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(U) **FRAGO_1173 [DETENTION OPERATIONS]** TO MNC-I OPORD 04-01.

(U) THIS FRAGO HAS BEEN REVIEWED AND APPROVED FOR RELEASE BY COL PRICONE, MNC-I CHOPS.

(U) SUBJECT: **DETENTION OPERATIONS AT MNC-I AND ECHELONS BELOW**

(U) REFERENCES:

- A. (U) US ARMY REGULATION 190-8, ENEMY PRISONERS OF WAR, RETAINED PERSONNEL, CIVILIAN INTERNEES AND OTHER DETAINEES, 1 OCT 97
- B. (U) US ARMY REGULATION 195-2, CRIMINAL INVESTIGATION ACTIVITIES, 30 OCT 85
- C. (U) DIRECTIVE FROM U.S. SECARMY, 15 APR 03, AUTHORIZING THE U.S. ARMY CRIMINAL INVESTIGATION COMMAND TO EXERCISE ALL INVESTIGATIVE RESPONSIBILITIES RELATING TO WAR CRIMES AND OTHER RELATED OFFENSES
- D. (U) U.S. DEPARTMENT OF ARMY SIGNAL 030053ZMAY03 CSA EXORD FOR WAR CRIMES AND RELATED INVESTIGATIONS
- E. (U) CJTF-7 DTU 691 26 APR 04
- F. (U) GENEVA CONVENTION (III) RELATIVE TO THE TREATMENT OF PRISONERS OF WAR OF AUGUST 12, 1949
- G. (U) GENEVA CONVENTION (IV) RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR OF AUGUST 12, 1949
- H. (U) UNITED NATIONS SECURITY COUNCIL RESOLUTION 1546, 8 JUN 04
- I. (U) COALITION PROVISIONAL AUTHORITY MEMORANDUM 3(REV.) 27 JUN 04
- J. (U) CJTF-7 FRAGO 455 (200415DJUL03) CLASSIFYING AND PROCESSING ENEMY PRISONERS OF WAR/DETAINED PERSONS/CIVILIAN INTERNEES]
- K. (U) CJTF-7 FRAGO 749 (242320DAUG03) INTELLIGENCE AND EVIDENCE-LED DETENTION OPERATIONS RELATING TO DETAINEES TO CJTF-7 OPORD 03-036
- L. (U) CJTF-7 FRAGO 710 [EVIDENCE COLLECTION PROCEDURES] TO CJTF-7 OPORD 04-01
- M. (U) CJTF-7 FRAGO 741 [RULES FOR THE USE OF FORCE (RUF) FOR DETENTION FACILITIES] TO CJTF-7 OPORD 04-01
- N. (U) MNC-I FRAGO 19, AND FRAGO 329 [DETENTION OPERATIONS] TO MNC-I OPORD 04-01
- O. (U) FIELD MANUEL 3-19.40, INTERNMENT/RESETTLEMENT OPERATIONS, 1 AUG 01
- P. (U) CPA MEMO 3
- Q. (U) MNC-I FRAGO 016, [HEALTH AND SANITATION INSPECTIONS OF MNC-I DETENTION FACILITIES] TO MNC-I OPORD 04-01
- R. (U) MNC-I FRAGO 018, [MEDICAL RECORD DOC AND FILING SYSTEM FOR US DETAINEE OPS IN IZ] TO MNC-I OPORD 04-01
- S. (U) NAVY MEDICINE (NAVMED) POLICY (P) 5010-9 (6-91)
- T. (U) NORTH ATLANTIC TREATY ORGANIZATION (NATO) STANDARD AGREEMENT (STANAG)2982 MEDICAL (MED) ESSENTIAL FIELD SANITARY REQUIREMENTS
- U. (U) AR 40-12 QUARANTINE REGULATIONS OF THE ARMED FORCES 1/24/1992

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V. (U) FM 4-02.17 PREVENTIVE MEDICINE SERVICES 8/28/2000

(U) MAPS: [NO CHANGE]

(U) TIME ZONE USED THROUGHOUT THIS ORDER: CHARLIE

(U) TASK ORGANIZATION: [NO CHANGE]

1. (U) **SITUATION.** [CHANGE] THIS ORDER CONSOLIDATES PRIOR DETAINEE ORDERS AND GUIDANCE AND CONTROLS DETENTION AND PROCESSING OF ALL SECURITY INTERNEES AND CRIMINAL DETAINEES AT THE CORPS AND ECHELONS BELOW CORPS LEVELS. A FLOWCHART DESCRIBING DETENTION PROCEDURES IS ENCLOSED AT ATTACHMENT A.

1.A. (S//REL TO USA and MCFI) REFERENCE N IS RESCINDED.

1.B. (S//REL TO USA and MCFI) AFTER THE TRANSFER OF SOVEREIGNTY TO THE IRAQI INTERIM GOVERNMENT ON 28 JUN 04, THE MISSION OF THE MULTI-NATIONAL FORCE-IRAQ (MNF-I) IS OUTLINED BY THE LETTERS FROM PRIME MINISTER ALAWI AND SECRETARY OF STATE COLIN POWELL, INCORPORATED BY REFERENCE, IN UNITED NATIONS SECURITY COUNCIL RESOLUTION 1546 (REF H). IN CONDUCTING MISSIONS TO MAINTAIN SECURITY AND ENSURE FORCE PROTECTION IN IRAQ, IT MAY BE NECESSARY TO APPREHEND AND DETAIN CERTAIN PERSONS. UNDER THE GENEVA CONVENTIONS 1949, THE HAGUE REGULATIONS 1907, UN SECURITY COUNCIL RESOLUTION 1546 AND CPA MEMO 3 (REF P), MULTINATIONAL FORCES ARE AUTHORIZED TO DETAIN PERSONS FOR IMPERATIVE REASONS OF SECURITY. DETENTION AND OTHER OPERATIONS ARE DESIGNED TO SUPPORT THE SECURITY AND STABILITY OF IRAQ.

1.C. (U) **DEFINITIONS.** [CHANGE]

1.C.1. (U) **CRIMINAL DETAINEE (CD):** ANY PERSON WHO IS SUSPECTED OF HAVING COMMITTED CRIMINAL ACTS AND IS NOT CONSIDERED A SECURITY INTERNEE. "CRIMINAL DETAINEES" SHALL BE HANDED OVER TO IRAQI AUTHORITIES AS SOON AS REASONABLY PRACTICABLE FOR PROCESSING INTO THE IRAQI CRIMINAL SYSTEM (ICS). (AS DEFINED BY REF D, SECTION 5, PARA (1))

1.C.2. (U) **SECURITY INTERNEE (SI):** ANY PERSON WHO IS DETAINED BY A NATIONAL CONTINGENT OF THE MNF FOR IMPERATIVE REASONS OF SECURITY IN ACCORDANCE WITH THE MANDATE SET OUT IN UNSCR 1546. (AS DEFINED BY REF D, SECTION 6, PARA (1))

1.C.3. (U) **HIGH VALUE DETAINEE (HVD):** HVDS ARE SECURITY INTERNEES OF SIGNIFICANT INTELLIGENCE OR POLITICAL VALUE. ONCE MNF-I C2 IS NOTIFIED OF THE CAPTURE OF A POTENTIAL HVD, MNF-I C2 WILL DETERMINE IF THE INTERNEE SHOULD BE DESIGNATED AS AN HVD.

1.C.4. (U) **ENEMY PRISONER OF WAR (EPW):** A MEMBER OF ARMED OR UNIFORMED SECURITY FORCES THAT CONFORM TO THE REQUIREMENTS OF ARTICLE 4, GENEVA CONVENTION III RELATING TO TREATMENT OF PRISONERS OF WAR.

1.C.4.A. (S//REL TO USA AND MCFI) STATUS IN DOUBT: ALL DETAINEES/INTERNEES CAPTURED AFTER THE TRANSITION TO SOVEREIGNTY ON 28

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JUNE 2004 ARE SECURITY INTERNEES AND THERE ARE NO DETAINEES WITH A STATUS IN DOUBT. THERE ARE SOME EPWS, CAPTURED PRIOR TO THE TRANSFER OF SOVEREIGNTY, STILL IN THE CUSTODY OF MULTINATIONAL FORCES AT THEATRE INTERNMENT FACILITIES.

1.C.5. (U) **CRIMINAL INVESTIGATION DIVISION (CID) HOLD:** A REQUEST TO HOLD AND NOT RELEASE A DETAINEE/ INTERNEE IN THE CUSTODY OF THE MULTINATIONAL FORCE, ISSUED BY A MEMBER OR AGENT OF THE U.S. ARMY CRIMINAL INVESTIGATION DIVISION BASED UPON A REASONABLE BELIEF THAT THE DETAINEE/INTERNEE HAS COMMITTED A CRIMINAL OFFENSE THAT WARRANTS CONTINUED DETENTION.

1.C.6. (U) **MILITARY INTELLIGENCE (MI) HOLD:** A REQUEST TO HOLD AND NOT RELEASE A DETAINEE/ INTERNEE IN THE CUSTODY OF THE MULTINATIONAL FORCE, ISSUED BY A MEMBER OR AGENT OF A U.S. MILITARY INTELLIGENCE ORGANIZATION BASED UPON A REASONABLE BELIEF THAT THE DETAINEE/ INTERNEE POSSESSES INFORMATION THAT POSES AN IMPERATIVE THREAT TO SECURITY OF THE MULTINATIONAL FORCE OR THE IRAQI GOVERNMENT. THE MI HOLD DESIGNATOR IS ISSUED AT THE COALITION HOLDING FACILITY/THEATER INTERNMENT FACILITY ONLY.

1.C.7. (U) **REASONABLE BELIEF:** "REASONABLE BELIEF" IS BASED ON INFORMATION THAT A REASONABLE PERSON WOULD RELY ON IN DECIDING WHETHER SOMETHING IS LIKELY TO BE TRUE. A MERE SUSPICION IS NOT ENOUGH EVIDENCE TO FORM A REASONABLE BELIEF. A REASONABLE BELIEF MAY BE BASED UPON THE REPORTS OF OTHERS.

1.C.8. (U) **PROBABLE CAUSE:** A REASONABLE CERTAINTY THAT A CRIME HAS BEEN COMMITTED OR IS BEING COMMITTED AND THAT THE PERSON TO BE DETAINED HAS COMMITTED, IS COMMITTING OR IS AIDING ANOTHER TO COMMIT THE OFFENSE.

1.C.9. (U) **BRIGADE INTERNMENT FACILITY (BIF):** A FACILITY TO PROVIDE INITIAL FORMAL DETAINEE DETENTION WITH THE ABILITY TO PROVIDE SECURITY, LIFE SUPPORT, AND INTERROGATION FOR DETAINEES/INTERNEES UP TO 72 HOURS. THIS FACILITY IS DESIGNATED BY THE COMMAND AND MAY BE REFERRED TO BY A DIFFERENT TITLE.

1.C.10. (U) **DIVISION INTERNMENT FACILITY (DIF):** A FACILITY TO PROVIDE SECURITY, LIFE SUPPORT, AND INTERROGATION FOR DETAINEES/INTERNEES UP TO 21 DAYS. THIS FACILITY IS DESIGNATED BY THE COMMAND AND MAY BE REFERRED TO BY A DIFFERENT TITLE.

1.C.11. (U) **DETENTION REVIEW AUTHORITY (DRA):** THE JUDGE ADVOCATE (JAG) OR LEGAL OFFICER HAVING THE AUTHORITY TO REVIEW DETENTION CASES AND WHO, IN DEFINED CIRCUMSTANCES, MAY RELEASE OR AUTHENTICATE AND ORDER FURTHER DETENTION. DETENTION REVIEW AUTHORITIES ARE APPOINTED BY DIVISION STAFF JUDGE ADVOCATES. A DRA MAY ORDER THE RELEASE OF A DETAINEE WHERE THERE IS NOT A PROBABLE CAUSE BASIS FOR THE CONTINUED DETENTION.

1.C.12. (U) **COALITION HOLDING FACILITY (CHF):** FACILITY DESIGNATED AS THE CENTRAL COLLECTION FACILITY THROUGH WHICH ALL DETAINEES/INTERNEES SHOULD BE INDUCTED BEFORE TRANSFER TO ANOTHER INTERNMENT FACILITY OR

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RELEASE. THE CURRENT FACILITY IS LOCATED AT THE BAGHDAD CENTRAL CONFINEMENT FACILITY (BCCF). THIS FACILITY HAS ALSO BEEN KNOWN AS THE THEATER INTERNMENT FACILITY (TIF).

1.C.13. (U) **SPECIAL CONFINEMENT FACILITY:** FACILITY DESIGNATED BY THE COALITION FOR THE DETENTION OF DETAINEES ON THE DIA BLACK LIST.

1.C.14. (U) **HOLDING AREAS AND TEMPORARY DETENTION FACILITIES:** ALL OTHER DETENTION AREAS NOT DESIGNATED AS AN INTERNMENT FACILITY, SPECIAL CONFINEMENT FACILITY OR COALITION HOLDING FACILITY.

1.C.15. (U) **INDUCTION:** THE PROCESS BY WHICH A DETAINEE OR INTERNEE IS RECEIVED INTO THE COALITION HOLDING FACILITY OR INTERNMENT INTO AN INTERNMENT FACILITY.

1.C.16. (U) **CONDITIONAL RELEASE:** RELEASE OF A CIVILIAN INTERNEE SUBJECT TO CONDITIONS INTENDED TO SECURE THE PRESENCE OF THE PERSON FOR COALITION FORCE PURPOSES, OR TRIAL.

1.C.17. (U) **PAROLE:** RELEASE OF AN EPW DURING ARMED CONFLICT UNDER CONDITIONS ESTABLISHED IN A PAROLE AGREEMENT.

1.C.18. (U) **WAR CRIME:** ANY VIOLATION OF THE LAW OF WAR IS A WAR CRIME AS DEFINED UNDER INTERNATIONAL LAW.

1.C.19. (U) **CRIME AGAINST HUMANITY/ATROCITY:** A BREACH OF HUMANITARIAN LAW THAT IS AN INHUMANE ACTS COMMITTED AGAINST ANY PERSON.

1.C.20. (U) **COMPETENT MEDICAL AUTHORITY:** A MEDICAL OFFICER, PHYSICIANS ASSISTANT, OR CERTIFIED INDEPENDENT DUTY CORPSMAN.

1.C.21. (U) **FOREIGN FIGHTER:** [ADD] ANY THIRD COUNTRY NATIONAL WHO IS PARTICIPATING IN, CONTRIBUTING TO OR FINANCING ANTI-IRAQI FORCES OF COMBAT ACTIVITIES.

2. (U) **MISSION.** [CHANGE]

2.A. (U) ALL MNC-I UNITS WILL CONDUCT DETAINEE OPERATIONS IN THEATER OF OPERATIONS AND PROVIDE A STANDARDIZED SYSTEM FOR HANDLING DETAINEES, INCLUDING BUT NOT LIMITED TO HOLDING AREAS, TEMPORARY INTERNMENT FACILITIES, BRIGADE INTERNMENT FACILITIES, DIVISION INTERNMENT FACILITIES, AND COALITION HOLDING AREAS.

3. (U) **EXECUTION.** [CHANGE]

3.A. (U) **COMMANDER'S INTENT.** [CHANGE]

3.A.1. (U) ALL DETAINEES AND INTERNEES WILL BE TREATED WITH DIGNITY AND RESPECT FOR THEIR PERSONS AND PROPERTY. UNITS RESPONSIBLE FOR DETENTION/INTERNMENT OPERATIONS WILL FOLLOW APPLICABLE INTERNATIONAL LAW CONCERNING HUMANITARIAN TREATMENT OF PRISONERS AND BE RESPONSIBLE FOR TRAINING THEIR UNITS IN THE PROPER TREATMENT OF PRISONERS.

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3.B. (U) **CONCEPT OF THE OPERATION.** [CHANGE]

3.B.1. (S//REL TO USA AND MCFI) THIS ORDER IS NOT INTENDED TO INTERFERE WITH THE ABILITY OF COALITION FORCES TO ACCOMPLISH THEIR MISSION. BECAUSE IT MAY BE IMPOSSIBLE TO VERIFY THAT THERE IS PROBABLE CAUSE PRIOR TO DETENTION, COALITION FORCES MAY DETAIN PERSONS BUT SHOULD MAKE EVERY EFFORT TO DETAIN ONLY THOSE PERSONS WHERE IT APPEARS THAT THERE IS PROBABLE CAUSE. HOWEVER, THEY MUST VERIFY THAT THERE IS A PROBABLE CAUSE BASIS TO CONTINUE DETENTION WITHIN THE FIRST 72 HRS OR ORDER IMMEDIATE RELEASE OF THE DETAINEE/INTERNEE.

3.C. (U) **TASKS TO SUBORDINATE UNITS AND STAFF.** [CHANGE]

3.C.1. (S//REL TO USA AND MCFI) THE FOUNDATION FOR CORPS LEVEL DETENTION OPERATIONS IS THE EXPEDITIOUS MOVE OF DETAINEES FROM THE CAPTURING UNIT TO A THEATER LEVEL FACILITY. INTERNEES WILL BE TRANSFERRED FROM THE CAPTURING UNIT NLT 24 HOURS AFTER INITIAL CAPTURE INTO A BRIGADE OR DIVISION LEVEL INTERNMENT FACILITY. ANY DEVIATION FROM THE 24 HOUR POLICY WILL REQUIRE AN EXTENSION WHICH MUST BE APPROVED THROUGH THE APPROPRIATE MSC CHAIN OF COMMAND WITH THE DECISION AUTHORITY AT THE GRADE OF O-5 OR ABOVE.

3.C.1.A. (S//REL TO USA AND MCFI) IF THE INTERNEE IS SUBSEQUENTLY DETERMINED TO BE A CRIMINAL DETAINEE BY THE DETENTION REVIEW AUTHORITY (DRA), THE CRIMINAL DETAINEE WILL BE HANDED OVER TO IRAQI AUTHORITIES AS SOON AS REASONABLY PRACTICABLE. BRIGADE INTERNMENT FACILITIES WILL TRANSFER ALL SECURITY INTERNEES TO A DIVISION INTERNMENT FACILITY NLT 72 HOURS FROM ACCEPTANCE OF THE INTERNEE INTO THEIR INTERNMENT FACILITY.

3.C.1.B. (S//REL TO USA AND MCFI) SECURITY INTERNEES MAY BE HELD LONGER THAN 72 HOURS AT THE BRIGADE LEVEL FOR INTELLIGENCE GATHERING PURPOSES. EXTENSIONS MUST BE APPROVED THROUGH THE APPROPRIATE MSC CHAIN OF COMMAND WITH THE FINAL DECISION AUTHORITY OF AN O-6 OR ABOVE. DIVISION INTERNMENT FACILITIES WILL EXPEDITIOUSLY MOVE THE INTERNEES TO A THEATER FACILITY NLT 21 DAYS AFTER THE DETAINEE'S DATE OF INITIAL CAPTURE. SECURITY INTERNEES MAY BE HELD LONGER THAN 21 DAYS AT THE DIF. EXTENSIONS MUST BE APPROVED THROUGH THE MSC CHAIN OF COMMAND WITH THE FINAL DECISION AUTHORITY OF AN O-6 OR ABOVE.

3.C.1.C. (S//REL TO USA AND MCFI) ON A CASE BY CASE BASIS DETAINEES MAY BE HELD OVER THE 21 DAY LIMIT. FOR THE PURPOSE OF INTERROGATION OF A DETAINEE THAT HAS ACTIONABLE INFORMATION, A REQUEST WILL BE INITIATED BY THE MSC G2X, SIGNED BY THE FIRST O-6 IN THE CHAIN OF COMMAND OF THE UNIT IN POSSESSION OF THE DETAINEE, AND APPROVED BY THE MSC COMMANDER. THE THEATER MP BN (CID) IS THE APPROVAL AUTHORITY FOR ALL CID HOLDS. FOR ALL OTHER HOLDS, THE MSC COMMANDER (OR HIS DESIGNATED REPRESENTATIVE IN THE RANK OF O-6 OR ABOVE) IS THE APPROVAL AUTHORITY. COPIES OF EXTENSION APPROVAL LETTERS IN THE FORM OF A MEMORANDUM FOR RECORD WILL BE POSTED IN THE DETAINEES FILE.

3.C.1.D. (S//REL TO USA AND MCFI) REPORT CAPTURES THROUGH MNC-I, PMO (US) THROUGH OPERATIONAL CHANNELS WITHIN 48 HOURS OF CAPTURE. THE

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REPORT SHALL INCLUDE THE PERSONS NAME, AGE, DATE, TIME, LOCATION, CIRCUMSTANCES OF CAPTURE AND THE CAPTURE TAG NUMBER, FACILITY NUMBER AND THE UNIT THAT CAPTURED THE DETAINEE.

3.C.1.E. (S//REL TO USA AND MCFI) ALL SECURITY DETAINEES/INTERNEES SHALL HAVE A REVIEW OF THEIR CASE BY A DETENTION REVIEW AUTHORITY NOT LATER THAN 72 HOURS FROM THE TIME OF INDUCTION. ONCE THE DETENTION REVIEW AUTHORITY (DRA) DETERMINES THAT A DETAINEE POSES A SECURITY THREAT TO THE NATION OF IRAQ, THE DRA WILL PREPARE AN AUTHENTICATED ORDER OF INTERNMENT. THAT ORDER WILL STATE THE REASONS FOR CONTINUED DETENTION AND WILL BE MAINTAINED IN THE DETAINEE'S DETENTION FILE.

3.C.1.F. (S//REL TO USA AND MCFI) ALL CRIMINAL DETAINEES DETAINED FOR IRAQI ON IRAQI CRIMES MUST BE TRANSFERRED FROM THE BRIGADE OR DIVISION DETENTION FACILITY TO THE IRAQI AUTHORITIES (IRAQI POLICE, NATIONAL GUARD OR A PROVINCIAL JUDGE IN THE AREA WHERE DETAINED) BY THE MSC AS SOON AS REASONABLY PRACTICABLE. CPA MEMO 3,(REF P) STATES THAT THE CRIMINAL DETAINEE'S CASE SHOULD BE CONSIDERED WITHIN 24 HOURS OF DETENTION. DRAS SHOULD NOT REVIEW THE FILES OF THOSE DETAINEES THAT WERE CAPTURED FOR COMMITTING IRAQI ON IRAQI CRIMES, INCLUDING MINOR CRIMINALS.

3.C.1.G. (S//REL TO USA AND MCFI) CRIMINAL DETAINEES WILL NOT BE TRANSPORTED TO A CORPS HOLDING FACILITY OR THEATRE INTERNMENT FACILITY (BAGHDAD CENTRAL CONFINEMENT FACILITY OR CAMP BUCCA). IF THE DETAINEE DOES NOT POSE AN IMPERATIVE THREAT TO THE SECURITY OF COALITION FORCES UNDER UNSCR 1546, THERE IS NO BASIS FOR INTERNMENT AT A CORPS OR THEATRE LEVEL INTERNMENT FACILITY.

3.C.1.H. (U) COALITION UNITS: ESTABLISH COLLECTION POINTS FOR SECURITY INTERNEES, CRIMINAL DETAINEES.

3.C.1.I. (U) ALL COALITION UNITS ARE TO IMMEDIATELY NOTIFY SUPPORTING MILITARY POLICE UNITS AND U.S. ARMY CRIMINAL INVESTIGATION DIVISION COMMAND OF ANY INCIDENTS RESULTING IN THE DEATH OR SERIOUS INJURY TO COALITION MEMBERS.

3.C.1.J. (U) ALL COALITION UNITS WILL DIRECT FAMILY MEMBERS SEEKING INFORMATION ON DETAINEES TO THE NEAREST CIVIL AFFAIRS OPERATIONS CENTER (CMOC) OR EQUIVALENT UNIT.

3.C.1.K. (U) IMMEDIATELY REPORT TO MNC-I C3 AND MNC-I PROVOST MARSHAL THROUGH THE CHAIN OF COMMAND, ALL HVDS AND NON-IRAQI **THIRD COUNTRY NATIONALS** (TCN) THAT ARE DETAINED. ALL FURTHER NOTIFICATIONS WILL BE THROUGH MNC-I TO MNF-I. REQUESTS FOR RELEASE OF THIRD COUNTRY NATIONALS SHALL BE FORWARDED THROUGH MNC-I TO MNF-I.

3.C.1.L. (S//REL TO USA AND MCFI) THE COMMANDER, MULTINATIONAL CORPS IRAQ HAS ISSUED THE FOLLOWING GUIDANCE ON THE DISPOSITION OF TCN/FOREIGN FIGHTERS._

3.C.1.M. (S//REL TO USA AND MCFI) JOINT (MNF AND IRAQI)INTERROGATION AND DEBRIEFING TEAMS SHOULD ATTEMPT TO IDENTIFY FOREIGN FIGHTERS BEFORE

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THEY ARE PROCESSED FOR DETENTION IN ORDER TO KEEP FROM INADVERTENTLY PROCESSING FOREIGN FIGHTERS INTO THE MULTINATIONAL FORCE DETENTION SYSTEM.

3.C.1.M.1. (S//REL TO USA AND MCFI) IF A FOREIGN FIGHTER IS INADVERTENTLY PROCESSED INTO THE MULTINATIONAL FORCE DETENTION SYSTEM, THE FOREIGN FIGHTER MAY NOT BE RELEASED FROM MULTINATIONAL FORCE CONTROL WITHOUT COMMANDER, MNF-I, OR SUPERIOR COMMANDER APPROVAL.

3.C.1.M.2. (S//REL TO USA AND MCFI) A FOREIGN FIGHTER IDENTIFIED BEFORE PROCESSING FOR DETENTION MAY BE TRANSFERRED TO IRAQI SECURITY OR POLICE FORCES. IN EXCEPTIONAL CASES, IT MAY BECOME APPARENT THAT A PARTICULAR FOREIGN FIGHTER MAY BE OF SUCH SIGNIFICANT INTELLIGENCE VALUE THAT DETENTION BY MULTINATIONAL FORCES IS THE MOST PRUDENT COURSE OF ACTION. SEEK APPROVAL FROM THE COMMANDER, MNF-I, BEFORE TAKING ANY ACTION TO OBTAIN CUSTODY OF THE FOREIGN FIGHTER.

3.C.1.N. (S//REL TO USA AND MCFI) IRAQI ONLY OPERATIONS. FOREIGN FIGHTERS ARRESTED BY IRAQI SECURITY OR POLICE FORCES SHOULD BE KEPT BY THOSE FORCES AND NOT TRANSFERRED TO THE CUSTODY OF MULTINATIONAL FORCES. MULTINATIONAL FORCES SHOULD NOT ASK FOR OR ACCEPT CUSTODY OF SUCH FOREIGN FIGHTERS WITHOUT THE APPROVAL OF COMMANDER, MNF-I.

3.C.1.O. (S//REL TO USA AND MCFI) JOINT MNF AND IRAQI OPERATIONS. FOREIGN FIGHTERS TAKEN DURING JOINT OPERATIONS SHOULD BE LEFT IN THE CUSTODY OF IRAQI SECURITY OR POLICE FORCES PARTICIPATING IN THE JOINT OPERATION.

3.C.1.P. (S//REL TO USA AND MCFI) MNF ONLY OPERATIONS. FOREIGN FIGHTERS (1) TAKEN BY MULTINATIONAL FORCES THAT ARE NOT OPERATING JOINTLY WITH IRAQI SECURITY OR POLICE FORCES AND (2) WHO ARE APPROPRIATELY PROCESSED FOR INTERNMENT MAY NOT BE RELEASED FROM MULTINATIONAL FORCE CONTROL WITHOUT COMMANDER, MNF-I, OR SUPERIOR COMMANDER APPROVAL.

3.C.1.Q. (S//REL TO USA AND MCFI) TCNS WHO ARE FOREIGN FIGHTERS MAY NOT BE RELEASED FROM MNF CUSTODY WITHOUT THE APPROVAL OF THE MNF-I OR SUPERIOR COMMANDER.

3.C.1.R. (S//REL TO USA AND MCFI) USCENTCOM COMMANDER IS THE FINAL APPROVAL AUTHORITY TO RELEASE A TCN, INCLUDING FOREIGN FIGHTERS, THAT IS IN THE CUSTODY OF COALITION FORCES AS A SECURITY INTERNEE. MNF-I COMMANDER IS THE APPROVAL AUTHORITY TO RELEASE A TCN TO THE IRAQI INTERIM GOVERNMENT FOR PROSECUTION.

3.C.2. (U) **ALL MSCs.**

3.C.2.A. (S//REL TO USA AND MCFI) CONTINUE TO OPERATE INTERNMENT FACILITIES AND DETENTION CENTERS FOR SECURITY INTERNEES, CRIMINAL DETAINEES. CONTINUE TO REFINE PROCEDURES FOR RECEPTION, PROCESSING, INTERNMENT, SECURITY, AND ONWARD MOVEMENT, AS APPROPRIATE, OF CIVILIAN DETAINEES/INTERNEES.

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3.C.2.B. (S//REL TO USA AND MCFI) ESTABLISH RULES AND PROCEDURES NECESSARY FOR THE SAFE AND EFFICIENT OPERATION OF COLLECTION POINTS, INTERNMENT FACILITIES AND DETENTION CENTERS. THIS INCLUDES PROCEDURES AND RULES FOR THE PROPER ADMINISTRATION AND DISCIPLINE OF THE FACILITIES BASED ON U.S. AR 190-8. SHOULD OTHER COALITION ORGANIZATIONS OR UNITS ESTABLISH INTERNMENT FACILITIES OR DETENTION CENTERS, THEY ARE TO ENSURE THAT RULES AND PROCEDURES FOR THOSE FACILITIES OR CENTERS ARE CONSISTENT WITH THE LANGUAGE, SPIRIT AND INTENT OF INTERNATIONAL LAW AND THE GENEVA CONVENTIONS.

3.C.2.C. (S//REL TO USA AND MCFI) SEGREGATE SECURITY INTERNEES FROM CRIMINAL DETAINEES AND TRANSPORT THEM TO THE COALITION HOLDING FACILITY. TRANSPORT SECURITY INTERNEES WHO ARE ON THE DIA BLACK LIST, DIRECTLY TO THE SPECIAL CONFINEMENT FACILITY AFTER GAINING APPROVAL FROM MNC-I/MNF-I C2 US)/IRAQ SURVEY GROUP (ISG), AND MNF-I, DCG-D.

3.C.2.D. (S//REL TO USA AND MCFI) AUTHENTICATE INTERNMENT ORDERS FOR HVDS ON THE DIA BLACK OR GRAY LIST THROUGH THE MNC-I STAFF JUDGE ADVOCATE (SJA)/LEGAL OR PROVOST MARSHAL.

3.C.2.E. (S//REL TO USA AND MCFI) MNC-I PROVOST MARSHAL OFFICE MAINTAINS AN ELECTRONIC COPY OF THE DATABASE OF DETAINEES HELD AT THE CORPS LEVEL THAT SHALL BE POSTED ON A SIPRNET WEBSITE, AS WELL AS A MNC-I CENTRIXS WEBSITE FOR ACCESS BY BRIGADE, DIVISION OR COALITION CIVIL AFFAIRS (OR EQUIVALENT) AND OTHER UNITS FOR USE IN RESPONDING TO PUBLIC INQUIRIES.

3.C.2.F. (S//REL TO USA AND MCFI) MSCS WILL OBTAIN AND PRESERVE ALL COALITION APPREHENSION FORM INFORMATION, STATEMENTS, INFORMATION REPORTS (OR EQUIVALENT) AND EVIDENCE DOCUMENTS AND DELIVER THE EVIDENCE TO DETENTION FACILITIES WITH THE DETAINEE/ INTERNEE. THE MSCS WILL TRANSFER ALL RELEVANT INFORMATION, INCLUDING THE DETAINEE'S FILE, WITH THE DETAINEE/ INTERNEE IF THE DETAINEE/ INTERNEE IS TRANSFERRED TO ANOTHER DETENTION/INTERNMENT FACILITY.

3.C.2.G. (S//REL TO USA AND MCFI) DESIGNATE A DETENTION REVIEW AUTHORITY (DRA) FROM THE MSC'S OFFICE OF THE STAFF JUDGE ADVOCATE TO REVIEW DETAINEE FILES AND EVIDENCE AND WITH THE ASSISTANCE OF THE MSC PMO OR MP REPRESENTATIVE TRACK COMPLIANCE WITH THIS FRAGO. THE DRA'S OTHER RESPONSIBILITIES ARE DEFINED IN PARAGRAPHS 3.C.1.E. THROUGH 3.C.1.F.

3.C.2.H. (S//REL TO USA AND MCFI) **DETAINEE/INTERNEE IDENTIFICATION:** CAPTURE BIOMETRIC DATA ON ALL DETAINEES/INTERNEES PROCESSED THROUGH INTERNMENT FACILITIES. DIGITALLY PHOTOGRAPH, FINGERPRINT, IRIS SCAN AND OBTAIN PERSONAL IDENTIFYING INFORMATION, ON EACH DETAINEE IN ACCORDANCE WITH SOP'S. INFORMATION WILL INCLUDE: FULL NAME, TRIBAL NAME, GENDER, DATE OF BIRTH, RACE, HAIR/EYE COLOR, BUILD, ALERT (ALWAYS YES), MARKINGS OR TATTOOS, DESCRIPTION OF THE OFFENSE, PLACE OF BIRTH, HEIGHT, WEIGHT, ETHNICITY, RELIGION, MARITAL STATUS, ID NUMBERS (CAPTURE AND FACILITY), CAPTURE DTG, CAPTURING UNIT, PLACE OF CAPTURE, DOCUMENTS, CIRCUMSTANCES, WEAPONS AND EQUIPMENT, AND CAMP NAME. A

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HARDCOPY OF THE PHOTOGRAPH IS TO BE PROVIDED IN THE DETENTION REVIEW FILE FOR THAT DETAINEE.

3.C.2.H.1. (S//REL TO USA AND MCFI) MSC'S WILL ENSURE THAT EACH CAMP HAS SIPR CONNECTIVITY AND PROVIDE THE SUPPORT NECESSARY TO ENSURE THE TIMELY AND ACCURATE UPLOADS OF DATA, AS WELL AS ENSURE THEIR ABILITY TO CHECK REPOSITORY DATABASES. MSC'S WILL ENROLL ALL PERSONS DETAINED INTO BATS, AND AT A MINIMUM CONDUCT A NAME AND RETINAL CHECK AGAINST THE MAIN DATA REPOSITORY. MSC'S WILL SAFEGUARD, MAINTAIN AND ACCOUNT FOR ALL BATS EQUIPMENT DEVICES ISSUED AND WILL REPORT TO THE MNC-I PMO WHEN EQUIPMENT BECOMES UNAVAILABLE, BROKEN, LOST OR STOLEN.

3.C.2.H.2. (S//REL TO USA AND MCFI) ALL DETAINEES WILL BE ASSIGNED A CAPTURE TAG NUMBER THAT WILL INCLUDE THE MSC ID (I.E. 1ID-_____). THE REMAINDER OF THE NUMBER MUST ALLOW MSC THE ABILITY TO IDENTIFY THE CAPTURING UNIT AND CAPTURE DATE.

3.C.2.I. (S//REL TO USA and MCFI) ASSIGN GUARDS WHO WILL PROVIDE FOR SECURITY AND ACCOUNTABILITY FOR ANY DETAINEES/INTERNEES RECEIVING TREATMENT IN A MEDICAL UNIT/HOSPITAL. PROVIDE FOR TRANSPORTING DETAINEES TO THE APPROPRIATE DETENTION/INTERMENT FACILITY AFTER MEDICAL DISCHARGE.

3.C.2.J. (U) SERVICE PERSONNEL WILL FOLLOW DETAINEE STAFF HEALTH SCREENING AS PUBLISHED IN MNCI FRAGO 016 [HEALTH AND SANITATION INSPECTIONS IN SUPPORT OF MNCI DETENTION FACILITIES] TO MNC-I OPOD 04-01 OR SERVICE POLICY FOR HEALTH SCREENING IF MORE STRINGENT.

3.C.2.K. (U) FORWARD REQUIREMENTS OF THIS FRAGO TO ALL DETENTION/INTERMENT FACILITIES UNDER ITS COMMAND AND CONTROL.

3.C.2.L. (U) CONDUCT UNIT TRAINING ON GRADUATED FORCE AND STANDARDS OF CONDUCT OF MILITARY POLICE AND COORDINATE TRAINING WITH COALITION MILITARY POLICE UNITS TO ENSURE THAT TRAINING IS CONSISTENT THROUGHOUT THE MNC-I AOR.

3.C.2.M. (U) ENSURE EVIDENCE/PROPERTY ROOMS ARE SET UP AND ORGANIZED AT EACH DETENTION FACILITY AND THAT ADDITIONAL ROOMS ARE PROVIDED FOR IRAQI JUDGES AND INVESTIGATORS WHEN WORKING AT THE DETENTION FACILITY.

3.C.2.N. (U) MAINTAIN LIAISON WITH LOCAL CRIMINAL COURTS; AND, IN CONJUNCTION WITH SERVICING STAFF JUDGE ADVOCATES, IRAQI COURT INVESTIGATORS, AND POLICE, TO ENSURE THE TRANSFER AND PROCESSING OF CRIMINAL DETAINEES TO IRAQI FORCES OR THE IRAQI CRIMINAL SYSTEM.

3.C.2.O. (S//REL TO USA AND MCFI) IF A DETAINEE ARRIVES AT THE THEATER INTERMENT FACILITY(TIF) WITH INSUFFICIENT EVIDENCE TO SHOW A PROBABLE CAUSE BASIS FOR CONTINUED INTERMENT, THE MSC WILL HAVE 14 DAYS AFTER NOTIFICATION BY THE TIF MAGISTRATE TO PROVIDE ADDITIONAL EVIDENCE, OR DETAINEES FILES WILL BE IMMEDIATELY FORWARDED TO THE COMBINED REVIEW AND RELEASE BOARD (CRRB) WITH A RECOMMENDATION TO RELEASE. IF CONTACTED BY TIF MAGISTRATE FOR MORE DOCUMENTATION TO SHOW PROBABLE

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CAUSE TO DETAIN, MSC SHOULD MAKE EVERY EFFORT TO PROVIDE ADDITIONAL EVIDENCE OR NOTIFY MAGISTRATE THAT THERE IS NO FURTHER EVIDENCE.

3.D. (U) **COORDINATING INSTRUCTIONS.** [CHANGE]

3.D.1. (S//REL TO USA AND MCFI) THE POLICY SET FORTH IN THIS FRAGO APPLIES TO ALL MULTINATIONAL FORCES, UNITS AND PERSONNEL OPERATING WITHIN THE MNC-I AOR AND SUCCESSOR APPOINTMENTS AND COMMANDS. ALL MNC-I ACTIVITIES WILL COMPLY WITH INTERNATIONAL HUMANITARIAN LAW UNDER THE AUTHORITY IN UNSCR 1546, AND WILL COMPLY WITH THOSE PROVISIONS OF CPA MEMO 3 (REF P) THAT GOVERN MNF-I DETAINEE OPERATIONS. IT IS RECOGNIZED THAT MULTINATIONAL FORCES WILL ACT IN ACCORDANCE WITH THEIR OWN INTERNATIONAL AND DOMESTIC LEGAL OBLIGATIONS IN RELATION TO DETAINEES/INTERNEES AND EPWS. THIS FRAGO DOES NOT AFFECT EXISTING AGREEMENTS AND ARRANGEMENTS BETWEEN CERTAIN MULTINATIONAL FORCE PARTNERS REGARDING THE TRANSFER OF DETAINEES/INTERNEES.

3.D.1.A. (S//REL TO USA AND MCFI) U.S. FORCES CAPTURING DETAINEES IN MND-SE WILL COORDINATE WITH AND TRANSPORT DETAINEE(S) TO THE CLOSEST MSC COLLECTION POINT.

3.D.2. (S//REL TO USA AND MCFI) AUTHORITY TO DETAIN: MULTINATIONAL FORCE UNITS ARE AUTHORIZED TO DETAIN PERSONS WHO THEY HAVE PROBABLE CAUSE TO BELIEVE ARE AN IMPERATIVE THREAT TO THE SECURITY OF MULTINATIONAL FORCES, AND ITS MISSION; ACTING TO OBSTRUCT THE PROGRESS OF THE MULTINATIONAL FORCE MISSION WHETHER BY DEMONSTRATION, RIOT OR OTHER MEANS, IN A MANNER THAT DEMONSTRATES AN IMPERATIVE THREAT TO THE SECURITY OF MULTINATIONAL FORCES; ATTEMPTING TO ENTER, WITHOUT AUTHORITY, ANY AREA CONTROLLED BY COALITION FORCES; COMMITTING, ATTEMPTING, CONSPIRING, THREATENING OR SOLICITING ANOTHER TO COMMIT OR AID OR ABET IN THE COMMISSION OF A CRIME; THE PERSONS IDENTIFIED IN A WARRANT, ORDER OR INDICTMENT ISSUED BY A COMPETENT AUTHORITY.

3.D.2.A. (S//REL TO USA AND MCFI) COALITION UNITS DETAINING PERSONS IDENTIFIED AS A SUSPECTED WAR CRIMINAL, OR A PERSON INVOLVED IN THE COMMISSION OF A CRIME AGAINST HUMANITY OR ATROCITY WITHOUT A CID HOLD ALREADY IN PLACE ARE TO NOTIFY THE THEATER MILITARY POLICE BATTALION CRIMINAL INVESTIGATION DIVISION (CID) (US) (DSN 318-822-2829).

3.D.2.B. (S//REL TO USA AND MCFI) DETAINEES SUSPECTED OF WAR CRIMES, CRIMES AGAINST HUMANITY OR OTHER ATROCITIES, AND HVDs, ARE TO BE TRANSFERRED OR RETAINED IN U.S. CUSTODY UNTIL RELEASE IS EXPRESSLY AUTHORIZED BY DCG-D, MNF-I.

3.D.2.C. (S//REL TO USA AND MCFI) COALITION UNITS DETAINING SECURITY INTERNEES OR HVDs ARE TO NOTIFY UNIT INTELLIGENCE OFFICERS (S2) OR EQUIVALENT AND THE U.S. LIAISON OFFICER (LNO) IF APPLICABLE. IN THE CASE OF HVDs, THE UNIT S2 OR U.S. LNO ARE TO NOTIFY THE MNC-I C2 IMMEDIATELY. THE MNC-I PMO WILL BE COPIED ON THE REPORTS.

3.D.2.D. (S//REL TO USA AND MCFI) UNLESS DIRECTED OTHERWISE BY A MORE SENIOR COMMANDER, THE DECISION TO DETAIN CIVILIANS IS THE RESPONSIBILITY OF THE SENIOR COALITION SOLDIER OR OFFICER ON THE SCENE.

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3.D.3. (S//REL TO USA AND MCFI) THE DRA WILL ALSO DIRECT CONTINUED DETENTION IF HE/SHE DETERMINES THERE IS PROBABLE CAUSE THAT THE DETAINEE IS A THREAT TO SECURITY AS DEFINED AT PARA 1.C.2., OR IF THERE IS A MILITARY INTELLIGENCE (MI) OR CRIMINAL INVESTIGATION DIVISION (CID) HOLD.

3.D.4. (S//REL TO USA AND MCFI) COALITION FORCES WILL TREAT ALL DETAINEES/ INTERNEES WITH DIGNITY AND RESPECT AND WILL PROVIDE AT LEAST THE STANDARD OF HUMANE TREATMENT REQUIRED UNDER INTERNATIONAL LAW. THIS MEANS THAT DETAINEES/ INTERNEES WILL BE TREATED IN A MANNER ACCORDED TO DETAINEED PERSONS PURSUANT TO THE PRINCIPLES OUTLINED IN GENEVA CONVENTION IV. COALITION FORCES WILL PROTECT DETAINEES FROM PHYSICAL HARM AND AGAINST INSULTS AND PUBLIC CURIOSITY AND WILL TREAT DETAINEES/ INTERNEES WITHOUT DISTINCTION BASED UPON GENDER, RACE, NATIONALITY, RELIGION OR POLITICAL OPINION.

3.D.5. (S//REL TO USA AND MCFI) COMMANDERS AT ALL LEVELS ARE RESPONSIBLE TO ENSURE PROPER HANDLING AND TREATMENT OF DETAINEES/INTERNEES.

3.D.6. (S//REL TO USA AND MCFI) DETAINEE PROCESSING: COALITION UNITS ARE TO CONDUCT TRAINING FOR ALL LEADERS DOWN TO AND INCLUDING PLATOON LEADER/SENIOR NON-COMMISSIONED OFFICER (NCO) ON EVIDENCE PRESERVATION AND THE PROPER COMPLETION OF THE COALITION APPREHENSION FORM AT ATTACHMENT D AND COMPLETION OF THE SWORN STATEMENT FORM (DA 2823) (SEE MNC-I PMO WEBSITE FOR AR 195-5 EVIDENCE PROCEDURES.)

3.D.7. (S//REL TO USA AND MCFI) CAPTURING UNITS ARE TO BE PREPARED TO PROVIDE ADDITIONAL INFORMATION CONCERNING THE CIRCUMSTANCES UNDER WHICH A DETAINEE MAY HAVE BEEN DETAINED, WHICH MAY INCLUDE IDENTIFYING WITNESSES TO THE ALLEGED MISCONDUCT. FAILURE TO IDENTIFY WITNESSES MAY RESULT IN THE RELEASE OF THE DETAINEE/INTERNEE.

3.D.8. (S//REL TO USA AND MCFI) SERVICING JUDGE ADVOCATES OR SUPPORTING LEGAL OFFICERS OF COALITION UNITS ARE DIRECTED TO ASSIST COALITION MILITARY POLICE IN PROVIDING TRAINING, IF REQUIRED, TO CAPTURING UNITS ON DETENTION CRITERIA, PRESERVATION OF EVIDENCE AND BASIC REPORTING IN ACCORDANCE WITH THIS FRAGO.

3.D.9. (S//REL TO USA AND MCFI) COALITION CAPTURING UNITS MUST COMPLETE AS FULLY AS POSSIBLE, COALITION APPREHENSION FORMS (ATTACHMENT D) AND TWO SWORN STATEMENTS USING DA FORM 2823(ATTACHMENT E) OR THE COALITION EQUIVALENT, FROM COALITION SOLDIERS/OFFICERS OR IRAQI NATIONALS THAT WITNESSED THE CRIME/INCIDENT AND APPREHENSION. THIS SHOULD BE COMPLETED BEFORE TRANSFERRING CUSTODY OF A DETAINEE/INTERNEE TO ANY OTHER UNIT OR A DETENTION OR INTERNMENT FACILITY. ALL PHYSICAL EVIDENCE (INCLUDING WEAPONS) IS ALSO TO BE TAGGED AND TRANSFERRED WITH THE DETAINEE TO THE DETENTION FACILITY. PHYSICAL EVIDENCE THAT REQUIRES SPECIALIST INTELLIGENCE EXAMINATION IS TO BE TRACKED BY C2 WITH THE LOCATION OF THE EVIDENCE NOTED ON THE DETAINEE/INTERNEE FILE.

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3.D.10. (S//REL TO USA AND MCFI) PERSONS (EXCEPT HVDS AND PERSONS SUSPECTED OF COMMITTING SERIOUS CRIMES) WITHOUT A COMPLETED CPA FORCES APPREHENSION FORM AND SWORN STATEMENTS WILL NOT BE PROCESSED INTO THE DETENTION OR INTERNMENT FACILITY WITHOUT THE PERMISSION OF THE FACILITY COMMANDER. IN THOSE CASES IN WHICH THE INTERNMENT FACILITY ACCEPTS A DETAINEE/INTERNEE WITHOUT A COMPLETED COALITION APPREHENSION FORM/STATEMENT(S), THE CAPTURING UNIT MUST SUBMIT A COMPLETED COALITION APPREHENSION FORM AND STATEMENT(S) ON THE DETAINEE/INTERNEE TO THE FACILITY WITHIN 24 HOURS AFTER ACCEPTANCE. UNITS ARE TO DISTRIBUTE BLANK COALITION APPREHENSION FORMS TO ALL PATROLLING SUB-UNITS.

3.D.10.A. (S//REL TO USA AND MCFI) THE WRITTEN STATEMENTS ARE TO DETAIL ALL RELEVANT FACTS THAT SUPPORT THE CAPTURING UNITS' BELIEF THAT THE PERSON ARRESTED WAS ENGAGED IN CRIMINAL ACTIVITY, OR OTHER FACTS SUPPORTING SECURITY INTERNEE STATUS. THE STATEMENTS SHOULD BE UNBIASED, LEGIBLE, LOGICAL, COMPLETE AND TIMELY AND SHOULD ADDRESS: WHO, WHAT, WHERE, WHEN, HOW, WHY AND NAMES/CONTACT INFORMATION FOR ALL WITNESSES. THE UNIT OIC SHOULD ENSURE THAT EACH SOLDIER HAS SUFFICIENT TIME TO COMPLETE THE STATEMENT AND THAT SWORN STATEMENTS AND COALITION APPREHENSION FORMS ARE COMPLETED WITHIN 24 HOURS OF APPREHENSION, UNLESS SECURITY CONCERNS DICTATE OTHERWISE.

3.D.10.B. (S//REL TO USA AND MCFI) THE OFFICER IN CHARGE (OIC) OR THE NON COMMISSIONED OFFICER IN CHARGE (NCOIC) OF THE CAPTURING UNIT SHOULD, AS SECURITY PERMITS, COLLECT AS MUCH INFORMATION AS POSSIBLE WHILE AT THE SCENE OF THE CRIME OR APPREHENSION. VITAL INFORMATION INCLUDES COMPLETE NAMES AND ADDRESSES OF ALL WITNESSES AND VICTIMS. IN THE CASE OF CRIMINAL DETAINEES, COOPERATIVE WITNESSES AND VICTIMS SHOULD BE ESCORTED TO THE NEAREST IRAQI POLICE STATION TO PROVIDE STATEMENTS TO IRAQI INVESTIGATORS. IF TRANSPORT IS NOT SAFE OR FEASIBLE, WITNESSES FOR BOTH CRIMINAL DETAINEES AND SECURITY INTERNEES SHOULD BE INTERVIEWED AT THE SCENE BY THE OIC OR NCOIC TO ANSWER: WHO, WHAT, WHERE, WHEN, WHY AND HOW. A SEPARATE REPORT THAT SUMMARIZES THE WITNESS INTERVIEW FOR EACH WITNESS SHOULD BE COMPLETED BY THE OIC OR NCOIC.

3.D.10.C. (U) ALL COALITION OFFICERS ARE HEREBY AUTHORIZED TO TAKE SWORN STATEMENTS AND ADMINISTER OATHS FOR WITNESSES (DA FORM 2823) UNDER THE UNIFORM CODE OF MILITARY JUSTICE ART. 136 FOR THESE PURPOSES. PRIOR TO CONDUCTING THE OATH TO THE WITNESS, THE OIC SHOULD CLOSELY REVIEW THE WRITTEN STATEMENT. THE OIC SHOULD ASK APPROPRIATE FOLLOW UP QUESTIONS IN WRITING ON THE FORM IF THE INFORMATION PROVIDED BY THE WITNESS IS INCOMPLETE, CONFUSING, OR CONTRADICTORY.

3.D.10.D. (S//REL TO USA AND MCFI) COALITION CAPTURING UNITS MUST, IN ACCORDANCE WITH THIS ORDER, SEIZE AND SAFEGUARD ANY EVIDENCE OF THREATS OR ATTACKS AGAINST COALITION FORCES OR OTHER ORGANIZATIONS OF CRIMINAL MISCONDUCT. CAPTURING UNITS MUST TAG THE EVIDENCE WITH A COMPLETED EVIDENCE/PROPERTY CUSTODY DOCUMENT (DA FORM 4137) ATTACHED AS ATTACHMENT F. THE EVIDENCE/PROPERTY CUSTODY DOCUMENT MUST RECORD THE CAPTURE TAG NUMBER ON THE CORRESPONDING CPA FORCES APPREHENSION FORM. EVIDENCE, ESPECIALLY WEAPONS MUST NOT BE LEFT AT THE SCENE OF THE CRIME. PROPERTY THAT IS TOO LARGE TO MOVE, SUCH AS AN INOPERABLE

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VEHICLE, OR EVIDENCE THAT CANNOT BE MOVED, SUCH AS EXPLOSIVES OR IEDS SHOULD BE PHOTOGRAPHED WITH THE PHOTOGRAPH AFFIXED TO A COMPLETED EVIDENCE/PROPERTY CUSTODY DOCUMENT (OR IN THE CASE OF EXPLOSIVES/IEDS, AN EXPLOSIVES ORDINANCE (EOD) CERTIFICATE). A SWORN STATEMENT AS TO THE IDENTIFICATION AND CIRCUMSTANCES OF THE RELEVANCE TO THE PROPERTY MUST ALSO ACCOMPANY THE EVIDENCE/PROPERTY DOCUMENT.

3.D.10.E. (S//REL TO USA AND MCFI) GUIDELINES ON THE SEIZURE OF PROPERTY ARE AT ATTACHMENT G.

3.D.10.F. (U) IF POSSIBLE, THE DETAINEE/ INTERNEE SHOULD REVIEW THE EVIDENCE/PROPERTY DOCUMENT (DA FORM 4137) AT ATTACHMENT F WITH THE HELP OF A TRANSLATOR, IF REQUIRED AND REASONABLY AVAILABLE.

3.D.10.G. (U) CRIMINAL DETAINEES HAVE THE RIGHT TO REMAIN SILENT AND SHOULD BE TRANSFERRED TO IRAQI AUTHORITIES AS SOON AS REASONABLY PRACTICABLE. COALITION FORCES SHOULD NOT QUESTION CRIMINAL DETAINEES IF THE STATEMENT OBTAINED WILL BE USED AGAINST THE DETAINEE IN CRIMINAL PROCEEDINGS OR IF THE DETAINEES RIGHT TO REMAIN SILENT WILL BE VIOLATED. IF THE DETAINEE IS QUESTIONED BECAUSE THEY ARE BELIEVED TO BE A SECURITY DETAINEE, AND IT IS LATER DISCOVERED THAT THEY ARE A CRIMINAL DETAINEE, ANY STATEMENT MADE BY THE DETAINEE IN CONTRAVENTION OF HIS RIGHT TO REMAIN SILENT, SHALL NOT BE SHARED WITH THE IRAQI AUTHORITIES AND SHALL NOT BE USED AGAINST HIM IN A CRIMINAL PROSECUTION. THE RIGHT TO REMAIN SILENT DOES NOT ATTACH TO SECURITY INTERNEES, HVDs WHO SHOULD BE TACTICALLY INTERROGATED WHEN APPREHENDED TO COLLECT INFORMATION NECESSARY FOR FORCE PROTECTION AND/OR LOCATION OF ACCOMPLICES AND OTHER HOSTILE FORCES.

3.D.10.H. (U) WHERE PRACTICABLE, RIGHTS WILL BE READ IN THE DETAINEE'S NATIVE LANGUAGE. ANY WRITTEN STATEMENT THAT REFERS TO OR DETAILS A DETAINEE'S TESTIMONY SHOULD EXPLICITLY STATE THAT THE DETAINEE WAS INFORMED OF THE RIGHT AGAINST SELF-INCRIMINATION AND WHETHER THE RIGHT WAS SPECIFICALLY WAIVED, OR THAT THE STATEMENT WAS VOLUNTARILY MADE AND NOT IN RESPONSE TO ANY DIRECT QUESTIONS. IF THE STATEMENT IS MADE TO A TRANSLATOR THE TRANSLATOR SHOULD PROVIDE THE WRITTEN STATEMENT.

3.D.10.I. (U) WHERE POSSIBLE, THE CRIMINAL DETAINEE'S CASE SHOULD BE CONSIDERED BY IRAQI OFFICIALS WITHIN 24 HOURS OF DETENTION. THE CRIMINAL DETAINEE'S FILE MAY BE TAKEN BY THE MSC OR IRAQI AUTHORITIES TO THE LOCAL OR PROVINCIAL JUDGE FOR DETERMINATION OF WHETHER THE DETAINEE SHOULD REMAIN IN PRETRIAL CUSTODY. ONCE A DECISION IS MADE, THE MSC PMO OR MP REPRESENTATIVE IS RESPONSIBLE FOR COORDINATING THE TRANSPORT OF THE DETAINEE FROM THE DETENTION FACILITY TO IRAQI CUSTODY.

3.D.11. (S//REL TO USA AND MCFI) SAFETY OF COALITION FORCES AND WITNESSES SHOULD NOT BE COMPROMISED IN ORDER TO OBTAIN STATEMENTS (DA FORM 2823) AND CREATE INFORMATION REPORTS. IF THE TACTICAL CIRCUMSTANCES DO NOT PERMIT THE CAPTURING UNIT TO COMPLETE STATEMENTS AND CREATE INFORMATION REPORTS AT THE SCENE, THEN THIS INFORMATION SHOULD BE COMPLETED AT THE FIRST AVAILABLE TIME BEFORE TURNING THE DETAINEE OVER TO THE DELIVERING UNIT.

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3.D.12. (S//REL TO USA AND MCFI) ALL DOCUMENTATION WILL HAVE THE CAPTURE TAG NUMBER INDICATED ON EACH FORM.

3.D.13. (S//REL TO USA and MCFI) DETAINEE REPORTING: MSCs WILL ACCURATELY REPORT STATUS OF DETAINEES TO MNC-I PMO (I/R OPS) AND THE NEXT HIGHER S2X/G2X/C2X NLT 1600 HOURS DAILY. REPORTING PERIODS WILL BE FROM 1200 HOURS THE PREVIOUS DAY TO 1200 HOURS ON THE CURRENT DAY. EACH REPORT WILL INCLUDE: TOTAL NUMBER OF DETAINEES IN EACH MSC AOR TO INCLUDE NEW CAPTURES, TRANSFERS, AND LOSSES. EACH MSC WILL ENCLOSE NOTES ON THE CAPTURES, TRANSFERS AND LOSSES TO EXPLAIN THE DETAINEE MOVEMENT. (FORMS ARE AVAILABLE ON MNC-I PMO WEBSITE OR ELECTRONICALLY FROM PMO I/R).

3.D.13.A. (S//REL TO USA and MCFI) EACH MSC REPORTING WILL INCLUDE AN IN CAMP ROSTER AND A SEPARATE ROSTER INDICATING DISPOSITION OF DETAINEES NO LONGER IN CAMP (RELEASED, TRANSFERRED, ETC.), NUMBER OF DETAINEES/INTERNEES CAPTURED, NUMBER OF 72 HOURS MAGISTRATE REVIEWS PERFORMED LISTING DETAINEE'S NAME, DATE PROCESSED, ACTION TAKEN AND CAPTURE TAG NUMBER AND WILL BE BROKEN DOWN BY NUMBER OF DAYS HELD: 1-5, 6-11, 12-14, 15+. (FORMS ARE AVAILABLE ON MNC-I PMO WEBSITE OR ELECTRONICALLY FROM PMO I/R).

3.D.13.B. (S//REL TO USA AND MCFI) ADDITIONALLY, EVERY MSC PROVOST MARSHAL SHALL MAINTAIN A COPY OF THE DAILY STATISTICS PERTAINING TO DETENTION OPERATIONS.

3.D.13.C. (S//REL TO USA AND MCFI) ALL BRIGADE AND DIVISION INTERNMENT FACILITIES WILL HAVE THE BIOMETRIC AUTOMATED TOOLSET (BAT) LINKED INTO ONE OF THE SERVERS ON SIPR. ALL BIFs AND DIFs WILL UTILIZE BAT MACHINES TO ENTER THE DETAINEE'S PERSONAL DATA AND BIOMETRICS (FINGERPRINTS, IRIS SCANS, AND PHOTOGRAPHS) UPON INTERNMENT INTO THE BIF/DIF. INTERNMENT FACILITIES STATUS AS OF 1200 DAILY WILL BE UPDATED ON THE SERVER NLT 1600 DAILY.

3.D.13.D. (S//REL TO USA AND MCFI) INTERNEES MUST BE ENTERED INTO THE BAT PRIOR TO BEING ACCEPTED IN THE BAGHDAD CENTRAL CONFINEMENT FACILITY.

3.D.14. (S//REL TO USA AND MCFI) MEDICAL SUPPORT: DETAINEES REQUIRING MEDICAL ATTENTION ARE TO BE DELIVERED TO THE NEAREST MEDICAL UNIT FOR ASSISTANCE. UNITS THAT TRANSPORT DETAINEES TO A MTF WILL PROVIDE CONTINUOUS SECURITY UNTIL BATTLE HAND OFF (BHO) (IF ANY) WITH MSC APPOINTED UNITS ASSUMING THE MISSION TO PROVIDE SECURITY TO THE MTF. BHO IS NOT COMPLETE UNTIL ALL PROPER PAPERWORK IS COMPLETED AND MSC APPOINTED UNIT SIGNS FOR THE DETAINEE/PRISONER ON DD FORM 629. TRANSPORTING UNITS WILL USE A PLANNING FACTOR OF 48-72 HOURS FOR BHO WITH MSC ASSIGNED UNITS. ALL DETAINEES/PRISONERS WILL HAVE 24 HOUR SECURITY WHILE IN THE MTF. IF THERE IS NO ASSIGNED UNITS ASSUMING THE MISSION, THE UNIT WILL PROVIDE 24 HOUR SECURITY UNLESS RELEASED FROM THAT DUTY BY THE MTF COMMANDER.

3.D.14.A. (S//REL TO USA AND MCFI) ALL DETAINEES WILL RECEIVE APPROPRIATE MEDICAL CARE.

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3.D.14.B. (S//REL TO USA AND MCFI) A COMPETENT MEDICAL AUTHORITY WILL INSPECT EACH DIF/BIF ON A RANDOM BASIS AT LEAST EVERY 24 HRS TO CHECK THE HEALTH AND LIVING CONDITIONS OF THE DETAINEES (DAILY SICK CALL FULFILLS THE INTENT).

3.D.14.C. (S//REL TO USA AND MCFI) ALL DETAINEES WILL HAVE ACCESS TO LATRINE FACILITIES WITH TOILET PAPER, WATER AND HAND WASHING STATIONS.

3.D.14.D. (S//REL TO USA AND MCFI) MEDICAL AUTHORITY RESPONSIBILITIES: EACH DETAINEE WILL RECEIVE AN INITIAL EXAMINATION BY AN ON-SITE OR ON-CALL MEDIC OR CORPSMAN IMMEDIATELY UPON INDUCTION INTO THE DIF/BIF. WITHIN 24 HOURS A THOROUGH MEDICAL EXAMINATION WILL BE CONDUCTED BY A CREDENTIAL HEALTH CARE PROVIDER, I.E. PHYSICIAN, PHYSICIAN ASSISTANT OR INDEPENDENT DUTY CORPSMAN. THE MEDICAL PROVIDER WILL BRING A UNIT 1, MOLLE MEDICAL KIT, OR EQUIVALENT WITH THEM TO PROVIDE ADEQUATE AND EFFICIENT CARE.

3.D.14.E. (S//REL TO USA AND MCFI) ANY AND ALL SIGNS OF ILLNESS OR INJURY WILL BE RECORDED ON A CHRONOLOGICAL RECORD OF MEDICAL CARE STANDARD FORM (SF 600) THAT WILL BE INCLUDED IN THE DETAINEE'S DPF. NECESSARY MEDICAL TREATMENT AND IMMUNIZATIONS WILL BE INITIATED AND RECORDED AS DEEMED NECESSARY.

3.D.14.F. (S//REL TO USA AND MCFI) DETAINEES REQUIRING URGENT MEDICAL CARE WILL BE IDENTIFIED TO THE GUARD FORCE IMMEDIATELY.

3.D.14.G. (S//REL TO USA AND MCFI) DETAINEES REQUIRING SEGREGATION DUE TO MEDICAL CONDITIONS WILL BE IDENTIFIED TO THE GUARD FORCE IMMEDIATELY.

3.D.14.H. (S//REL TO USA AND MCFI) ALL MSCs SHOULD ESTABLISH SECURITY DETAILS TO PROVIDE SECURITY TO THE MTF IN THEIR AOR, IN ORDER TO RELIEVE TRANSPORTING UNITS FROM THIS RESPONSIBILITY. ALL MSCs BPT CONDUCT BHO WITH TRANSPORTING UNITS AND/OR TO ASSUME 24 HOUR SECURITY OF DETAINEES/PRISONERS BEING TREATED AT MTFs IN THE MSCs AOR. UNITS ASSUMING SECURITY MISSION MUST ENSURE THAT ALL PAPERWORK IS PROPERLY DONE BEFORE RELIEVING TRANSPORTING UNIT.

3.D.14.I. (S//REL TO USA and MCFI) DETAINEES REQUIRING OUTPATIENT TREATMENT WILL BE SECURED BY TRANSPORTING UNIT.

3.D.14.J. (S//REL TO USA AND MCFI) BHO WILL ONLY BE CONDUCTED FOR DETAINEES/ INTERNEES REQUIRING INPATIENT TREATMENT. UPON NOTIFICATION FROM THE MTF OF DETAINEE/INTERNEE REQUIRING LONG TERM OR INPATIENT TREATMENT THE MSC APPOINTED UNIT HAS 8 HOURS TO CONDUCT BHO FROM TRANSPORTING UNITS AND ASSUME 24 HOUR SECURITY OF DETAINEE/ INTERNEE. AFTER COMPLETION OF MEDICAL TREATMENT THE MSC ASSIGNED UNIT WILL CONTACT THE CAPTURING UNIT WHO WILL RETURN TO THE MTF TO PICK UP THE DETAINEE FOR TRANSPORT BACK TO THE CAPTURING UNIT'S INTERNMENT FACILITY OR TO ANOTHER INTERNMENT FACILITY, SUCH AS CHF/TIF. ALL PAPERWORK MUST AGAIN BE COMPLETED RETURNING THE DETAINEE TO CAPTURING UNIT.

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3.D.14.K. (S//REL TO USA AND MCFI) DIRECT LIAISON AUTHORIZED FOR ALL UNITS TO ENSURE SMOOTH TRANSITION AND BHO OF MISSIONS.

3.D.15. (S//REL TO USA AND MCFI) MEDICAL PERSONNEL WILL ENSURE THAT ALL PROPERTY AND DOCUMENTATION THAT ARRIVES WITH THE DETAINEE/INTERNEE ACCOMPANIES THE DETAINEE UPON RELEASE FROM ANY MEDICAL FACILITY IF THE PROPERTY WAS LEFT BEHIND BY CAPTURING UNIT.

3.D.16. (S//REL TO USA AND MCFI) TRANSFER OF INTERNEES: ALL INTERNEE TRANSFERS WILL BE COORDINATED WITH CDR, BCCF AND DCG-D, MNF-I.

3.D.17. (S//REL TO USA AND MCFI) REPORT LOCATION OF NEW HOLDING AREAS, IF FACILITY WILL BE A DETAINMENT FACILITY FOR LONGER THAN 72 HOUR PERIODS, TO THE MNC-I PROVOST MARSHAL OFFICE (POC BELOW). CONDUCT APPROPRIATE COORDINATION AS NECESSARY WITH DCG-D, MNFI, OTHER COALITION FORMATIONS AND MP UNITS TO ENSURE SECURITY INTERNEES AND CRIMINAL DETAINEE DETENTION PROCEDURES ARE CONSISTENT THROUGHOUT THE COALITION AOR.

3.D.18. (U) UNITS PREVIOUSLY INVOLVED IN THE CAPTURE AND TRANSPORT OF CRIMINAL DETAINEES SUSPECTED OF CRIMINAL ACTIVITY OR SECURITY INTERNEES, WILL COOPERATE WITH REQUESTS TO HAVE SERVICE MEMBERS PROVIDE FOLLOW-UP WITH WRITTEN, SWORN STATEMENTS.

3.D.19. (S//REL TO USA AND MCFI) **USE OF DEADLY FORCE AGAINST AN ESCAPING DETAINEE/ INTERNEE**. IAW REF G, PARA 4-106, WHEN A DETAINEE/ INTERNEE TRIES TO ESCAPE, A GUARD SHOUTS "**HALT**" THREE TIMES; THEREAFTER, THE GUARD USES THE LEAST AMOUNT OF FORCE NECESSARY TO HALT THE DETAINEE/INTERNEE. IF THERE ARE NO OTHER EFFECTIVE MEANS OF PREVENTING ESCAPE, DEADLY FORCE MAY BE USED IN SOME CIRCUMSTANCES. FOR EXAMPLE, IF A DETAINEE TRIES TO ESCAPE FROM A FENCED ENCLOSURE, DEADLY FORCE MAY NOT BE USED UNTIL HE CLEARS THE OUTSIDE FENCE (BARRIER, CONCERTINA WIRE, OR RAZOR TAPE) AND MAKES FURTHER EFFORTS TO ESCAPE. IF A DETAINEE TRIES TO ESCAPE OUTSIDE OF A FENCED ENCLOSURE, FIRE ONLY IF HE DOES NOT HALT AFTER THE THIRD COMMAND AND IMMINENT ESCAPE WOULD RESULT. INCORPORATE THIS STATEMENT IN INTERNMENT FACILITY SOPs.

3.D.19.A. (U) SEE ANNEX A CHAPTER 3 (LEGAL) GRADUATED USES OF FORCE AND FOR USE OF LESS THAN LETHAL MUNITIONS.

3.D.20. (U) EACH DIVISION SHALL ENSURE PROPER COORDINATION WITH U.S. CRIMINAL INVESTIGATION DIVISION (CID). CID IS THE PRIMARY AGENCY RESPONSIBLE FOR INVESTIGATION OF WAR CRIMES, AND CRIMES AGAINST COALITION FORCES, AND OTHER MATTERS. EVIDENCE COLLECTION, INTERVIEWS, AND SITE INSPECTIONS WILL BE CONDUCTED IN CONSULTATION WITH COMMANDER, THEATER MP BATTALION (CID).

3.D.21. (U) DIVISIONS ARE TO ENSURE ALL UNITS ARE MADE AWARE OF THE REQUIREMENTS IN THIS FRAGO CONCERNING THE APPREHENSION AND TRANSPORT OF CRIMINAL DETAINEES AND SECURITY INTERNEES.

3.D.22. (U) DIVISIONS ARE TO CONDUCT UNIT LEVEL TRAINING ON DA FORM 4137 AND DA FORM 2823. TRAINING SHOULD INCLUDE VIGNETTES AND A

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PRACTICAL EXERCISE ON PREPARING A DETAILED STATEMENT. A SOLDIER'S GUIDANCE CARD ON APPREHENSION AND DETENTION IS AT ATTACHMENT I.

3.D.23. (U) DIVISIONS ARE TO ENSURE UNIT LEVEL TRAINING IS CONDUCTED ON THE CODE OF CONDUCT AND ITS STRICT ENFORCEMENT. TRAINING SHOULD INCLUDE: PROPER TREATMENT OF THOSE APPREHENDED FOR SUSPECTED CRIMINAL ACTIVITY IN ACCORDANCE WITH INTERNATIONAL HUMANITARIAN LAW; PROPER PROCEDURE FOR SEIZING, INVENTORYING AND SAFEGUARDING THE PERSONAL PROPERTY OF A DETAINEE/INTERNEE.

3.D.24. (U) DIVISIONS ARE TO FORWARD REQUIRED FORMS TO UNITS THAT DO NOT HAVE EASY ACCESS TO AUTOMATION.

3.D.25. (U) THE STANDARDS IN THIS FRAGO ARE MINIMUM STANDARDS. ANY ORDER DRAFTED TO IMPLEMENT THIS FRAGO SHOULD BE FORWARDED TO MNC-I SJA AND MNC-I PMO FOR REVIEW.

4. (U) SERVICE SUPPORT. [NO CHANGE]

5. (U) **COMMAND AND SIGNAL. [CHANGE]**

5.A. (U) COMMAND. [NO CHANGE]

5.B. (U) **SIGNAL. [CHANGE]**

5.B.1. (U) MNC-I SJA POC: DNVT: 302-537-1201, DSN: 318-822-2498, SIPR: MNC-ISJAOPS@IRAQ.CENTCOM.SMIL.MIL.

5.B.2. (U) MNC-I PMO POC: DSN: 318-822-2080/2082/2140, DVNT: 302-558-0710, SIPR: CJTF7-PMO@IRAQ.CENTCOM.SMIL.MIL.

5.B.3. (U) THEATER MP BATTALION (CID) POC CRIMINAL INTELLIGENCE COORDINATOR (CIC); DNVT: 318-822-2829/2830, or MNC-I-PMO@IRAQ.CENTCOM.SMIL.MIL.

ACKNOWLEDGE

METZ
LTG

OFFICIAL:

ROGERS
C3

ATTACHMENTS:

1. DETENTION FLOWCHART

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2. FBI FINGERPRINT CARD (FD FORM 249)
3. PERSONS SUSPECTED OF WAR CRIMES
4. CPA APPREHENSION FORM
5. WITNESS STATEMENT FORM (DA FORM 2823 (US))
6. EVIDENCE/PROPERTY CUSTODY DOCUMENT (DA FORM 4137 (US))
7. PROCEDURE FOR DEALING WITH SEIZED PRIVATE PROPERTY
8. CONDITIONAL RELEASE AGREEMENT
9. MNC-I DETENTION GUIDANCE CARD
10. PREVENTIVE MEDICINE HEALTH AND ENVIRONMENTAL SURVEY
11. PRINCIPLES OF DETENTION MEDICAL ETHICS
12. PRINCIPLES OF MEDICAL CARE OF DETAINEES AND ENEMY POWS

ANNEXES:

- A. LEGAL
- B. INTEL
- C. MEDICAL

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