

**HEADQUARTERS  
MULTI-NATIONAL FORCE - IRAQ  
OFFICE OF THE DEPUTY COMMANDING GENERAL  
DETAINEE OPERATIONS  
BAGHDAD, IRAQ  
APO AE 08943-1400**

REPLY TO  
ATTENTION OF

MNFI-D

15 June 2004

**MEMORANDUM FOR RECORD**

**SUBJECT: Detainees Basic Tenant Rights IAW Geneva Convention and Army Regulations**

1. AR 190-8, *Enemy Prisoner of War, Retained Personnel, Civilian Internees, and Other Detainees*, outline the minimum standard of living for detainees in permanent internment facilities, but does not address temporary holding facilities of a capturing unit.
2. FM 3-19.40, *Internment/Resettlement Operations*, identifies the basic safeguards that are mandated for all types of detainees.
  - a. Provide first aid and medical treatment for all detainees that are equal to the treatment that would be given to US casualties.
  - b. Provide food and water. These supplies must be commensurate to those for US and allied forces.
  - c. Provide firm, humane treatment.
  - d. Allow captives to use protective equipment in case of hostile fire or NBC threat.
  - e. Do not locate captives near obvious targets. (e.g. ammunition sites, fuel points, etc.)
3. The Geneva Convention Relative to the Protection of Civilian Persons in Time of War, 12 August 1949, deals with the status and treatment of civilian internees, in that it must be humane in nature. The capturing unit is responsible for proper and humane treatment of detainees from the moment of capture or other apprehension.
4. FM 3-19.40 does not articulate the minimum standard a capturing unit must provide in form of shelter or manner of detention, thus the standard must be relative to that of a forward collection point. A forward collection point as a minimum has a guard force based on METT-TC, food and water, latrine facility, trench or overhead cover, and concertina wire establishing a perimeter. It is understood that all these requirements are based on METT-TC and security for both the detainees and capturing unit must be a planning consideration. The guard force is necessary to monitor the detainees, especially in the event of a medical emergency (e.g. heart attack, seizure, or stroke) that could result in permanent injury or death if not treated immediately by medical personnel. These tenants fall under the preamble of humane treatment in the Geneva Convention.

**SECRET//NOFORN**

**Formica Report - Annex 37**

2888

DOD JUNE

MNFI-D

SUBJECT: Detainees Basic Tenant Rights IAW Geneva Convention and Army Regulations

5. FM 3-19.40 provides suggestions of a detention facility but does not limit the ground commander on other types of detention methods or means to secure the detainees, as long as the method or means does not violate the Geneva Convention and meets the basic safeguards outlined in FM3-19.40. AR 190-8 specifically prohibits any measure of such character to cause physical suffering or extermination of the Civilian Internee.

a. Use of chains bolted to the floor as a means of securing detainees for a short period of time that allow the detainee the ability to stand, sit, or lay down is acceptable as long as the minimum requirements/safeguards listed in paragraphs two and four are adhered to. (A short period of time is defined as not to exceed 14 days, as outlined in [REDACTED] for the amount of time a detainee can be held prior to evacuation to a Coalition Holding Facility, Baghdad Central Collection Facility.)

b. Securing detainees in a cement cell with dimensions of 4 feet long, 3.10 feet high, and 1.5 feet wide secured by a sliding metal door is acceptable for a short duration not to exceed 24 hours. The cell does not provide for good ventilation, lighting, or observation by guard force. In addition, long periods of detention in this type of facility would cause physical suffering to the detainee violating AR 190-8 and the provisions of the Geneva Convention. In addition, the minimum requirements/safeguards listed in paragraphs two and four apply here also.

6. Point of contact for this memorandum is the undersigned [REDACTED]

[REDACTED]  
CPT, MP  
MNF-I Detainee Operations

~~SECRET//NOFORN~~

Formosa Report - Annex 37

2889

DOD JUNE