Intelligence Exploitation of Enemy Material

Lessons and observations from
Operation Iraqi Freedom (OIF)

20 June 2006

Table of Contents

Prologue

The observations, analyses and assessments summarized in this document are based on the candid comments and reports of the men and women who participated in Operation ENDURING FREEDOM (OEF)/Operation IRAQI FEEDOM (OIF) by supporting our forces and leading our Marines. The high level of professionalism and military aptitude demonstrated by individual and unit performances during OEF/OIF are hallmarks of these conflicts. Just as the enemy changes his tactics, techniques procedures (TTP), we too must quickly change and adapt to the fight at hand. The Marine Corps has an enviable reputation for innovation and adaptation, and maintains the highest standards of excellence in the art of warfare. It is with a conscious intent to maintain this reputation that the Marine Corps Center for Lessons Learned offers the observations and commentary within this report. Please take the information provided, build on it, and report back on its applicability. Comments and feedback are welcomed and encouraged.

This is one of many documents and briefings covering a wide variety of topics that have been put together by the Marine Corps Center for Lessons Learned (MCCLL). The MCCLL library of lessons and observations are not sole source or authoritative, but are intended as a means of informing the decision making process and effecting needed changes in our institution. It is of the utmost importance that individuals and units continue to provide their lessons and observations so we can ensure the next unit to deploy has the benefit of hard-earned experience prior to crossing the line of departure. Getting your observations and lessons into the Lesson Management System early enough to impact pre-deployment training is crucial to increasing the effectiveness of follow on units and saving the lives of our Marines.

M. E. Dunard
Colonel, United States Marine Corps Reserve
Director, Marine Corps Center for Lessons Learned

Executive Summary

Enemy Detainee Processing - The process of controlling, maintaining, protecting and accounting for detainees is complex, and most Marines have only limited visibility of other than that portion of the process that pertains to their daily duties. Actions during capture of a detainee, including the collection of documents and other material, can impact on the eventual confinement or release of an individual.

Enemy Material Processing - US military leaders require a significant amount of evidence to keep a suspected insurgent in custody. The Iraqi legal system does not recognize many Western legal concepts and is based not on the more familiar Western adversarial system but upon a judge-directed investigatory system. Since confidential sources of information leading to capture of insurgents often will not testify and interrogations in Iraq have seldom led to confessions, physical evidence gathered at the time of capture is key to ensuring insurgents remain in detention. Unless evidence is collected at time of capture and evidentiary and accountability requirements are met, insurgents can be set free to return to fight again after temporary detention.

Iraqi Court System Requirements - *Iraqi judges tend to demand overwhelming physical evidence before deciding to keep a suspected insurgent detained.*

Infantry Battalion TTPs - The first steps of the detainment process are executed by maneuver elements. Although Marines are not expected to be police detectives servicing a crime scene, they can be trained in techniques for proper search and seizure and what material is likely to be useful as evidence.

MAGTF/GCE Headquarters TTPs – Timelines and changes in evidentiary requirements require prompt exploitation and processing of captured enemy material as potential evidence to support continued detainment of insurgents. Due to a lack of resources, the MEF in Iraq is currently not resourced to man a complete Exploitation Center, leaving large volumes of captured material unprocessed.

Recommendations

- Establish an Exploitation Center in the MEF area of operations in Iraq. If Marines are not available, man the Exploitation Center with contract linguists and contract intelligence analysts.

- Train Marines and Iraqi Security Forces (ISF) to conduct Sensitive Site Exploitation and Document Exploitation. Prepare ISF personnel to man the Exploitation Center, as necessary.

mccll/kdd/v7_1   4
FOR OFFICIAL USE ONLY

Tasking

This document is provided in response to a request from the Commanding General, Marine Corps Combat Development Command (MCCDC) regarding lessons, observations, tactics, techniques and procedures (TTP) from units and individuals operating in Operation Iraqi Freedom II (OIF II). The Marine Corps Center for Lessons Learned (MCCLL) is tasked to serve as a repository for observations and data collected and to transform that information into useable formats for dissemination throughout the Marine Corps.

MCCLL is grateful for the professional, collaborative support from Captain Matthew Nieland, USMC, an Intelligence Officer who served with I MEF G-2 as the Marine Corps Intelligence Activity (MCIA) Liaison Officer during OIF II, and whose observations and recommendations are quoted in this paper.

Overview

This document is based upon vetted input from Operating Forces submitted to the MCCLL Lessons Management System (LMS) and observations and information through interviews. While the information contained within the LMS provides insight into the area of interest, it may not represent a comprehensive overview of the issues. In some cases, there may be perspectives not available within the MCCLL database.

Information presented below provides a summary of the data currently contained within the LMS on the topic. Source material for this document is contained in an LMS binder located at www.mccll.usmc.mil. After registration/login, click on "My Binders," then "Sensitive Site Exploitation." Information on other topics is available in the LMS at:

NIPRNET: www.mccll.usmc.mil

SIPRNET: www.mccll.usmc.smil.mil

Definitions

Sensitive Site – A geographically limited area with special diplomatic, informational, military, or economic sensitivity to the U. S.

Sensitive Site Exploitation (SSE) – A series of activities inside a sensitive site that exploits enemy documents, electronic data and material. Routine targets are not sensitive sites, but SSE is often used by operators to describe the action of collecting enemy material at a target.

Sensitive Site Exploitation Team (SST) - A tailored organization responsible for entering a captured sensitive site to exploit its contents and neutralize or remove any threats posed by material found inside.

Tactical Recovery and Exploitation (TAREX) – The physical act of seizing both documents and media equipment that appear to have potential intelligence value.

Document Exploitation (DOCEX) – The exploitation of captured enemy documents for potential intelligence value.

Media Exploitation (MEDEX) – The exploitation of seized media equipment for potential intelligence value.[1]

Background

"Think for a moment how you would feel if four of your Marines were killed by an IED, and you found out that the insurgent who killed them had recently been in US custody. We had him, and we let him go. We let him go, and he killed four of your Marines. What would you give to be able to go back in time, to the day the insurgent was first captured, and gather the evidence necessary to keep the killer detained? Train now for Sensitive Site exploitation, and on the day the insurgent is first detained, you WILL gather the evidence necessary to keep him locked away, and you will bring those four Marines home alive."[2]

Exploiting captured enemy material is vital to the U.S. war effort in any conflict. This process provides actionable intelligence for front-line units; and tangentially, can provide information to use in an information operation (IO) campaign to mold public opinion. Another use of captured enemy material has evolved that of providing evidence to keep enemy combatants incarcerated. Properly exploiting captured enemy material requires two essential tasks: proper search and seizure techniques at the target, and timely exploitation of the captured material at headquarters.

During the invasion of Iraq in 2003 and the march toward Baghdad, innumerable potential sensitive sites were uncovered. Not being experts at identifying sites, Marine units identified and reported those sites that struck them as being dangerous or of interest to the Sensitive Site Exploitation Teams (SST). However, due to the overwhelming volume of sites uncovered during the attack, SSTs were over extended and delayed in arriving at the designated areas.

Therefore, attacking units were tasked to provide security on the sites until the SSTs could arrive. This resulted in multiple detachments from being left behind until appropriately relieved as their parent battalions continued to attack forward.[3] SSTs remain a high demand, low density asset, and maneuver units can be key in the capture of enemy documents and other material.

The Issue:

Marine Corps tactical operations in Iraq must work in concert with the Iraqi legal system, as detainees captured by Marine units are turned over to the Iraqi courts. The exploitation of captured enemy material by Marine units is a vital part of the detainee process. If Marines are to keep insurgents detained, they must provide evidence to the Iraqi courts from these exploitation efforts. Marine Corps operational forces are not able to properly detain potential enemy because units do not have the capability to process captured personnel and material. The vast majority of detainees captured by Marines are released soon after capture since they do not have the evidence to justify their continued detention. This topical report will address captured enemy material and its role in the detainee process. It will also make recommendations in training, processes and equipment to enhance Marine Corps war fighting capability.

Enemy Detainee Processing

Detainee Process

During the conduct of modern military operations, members of the Armed Forces of the United States must be prepared to detain a wide array of individuals who fall into one of several different categories including enemy prisoner of war (EPW), terrorists, and civilians. Regardless of the category or status of a detainee, U.S. forces must be prepared to properly control, maintain, protect, and account for all categories of detainees in accordance with applicable domestic law, international law, and policy.[4]

The process of controlling, maintaining, protecting and accounting for detainees is complex and most Marines have only limited visibility of other than that portion of the process that pertains to their daily duties. Marines assigned to infantry battalions, to Regional Detention Facilities (RDF), to the MEF Staff, and to Multinational Force, Iraq (MNFI) each see a portion of the process, but they may not be aware of how their actions during capture of a detainee can impact on the eventual confinement or release of an individual. Unless evidence is collected at time of capture, and evidentiary and accountability requirements are met, insurgents can be set free to return to fight again after temporary detention

Detention Requirements

U.S. military leaders require a significant amount of evidence to keep a suspected insurgent in custody. Such policy is intended to protect innocent civilians who get caught up in security sweeps from being detained for prolonged periods; however, processing and evidence requirements can also make it difficult to substantiate charges against captured insurgents. As a result, significant numbers of insurgents are freed from incarceration. According to the National Detainee Reporting Center, in the past year there have been over three hundred confirmed cases

of former detainees being recaptured in Iraq in the past year. Some of these former detainees were recaptured after attacking U.S. forces and killing Marines. Many of these former detainees would likely have remained in custody if documents captured with them had been exploited in a timely manner.[5]

Enemy Material Processing

Since confidential sources of information leading to capture of insurgents often will not testify and interrogations in Iraq have seldom led to confessions, physical evidence gathered at the time of capture is key to ensuring insurgents remain in detention. This physical evidence must be carefully collected by maneuver units conducting SSE during raids, and the captured material must be processed through an Exploitation Center at headquarters to identify what items can be used as evidence.

As previously noted, the detainee process is complex and it takes a significant amount of evidence to keep a suspected insurgent behind bars. When captured enemy material is not exploited, insurgents can be released soon after capture. The first steps of the detainee process are executed by maneuver elements. Although Marines are not expected to be police detectives servicing a crime scene, they can be trained to conduct proper search and seizure techniques. Units conducting raids and other offensive actions must capture enemy documents, computers, pocket litter, and other material. Enemy material is of potential evidentiary or intelligence value. Within each battalion a Sensitive Site Exploitation Team (SST) can be trained and equipped to properly exploit a raid site.

Captured enemy material that is transferred to the MEF is usually sent to Multinational Force, Iraq (MNFI) headquarters in Baghdad, and then it is sent to Defense Intelligence Agency (DIA) document exploitation (DOCEX) facility in Qatar, and there is seldom any feedback to maneuver units on whether the material was used or reviewed, or whether material contained any actionable intelligence. Additionally, some former detainees are proven to be insurgents by documents that are exploited after the detainee has been released. According to the National Detainee Reporting Center, there have been over 300 confirmed cases of former detainees being recaptured in Iraq in the past year (2005); three of these detainees have been recaptured a third time. Some of these former detainees were recaptured after attacking US forces with roadside bombs. Many former detainees would likely have remained in custody if documents captured with them had been exploited in a timely manner. The documents were not exploited because there was no Exploitation Center, and hence detainees were released for lack of evidence.[6]

Operation Al Fajr, November 2004

One exception to this inefficient process of handling captured material occurred in November of 2004, when Marines (augmented by MNFI) set up a temporary Exploitation Center during Operation Al Fajr. The temporary Exploitation Center was located at Camp Fallujah, Iraq in 2004. This Exploitation Center was organized into four sections, including an Evidence Locker, a Document Exploitation section, a Media Exploitation section, and a Production Section. This organization proved to be very effective. The CG of I MEF considered the Exploitation Center a successful endeavor, as it resulted in actionable intelligence for maneuver units and in the

continued detention of hundreds of insurgents. I MEF could not sustain the effort, however, and the Exploitation Center was closed upon completion of kinetic operations in Fallujah.[7]

Iraqi Court System Requirements

Meeting Iraqi judicial requirements for proof that a crime has been committed has been a challenge for coalition forces. Judges in Iraq have great latitude in deciding the guilt or innocence of detainees and may choose to implement standards laid out in any of three, often conflicting sources: the 1971 Iraqi Law on Criminal Proceedings, religious texts, or precedents established by prior cases. The Iraqi legal system does not recognize many Western legal concepts and is based not on the more familiar Western adversarial system but upon a judge-directed investigatory system.[8] *The bottom line is that Iraqi judges tend to demand overwhelming physical evidence before deciding to keep a suspected insurgent detained.* At the same time, even some cases backed by strong evidence have been thrown out by judges exercising their judicial discretion. The rules assume a functioning Iraqi legal system, which is almost nonexistent in some areas. This results in little more than a "Catch and Release Program." Marines are risking their lives conducting raids only to have detainees released in a matter of weeks with captured documents that might have served as evidence sitting in boxes not being read by anyone.[9]

Aftermath of Abu Ghraib

The abuse of prisoners at Abu Ghraib Prison in November of 2003 resulted in a policy memorandum from Headquarters Combined Joint Task Force Seven (CJTF-7) on 13 May 2004 regarding interrogation and detainee handling. On 9 June 2004, 1st Marine Division clarified the CJTF-7 policy by publishing Fragmentary Order 139-04, which addressed detention operations, detainee handling, and interrogations. Marines in Iraq must move detainees they have captured from forward operating bases to Regional Detention Facilities (RDF) within 18 hours. From there, a detainee is either moved to the central facility at Abu Ghraib within two weeks for his case to begin moving through the Iraqi justice system, or he must be released. Detainees moved to Abu Ghraib begin the judicial review process.

Current guidelines require that the evidence coalition forces assemble against a captured insurgent include two sworn statements describing the crime, photographs of the target, a diagram of the site of capture, and any contraband discovered, along with a completed apprehension form and evidence voucher. Meeting the time limit imposed on U.S. forces for assembling a case against each suspected insurgent in custody is difficult and sometimes does not allow time for adequate interrogation or investigation.[10] Witnesses can no longer include confidential sources that have provided crucial tips and tactical intelligence to US forces. Witnesses must be publicly identified and their credibility must be established before an Iraqi court. Demanding that confidential tipsters be exposed and their backgrounds scrutinized is a 'bad idea' in fighting the counterinsurgency campaign. Acknowledging these changes, one officer in Iraq asserted, "We will never get the support of the population when they risk their lives to give us information and when the mission is over, 14 days later the insurgents are released. We are now putting the informant's life and family at risk."[11]

FOR OFFICIAL USE ONLY

Timelines and changes in evidentiary requirements require prompt exploitation and processing of captured enemy material as potential evidence to support continued detainment of insurgents.

Raid Unit Operations

"During RCT-7's movement north to Baghdad, many elements happened upon ammo caches, suspicious substances, and storage sites that were subsequently classified as Sensitive Sites by higher headquarters. Units received no guidance or training on the appropriate actions to take if a Sensitive Site was uncovered. The 5 C's (confirm, clear, cordon, control, check) were published by Division well after the RCT's movement north. The 5 C's, while appropriate for use in downtown urban America, they are not appropriate for combat units in an ever-changing combat environment."[12]

The first critical task in SSE is executed by maneuver units. Units must be manned, trained, and equipped to conduct SSE. SSE teams in the infantry battalions search raid targets and capture enemy documents, computers, and other material. With proper training, Marines will recognize what enemy material is potentially valuable even without the aid of a linguist.

Process for Handling Captured Enemy Personnel and Material in Iraq (Actual)

Step 1: Infantry battalion raids a target and detains suspected insurgents. HUMINT Exploitation Team (HET) conducts SSE to gather enemy documents, computers, and other material.

Step 2: Within 18 hours of capture, infantry battalion sends detainees and captured material to a Regional Detention Facility (RDF) at either Al Asad, Al Qaim, Fallujah or Ramadi.

Step 3: The RDF has 14 days from the date of capture to either release the detainees, or send them to a central detention facility (currently Abu Ghraib Prison) where the case enters the Iraqi court system. The interrogators and linguists at the RDF generally don't have time to read the captured documents, so the documents sit in boxes and await disposition.

Step 4: The Combined Review and Release Board (CRRB), located at the central detention facility, reviews the case and makes a recommendation to the Central Criminal Court of Iraq. If there is enough evidence to warrant sending the detainee to trial, the case is forwarded to the Iraqi court system. In cases, where there is not enough evidence for trial, the detainee can be held as a security detainee for up to 18 months unless the CRRB releases the detainee before the 18 month time limit. Hundreds of these former detainees have proven to be insurgents, and are subsequently recaptured after attacking Marines.

Step 5: If the case is forwarded to trial, the case is tried by an Iraqi court. The Central Criminal Court of Iraq has convicted half of the detainees sent to trial, the rest are released.[13]

Infantry Battalion TTPs

Some infantry battalions have not been trained or equipped to conduct proper SSE, thereby leaving 'holes' in the intelligence gathering process. Due to lack of SSE training, Marines often do not maintain proper accountability of captured enemy material. Captured material is often lost and potentially valuable information is lost along with the material.

SSE Teams

One lesson from OIF recommends that each infantry battalion, designated to conduct search and seizure raids, be augmented with an SSE Team (SST). The SST should be designated in writing and the SST leader will coordinate with the tactical commander to plan the SST mission, prioritize rooms for search within the site, maintain accountability and custody of captured material and if intelligence-reportable information is discovered inside the site, to ensure the SST writes and disseminates a SPOT (size, position, observation, time) report. The SST members video tape, photograph and draw sketches of the site. Additionally, the SST members will conduct the search, bag and seize items, as required. The SST will ensure that captured enemy

material is maintained with proper chain of custody procedures. The SST must have the necessary equipment to follow established procedures including zip-lock bags, marking material and videotaping equipment.[14]

Tunnel Teams

Conducting SSE in tunnels involves considerations not typically encountered when searching a building. The Tunnel Team carries pistols, as larger weapons may collapse sections of tunnel and damage eardrums. After the team has exited the tunnel, they may choose to throw colored smoke grenades into the tunnel in order to identify any additional tunnel entrances or air vents. Tunnel/cave exploitation can be very time-consuming; plan to spend a lot of time exploiting this kind of target.[15]

SSTs have developed solid techniques of prioritizing and conducting room searches. The more significant lesson may well be how to recognize *what is of value* as a result of the room search. Having an interpreter accompany the search team is recommended, but when one is not available, collect all documents, technical drawings, financial documents, currency and fire arms and material that may be used in making explosive devices: gloves, doorbells, cell phones, remote controls and other electronic devices are.[16]

MAGTF/GCE Headquarters TTPs

The second step to addressing deficiencies in the current process must be executed at the Regimental/Division/MEF headquarters level. At least one of the headquarters should have a dedicated Exploitation Center to process captured material. The MEF in Iraq currently does not have resources to man an Exploitation Center, as interpreters and intelligence analysts are in high demand, with low numbers to support the myriad missions in Iraq. Marine Air Ground Task Force (MAGTF) and regimental headquarters should establish collection points where their maneuver units deliver captured enemy material. Personnel at these central collection points must then conduct Document Exploitation (DOCEX) and Media Exploitation (MEDEX) to gather intelligence and to find material evidence that might keep insurgents detained.

Exploitation Center

Because the MEF in Iraq is currently unable to man a complete Exploitation Center, large volumes of captured material remain unprocessed. Lacking an Exploitation Center, maneuver units have no central collection point to deliver captured enemy material, and boxes of enemy documents often go unread. Processing this material is a critical requirement if the intent is to break the "Catch and Release" cycle. An Exploitation Center can be established at the headquarters level and manned by Marines or contractors. The Exploitation Center will help to maintain proper chain of custody procedures to include tagging all captured material, maintaining proper accountability and establishing an evidence locker with an assigned custodian. Items taken from the evidence locker are signed out through the custodian.[17]

Recommendations

Marines will continue to conduct offensive operations that present the likelihood of disclosing enemy material that could serve as evidence to support prolonged detention of enemy personnel. In order to enhance the Marine Corps' ability to identify, apprehend and detain enemy personnel, the following recommendations are offered:

- Establish an Exploitation Center in the MEF area of operations in Iraq. If Marines are not available, man the Exploitation Center with contract linguists and contract intelligence analysts.

- Train Iraqi Security Forces (ISF) to conduct Sensitive Site Exploitation and Document Exploitation. Prepare ISF personnel to man the Exploitation Center, as necessary.[18]

Process

A further recommendation is to follow the process depicted below:

Recommended Process for Handling Captured Enemy Personnel and Material in Iraq

Step 1: Infantry battalion raids a target and detains suspected insurgents.   An SST made up of Marines from CI/HUMINT, Radio Battalion, CID, EOD, and the Combat Camera unit gathers enemy documents, computers, and other material.

Step 2: Within 18 hours of capture, the infantry battalion sends detainees and captured material to the RDF.

Step 3: Captured material is passed to the MEF/Division/Regiment Exploitation Center for processing. Information resulting from the exploitation of captured enemy documents is provided to interrogators at RDF to aid in interrogations. As evidence is gathered, reports on any actionable intelligence are provided to infantry battalions to develop new targeting data.

Step 4: Detainees are moved to the central detention facility. CRRB reviews the case and determines whether there is sufficient physical evidence to justify sending the case to court. The case is forwarded to the Central Criminal Court of Iraq where the physical evidence collected at the Exploitation Center can be used to convict and jail the detainee.[19]

Equipment

The last element in conducting sound SSE procedures is assembling an SSE Kit. The following list of item is included in the kit:[20]

- Capture Tags
- Camera
- Video Camera
- Microcassette recorder
- Zip Lock Bags (assorted sizes)
- Paper bags
- Paper envelopes
- Large volume packaging material (sea bags, mail bags, duffle bags, sand bags)
- Log Book
- Safety goggles
- Riggers' tape
- Chalk
- Chem-Lights
- Rubber gloves
- Flashlights
- Tools for forced entry into locked rooms
- Sketching materials
- Spare batteries

The Way Ahead

The intent of this report is to broaden awareness of the importance of evidence collection in processing of detainees and to disseminate lessons and observations relating to SSE. This report will be posted on the MCCLL website – www.mccll.usmc.mil, making it available to the operating forces, Headquarters advocates and proponents, and the supporting establishment for use in how we organize, train, equip and provide Marine forces.

Endnotes

[1] Futures Development and Integration Center, U. S. Army Combined Arms Center, Special Text, ST 3-90.15, version 1.0, dtd December 2002.
[2] Captain Matthew A. Nieland, USMC, speaker's notes for brief, "Tactics, Techniques, and Procedures for Operations Involving Sensitive Sites, dated 21 April 2006. This report is a reflection of Captain Nieland's observations, notes and recommendations.
[3] MCCLL Lessons Management System (LMS) 38545, SSTs Response Time To Reports of Suspected Sensitive Sites.
[4] Joint Publication 3-63, *Detainee Operations* (Final Coordination Draft), 27 September 2005.

[5] Captain Nieland point paper, "Marine Corps Exploitation Center in Iraq," undated.
[6] Captain Nieland point paper.
7 LMS Lesson 41083, MEF Exploitation Center.

---

[8] Colonel R. Ruhlmann, USMCR, Judge Advocate, 7 June 2006, who visited Iraq and the Baghdad Central Criminal Court of Iraq, November 2005 – February 2006.

[9] MCCLL Consolidated Data Repository (CDR) 1208, "New Rules Make It Tougher to Keep Insurgents Behind Bars," by Elaine M. Grossman, dtd 1 Dec 2005. Herein cited as MCCLL CDR 1208.

[10] Army Maj. Gen William Brandenburg, the MNFI Deputy Commanding General for Detainee Operations, increased the standard of evidence required to keep detainees in custody in August of 2005. According to his policy, all witnesses must have direct knowledge of the suspected insurgent's criminal activity and they must be available to testify in Iraqi court.

[11] MCCLL CDR 1208.

[12] LMS 38538, Sensitive Site Training for Unit NBC Officers.

[13] "Steps" provided by Captain Nieland, dtd 10 May 2006.

[14] Compilation of LMS Lessons 41073, Sensitive Site Exploitation Team, 41084, SSE: Accountability for Captured Enemy Material, 41077, SSE: Prioritize Rooms, 41078, SSE: How to Search a Room, and 41079, SSE: Use of video tape and photos.

[15] LMS Lesson 41080, SSE: Use of Tunnel Teams.

[16] LMS Lessons 41075, SSE: Recognize What Is of Value, 41077, SSE: Prioritize Rooms, and 41078, SSE: How to Search a Room.

[17] LMS Lesson 41084, SSE: Accountability for Captured Enemy Material.

[18] Captain Nieland point paper

[19] "Steps" provided by Captain Nieland.

[20] Captain Nieland's speaker's notes.