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CWS

(b)(6)-2

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

Rank 1st Branch 13th ARTY AD Date: 26 MAR Unit 62-3  
 Duty Position 1st How Long in Job 2 yrs  
 How Long in Country/Current MOS 6 months  
 Interviewer \_\_\_\_\_

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) (FM 3-19.40, paragraph 2-2, Commanders are familiar with applicable regulation, directives, international laws, and administrative procedures.)

*been in patrol prior to D JRTC  
 came by the 1st/4th/5th rooms  
 could have been longer had 1 day round robin  
 had roleplayers in building question - I think  
 covered/walk/run  
 convey/UXOs/ Search & detain.*

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) (AR 350-1 para 4-14c.(2) and table G-1 Refresher training, dated 9 April 2003), Level B training is conducted in units for officers, warrant officers, NCOs and enlisted personnel commensurate with the missions of the unit. AR 190-8 para 1-5(4)(C DOD Directive 5100.77), All prisoners will receive humane treatment and that the following acts are prohibited murder, torture, corporal punishment, mutilation, taking of hostages, sensory deprivation, collective punishments, execution without trial by proper authority, and all cruel and degrading treatment. Prisoners will be protected against all acts of violence to include public curiosity. (DoD Directive 5100.77, para 5.5.1, The Secretaries of the Military Departments shall provide directives, publications, instructions, and training so that the principles and rules of law of war will be known to members of their respective Departments, the extent of such knowledge to be commensurate with each individual's duties and responsibilities.)

*yes, had LOS again. had a variety of education  
 yes treaty w/ dignity & respect, ensure security  
 is up at all times, that we in a sent. until  
 the served unit well, all detainees have gone smooth  
 well, in paper work by OST only.*

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) (DoDD 2310.1 (The U.S. Military Services shall be given the necessary training to ensure they have knowledge of their obligations under the Geneva Conventions (references (b) through (e)) and as required by DoD Directive 5100.77 (reference (f)) before an assignment to a foreign area where capture or detention of enemy personnel is possible.) AR 350-1 para 4-14 c (2) and table G-1 Refresher training, dated 9 April 2003), Level B training is conducted in units for officers, warrant officers, NCOs and enlisted personnel commensurate with the missions of the unit. AR 190-8 para 1-5 (4) (C), DOD Directive

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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) DoDD 2310.1 (The U.S. Military Services shall be given the necessary training to ensure they have knowledge of their obligations under the Geneva Conventions (references (b) through (e)) and as required by DoD Directive 5100.77 (reference (f)) before an assignment to a foreign area where capture or detention of enemy personnel is possible.) AR 350-1 para 4-14 c (2) and table G-1 Refresher training, dated 9 April 2003), Level B training is conducted in units for officers, warrant officers, NCOs and enlisted personnel commensurate with the missions of the unit. AR 190-8 para 1-5 (4) (C), DOD Directive 5100.77, All prisoners will receive humane treatment and that the following acts are prohibited murder, torture, corporal punishment, mutilation, taking of hostages, sensory deprivation, collective punishments, execution without trial by proper authority, and all cruel and degrading treatment. Prisoners will be protected against all acts of violence to include public curiosity.) (ROE from CJCS ISO Iraqi operations dated 251600Z Apr 03 para 10 (U) All commanders will ensure their personnel are familiar with the law of armed conflict and with these ROE."

*we handle prior to going on patrol.  
identifying who does what search for  
detention time*

8. (CDR/ISG) 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) (AR 190-8, paragraph 3-2, Internment facilities will be established in the communications zone of each theater of operations for the purpose of receiving, accounting for, administering, and logistically supporting DO. The operation of all EPW internment facilities is governed. The Theater commander remains responsible for the location of EPW facilities; detainees may be interned only in premises located on land and affording proper health and hygiene standards. Except in extreme circumstances, in the best interests of the individual, detainees will not be interned in correctional facilities housing military or civilian prisoners. Prisoners will not normally be interned in unhealthy areas, or where the climate proves to be injurious to them, and will be removed as soon as possible to a more favorable climate. Transit camps or collecting points will receive the same treatment as in permanent detainee camps. The internment facility will be marked with the letters 'PW' (Prisoner of War camp) and will be placed so they will be clearly visible from the air during the daytime. Other markings may be used when agreed to by the combatant commanders and approved by HQDA.) (ROE from CJCS ISO Iraqi operations dated 251600Z Apr 03 para 10 (U) All commanders will ensure their personnel are familiar with the law of armed conflict and with these ROE." AR 350-1 para 4-14 c (2) and table G-1 Refresher training, dated 9 April 2003), Level B training is conducted in units for officers, warrant officers, NCOs and enlisted personnel commensurate with the missions of the unit. AR 190-8 para 1-5 (4) (C), DOD Directive 5100.77, All prisoners will receive humane treatment and that the following acts are prohibited murder, torture, corporal punishment, mutilation, taking of hostages, sensory deprivation, collective punishments, execution without trial by proper authority, and all cruel and degrading treatment. Prisoners will be protected against all acts of violence to include public curiosity.)

*once I searched they are brought  
straight to Bde point.*

equipment, and quarters; by deference to seniors and mutual respect between senior and subordinate personnel; by the prompt and willing execution of both the letter and the spirit of the legal orders of their lawful commanders; and by fairness, justice, and equity for all soldiers, regardless of race, religion, color, gender, and national origin. c. Commanders and other leaders will maintain discipline according to the policies of this chapter, applicable laws and regulations, and the orders of seniors.)

*normally PIT +*

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) (FM 3-19.40, paragraph 2-29, An MP commander ensures that soldiers understand use-of-force guidelines and the ROE established by higher headquarters for each mission. Because the use of force and ROE vary depending on the category of housed personnel and the operational environment, the commander develops SOPs that follow the guidance provided. He balances the physical security of force with mission accomplishment and the protection of deployed forces. ROE from CJCS ISO Iraqi operations dated 251600Z Apr 03 para 10 (U) All commanders will ensure their personnel are familiar with the law of armed conflict and with these ROE.)

*weapon status adhered to always.  
most times we sound in chamber until  
someone makes hostile act, we talk what  
a hostile act, many AARs*

13. (ALL) What procedures are in place to dispose of captured contraband (enemy supplies and equipment)? (1.1, 1.2, 4.1) (AR 190-8, paragraph 1-4g(3), (Commanders will collect and dispose of captured enemy supplies and equipment through theater logistics and EOD channels.)

*bring everything capture, have Cam, take  
Pic. given to BN S-2 - Bde - S-2  
give copy of Pic to BN S-2,*

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) (AR 190-8, paragraph 2-1a(1), (The commanding officer of the capturing unit will ensure that all Detainees are protected, safeguarded, and accounted for IAW AR 190-8. This regulation applies from the time of capture until evacuation to designated internment facilities.) AR 190-8, paragraph 1-5 a-g, (All persons detained, captured, interned, or otherwise held in U S Armed Forces custody during the course of conflict will be given humanitarian care and treatment from the moment they fall into the hands of U S forces until final

*have one person always responsible to safeguard*

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DAIG

of foot, motor vehicle, or aircraft (other than AIREVAC or U.S. Marshals Service aircraft) are as follows: (a) Trained correctional, military police or security personnel: Under maximum custody circumstances, there will be one guard per restrained prisoner and two unarmed guards or one armed guard per unrestrained prisoner. Under medium custody circumstances, there will be one guard per five prisoners. In minimum custody circumstances there will be one guard per ten prisoners. Trustee guards will be determined by the ACS facility commander. (b) Non-correctional personnel: It is required that at least one guard be a SGT or above who is equal or senior to prisoners in a pretrial status. Under maximum custody circumstances, prisoners will have two guards per prisoner. In medium custody circumstances, prisoners will have one guard per two prisoners, and in minimum custody circumstances there will be one guard per five prisoners.

18. (ALL) What medical personnel are available to support DO? (1.1, 1.2, 1.3, 2.1, 3.1, 4.1) AR 190-8, paragraph 1-4g(6) a-e, (Commanders will identify the requirements and allocations for Army Medical units ISO the EPW, CI and RP program, and ensure that the medical annex of OPLANS, OPORDs and contingency plans include procedures for treatment of Detainees; Medical support will specifically include: First aid and all sanitary aspects of food service including provisions for potable water, pest management, and entomological support, preventive medicine, professional medical services and medical supply; reviewing, recommending, and coordinating the use and assignment of medically trained EPW, CI, RP, and OD personnel and medical material; establishing policy for medical repatriation of EPW, CI, and RP and monitoring the actions of the mixed Medical commission.)

19. (ALL) What procedures are in place when a detainee in U S custody dies? (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.

*all radio have radio call and stop*  
*1. 4 D.*

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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) FM 3-19.40, paragraph 2-48: Personnel assigned or attached to I/R facilities are trained on the care and control of housed personnel. They are fully cognizant of the provisions of the Geneva and UN Conventions and applicable regulations as they apply to the treatment of housed personnel. A formal training program should include stress management techniques. FM 8-51, Appendix D, D-2 f (3): Combat stress control units should provide routine mental health consultation to EPW confinement facilities. This should include: stress control advice to the command regarding the stressors of US Army MP personnel and any allied or coalition personnel working at the confinement facility; individual evaluation and intervention for guards or prisoners when indicated. AR 190-8, Paragraph 1-5, (4) The inhumane treatment of EPW, CI, RP is prohibited and is not justified by the stress of combat or with deep provocation. Inhumane treatment is a serious and punishable violation under international law and the Uniform Code of Military Justice (UCMJ).

*each unit must have access to deface stress management team on camp*

26. Are you aware of your requirement to report abuse or suspected abuse of detainees? (1.1, 1.2, 4.1) AR 190-40 para 2-1, Military and civilian personnel assigned to or accompanying a DoD Component know that they shall report reportable incidents through their chain of command and that such reports also may also be made through other channels, such as the military police, a judge advocate, or an Inspector General.) AR 190-40, Appendix B, Category 1 Reportable Serious Incidents; B-1. Actual or alleged incidents involving the following: b. War crimes, including mistreatment of enemy prisoners of war, violations of the Geneva Conventions, and atrocities. B-2. Any other incident the commander determines to be of immediate concern to HQDA based on the nature, gravity, potential for adverse publicity, or potential consequences of the incident.

~~27. 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) AR 190-40 para 2-1, Military and civilian personnel assigned to or accompanying a DoD Component know that they shall report reportable incidents through their chain of command and that such reports also may also be made through other channels, such as the military police, a judge advocate, or an Inspector General. AR 190-40, Appendix B, Category 1 Reportable Serious Incidents, B-1. Actual or alleged incidents involving the following: b. War crimes, including mistreatment of enemy prisoners of war, violations of the Geneva Conventions, and atrocities. B-2. Any other incident the commander determines to be of immediate concern to HQDA based on the nature, gravity, potential for adverse publicity, or potential consequences of the incident. AR 190-40, Appendix C Category 2, Reportable Serious Incidents, C-1. Actual or alleged incidents involving the following: g. Incidents involving prisoners or detainees of Army confinement or correctional facilities to include escape from confinement or custody, disturbances which require the use of force,~~

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29. 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) (AR 190-40, Appendix B, Category 1 Reportable Serious Incidents, B-1. Actual or alleged incidents involving the following: b. War crimes, including mistreatment of enemy prisoners of war, violations of the Geneva Conventions, and atrocities. B-2. Any other incident the commander determines to be of immediate concern to HQDA based on the nature, gravity, potential for adverse publicity, or potential consequences of the incident. AR 190-40, Appendix C, Category 2, Reportable Serious Incidents, C-1. Actual or alleged incidents involving the following: g. Incidents involving prisoners or detainees of Army confinement or correctional facilities to include escape from confinement or custody, disturbances which require the use of force, wounding or serious injury to a prisoner, and all prisoner deaths. C-2. Any other incident that the commander determines to be of concern to HQDA based on the nature, gravity, potential for adverse publicity, or potential consequences of the incident. AR 190-8, 5-1. General protection policy—civilian internee, a. Treatment. (1) No form of physical torture or moral coercion will be exercised against the CI. This provision does not constitute a prohibition against the use of minimum force necessary to effect compliance with measures authorized or directed by these regulations. (2) In all circumstances, the CI will be treated with respect for their person, their honor, their family rights, their religious convictions and practices, and their manners and customs. At all times the CI will be humanely treated and protected against all acts of violence or threats and insults and public curiosity. In all official cases they will be entitled to a fair and regular trial as prescribed by this regulation. (3) The CI will be especially protected against all acts of violence, insults, public curiosity, bodily injury, reprisals of any kind, sexual attack such as rape, forced prostitution, or any form of indecent assault. (4) The CI will be treated with the same consideration and without adverse distinction based on race, religion, political opinion, sex, or age. AR 190-8, para 6-9, e. Any act or allegation of inhumane treatment or other violations of this regulation will be reported to HQDA (DAMO-ODL), WASH DC 20310-0400 as a Serious Incident Report. Reporting instructions in AR 190-40 will be used.)

*NO Problem*

30. What procedures do you have to report suspected detainee abuse (IG, CID, Next Level Commander) (1.1, 1.2, 1.6, 4.1) (AR 190-40, Appendix B, Category 1 Reportable Serious Incidents, B-1. Actual or alleged incidents involving the following: b. War crimes, including mistreatment of enemy prisoners of war, violations of the Geneva Conventions, and atrocities. B-2. Any other incident the commander determines to be of immediate concern to HQDA based on the nature, gravity, potential for adverse publicity, or potential consequences of the incident. AR 190-40, Appendix C, Category 2, Reportable Serious Incidents, C-1. Actual or alleged incidents involving the following: g. Incidents involving prisoners or detainees of Army confinement or correctional facilities to include escape from confinement or custody, disturbances which require the use of force, wounding or serious injury to a prisoner, and all prisoner deaths. C-2. Any other incident that the commander determines to be of concern to HQDA based on the nature, gravity, potential for adverse publicity, or potential consequences of the incident. AR 190-8, 5-1. General protection policy—civilian internee, a. Treatment. (1) No form of physical torture or moral coercion will be exercised against the CI. This provision does not constitute a prohibition against the use of minimum force necessary to effect compliance with measures authorized or directed by these regulations. (2) In all circumstances, the CI will be treated with respect for their person, their honor, their family rights, their religious convictions and practices, and their manners and customs. At all times the CI will be humanely treated and protected against all acts of

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accomplishing the unit's assigned mission while caring for personnel and property in their charge. A simple and direct chain of command facilitates the transmittal of orders from the highest to the lowest levels in a minimum of time and with the least chance of misinterpretation. b. Commanders delegate sufficient authority to soldiers in the chain of command to accomplish their assigned duties, and commanders may hold these soldiers responsible for their actions.

Promot/Expense Iraqi way of life.

Make sure that soldiers have what they need to do mission.

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) FM 10-1, Ch. 7, para. 3, "Tactical Vision. A primary QMC focus at the tactical level will continue to be on sustainment of the soldier. Each company-sized unit will have two cooks and a small, state-of-the-art field kitchen. This provides a limited capability to prepare or heat meals and supplements. An improved containerized capability for providing responsive laundry and shower support well forward on the battlefield must be developed. Frontline soldiers require brief respites from the rigors associated with combat. A facility complex (Force Provider) will be available in which they can shower, clean their clothes, eat hot meals, and rest in an environmentally controlled shelter.

Good / Living Crowded. Shower problems.  
need to get fresh often.  
has improved in the last 6 months

34. Describe the unit command climate and Soldier morale. Has it changed or evolved since you have been in Theater? (Identifies Soldier's perception of the chain of command and Soldier attitude. Does the Soldier feel supported? Do Soldiers feel the Command cares? Are they getting clear guidance?) 1 AR 600-20 • 13 May 2002 1-5. Command, b. Elements of command. c. The commander is responsible for establishing leadership climate of the unit and developing disciplined and cohesive units. This sets the parameters within which command will be exercised and, therefore, sets the tone for social and duty relationships within the command. (1) Commanders and other leaders committed to the professional Army ethic promote a positive environment. If leaders show loyalty to their soldiers, the Army, and the Nation, they earn the loyalty of their soldiers. If leaders consider their soldiers' needs and care for their well-being, and if they demonstrate genuine concern, these leaders build a positive command climate. (2) Duty is obedient and disciplined performance. Soldiers with a sense of duty accomplish tasks given them, seize opportunities for self-improvement, and accept responsibility from their superiors. Soldiers, leader and led alike, work together to accomplish the mission rather than feed their self-interest. good @ BN, Bde not as good

Morale Good.  
Rotation of missions helps morale.  
Guard / Patrol / Counter Fire.

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 willing to answer questions?

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) (AR 190-40, Appendix B, Category 1 Reportable Serious Incidents, B-1. Actual or alleged incidents involving the following: b. War crimes, including mistreatment of enemy prisoners of war, violations of the Geneva Conventions, and atrocities. B-2. Any other incident the commander determines to be of immediate concern to HQDA based on the nature, gravity, potential for adverse publicity, or potential consequences of the incident. AR 190-40, Appendix C Category 2, Reportable Serious Incidents, C-1. Actual or alleged incidents involving the following: g. Incidents involving prisoners or detainees of Army confinement or correctional facilities to include escape from confinement or custody, disturbances which require the use of force, wounding or serious injury to a prisoner, and all prisoner deaths. C-2. Any other incident that the commander determines to be of concern to HQDA based on the nature, gravity, potential for adverse publicity, or potential consequences of the incident. AR 190-8, 5-1. General protection policy—civilian internee, a. Treatment. (1) No form of physical torture or moral coercion will be exercised against the CI. This provision does not



40. What measures are in place to boost morale or to relieve stress? (Identifies perceived solution.) FM 22-51, para 11-5. Prevention of Misconduct Stress Behaviors. The measures which reduce battle fatigue and prevent battle fatigue casualties should also help reduce the incidence of misconduct stress behaviors. However, additional actions also need to be practiced consistently by leadership at all echelons and by buddies at the small unit level. FM 22-51, para 1-3, Stress control requires special involvement from direct (small unit) leaders. The responsibility extends up through the organizational leaders and their staffs (both officers and noncommissioned officers [NCOs]) at all echelons. Appendix A describes combat stress risk factors and prescribes leaders' actions to control them. Leaders, staffs, and individual soldiers all receive assistance from the supporting chaplains, the medical personnel, and combat stress control/mental health personnel (see Appendix B for information pertaining to combat stress control units). If any link in the chain of responsibility is weak, it is the responsibility of the other members of the chain to strengthen it. FM 8-51, para 1-1, b. Responsibility For Stress Control. Control of stress is the commander's responsibility (see FM 22-51) at all echelons. The commander is aided in this responsibility by the noncommissioned officer (NCO) chain of support; the chaplaincy; unit medical personnel; general, principal, and special staff, and by specialized Army CSC units and mental health personnel.

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41. What measures could the command enact to improve the morale and command climate of your unit? (Identifies perceived solution.) FM 22-103, Leadership and Command at Senior Levels, 21 Jun 1987, p. 6, - "Leadership. The process of influencing others to accomplish the mission by providing purpose, direction, and motivation." AR 600-100, Army Leadership, 17 Sep 1993, p. 8, 1987- "Senior-level leadership is the art of direct and indirect influence and the skill of creating the conditions for sustained organizational success to achieve the desired result. But, above all, it is the art of taking a vision of what must be done, communicating it in a way that the intent is clearly understood, and then being tough enough to ensure its execution."

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