etc.)

SILENCE do not allow detainees to talk to each other. Gag only when necessary, and pay CLOSE attention to these individuals.

SEGREGATE the detainees by rank, sex, military from civilian, hostile from cooperative, etc.

SAFEGUARD detainees from danger on the battlefield, and from any reprisals by U.S. Forces or other detainees. It is our obligation to protect them from harm.

SPEED ensure all detainees are evacuated to collection points in timely manner, given the tactical and logistical situation.

TAG ensure all items found on detainee are recorded and placed in the same bag, along with a capture tag. Do not allow detainees to "sterilize" themselves by throwing away notebooks, money, cell phones, etc! Place one tag on detainee, one with gear, and retain one for records. This will also serve as a temporary receipt for the confiscated gear.

ENSURE the following is on capture tag:

1. DTG of capture
2. Place of capture (grids, town, street corners, specific bldg, etc)
3. Circumstances of capture (gave up without a fight, fought bravely, ran away, comforting dying comrades)
4. ALL documents / items found by capturing unit



Legal Obligations to EPW



HANDLE PERSON FIRMLY, PROMPTLY, AND HUMANELY

An EPW is a non-combatant, and you are obligated to protect him from the effects of the battlefield. The captive in your hands must be disarmed, secured, and watched, but he must also be treated at all times like a human being. He must not be tortured, killed, or degraded.

You ARE permitted to use the minimum amount of force necessary to make the detainee comply with instructions and to assure the safety of yourself, your fellow Soldiers, and other prisoners.

MISTREATMENT OF A CAPTIVE IS A CRIMINAL OFFENSE

It is dishonorable and foolish to mistreat a captive. It is also punishable under international treaty (which is Federal Law) and the UCMJ. Also remember that commanders are ultimately responsible for the conduct of their troops!!!

TREAT SICK / WOUNDED CAPTIVES AS BEST YOU CAN

The captive saved may possess valuable intelligence. In any case, he is protected under the Geneva Conventions and has a right to medical treatment. Enemy medical personnel can provide medical care for EPWs. Daily food and water rations must be provided in order to prevent weight loss or nutritional deficiencies.

ALL DETAINEES ARE CONSIDERED EPW'S AT OUR LEVEL

All detainees will be given the protected status of an EPW. An EPW or detainee cannot renounce his status, or switch sides to fight for the U.S.

REMEMBER, THE TAKING OF WAR SOUVENIRS IS STEALING !!!

6233

EPW Matrix & Definitions

	Protection	Medical Care	ID Card	Relief agency visit	Complaints	Food / Water	Clothing	Shelter	Religious Activities	Reporting to EPW Agency	Tribunal to Determine Status	Mail	Capture Card	Compensation	Representation	Repatriation	Parole
GPW Article	12 - 16	13,15 20,30 31,46	17	125	78	26, 34	27	21 - 25	34, 38	122	5	70 - 77	70	60 - 63	79	109, 110, 118	21
Immediately after capture	X	X	X	X	X												
Within the shortest possible time						X	X	X	X	X	X						
Day 7												X	X				
Day 30														X			
6 Months (Day 180)														X	X		
End of Hostilities																X	
No Obligation, but permissible at any stage																	X

- SECURITY AND SAFETY OF EPWs, GUARDS, AND OTHER PERSONNEL IS ALWAYS THE MAIN CONCERN !!!

6234

Article 5 Tribunal - U.S. policy is to convene a 3 member panel which will make a factual determination of the status of the detainee. The panel does not determine punishment. It is also U.S. policy to treat all detainees with the same status as EPWs until their status has been determined.

Capture Card - A baseline of recorded data that should be maintained about an EPW. The recommended form contains fourteen (14) items: (1) power on which the prisoner depends, (2) name, (3) first names (in full), (4) first name of father, (5) date of birth, (6) place of birth, (7) rank, (8) service number, (9) address of next of kin, (10) taken prisoner on: (or) coming from (camp number, hospital), (11) (a) good health (b) not wounded (c) recovered (d) convalescent (e) sick (f) slightly wounded (g) seriously wounded, (12) present address is: [prisoner number and name of camp], (13) date, and (14) signature. Prisoners are only required to fill in items two, three, five, seven, and eight. If, for example, the prisoner is concerned that his family may suffer repercussions due to his capture or surrender, he is not required to provide his father's name or address of next of kin. GPW Article 70.

Clothing - Adequate clothing must be provided considering climate. EPWs may use their own uniforms.

Compensation - The detaining power shall grant all EPWs a monthly advance of pay based upon their rank. Article 60 of GPW establishes the amounts. EPWs shall also be paid for their labor, special skills, or services, at least one Swiss franc for a day's worth of labor. Labor rates should be established prior to the commencement of labor activities. EPWs can also receive monies from abroad, and may send their monies abroad. The detaining power can maintain control of the money by creating accounts for each EPW. Payments by the detaining power can be in the form of credits to the EPWs account.

Detainees - Persons in custody who have not been classified as an EPW, RP, or CI. All detainees shall be treated as EPWs until a legal status is ascertained by competent authority, such as an Article 5 Tribunal.

Detaining Power - Party who secures capture of EPW and thus gains responsibility for their treatment and security under the Geneva Convention.

Enemy Prisoner of War - A detained person as defined in Articles 4 and 5 of the Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949. 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 war like acts which do not amount to breaches of the law of armed conflict. A prisoner of war may be, but is not limited to, any person belonging to one of the following categories who has fallen into the power of the enemy: a member of the armed forces, organized militia or volunteer corps; a person who accompanies the armed forces without actually being a member thereof; a member of a merchant marine or civilian aircraft crew not qualifying for more favorable treatment; or individuals who, on the approach of the enemy, spontaneously take up arms to resist invading forces.

EPW Branch Camp - A subsidiary camp under supervision and administration of the main EPW camp.

EPW Camp - A camp set up by the U.S. Army for the separate internment and complete administration of EPWs. Camps shall not be located near military targets and should be clearly marked with the letters PW, PG, or other recognizable and visible marking.

Food Accommodations - Basic food rations shall be sufficient in quantity, quality, and variety to keep EPWs in good health while preventing the loss of weight or development of nutritional deficiencies. Account shall be taken for the habitual diet of the EPW, therefore no pork MREs or meals should be fed to Muslims. EPWs may use their own foodstocks and prepare their own food.

GPW - Geneva Convention Relative to the Treatment of Prisoners of War. August 12, 1949 (GENEVA CONVENTION III). Entry into Force: 21 October 1950

ID Cards - Identification cards are only required to contain name, rank, serial number, and date of birth. The Convention also allows a party to place any other information that it wishes on the card and specifically mentions the owner's signature or fingerprints as examples. The EPW must keep the ID Card in his possession at all times. As far as possible, the card should measure 6.5 X 10 cm. GPW Article 17.

Mail - No later than one week after capture, an EPW shall be able to write directly to his family, and shall also be entitled to receive mail. At a minimum, the capture card shall be mailed to notify the family. The detaining party can limit mail to 2 letters and 4 cards each month. No postage is required. Telegrams may also be permitted. Censorship with all communications is authorized, but must be conducted as quickly as possible.

Medical Care - The GPW requires that all wounded and sick shall be collected, cared for, and generally provided humane treatment. Medical inspections must be conducted at least once a month. GPW also requires that EPWs suffering from serious disease or injury must be admitted to a medical unit that can provide such care. In addition to these protections, the Geneva Convention for the Amelioration of the Condition of Wounded and Sick in Armed Forces in the Field (GWS) mandates any wounded and sick shall be collected and cared for, and furthermore encourages parties to search for the wounded and sick on the battlefield.

Military Activities - Activities intended primarily or exclusively for military operations as contrasted with activities intended primarily or exclusively for other purposes.

Military Nature - Term that applies to those items or those types of construction that are used exclusively by members of the Armed Forces for operational purposes (e.g., arms, helmets). The purposes are in contrast to items or structures that may be used either by civilian or military.

Parole - Parole is used in the international law sense of releasing a prisoner of war (PW) in return for a pledge not to bear arms.

Personal Effects - An EPW shall be allowed to retain personal effects. Personal effects the EPW may retain include the following:

- a. Clothing.
- b. Mess equipment (knives and forks excluded)
- c. Badges of rank and nationality.
- d. Decorations.
- e. Identification cards or tags.
- f. Religious literature.
- g. Articles that are of a personal use or have a sentimental value to the person.
- h. Protective mask.

Prisoner of War Information Center (PWIC) - A TOE organization established to collect information pertaining to EPW, RP and CI and to transmit such information to the National Prisoner of War Information Center.

Protection - Protection from violence, intimidation, insults, and public curiosity. This includes protection on the battlefield and intrusions from the press.

Relief Agency - A non-governmental agency such as the International Committee for the Red Cross or Doctors Without Borders.

Religious - EPW's shall have complete latitude in practicing their religious faith and may be attended to other EPW's.

6237

Repatriation - Releasing an EPW back to his host nation. EPW must be repatriated as soon as hostilities end. However, the Detaining power cannot force an EPW to repatriate. Also, repatriation is required before cessation of hostilities for:

- a. Seriously sick and wounded EPWs whose recovery is expected to take more than 1 year (Art. 110, GPW); *
 - b. Incurably sick and wounded (Art. 110, GPW); or *
 - c. Permanently physically or mentally disabled (Art. 110, GPW)
- * No sick or wounded EPW may be repatriated against his will.
- ** Retained personnel are to be repatriated as soon as they are no longer needed to care for the prisoners of war.

Reporting Requirements - The name, rank, date of birth, and service number. The detaining power has a duty to report, if available, the following additional information: father's first name, mother's maiden name, name and address of person to be notified, name of camp and postal address, information regarding transfers, releases, repatriations, escapes, admissions to hospitals, deaths, and information about the prisoner's state of health. Of these items, the only information that the prisoner is not under a duty to provide and may not be readily available to the detaining power is the information about the next of kin. If a prisoner is concerned for the safety of his or her family, the prisoner is not required to provide this information. GPW Article 122.

Retained Personnel - Enemy personnel who come within any of the categories below are eligible to be certified as retained personnel (RP).

- a. Medical personnel who are members of the medical service of their armed forces.
 - b. Medical personnel exclusively engaged in the—
 - (1) Search for, collection, transport, or treatment of, the wounded or sick.
 - (2) Prevention of disease.
 - (3) Staff administration of medical units and establishments exclusively.
 - c. Chaplains attached to enemy armed forces
 - d. Staff of National Red Cross societies and other voluntary aid societies duly recognized and authorized by their governments. The staffs of such societies must be subject to military laws and regulations.
 - e. Of note, retained status is not limited to doctors, nurse, corpsman, etc. It also includes, for example, the hospital clerks, cooks, and maintenance workers.
- * Retained personnel are to be repatriated as soon as they are no longer needed to care for the prisoners of war.

Shelter - EPWs may be interned only on land and afforded every guarantee of hygiene and healthfulness. Except in rare cases, they shall not be interned in penitentiaries. EPWs interned in unhealthy or dangerous areas shall be removed as soon as possible to a more favorable location.