

POINT OF CAPTURE- CDR/ 1SG/ PL/ PS

Rank 1LT Branch [redacted] Date: 2 Apr 04 Unit [redacted]
 Duty Position [redacted] How Long in Job [redacted] Country 11 - Months
 How Long in Country/Current MOS [redacted]
 Interviewer [redacted]

1. (ALL) How did you prepare yourself and your junior leaders to become familiar with and understand the applicable regulations, OPORD/FRAGOs directives, international laws and administrative procedures to operate a unit Collection Point? (1.1, 1.2, 1.4, 1.6, 4.1)

Revised METL assessment (no before deployment, Rehearsals, or detainee ops & raids, offensive posture - not focused on Intel early on. Intel focused after about July

2. (ALL) Did you and all of your Soldiers undergo Law of War training prior to deployment? Explain what training occurred. Did this training include the treatment of Detainees? Is there a plan to train new Soldiers (replacements) to the unit? Explain. (1.1, 1.2, 1.4, 4.1)

Yes & briefings occurred at all levels - Conducted retaining after division confused the issue.

3. (ALL) What Home Station/Mob Site Training did your unit conduct prior to deployment to help your unit prepare for Detainee Operations? Describe it. How did the training prepare you to conduct Detainee Operations for this deployment? How did this training distinguish between the different categories of Detainees (EPWs, RPs, CIs, etc.)? (1.1, 1.2, 1.3, 1.4, 4.1)

4. (ALL) What training did you receive on the established Rules of Engagement (ROE)? How often does this occur? Does this training include Rules of Interaction (ROI)? (1.4,

4.1 *ROEs used scenarios & vignettes.*

One or 2 days running Kosovo scenarios.
Check points

5. (ALL) Describe the training you received at the last Professional Military Education on handling/processing Detainees. How was it helpful in preparing you for Detainee Operations? How would you improve the training at the schoolhouse? (1.1, 1.4)

Not at all except XO Maintenance/Logistics
All linear battle space focused

6. (ALL) Describe the training the guard force received to prepare them for their duties. How do you ensure your guards understand their orders? (1.1, 1.2, 1.4, 1.6, 4.1)

Kept NLT
48 hours

7. (ALL) How does your unit conduct sustainment training for Detainee Operations? How often does this occur and please describe it? When did your unit last conduct this training? (1.1, 1.2, 1.4, 4.1)

FDB had a small holding cell - gave them basic necessities & PITLdrs
CPA Form 2 Sworn Statements - One leader & soldier - take photos. SE would interview & bill out

8. (CDR/1SG) What are your policies on the establishment of a unit holding area? How do you ensure that these areas operate IAW Law of War? (1.1, 1.2, 4.1)

Sworn statements

9. (PL/PS) What is the units' policy on the establishment of a unit holding area? How do you know that you are operating the holding areas IAW Law of War? (1.1, 1.2, 4.1)

Took gmos to develop process

FoB always change standards always changed. →

10. (ALL) How do you administratively process each detainee, (i.e., tagging pax and equipment, evidence, witness statements, etc.)? (1.1, 1.2, 1.6)

11. (ALL) How do you maintain good morale and discipline with Soldiers and leaders to enhance the security of the unit collection point? (1.1, 1.2, 1.6)

*Find the right pace to keep your Soldiers busy
Alcohol could be a problem.*

12. (ALL) What procedures do you have in place to ensure Soldiers and leaders understand the use of force and rules of engagement for the unit collection point? (ROE Card, sustainment tng, etc) (1.1, 1.2, 1.4, 1.6, 4.1)

13. (ALL) What procedures are in place to dispose of captured contraband (enemy supplies and equipment)? (1.1, 1.2, 4.1)

Bagged it.

14. (CDR/1SG) What policies/procedures do you have in place to ensure that all Detainees are protected, safeguarded, and accounted for (5Ss & T)? What policies/procedures does your unit have to ensure the humane treatment of Detainees? (1.1, 1.2, 4.1)

15. (ALL) What are your procedures for questioning Detainees? (Is interrogation taking place?) Who is interrogating the detainees? (1.1, 1.2, 4.1)

Let the S2 / an Arabic speaker do it mostly. OGA assets were sometimes used at FOB.

16. (ALL) What are your procedures to evacuate a detainee from the point of capture to the Battalion/Brigade collection point? What transportation problems is the unit experiencing either to move troops or detainees during the operation? How do you process detainees too sick or wounded to be evacuated? (1.1, 1.2, 1.3, 1.5, 4.1)

17. What is the number of personnel that is needed to move prisoners within the holding area and then to higher? (i.e. for medical sick call, evacuation, etc.)? (1.1, 1.7, 2.1, 3.1)

18. (ALL) What medical personnel are available to support DO? (1.1, 1.2, 1.3, 2.1, 3.1, 4.1)

Not really. But

(1.1, 1.2, 4.1) AR 190-8, paragraph 3-3a (20): Report allegations of criminal acts or war crimes committed by or against EPW/RP to the supporting element of the U.S. Army Criminal Investigation Command (USACIDC). Deaths resulting from other than natural causes will be investigated by USACIDC. Para 3-10 c: When an EPW or RP in US custody dies, the attending medical officer furnish the camp (or hospital) commander or other officer charged with their custody before death, the following information: (1) Full name of deceased. (2) ISN of deceased.

(3) Date, place, and cause of death. (4) Statement that death was, or was not, the result of the deceased's own misconduct. (5) When the cause of death is undetermined, the attending medical officer will make a statement to that effect. When the cause of death is finally determined, a supplemental report will be made as soon as possible. e. The attending medical officer and the appropriate camp commander will complete a DA Form 2669-R (Certificate of Death). DA Form 2669-R will be reproduced locally on 8 1/2 by 11-inch paper. The form is located at the back of this regulation. This form is for the use of Army only. Enough copies of form will be made out to provide distribution as follows: (1) Original-information center. (2) Copy-information center (branch), if necessary. (3) Copy-The Surgeon General. (4) Copy-EPW or RP personal file. (5) The proper civil authorities responsible for recording deaths in the particular state if the EPW dies in the United States.

20. (ALL) What equipment is the unit experiencing as a shortfall concerning detainee operations, (i.e., restraints, uniforms, CIF items, radios, weapons, etc.)? (CDR) Are any of these USR shortages and if so are you reporting them on your USR? (1.5)

(b)(7)(C)

(b)(2)-4

21. (ALL) What types of supplies is greater in-demand for the unit during detainee operations? What about health and comfort items? And are these items regularly filled? (1.5)

22. (ALL) What duties put the most stress on soldiers in terms of personnel resources? (1.1, 1.7)

Conducting up to 3 days raids a day - Demoralizing - Seeing bad guys on the street 3 days later - Got no feedback on disposition

23. (ALL) What is the most important factor that you would address in terms of personnel resources in regards to a successful detainee operation? (1.7)

24. (ALL) What AARs or lessons learned have you written or received regarding detainee operations? Can I get a copy? (preferably on disk) (2.1, 2.2)

25. Do you know of the procedures to get stress counseling (Psychiatrist, Chaplain, Medical)? Do your Soldiers know of the procedures to get counseling (Psychiatrist, Chaplain, Medical)? (1.1, 1.2, 1.6, 2.1, 4.1)

Cbt Stress Team came by regularly especially after engagements

26. Are you aware of your requirement to report abuse or suspected abuse of detainees? (1.1, 1.2, 4.1)

yes.

Do your subordinates know the reporting procedures if they observe or become aware of a Detainee being abused? (1.1, 1.2, 1.6, 4.1)

yes

27. What steps would you take if a subordinate reported to you an incident of alleged Detainee abuse? (1.2, 1.6, 4.1)

*Push thru C of C. Do Sworn Statement
BN / BDE Chaplain.*

28. Do you feel you can freely report an incident of alleged Detainee abuse outside Command channels (IG, CID) (1.1, 1.2, 1.6, 4.1) _____

No IG available - not readily accessible.

29. What procedures do you have to report suspected detainee abuse (IG, CID, Next Level Commander) (1.1, 1.2, 1.6, 4.1) _____

30. What systems are in place for detainees to report alleged abuse? (1.1, 1.2, 1.6, 4.1) _____

32. What do you perceive as the mission of your unit? Describe the importance of your role in that mission. (Insight to the Soldier's understanding and attitude concerning unit mission and their role.) _____

33. Describe your working environment and living conditions since being in Theater. (Identify physical and psychological impact on Soldier's attitude). (1.2, 1.3, 1.4, 1.5, 1.6, 1.7.) _____

Getting better - adequate at the time.

34. Describe the unit command climate and Soldier morale. Has it changed or evolved since you have been in Theater? _____

As well as can be expected

35. Are you aware of any incidences of detainee or other abuse in your unit? _____

No

ADVISEMENT OF RIGHTS (For military personnel)

The text of Article 31 provides as follows a. No person subject to this chapter may compel any person to incriminate himself or to answer any questions the answer to which may tend to incriminate him. b. No person subject to this chapter may interrogate or request any statement from an accused or a person suspected of an offense without first informing him of the nature of the accusation and advising him that he does not have to make any statement regarding the offense of which he is accused or suspected, and that any statement made by him may be used as evidence against him in a trial by court-martial. c. No person subject to this chapter may compel any person to make a statement or produce evidence before any military tribunal if the statement or evidence is not material to the issue and may tend to degrade him. d. No statement obtained from any person in violation of this article, or through the use of coercion, unlawful influence, or unlawful inducement, may be received in evidence against him in a trial by court-martial. (U.S.C. 10)

I am _____(grade, if any, and name), a member of the (DAIG). I am part of a team inspecting detainee operations, this is not a criminal investigation. I am reading you your rights because of a statement you made causes me to suspect that you may have committed _____. (specify offense, i.e. aggravated assault, assault, murder). Under Article 31, you have the right to remain silent, that is, say nothing at all. Any statement you make, oral or written, may be used as evidence against you in a trial by courts-martial or in other judicial or administrative proceedings. You have the right to consult a lawyer and to have a lawyer present during this interview. You have the right to military legal counsel free of charge. In addition to military counsel, you are entitled to civilian counsel of your own choosing, at your own expense. You may request a lawyer at any time during this interview. If you decide to answer questions, you may stop the questioning at any time. Do you understand your rights? Do you want a lawyer? (If the answer is yes, cease all questions at this point). Are you

36. Describe what you understand happened leading up to and during the incident(s) of abuse. (No applicable standard) _____

37. Describe Soldier morale, feelings and emotional state prior to and after these incidents? (Identifies unit and Soldier morale, atmosphere, mood, attitude, stress, retaliation, preemption, family crisis) _____

38. Was this incident reported to the chain of command? How, when & what was done? What would you have done? (Identifies compliance, procedure, timeliness, Soldier perception of action taken and effect on unit morale.) (1.2, 1.6) _____

How could the incident have been prevented? (Identifies root cause and perceived solution) (No applicable standard) _____

39. Describe any unit training or other programs that you are aware of that teach leaders and Soldiers how to recognize and resolve combat stress. _____

40. What measures are in place to boost morale or to relieve stress? (Identifies perceived solution)
MWR Rooms, Satellite TV etc.
Pushed to get phones & internet -
took nine months to get
this

DAIG - 491

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41. What measures could the command enact to improve the morale and command climate of your unit? (Identifies perceived solution _____)
