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TREATMENT OF PERSONS IN DETENTION IN IRAQ

Since the inception of hostilities of Iraq, U.S. forces have conducted detention operations involving enemy prisoners of war and persons held for security reasons, including persons having committed violations of Iraqi criminal law. Detention operations have been and continue to be conducted in compliance with the law of armed conflict, including the 1949 Geneva Conventions, and applicable U.S. regulations.

During combat operations, U.S. forces captured and held enemy prisoners of war (EPWs). These EPWs have been treated in accordance with the Geneva Convention Relative to the Treatment of Prisoners of War (GPW). EPWs held by U.S. forces were promptly evacuated from forward areas and transferred to centralized collection points and holding facilities. They have been treated humanely, protected from harm, and provided appropriate medical care and treatment if necessary. All but a handful of the EPWs held by U.S. force in Iraq have been paroled. Those EPWs still under U.S. control continue to be accorded GPW protections.

Establishing a secure and stable environment in Iraq has raised many challenges for Coalition forces and Iraqi security forces. Attacks against the Iraqi people, the Coalition, and international organizations by former regime elements and foreign terrorists undermine the security and stability of Iraq. Under these circumstances, it has been necessary to detain persons for imperative reasons of security. Detainees held for security reasons have been and continue to be provided the protections of the Geneva Convention Relative to the Protection of Civilians in Time of War (GCC).

The detention of an individual for security reasons is subjected to several levels of review and an appeal mechanism. The necessity for detention is reviewed shortly after capture, followed by, if continued detention is determined to be necessary, review by a Standing Review Board. The Standing Review Board then considers the necessity of continued detention every six months. These procedures allow an individual to appeal his or her detention, in accordance with the Geneva Conventions. The current rate of review is one hundred cases per day. Those security internees deemed no longer to be a threat to security are released.

The security environment in Iraq is further burdened by the former regime's October 2002 release of all criminals in confinement and the subsequent destruction and looting of the Iraqi prison system. Hardened criminals freed from confinement by the former regime have exploited the instability in Iraq to terrorize the Iraqi people for criminal purposes. It was necessary for Coalition forces to take control of what remained of the Iraqi correctional system. In view of the widespread destruction of the Iraqi prison system, Coalition forces constructed detention facilities to house persons suspected of violating Iraqi criminal law. These facilities were initially operated by Coalition forces, but extensive efforts have been undertaken to train new Iraqi personnel in the effective, humane operation of correctional facilities. The Iraqi Correctional Service, assisted by

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Coalition advisors, has now assumed control over the detention of persons suspected of, or convicted of, violating Iraqi criminal laws. During the period when U.S. forces controlled Iraqi criminal detainees, measures were taken to ensure that criminal cases were processed by the Iraqi criminal justice system or that persons held for suspicion of committing minor crimes were released after an appropriate period if their cases were not heard by Iraqi courts.

The abuse of security internees at Abu Ghraib has been a matter of great concern. The President of the United States has said that the abuses reflected in the photographs that took place in Abu Ghraib are "abhorrent." Already, one service member involved in the abuse has been taken to a Special Court-Martial proceeding. Six others are currently facing courts-martial charges, and a full investigation is underway to determine both what happened at Abu Ghraib and who was involved. The Administration has made it clear at the highest levels that if authorities learn of others suspected of committing crimes, they will be held accountable be held accountable under U.S. law.

The United States takes reports of mistreatment very seriously, investigates all such allegations thoroughly, and, where appropriate, addresses cases of misconduct under U.S. legal processes. Several investigations into these allegations and related matters are now underway. The United States is committed to treating all persons under its control with dignity and respect. U.S. personnel are expected to act appropriately, humanely, and in compliance with the Geneva Conventions. Those responsible for misconduct will be identified and held to account in accordance with U.S. law. In addition, reviews of all detention operations in Iraq are being undertaken on multiple levels to identify any shortcomings and to implement procedures to strengthen our commitment to conducting detention operations humanely and in compliance with the law of armed conflict, including the Geneva Conventions.

New leadership has taken over at the facility at Abu Ghraib. Every person in a leadership position within Iraq is aware of the need to heighten his or her vigilance to prevent any possible mistreatment of Iraqi detainees. Additional training on the Geneva Conventions and applicable rules of procedure has been conducted for the replacement units that are taking over detention operations to ensure all personnel fully understand their duties and responsibilities.

U.S. authorities at Abu Ghraib have established a positive working relationship with the Iraqi Ministry of Human Rights, whose representatives now conduct weekly visits and are allowed free access to the detention facility. The International Committee of the Red Cross (ICRC) continues to have access to the facility.

Notification of Families

U.S. forces, in coordination with the Coalition Provisional Authority, have taken a number of measures to ensure that Iraqi families can obtain information on the location of individuals who have been detained. U.S. forces maintain an up to date list of individuals in detention. The list is provided to ICRC. The list contains the individual's name, Internment Serial Number (ISN), place of birth, address, and the place of

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detention. Families can obtain information from the list from the Iraqi Assistance Centre (IAC) within the Green Zone. They can also inquire at the nine General Information Centres (GICs) located throughout Baghdad, which obtain updated copies of the list from the IAC. The primary means for families to locate family members they believe to be detained is through local Iraqi Police Stations which have been provided with a listing of detainees (in both English and Arabic) that includes pictures of detainees. This book of detainees also includes a description of the detainee's current health assessment and outlines how to schedule a family visit to that detainee. For those families with internet access, the list of detainees is also posted on the CPA website in Arabic. A reception office at Abu Ghraib prison deals with on-site queries. There are sometimes difficulties locating particular individuals in detention, notwithstanding the extensive effort exerted to produce detailed and accurate detainee lists. Most of these difficulties stem from translation problems, the difficulty of obtaining the complete names for individuals, and the reluctance on the part of some detainees to provide accurate information.

Family Visits

Since the beginning of the operation, family and attorney visits have been afforded to criminal detainees. Although at times, security has required us to limit some visits for the safety of the visiting families and attorneys, they have resumed as quickly as possible and to the greatest extent possible. Since the beginning of the operation, security internees have received family visits whenever permissible in the security environment. ICRC has access to all detainees, including security internees. ICRC passes messages from detainees, including security internees, to families and makes representations to US forces regarding any matter concerning the conditions of their detention and their health.

Currently, family visits are afforded to all criminal detainees and nearly all security internees commensurate with logistical and security limitations.

Juveniles

From time to time Coalition forces detain juveniles who are involved in suspected attacks against the Coalition and the Iraqi people, and who are involved in Iraqi-on-Iraqi crimes. Juvenile security internees are segregated from the adult population of detainees. In addition, juvenile cases are rapidly reviewed by the Standing Review Board to determine whether continued detention is necessary.

Females

U.S. forces hold a very small number of female security internees. They are segregated from the male detainee population, for their safety and privacy. All females have been reviewed by the Security Internee Review and Appeal Board.

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