

## Army standards

# Treating EPWs humanely

Sgt. Chad T. Jones

Published reports about a Marine holding a pistol to the head of a detainee in Karbala, Iraq, and multiple incidents of abuse in Guantanamo Bay, Cuba prove that the proper handling of Enemy Prisoners of War is not just an Army issue, but it is an issue the Army has always taken seriously. Soldiers have been trained up on the Laws of War and the Geneva Convention long before most knew what or where Abu Ghraib Prison was. Of course every- and anybody with access to the media knows about the prison formerly used by Saddam Hussein as a torture chamber. More importantly, the global community has heard how a handful of U.S. Soldiers discredited a nation by their actions while they served there.

There's probably a good chance that many of the combatants abused at the prison were involved with



Photo by Master Sgt. Susanna Harper

*One of several Warrior Tasks participants of the 2004 U.S. Army NCO/Soldier of the Year competition held at Fort Lee, Va., had to deal with was the handling of EPWs. Above, Staff Sgt. John Thompson, 80th Area Support Group, Chievres Air Base Belgium, left, reacts to possible EPW abuse.*

killing American Soldiers, but the Laws of War, which are designed to protect all combatants, clearly states that a Soldier's actions during combat have no bearing on how they must be treated once captured, Sgt. Maj. Tony McGee, U.S. Army Military Police School, (USAMPS) director of training, said.

"Captives and detainees are entitled to respect and honorable treatment as human



Photo by PH1 (AW) Shane T. McCoy, U. S. Navy

*Pfc. Keith Perkins hands lunch to a detainee in Camp X-Ray's F Block at Guantanamo Bay Naval Base, Cuba. Camp X-Ray is the holding facility for detainees in support of Operation Provide Freedom.*

beings. They are protected against violence, insults, public curiosity, and reprisals. They are not subjected to physical mutilation or medical or scientific experimentation that is not required for normal medical, dental, or hospital treatment," said McGee who oversaw nine holding cages and more than 2,000 detainees in Iraq.

In an attempt to help Soldiers meet the increased demands being put on them to handle EPWs and detainees since the beginning of Operations Iraqi and Enduring Freedom (OIF/OEF), USAMPS designed the Detainee Operations Training Support Package (TSP). The package outlines 26 tasks which give U.S. Armed Forces personnel a foundation of the basic



Photo by Seaman David P. Coleman, U.S. Navy

***A detainee is escorted to a medium security facility at Guantanamo Bay, Cuba.***



Photo by Dave Crozier

***Spc. Wilfredo A. Mendez, U.S. Army 2004 Soldier of the Year, tapes the mouth of a prisoner at the EPW processing center during this year's competition.***

TSP, but Baldwin is quick to point out that "all tasks are equally important to the overall success of the Detainee Operations mission globally to ensure continuity of the humane treatment of all captured and detained persons."

There are many reasons why it is imperative that Soldiers treat EPWs humanely, McGee said.

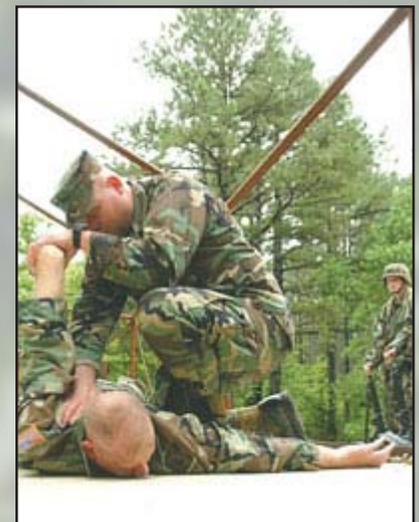
First of all, it's the law.

"The American Soldier is bound to obey all the rules of the Customary Law of War and The Hague and Geneva Conventions. We are bound by them just the same as we are [bound] by the Constitution or any law enacted by the U.S. Congress. The Army field manual on the Law of Land Warfare makes clear that we are equally bound to obey the rules of the customary Law of War. Every one of us is required to respect and obey these rules, which are designed to make warfare more humane," Bradley said.

Anyone who partakes in, or witnesses and does not report, inhumane actions can be charged with committing a war crime. AR 190-8 adds that the "inhumane treatment of EPW, detainees is prohibited and is not justified by the stress of combat or with

skills needed to perform detainee operations globally, Master Sgt. Ed Baldwin, a senior corrections specialist for USAMPS who recently returned from handling detainee operations in OIF/OEF, said.

The *Use of Force within Detainee Operations, Personal Safety Awareness with Detainee Operations' and Communicate with Detainees (Muslim Cultural Awareness)* might be some of the more notable tasks in the



U.S. Army photo

***Military police school instructors, Spc. Richard Redmond, on ground, and Staff Sgt. Daniel Skipper, searching, teach enemy prisoner of war searches to new Soldiers.***

deep provocation.” Inhumane treatment is a serious and punishable violation under international law and the Uniform Code of Military Justice (UCMJ). Grave offenses such as murder or rape can be punishable by death. Allegations of criminal acts or war crimes committed by or against detainees will be immediately reported to and investigated by the U.S. Army Criminal Investigation Command (USACIDC) or other competent investigative authority.

The following acts are specifically prohibited when dealing with EPWs and detainees:

- ➔ Any measures of such character as to cause the physical suffering or extermination of the detainee. This prohibition applies not only to murder, torture, corporal punishment, mutilation, and medical or scientific experiments, but also to any other measure of brutality, humiliation or other degrading treatment.
- ➔ Punishment of detainees for any offense they did not personally commit.
- ➔ Collective penalties and all measures of intimidation and terrorism against detainees.
- ➔ Reprisals against detainees and their property.
- ➔ The taking and holding of the detainees as hostages.
- ➔ Deportations from occupied territory to the territory of the occupying power or to that of any other country occupied or not, are prohibited.

Besides the legal aspects, treating EPWs properly can also help Soldiers involved with Detainee Operations because in many cases, “If the staff treats all detainees as they would want to be treated: firm but fair and humanely with respect and dignity, they, will discover that the detainees will be more cooperative,” McGee said.

The one aspect of EPW treatment the new TSP can’t enforce or teach is good leadership, which McGee said is the best

deterrent from something like Abu Ghraib from happening again.

“Every leader has a personal stake in knowing about and understanding The Hague and Geneva Conventions and AR 190-8 in understanding how they work, for we are required to obey them, as well as other rules of international law, just as we must obey the Uniform Code of Military Justice. International treaties, no less than Congres-



U.S. Army photo by Staff Sgt. Stephen Lewald

*Comfort items issued to detainees in Camp Delta, Guantanamo Bay, Cuba, include: mattress, sheet, blanket, prayer mat, 2-piece suit, flip-flop shoes, prayer cap, wash cloth and towel, and a salt packet for seasoning food.*

sional statutes like the UCMJ, are under our Constitution, the supreme law of the land,” McGee said. “As leaders we must ensure that we continue to provide the ‘BE, KNOW, DO’ attitude to our subordinates through our daily interaction which is displayed through our character, competence, and action.”

Maybe the worst result of the Abu Ghraib scandal, outside of the abuse itself, is the stereotype the Soldiers involved in the situation left behind for every Soldier that’s ever wore the uniform.

Fortunately a majority of the Soldiers dealing with detainee operations are doing their best

to prove that stereotype is a myth.

“All Soldiers are continuing to perform their assigned duties professionally ensuring that all detained and captured personnel are treated humanely, with dignity and respect while providing a safe and secure environment for all detainees IAW all applicable references to include but not limited to AR 190-8 and the Geneva Conventions,” Baldwin said.



U.S. Army photo by Staff Sgt. Stephen Lewald

*The operating room at the detainee hospital, at Camp Delta Guantanamo Bay, Cuba. Proper medical treatment is a part of the requirements under the Law of Land Warfare and the Geneva Conventions.*



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EPW TREATMENT



Photo by Sgt. Justin Harris

*Members of the 2<sup>nd</sup> Brigade Combat Team, 2<sup>nd</sup> Battalion 327<sup>th</sup> Infantry, 101<sup>st</sup> Airborne Division (Air Assault), move in and take Iraqis for questioning during a mass air assault and raid on a village in search of weapons and smugglers near Qayyarah West, Iraq during Operation Iraqi Freedom.*

## Simple EPW rules to follow/practice

Besides mastering the 26 tasks in the Detainee Operations Training Support Package, Soldiers involved with detainee operations should also learn and practice these simple rules.

### Must do actions

- While enforcing rules and regulations, you must develop a “rapport” with the detainees, rather than relationships.
- Report to your supervisor any changes you see and facts that lead you to believe a detainee may become a problem.
- Be cognizant of your own complacency and vary your routine so as not to feel that nothing ever changes.
- Maintain a safe distance and your professionalism while enforcing all policies and procedures.
- Ensure you know your own vulnerabilities and stress level and identify your individual methods for reducing your stress level and be alert of your peers stress.

### Prohibited actions

- Physically or verbally abuse detainees.
- fraternize with detainees or their families.
- Use your position to obtain personal favors from detainees.
- Manipulate or reward detainees.
- Make sexually explicit or obscene gestures.
- Bring contraband or unauthorized items into the facility.
- Make derogatory and/or political comments about detainees or their cause.
- Engage in commerce or trade, or give gifts to, or receive gifts from, detainees/EPWs.
- Make promises to detainees/EPWs.
- fraternize with detainees/EPWs.
- Take photographs of detainees/EPWs without approval from competent authority.

## THE ART OF WAR



## WARRIOR TASKS

## SUPERVISE HANDLING OF ENEMY PERSONNEL AND EQUIPMENT

**Marine Colonel Terry Carrico**  
**Joint Detention Operations Group Commander**

“The average American probably thinks we are doing too much for the detainees. But we are a nation of laws - no matter what we personally feel, and we all have feelings, we have to do this professionally and Soldiers are doing that”

*Army News Service*

**Col. Alan Ecke**  
**800th MP Brigade**

“I think of them (detainees) as another country’s patriots, they are fighting vehemently for what they believe in, just as we are. We should treat them with care and dignity. They are not criminals. They are Soldiers.”

*Army News Service*

**Brig. Gen. Mark Kimmitt**  
**Army Spokesmen**

“Our Soldiers could be taken prisoner as well, and we expect our Soldiers to be treated well by the adversary, by the enemy. And if we can’t hold ourselves up as an example of how to treat people with dignity and respect, we can’t ask that other nations do that to our Soldiers as well.”

*Army News Service*

**Department of the Army Inspector General’s Office**

“Abuse occurred when one or more individuals failed to adhere to basic standards of discipline, training, or Army Values and that in some cases abuse was accompanied by the failure of leaders at the tactical level to enforce standards of discipline and provide oversight and supervision.”

*One of the findings of the Department of the Army Inspector General (DAIG) inspection report of detainee operations in Iraq and Afghanistan. The inspection report was completed in July 2004. The DAIG inspected internment, enemy prisoner of war, detention operations, and interrogation procedures in Iraq and Afghanistan. The inspection focused on the adequacy of Doctrine, Organization, Training, Materiel, Leadership, Personnel, and Facilities (DOTMLPF), standards, force structure, and policy.*



Photo by Sgt. Christopher Stanis

*A Soldier from Company A, 1st Battalion, 325th Airborne Infantry Regiment leads away a detainee during Operation Bulldog Mammoth.*

**Gen. George Casey**  
**Vice Chief of Staff**

“It’s very basic for us, how we treat detainees. We treat all of the folks we come in contact with, with dignity and respect.”

*Washington Post and USA Today*

**TASK 191-379-4450****Supervise handling of enemy personnel and equipment.****GO****NO-GO****Performance Measures****1. Search captives.**

**a.** Thoroughly search each captive and confiscate any weapons, ammunition, military equipment, and items with intelligence value and record on DD Form 2745.

*Note. Any weapons or ammunition that are impractical to retain should be destroyed in place after recording what the items were.*

**b.** Allow captives to keep personal property (except items that could be used as weapons or that could have intelligence value) of nominal or sentimental value, such as wedding rings. Personal property also includes chemical protective equipment (if in a chemical environment or a potential chemical environment), helmets, and identification cards. Allow the EPW/civilian internee (CI) to retain his own rations in the early stages of captivity.

*Note. Conduct same gender searches when possible; however, this may not always be possible due to speed and security considerations. Therefore, mixed gender searches must be performed in a respectful manner using all possible measures to prevent any action that could be interpreted as sexual molestation or assault. The squad leader must carefully control soldiers doing mixed gender searches to prevent allegations of sexual misconduct. This does not mean the search will not be thorough, as the safety of you and your soldiers comes first.*

**2. Segregate captives.**

**a.** Segregate by rank (officers, NCOs, or enlisted), sex, civilian and military and, when possible, nationalities and/or ideologies.

**b.** Segregate captives who surrendered willingly or who deserted from those who resisted capture.

**c.** Segregate captives who cannot be readily identified as belonging to one of the above listed groups.

**d.** Segregate captives who do not provide the information needed to make a correct classification, until their status can be determined.

**3. Ensure that each captive has DD Form 2745.**

**a.** Ensure that the form contains the following:

(1). Date and time of the capture.

(2). Grid coordinates of the capture.

(3). Capturing unit.

(4). Circumstances of the capture.

**b.** Use either DD Form 2745 or a locally produced three-part form.

(1). Place part A on the captive and instruct him not to remove or alter it.

(2). Place part C on the bag or bundle of property taken from the captive.

(3). Maintain part B of the form, as you are the capturing unit.

**4.** Report the acquisition of captives through your chain of command.

**5.** Safeguard each captive until they are released to the military police.

**6.** Evacuate captives to the rear and turn them over to the MP as soon as possible.

Do not delay evacuation to obtain name, rank, service number, or date of birth.

**a.** Ensure that you receive receipts from the MP for the captives transferred to them.

**b.** Give items taken from the captives (for security and/or intelligence reasons) to the MP, ensuring that each item is tagged by the MP to identify the owner.

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