

DEPARTMENT OF THE ARMY
HHC, 2-8 Infantry Battalion(M)
Fort Hood, Texas 76544

AETV-SCS-TE

19 May 2003

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Detention of Civilians

1. Reference: V Corps SJA; TF IH SJA; International Law
2. TF Talon units are authorized to detain civilians who are believed to possess information important to, or are interfering with mission accomplishment. Unless directed otherwise by a more senior commander, the decision to detain civilians is the responsibility of the senior U.S. soldier on the scene.
 - a. Talon forces are authorized to stop all civilian traffic and search all vehicles for weapons, explosives, cell phones and other communication devices, GPS, maps, note pads, cameras, uniforms and other identifiable enemy equipment, and evidence of any activity posing a threat to coalition forces, including intelligence gathering.
 - b. TF Talon forces may also detain civilians if they:
 1. Obstruct the progress of U.S. or coalition forces whether by demonstration, riot or other means;
 2. Enter or attempt to enter, without authority, any area controlled by U.S. or coalition forces;
 3. Commit, attempt, conspire, threaten or solicit another to commit or aid or abet in the commission of a crime; or
 4. Have been detained pursuant to a warrant, order o indictment issued by competent authority.
 - c. Commanders are also authorized to take action to prevent looting.

Authorized actions include:

 1. Detention of persons observed in the act, or reasonably suspected, of looting;
 2. Placements of areas or locations off-limits;
 3. Establishments of checkpoints that confirm the identity and residence of persons in order to permit them to enter specified areas;
 4. Use of non-lethal weapons
 5. Use, if necessary, graduated force to detain persons observed in the act, or reasonably suspected, of looting is authorized. **DEADLY FORCE IS NOT AUTHORIZED UNLESS AMMUNITON, WEAPONS OR EXPLOSIVES ARE BEING LOOTED. WARNING SHOTS ARE NOT PERMITTED TO STOP LOOTING.**
 - d. Initial detention will be automatically terminated at 21 days, unless a review is conducted by the military magistrate or other competent legal authority as designated by V Corps or the TF IH SJA. A record of the review will be maintained by the staff judge advocate.

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e. Categories of Detainees:

Category A consists of civilian non-combatants whose names are contained on the "black list"; who are the subject of any warrants, orders or indictments issued by the U.S. or any international tribunal; who are suspected of a violation of the law of war, or who are members of the following international terrorist organizations, or any groups/cells/facilities associated therewith; AL Qaida, Ansar Islam(AI), Taliban, Asbat Al-Ansar, Egyptian Islamic Group(aka Gamaat Al-Islamiyya), Hamas, Hizballah/Islamic Jihad Organization, Al Aqsa Martyrs Brigade, Harakut Ul Mujahadin, Lashkar E Tayyiba, Palestinian Islamic Jihad, Egyptian Islamic Jihad, Jemaah Islamiyah, and the Islamic Movement of Uzbekistan.

f. Category B consists of civilian non-combatants who pose a serious threat to U.S. forces, other protected persons, key facilities, or property designated mission-essential; obstruct the progress of coalition forces whether by demonstration, riot or other means; enter or attempt to enter, without authority, any area controlled by coalition forces; commit or attempt to commit any of the following criminal offenses: assault upon any member of coalition forces; murder, rape, kidnapping, arson, aggravated assault; any crime involving a suspect who has been previously detained by V Corps; any crime in which a weapon was used in the commission of the crime, and/or any other serious criminal conduct, including aiding or abetting those who commit the above listed offenses, or conspiring to commit the above listed offenses.

g. Category C consists of civilian non-combatants who steal, loot, or attempt to steal or loot coalition or protected property, commit or attempt to commit any of the following offenses; burglary, housebreaking, larceny, looting, driving under the influence of alcohol or drugs, prostitution, destruction of property, simple assault, harassment, use or possess illegal drugs, possess stolen property, commit or attempt to commit auto theft, carjacking, including aiding or abetting.

h. Category D consists of civilian non-combatants who have valuable intelligence information important to mission accomplishment. This category also includes personnel who, through non-violent means, obstruct or attempt to obstruct military operations, commit curfew violations, are drunk and disorderly, commit traffic violations, and/or commit any offense in violation of administration orders.

3. Rules of engagement:

- a. U.S. forces may use force in a manner consistent with the rules of engagement at the time if they are acting in order to defend themselves and their units, enforce facility rules or procedures, protect detainees from escaping.
- b. A commander's inherent authority and obligation to use all necessary means available and to take all appropriate action in self-defense of the

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commander's unit and other U.S. and coalition forces in the vicinity is not, however, limited. A commander must consider the assigned mission, current situation, higher commander's intent and all other available guidance in determining the level of force required for mission accomplishment. Use of force will be proportional in that it should be reasonable in intensity, duration, and magnitude, based on all facts known to the commander at the time.

- c. With respect to detainees, the use of force, including deadly force is authorized to respond to hostile acts, demonstration of hostile intent or to prevent the commission of crimes involving death or serious bodily harm and to prevent "Category A" and "Category B" detainees from escaping.
 - d. With regard to the use of force to prevent an escape, deadly force is a last resort after all other means have failed.
4. Property seizure: complete the property seizure form for any civilian or personal property seized. Provide one copy to detainee and keep one copy with the seized property.

Arrest Procedures

1. Arresting officials should only use that degree of force necessary to effect the arrest while, at all times, ensuring their own safety and taking into account the safety of innocent bystanders.
2. The subject will be informed that they are under arrest and the reason for the arrest.
3. The subject will be restrained in handcuffs, flex-cuffs, or similar means and searched. When possible, female subjects will be searched by female Coalition Force personnel.
4. It is recommended that a translator/interpreter be used as soon as possible to help explain the arrest. In coordination with a translator, the arresting officer will confirm that the subject understands the reason for their arrest and the recording of the interrogation.
5. The subject will be advised that anything they say or do will be recorded and may be used in judicial proceedings against them.
6. The subject will be processed, to include collecting and recording all data and personal information, completing detention forms, photographs and placing the subject in the detention facility.

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Once detained:

- Give receipt for any property confiscated
- Fill out SALUTE report with details on reasons for detention
- Inform Bn Cdr through chain of command to receive approval for temporary detention
- Once approved, evacuate to detention facility

4. POC for this memorandum is LTC [REDACTED] at DNV 534 [REDACTED]

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[REDACTED]
LTC, IN
Commanding

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