



MINISTRY OF DEFENCE

Joint Doctrine Publication 1-10 **Captured Persons (CPERS)**

Second Edition



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Development, Concepts and Doctrine Centre

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CAPTURED PERSONS (CPERS)

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is promulgated
as directed by the Chiefs of Staff

A handwritten signature in black ink, appearing to read 'MP Colley', with a large, sweeping horizontal stroke underneath.

Assistant Chief of the Defence Staff (Development, Concepts and Doctrine)

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PREFACE

1. During the course of military operations UK Armed Forces may have to capture and detain individuals, whether they are prisoners of war, internees or detainees. For the purposes of this publication, the generic term *Captured Persons* (CPERS) embraces all 3 categories. Irrespective of the category, all CPERS are entitled to be treated humanely; international law stipulates basic standards of treatment that are applicable to CPERS *as a minimum* in all circumstances and at all times. It is therefore essential that all UK Armed Forces personnel understand and apply these basic standards of treatment.
2. **Purpose.** Joint Doctrine Publication (JDP) 1-10 (2nd Edition) which has been renamed *Captured Persons* (CPERS) is the capstone doctrine publication for all CPERS activities. It is based on the legal framework governing CPERS and is therefore more prescriptive than core joint doctrine. JDP 1-10 (2nd Edition) contains enduring principles and best practice, setting out guidance for the strategic level together with the fundamental rules and principles that apply at the operational level. Importantly, it also reflects UK Government guidance resulting from recent operations.
3. **Audience.** JDP 1-10 (2nd Edition) is written to assist all those involved in planning, training for, and ultimately conducting CPERS activities. It has been substantially revised, both in its structure and content. The previous edition had to be read in conjunction with 3 publications on joint tactics, techniques and procedures publications, the contents of which have now been subsumed into the main body of this 2nd Edition. The publication now focuses more on the treatment to be afforded to all CPERS, rather than the specific categories.
4. **Structure.** After introducing the key themes, this publication sets CPERS activities into context. Chapters 1-6 cover enduring principles of CPERS doctrine. Chapter 2 sets out the basic standards of treatment afforded to all CPERS at all times. This is followed by a specific chapter on medical treatment. Subsequent and separate chapters focus on responsibilities and governance, training and planning for CPERS activities. The publication then chronologically follows the CPERS handling process from point of capture to transfer or release, including admission into the various CPERS facilities, with chapters attributed to each stage in the process. It also includes a chapter which deals with the processes and procedures to be followed in the event of an adverse incident. Information management is a key theme running throughout the publication. To improve coherence and chronology, guidance on records to be maintained and documents to be completed are included at the various stages of the CPERS handling process.

LINKAGES

5. **National and Allied.** All supplementary publications, subordinate instructions, planning activity and training must be consistent with JDP 1-10 (2nd Edition) and updated in line with it. This publication should be read in conjunction with the NATO Publication Allied Joint Publication-2.5 *Captured Persons, Materiel and Documents* and Joint Service Publication 383 *The Joint Service Manual of the Law of Armed Conflict*. This is not a repetition of the Geneva Conventions and Additional Protocols, which must, where they relate to the nature of the operation, be referred to as source material. Other linkages are referred to throughout the text.

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CHAPTER 1 – FUNDAMENTALS

SECTION I – BACKGROUND

101. During the course of military operations members of the UK Armed Forces must be prepared to capture, detain or hold individuals for a wide variety of reasons. The treatment of these individuals is of critical importance, not only from a legal and policy perspective but also in terms of the legitimacy of the operation. The legitimacy of the manner in which UK Armed Forces conduct themselves (and in particular treat those individuals) is an essential element of campaign authority, which is itself a condition for long term success.¹ This was illustrated in the Peninsular Wars, when Wellington demanded that his soldiers respect the religion, customs and property of Portugal and Spain. His orders secured the co-operation of the civilian population because of the high standards of behaviour he set for his forces; his considerate policy was rewarded with freely given local intelligence.²

102. The legitimacy of individual and collective behaviour will be influenced by strong leadership. The commander's expression of intent and an instilled ethos of individual and collective responsibility, backed up by firm discipline, can deter destructive behaviour. A commander can delegate, but never abrogate, responsibility: failure to properly control subordinates risks atrocities like those committed at *Abu Ghraib* and *Camp Breadbasket*, both of which seriously undermined campaign authority.³ A commander's ethics, values, integrity, and physical and moral courage create the tacit personal authority which is required to inspire the confidence or trust that all those individuals who have been deprived of their liberty will be treated with respect and humanity. The commander therefore plays an integral role in ensuring that individuals who have been deprived of their liberty are treated humanely. Such treatment is essential to campaign authority and, ultimately, a successful operation.

103. Captured Persons (CPERS) is *the generic term given to all individuals who are captured and held by UK Armed Forces on operations overseas, whether they are prisoners of war, internees or detainees*.⁴ An individual becomes a CPERS at the point of capture or when a member of the UK Armed Forces deprives the individual of his liberty on transfer to UK Armed Forces by another state or non-state actor.⁵ Deprivation of liberty is different to both

¹ DCDC, Joint Doctrine Publication (JDP) 0-01 *British Defence Doctrine* (3rd Edition).

² Gurwood C B, *The Dispatches of Field Marshal The Duke of Wellington* Volume III, London: John Murray, pages 43-44, 1852.

³ Air Commodore M P Colley, *Campaign Authority*, Monograph 2, 12 January 2009.

⁴ New definition.

⁵ Within this JDP the use of the male gender is generic and applies equally to both males and females.

deprivation of movement and restriction of liberty; it involves the exercise of physical control over an individual.⁶ The individual will remain a CPERS until the point of release by the UK Armed Forces, when the CPERS will no longer be deprived of his liberty. If a CPERS is transferred to another responsible authority, including the host nation, he will no longer be a UK CPERS although certain UK obligations may endure. If a CPERS escapes, he is no longer considered to be a CPERS. He will become a CPERS again once he has been recaptured by or transferred back to the UK Armed Forces.

International law lays down basic standards of treatment that are applicable **as a minimum** in all circumstances and at all times to all CPERS

104. During international armed conflict, the taking of prisoners of war brings many practical advantages: it reduces the enemy's numerical strength and fighting capacity; lowers the enemy's morale; and may constrain the tactics of enemy commanders. Similarly, during other types of operations, the capture of CPERS may bring advantages such as the stabilisation of the situation on the ground and the enhancement of force protection. CPERS may also be an important potential source of intelligence, and when specifically authorised, the exploitation, including questioning of CPERS, is a legitimate military activity.

105. The status of an individual prior to capture will normally dictate the CPERS category to which he or she belongs. CPERS could be enemy forces or insurgents who are no longer willing or able to continue fighting; or persons who merit internment for imperative reasons of security; or persons suspected of criminal offences. Certain categories of CPERS are entitled to additional rights and protections and, therefore, UK Armed Forces ultimately need to determine the status of CPERS in order to comply with applicable international law.⁷ However, basic provisions relating to CPERS are the same regardless of status and category (see Section V for more detail regarding categorisation and status).

106. It should be noted that JDP 1-10 (2nd Edition) *Captured Persons* does not cover any aspect of arrest or detention during internal security operations within the UK, other than the prohibition of the 5 techniques outlined in Chapter 2, which apply in all operations. Such internal operations are governed by UK law, not international humanitarian law applicable in an armed

⁶ UK Armed Forces may request individuals to remain temporarily in one place, perhaps for force protection reasons or to restrict their movement (for example on a warship for those found in distress at sea), but these situations do not amount to a deprivation of liberty. Factors which may indicate deprivation of liberty include the use of restraint to resist movement of an individual, or the prevention of a person leaving the scene, or the exercise of control over an individual for a significant period of time.

⁷ The UK Armed Forces are bound by customary international law, treaty law (which the UK has ratified) and any other international law which has been enacted into British domestic law.

conflict, and therefore separate advice should be obtained. Similarly, this publication does not cover arrest or detention of CPERS within UK internal waters and territorial sea. In such circumstances, commanders must seek separate legal advice regarding UK maritime operations.

107. The principles contained in this publication will enable UK Armed Forces to deal with the majority of situations that they encounter because they establish a minimum level of treatment. While judgement is an important part of doctrine during its application, commanders should seek specialist advice and additional policy guidance if in doubt about this doctrine's application in unanticipated situations. Furthermore, the Permanent Joint Headquarters (PJHQ), and where necessary, Navy Command must produce operation-specific standard operating instructions and procedures on CPERS activities based upon this publication.

SECTION II – SOURCES OF DIRECTION AND GUIDANCE

108. The 3 key policy documents which provide the governance for the handling of CPERS activities, and therefore underpin this publication are:⁸

- a. Cabinet Office Guidance.
- b. MOD Strategic Detention Policy.
- c. Chief of the Defence Staff Directive on the Handling of CPERS on Operations.

109. The Cabinet Office Guidance published July 2010 contains consolidated guidance to intelligence officers as well as UK Armed Forces regarding the detention and interviewing of CPERS overseas. It also covers the transmission and receipt of intelligence relating to CPERS.

110. The MOD Strategic Detention Policy published by the Secretary of State for Defence in March 2010 sets out the minimum standards to be applied during all CPERS activities. It requires the UK Armed Forces to comply with a number of strategic principles to ensure the humane treatment of all CPERS. It also establishes the requisite system of governance, including the delegation to the Chief of Joint Operations of the duty to ensure compliance with the MOD Strategic Detention Policy. Additionally, it establishes the Provost Marshal (Army), as the Competent Army Authority and Inspector for custody and detention, as the Defence subject matter expert for operational detention on overseas operations.

⁸ These documents will be periodically updated.

111. The CDS Directive published in February 2011 contains direction on how MOD strategic CPERS handling capability will be delivered. It lists key appointments and details the respective responsibilities and tasks for each appointment.

112. These 3 policy documents contain express direction and instructions for CPERS activities. All commanders should be aware of their contents and include them in their planning. These documents are living documents and will be periodically updated. Furthermore, the Chairman's Report of the Baha Mousa Inquiry made a number of recommendations which have been accepted by the Secretary of State and incorporated into this publication.⁹ Consideration must be given to the Chairman's Report in any future revisions.

Commanders have a responsibility to keep abreast of current CPERS policy

SECTION III – LEGAL BASIS FOR CPERS ACTIVITIES

113. The legal framework governing the conduct of CPERS activities will vary widely depending on the legal basis of the operation and the nature of the conflict.¹⁰ The legal basis for a military operation could be state self-defence, whether individual or collective, a United Nations Security Council Resolution (UNSCR), humanitarian intervention or consent of the host nation. CPERS activities may be expressly authorised in a UNSCR, or they may be contained within a more general authorisation in a UNSCR. In addition, the legal framework governing CPERS activities will provide additional guidance on the rationale for when a person may be captured.

114. In any operation amounting to an armed conflict, UK Armed Forces must comply with the Law of Armed Conflict (LOAC), which is sometimes referred to as international humanitarian law.¹¹ For the purpose of this publication the LOAC means *those treaties, conventions, rules, regulations and customary international law that govern the conduct of hostilities during an armed conflict and/or during a military occupation*. Territory is considered to be occupied when it is actually placed under the authority of external military forces. Occupation extends only to territory where that authority has been established and can, in fact, be exercised.¹² Whether there is a state of armed conflict is a question of fact. This will be determined by the UK Government

⁹ The Report of the Baha Mousa Inquiry, 8 September 2011 (www.bahamousainquiry.org).

¹⁰ See JDP 3-46 *Legal Support to Joint Operations*.

¹¹ See Joint Service Publication (JSP) 383 *The Joint Service Manual of the Law of Armed Conflict*.

¹² JSP 383: 11.2.

on the advice of the Attorney General which will be communicated to the UK Armed Forces.¹³

115. An armed conflict may be categorised either as an international armed conflict or a non-international armed conflict. An international armed conflict is an inter-state conflict, whereas a non-international armed conflict is an internal conflict between the armed forces of a state and one or more armed factions in that state, or internal armed conflict between such armed factions. It does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature. In an international armed conflict all CPERS activities will be governed by the 1949 Geneva Conventions and the 1977 Additional Protocol I. In a non-international armed conflict, as a minimum, however, Common Article 3 of the Geneva Conventions applies; and in cases where specific criteria are met, Additional Protocol II applies.¹⁴

116. During all other types of operations, such as peace support operations or maritime interdiction operations, UK Armed Forces must comply with the applicable international, UK and foreign national law, including host nation law. While the LOAC may not apply as a matter of law to all operations, as a matter of policy, UK Armed Forces will, as far as is practicable, comply with the spirit and principles of the LOAC, including the Geneva Conventions and Additional Protocols.

117. In addition to whether or not the LOAC applies, CPERS may also have rights under various international human rights treaties such as: the European Convention on Human Rights; the International Covenant on Civil and Political Rights; and the UN Convention Against Torture and Inhuman or Degrading Treatment. These instruments require humane treatment and the absence of abuse, proper exercise of command responsibility to prevent abuse, and an effective system for investigating accusations of abuse or death of a CPERS.

118. As an operation evolves, the type and nature of the conflict may change. Change in the type of conflict may well affect the legal basis for both the scope of CPERS activities and the categorisation of any CPERS. An example is Operation TELIC, which started as an international armed conflict but transitioned into a non-international armed conflict. Over a 5-year period the legal basis for operations changed and at some stage, virtually all categories of CPERS were held by UK Armed Forces. A transition in the

¹³ See JSP 398 *UK Manual of National Rules of Engagement*.

¹⁴ Additional Protocol (AP) II only applies to armed conflicts which take place in the territory of a *high contracting party* between its armed forces and dissident armed forces or other organised armed groups, which under responsible command, exercise such control over a part of the territory as to enable them to carry out sustained and concerted military operations and to implement Additional Protocol II.

opposite direction is also possible.

119. The maximum length of time CPERS may be held by UK Armed Forces will also vary widely for the same reasons and may range from a matter of hours to several years.

SECTION IV – BASIC PRINCIPLES

120. **Personal Responsibility.** The Armed Forces, as an instrument of power and as the government-sponsored body of the state, remain responsible for CPERS at all times. This responsibility cannot be delegated outside of the UK Armed Forces.¹⁵ Therefore, the handling of CPERS should always be a feature of the planning and conduct of military operations, whether in time of armed conflict or during other operations.

All CPERS must be treated humanely; basic standards of treatment are applicable as a **minimum** in all circumstances and at all times

Details of the minimum standards of treatment for all CPERS can be found in Chapter 2

121. **Humane Treatment.** Whichever law applies in a specific operation, all CPERS, regardless of their status or categorisation, must be treated humanely in all circumstances and at all times. UK Armed Forces are responsible for the safety and protection of all CPERS, and must therefore ensure that they provide the requisite standard of treatment to them.¹⁶

122. **Sound Administration.** Ensuring the requisite standards of treatment also involves effective and efficient record-keeping. In addition to conducting a campaign, UK Armed forces may be faced with the responsibility for large numbers of extra personnel who have to be accounted for, administered and detained (accommodated, fed and watered). Unless an effective means of managing and administering the additional burden imposed by CPERS is employed, the conduct of operations will be adversely affected. The importance of ensuring accurate information management from the point of capture is crucial. It is essential that accurate reports and returns are submitted for a number of reasons, including fulfilling the requirements of the Geneva Conventions and Ministerial reporting.

123. **Legitimacy and Campaign Planning.** Abuse or mistreatment of any CPERS is illegal. It will also benefit an adversary by forming the basis of

¹⁵ For example, in international armed conflict, Geneva Convention (GC) III: 39 states that *every prisoner of war camp shall be put under the immediate authority of a responsible commissioned officer belonging to the regular forces of the Detaining Power.*

¹⁶ See Chapter 2.

powerful propaganda, undermining the credibility of the UK and partner alliance/coalition forces and their mission, and strengthening the resolve of the enemy, as well as acting as a very effective enemy recruiting tool. It is also a fundamental misdirection of military effort that will generally lessen the chances of mission success. Such abuse or mistreatment also erodes domestic support and invites international condemnation. The abuse of CPERS may indicate a wider breakdown in the internal discipline and command of a unit or formation, in turn producing adverse consequences of its own.

124. Reporting and Accountability. All alleged abuses of CPERS by UK or other armed forces must be immediately reported both through the chain of command (not only to theatre headquarters but also to PJHQ) and separately to the Service police. Depending on the operation, PJHQ may also be required to notify Ministers. All abuses by UK Armed Forces must be thoroughly investigated by the Service police and, where appropriate, disciplinary action must follow.¹⁷ Perpetrators, and potentially their commanders, may face disciplinary proceedings under Service law including trial by court martial, or even trial before an international tribunal for war crimes.

125. Thorough Training. Delivery of appropriate training to all UK Armed Forces is absolutely essential. CPERS activities must never be an afterthought, or planned and conducted on an *ad hoc* basis after commencement of operations. This would not only risk improper treatment of CPERS but will reduce the likelihood of obtaining any valuable intelligence from them.¹⁸

126. Use the Subject Matter Experts. CPERS activities of any description are inevitably complex and far-reaching and call for expertise across a range of military and other disciplines, both in the planning and estimate process and execution. Commanders should seek specialist staff and policy and legal advice at the earliest stages of planning.¹⁹

¹⁷ See Chapter 4.

¹⁸ See Chapters 5, 6 and 11.

¹⁹ See Chapter 6.

SECTION V – CATEGORIES OF CPERS

127. Categories of CPERS will differ depending on the legal nature of the conflict. It is therefore essential to distinguish between international armed conflict, non-international armed conflict and other operations. Commanders are entitled to expect clear direction on this matter.²⁰ Should such direction be unclear, commanders should seek guidance from the legal adviser or through the chain of command.

128. All UK Armed Forces must treat CPERS humanely with the minimum standard of treatment, regardless of the categorisation. At the point of capture, UK Armed Forces should, where possible, consider the categorisation of CPERS.²¹ Depending on the nature of the conflict there may be a legal requirement to separately *accommodate* and *administer* different categories of CPERS,²² although **the basic treatment will be the same** regardless of categorisation.

129. Beyond the basic standards of humane treatment, CPERS may also be entitled to varying degrees of enhanced rights and protections, depending on their categorisation. By the time CPERS are admitted to a CPERS holding facility, it is essential that categorisation has taken place.²³ This will ensure that CPERS receive their additional rights and protections. As well as protecting individual rights, timely categorisation of CPERS ensures that the resources committed to dealing with them can be focused efficiently.

130. Generally, the appropriate categorisation of a CPERS should be apparent, whether through the circumstances under which they were captured or through clear indications of status. For example, during an international armed conflict the wearing of military uniform is generally clear evidence that an individual is a combatant and so must be treated as a prisoner of war. When an individual's status is not immediately obvious, however, it becomes necessary to *formally* determine status by an Article 5 tribunal. In cases of doubt, and in accordance with the Geneva Conventions, UK Armed Forces **must presume CPERS to be prisoners of war** until their status is determined. Further detail is at Annex 1A. It is important to note that an Article 5 tribunal exists purely for the purpose of determining prisoner of war status.

131. As prisoners of war status only applies during international armed conflict, it follows that Article 5 tribunals do not exist during non-international

²⁰ See paragraphs 114-115.

²¹ See Chapter 7.

²² Geneva Convention (GC) IV: 84 and GC III: 5.

²³ For the definition of a CPERS holding facility see paragraph 623.

armed conflict. However, independent tribunals may also be convened during non-international armed conflicts to assist in the categorisation of CPERS, for example, whether the CPERS is an internee or a detainee. These independent tribunals may also review the detention or internment of CPERS and carry out the functions of a detention review committee;²⁴ they may be convened either to review the information and reasons for upholding a decision to detain or intern, or to make that decision at the outset.

132. Internment is an exceptional measure and CPERS will only be interned where the tribunal assesses it necessary for imperative reasons of security. The tribunal should consider the case for internment against an internee within 48 hours of his initial capture and, if a decision is taken to intern him, every 28 days thereafter. Further guidance on an internment review process is at Annex 1B.

133. The following sections introduce the different categories of CPERS and the rules governing their treatment. This is not intended to be a definitive guide to the law in this area, for which see JSP 383 *The Joint Service Manual of the Law of Armed Conflict*. A summary of the different CPERS categories can be found at Annex 1C.

Categories of CPERS – International Armed Conflict

134. When attempting to categorise CPERS during international armed conflict, the key distinction to be drawn is between combatants and civilians. A combatant is defined as *a member of the armed forces of a party to the armed conflict (other than medical personnel and chaplains) who has the right to participate directly in hostilities*. This category includes irregular forces who are under responsible command and, subject to internal military discipline, carry their arms openly and otherwise distinguish themselves from the civilian population.²⁵ A combatant is immune from the law of the capturing state for warlike acts preceding his capture that do not amount to breaches of LOAC. Generally, combatants are entitled to prisoner of war status whereas civilians are not. Medical and religious personnel do not become prisoners of war; they become retained personnel and are entitled to the same rights and privileges as prisoners of war. Inevitably there are a few categories of persons on the battlefield who do not sit comfortably in either category, but they are generally either small in number or easily identifiable and are mentioned below as exceptions to the general rules.

²⁴ See Chapter 4 Section III.

²⁵ AP 1: 43 and 44; JSP 383: 4.2.

The key distinction to be drawn is between combatants and civilians
The basic rule is that combatants have prisoner of war status on capture

Prisoners of War

135. A prisoner of war is defined as *a combatant or a person who accompanies the armed forces without being a member thereof (provided that he is authorised by the armed force which he accompanies) who is captured by the armed forces of the enemy.*²⁶ As such, he is immune from the law of the capturing state for warlike acts preceding his capture that do not amount to breaches of LOAC. He is also entitled to the rights and protections guaranteed under Geneva Convention III and Additional Protocol I. Those entitled to prisoner of war status are:

a. All members (except medical and religious personnel – see below) of the organised armed forces of a party to the conflict, even if that party is represented by a government or authority not recognised by the adversary, provided that those forces are:

- (1) Under a command responsible to a party to the conflict for the conduct of its subordinates.
- (2) Subject to an internal disciplinary system which enforces compliance with LOAC.²⁷

b. Members of any other militias, volunteer corps, or organised resistance movements, belonging to a party to the conflict and operating in or outside their own territory, even if it is occupied, provided that they:

- (1) Are commanded by a person responsible for his subordinates.
- (2) Have a fixed, distinctive sign recognisable at a distance.
- (3) Carry their arms openly.
- (4) Conduct their operations in accordance with LOAC.

c. Those who accompany the armed forces without actually being members thereof (for example, civilian members of military aircraft crews, war correspondents, supply contractors, members of labour

²⁶ JSP 383: 8.3.

²⁷ AP I: 43.

units or of services responsible for the welfare of the armed forces) if duly authorised by the armed forces which they accompany. That armed force must issue these personnel with an appropriate identity card.

d. Members of crews, including masters, pilots, and apprentices, of the merchant marine and crews of civil aircraft of the parties to the conflict, who do not benefit by more favourable treatment under any other provisions of international law.

e. Inhabitants of non-occupied territory who, on the approach of the enemy, spontaneously take up arms to resist the invading forces without having had time to form themselves into regular armed units, provided they carry their arms openly and respect LOAC (*levée en masse*).

136. **Additional Categories.** In addition, UK Armed Forces are to treat 2 categories of personnel, in the same way as prisoners of war.²⁸ These are:

- a. Members of the armed forces who have been released from detention in an occupied territory and are then re-interned.
- b. Members of armed forces of belligerents who reach neutral territory and have to be interned there under international law.

Special Cases

137. **Guerrillas and Militias.** In order to qualify as combatants and to enjoy prisoner of war status, guerrillas and militias must wear some distinctive form of dress or sign (such as a form of uniform or combat gear) that identifies them as combatants, not civilians.²⁹ In exceptional situations of conflict where 'owing to the nature of the hostilities, an armed combatant cannot so distinguish himself', he shall retain combatant, and thereby prisoner of war, status, if he carries his arms openly during each military engagement and 'during such time as he is visible to the adversary while he is engaged in a military deployment preceding the launching of an attack in which he is to participate'.³⁰ Where combatants are unable to bring themselves within this rule and so lose prisoner of war status through failure to distinguish themselves from the civilian population, Additional Protocol I states that they

²⁸ GC III: 4B.

²⁹ AP I: 44.

³⁰ However, breaching these conditions (or other breaches of the Law of Armed Conflict) does not remove combatant status, but can be punished; see AP I: 44(2) and JSP 383 paragraphs 4.5 – 4.6.

must be given equivalent protection and that they cannot be treated as common criminals.³¹

138. Medical or Religious Personnel (Retained Personnel). Captured enemy medical or religious personnel, even if members of the armed forces, do not have combatant status.³² They do not become prisoners of war, but may be retained in order to carry out their duties on behalf of prisoners of war. They are often referred to as retained personnel.³³ While being held they shall receive, as a minimum, the benefits and protection accorded to prisoners of war.³⁴

139. Mercenaries. Mercenaries are neither combatants nor entitled to prisoner of war status;³⁵ notwithstanding this, they are entitled to the fundamental guarantees found at Additional Protocol I Article 75. They will generally be treated as civilian criminals and tried before a competent court. Any suspicion that a CPERS may be a mercenary must be reported to higher headquarters immediately.

140. Spies. Members of the armed forces who would otherwise be combatants can be deprived of their protection and their right to be treated as prisoners of war if they engage in espionage activities.³⁶ Despite losing this protection, they retain the fundamental guarantees found at Additional Protocol I Article 75. Any suspicion that a CPERS may be a spy or engaged in espionage activities must be reported to higher headquarters immediately.

Internees and Detainees

141. During international armed conflict, anyone who does not fall into the category of combatant or does not have combatant status is a civilian.³⁷ Subject to the limited exceptions mentioned at paragraph 135, civilians are not entitled to take part in hostilities and not entitled to prisoner of war status (even if they have directly involved themselves in hostilities). Instead, they will either be internees or detainees.

142. Internees. An internee is defined as *a civilian who is interned for imperative reasons of security*.³⁸ The relevant provisions governing internees can be found in Geneva Convention IV. During international armed conflict, civilians belonging to the opposing state may only be interned under limited

³¹ AP I: 44(4) and JSP 383 paragraph 8.6.1

³² GC III: 33; AP I: 43(2).

³³ GC III: 33.

³⁴ GC III: 33.

³⁵ AP I: 47.

³⁶ AP I: 46.

³⁷ AP I: 50.

³⁸ GC IV: 78.

circumstances.³⁹ This cannot be done arbitrarily and a procedure, to include a right of appeal, must be formulated and put in place by the Commander Joint Task Force.⁴⁰ There are 3 main circumstances of internment:

- a. Civilians belonging to the opposing state who are on UK territory at the outbreak of hostilities may be interned.⁴¹ Such action is likely to be carried out by the civil authorities using the police. Military involvement is unlikely, apart from running internment camps.
- b. Where it is considered necessary for imperative reasons of security, UK Armed Forces may intern civilians belonging to the opposing state including in occupied territory.⁴² There is no requirement to have planned or participated in violence. Those so interned are likely to remain in occupied territory.
- c. Those CPERS who have been dealt with as detainees but sentenced by a court to internment rather than imprisonment or any other punishment.⁴³ They will usually be held separately to other internees.⁴⁴

143. **Detainees.** A detainee is defined as *a civilian who has been detained because he has committed, or is suspected of committing, a criminal offence against the laws of the territory in which he has been captured, or against UK Armed Forces, or an offence against the law applied in an occupied territory.* Examples of those who can be categorised as a detainee include civilians who take a direct part in hostilities, insurgents, agitators, spies and mercenaries. The fundamental guarantees relating to detainees can be found at Additional Protocol I Article 75. If the UK is an occupying power, there is a duty on the UK to maintain law and order in occupied territory under its control. The normal laws of the country concerned will continue in effect, subject to any changes and additions that are necessary due to the occupation.⁴⁵ Civilians committing criminal acts will still be liable to arrest, either by the local police or by UK Armed Forces. Anyone detained by UK Armed Forces who is neither an internee nor a prisoner of war, nor a retained person as described at paragraph 138 above, will be considered a detainee. They are to be put

³⁹ During wartime, emergency legislation may provide for the interning of UK civilians in certain circumstances. This is outside the scope of this publication.

⁴⁰ This will normally be formulated in advance at MOD level and passed down via Permanent Joint Headquarters.

⁴¹ GC IV: 41.

⁴² GC IV: 78.

⁴³ GC IV: 68.

⁴⁴ GC IV: 76.

⁴⁵ GC IV: 64.

before a competent court as soon as possible and tried in accordance with criminal law.⁴⁶

144. **Detainees Becoming Internees.** Generally, if given a custodial sentence, detainees will serve a sentence of imprisonment in a civilian prison. However, they can instead be sentenced to a period of internment and then will become internees as mentioned at paragraph 142. This is likely to be the case where the crime was political in character and aimed at UK Armed Forces or the occupation administration, rather than a crime for personal gain.

145. **Exceptions.** There are certain classes of civilians who are nonetheless entitled to prisoner of war status as set out under paragraph 135.⁴⁷

Categories of CPERS – Non-International Armed Conflict

146. During non-international armed conflict the law governing the treatment of CPERS detained by UK Armed Forces differs markedly from that described above. The LOAC; the law of the nation in which hostilities are taking place; applicable international human rights treaties to which the UK is a party, for example, the European Convention of Human Rights and other international laws, as well as any international mandate for the operation, for example a UNSCR, will all combine to govern the situation. During non-international armed conflict, where UK Armed Forces capture individuals they will be classified as internees or detainees.

147. **Relevant Provisions.** The relevant provisions governing both internees and detainees in a non-international armed conflict can be found in Common Article 3 of the Geneva Conventions and, where specific criteria are met, Additional Protocol II.⁴⁸

148. **Internees.** UK Armed Forces may intern civilians for imperative reasons of security. This power is usually derived from a UNSCR or from host nation law in conjunction with their consent. Internees will normally be persons who are involved in actively and violently resisting the mission or presence of UK Armed Forces or seeking to undermine the host nation government. Their motive will generally be political or religious in nature, or both. The motivation for some activities may not be immediately clear, e.g. a terrorist who funds his activities by bank robberies or drug smuggling, or a major criminal seeking to undermine the authority of the government in order

⁴⁶ GC IV: 66.

⁴⁷ GC IV: 4A (4) and (5).

⁴⁸ AP II only applies to armed conflicts which take place in the territory of a *high contracting party* between its armed forces and dissident armed forces or other organised armed groups, which under responsible command exercise such control over a part of the territory as to enable them to carry out sustained and concerted military operations, and to implement AP II.

to continue his activities.

149. **Detainees.** UK Armed Forces may have the power to detain criminal suspects. This power is usually derived from the host nation's own domestic law, or the UNSCR, or on the basis of self-defence (including the defence of others). Alternatively, UK Armed Forces may assist the host nation's police, military or security personnel in such matters. Any such detention is normally short term pending prosecution by the host nation authorities. 'Criminal' in this context means committing an offence against the laws of the host nation, whether or not this has a direct impact on UK or coalition forces.

Categories of CPERS – Other Operations

150. During operations that do not amount to armed conflict, UK Armed Forces may have the power to detain or intern CPERS through a UNSCR or host nation law in conjunction with their consent. The treatment of CPERS by UK Armed Forces will be governed principally by the domestic laws of the UK and of the country in which the operation occurs. This may also include international human rights treaties. The basic minimum standards set out in Chapter 2, however, will apply to CPERS activities in all operations.

SECTION VI – INTERNATIONAL AND NATIONAL ORGANISATIONS

151. Commanders should be aware of the range of non-military governmental, and independent national and international organisations that play a pivotal role in assisting in, and overseeing, arrangements for the treatment of CPERS. These may include: the International Committee of the Red Cross (ICRC);⁴⁹ the National Information Bureau;⁵⁰ the Committee for the Prevention of Torture established under the European Convention for the Prevention of Torture; UN agencies with responsibilities for humanitarian issues such as the UN High Commissioner for Human Rights; the UN Special Rapporteur on Torture; the UN Committee Against Torture; or the Special Representative of the Secretary-General or Head of Mission for the country in question. Additionally, other key UK Government departments include the Department for International Development, the Foreign and Commonwealth Office and the Stabilisation Unit. Various non-governmental organisations will also take an active interest in the conditions under which CPERS are held and the treatment they receive, such as Amnesty International and Human Rights Watch. Direction on the role of these organisations and those which have a right to inspect is at Chapter 4, Section IV.

⁴⁹ See Chapter 4 Section IV.

⁵⁰ See Chapter 4 Section V.

152. **Media Organisations.** Media organisations will inevitably take a close interest in the arrangements for, and treatment of, CPERS. The number of CPERS and the circumstances under which CPERS are captured are matters of legitimate public interest, but CPERS must not be made the object of public curiosity.⁵¹ Care should be taken to ensure that media personnel embedded with UK Armed Forces do not disregard this rule. Any approach by the media is to be referred in the first instance to the media operations staff at the Joint Task Force Headquarters (JTFHQ), who should liaise closely with the legal adviser and J1 staff in handling the issues raised. MOD is the sole release authority for images of any CPERS.

⁵¹ GC III: 13. As a matter of law and policy this rule is applied to all CPERS.

ANNEX 1A – PROCEDURE FOR DETERMINING PRISONER OF WAR STATUS DURING INTERNATIONAL ARMED CONFLICT

1A1. Article 5 of Geneva Convention III states: *should any doubt arise about individual entitlement to prisoner of war status, such persons shall enjoy the protection of the present Convention until such time as their status has been determined by a competent tribunal*. This is known as an Article 5 Tribunal. Consequently, any individual who claims prisoner of war status is entitled to an adjudication of that status by way of an Article 5 tribunal. Geneva Convention III does not, however, indicate how an Article 5 tribunal should be constituted nor in whose mind the doubt must arise to compel the institution of such a tribunal.

1A2. A UK military tribunal will normally determine status.¹ The governing regulations for Article 5 tribunals used to be the Royal Warrant Governing The Maintenance of Discipline Among Prisoners of War 1956, the Army Act 1955 and The Prisoner of War Determination of Status Regulations 1958. The Armed Forces Act 2006 now renders these regulations obsolete. At the time of publication new regulations were being drawn-up. Should an Article 5 tribunal be required before new regulations come into force, commanders must seek legal advice about the tribunal's composition, procedures and rules.

1A3. UK Armed Forces should take practical steps to assist in determining the CPERS' status. Details of the UK Armed Forces who captured the individual and of the circumstances of the capture should be handed over with the individual. Those found not to be entitled to prisoner of war status may be detained or interned, depending on the reason for their capture, handed over to the civil authorities, or released. Combatants are presumed to be entitled to prisoner of war status unless formally declared otherwise and, even if so declared, are entitled to a proper trial regarding any allegations made against them.

1A4. Whenever a UK national falls into the hands of UK Armed Forces operating abroad, commanders should seek legal and policy advice through the chain of command at the earliest possible opportunity, commensurate with mission accomplishment and the safety of the force. Close liaison with the MOD and other government departments is required in relation to the handling of any UK national captured by UK Armed Forces overseas.

¹ Usually in the form of a Service Inquiry.

ANNEX 1B – GUIDANCE ON THE INTERNMENT PROCESS

Legal Basis for Internment

1B1. The legal basis for internment derives from either a United Nations Security Council Resolution (UNSCR), or Geneva Convention IV, or authorisation or agreement by the host nation. Under this legal authority, UK Armed Forces may intern Captured Persons (CPERS) *where necessary for imperative reasons of security*. This will include a threat to the security of the civilian population as well as to any coalition or host nation forces. The CPERS will be categorised as an internee. The UK will comply with all international law obligations when conducting internment.

General Process

1B2. Internment is an exceptional measure and a CPERS will only be interned where it is assessed by the tribunal to be necessary for **imperative reasons of security**.

1B3. The tribunal should be independent and empowered to direct both the initial internment of an internee and further periods of interment thereafter. If a detention review committee, as detailed in Chapter 4 Section III has been established, this body may act as the tribunal. If not, the composition of the tribunal, as agreed by the MOD should include:

- a. The General Officer Commanding (GOC)/Brigade Commander/Detention Authority.
- b. The Chief of Staff.
- c. The Policy Adviser to the GOC/Brigade Commander/Detention Authority.
- d. Chief J2.
- e. Commander Legal.

1B4. The tribunal will either:

- a. Authorise the release of the security internee, if it is assessed that it is no longer necessary to intern him for imperative reasons of security and there is no other basis on which to intern him; or
- b. Authorise continued internment; or

- c. Approve the transfer to the host nation for criminal prosecution subject to the conditions stipulated in any transfer agreement.

Procedures

1B5. The tribunal will consider the evidence against a CPERS no later than 48 hours after he is captured, to determine whether that individual should be released, transferred to the host nation for criminal prosecution, or whether there are sufficient grounds to intern him for imperative reasons of security. If the tribunal decides that internment is necessary and justified on the evidence, then the decision to continue internment must be frequently reviewed. Internment should be reviewed regularly, and no later than every 28 days, to decide whether the internee remains an imperative threat to security. A more frequent level of review may be introduced at any time if appropriate.

1B6. The tribunal will, upon completing its initial consideration and subsequent reviews of the case, vote on whether it is necessary to intern the individual for imperative reasons of security.

1B7. Once an internee has been detained for a cumulative period of, for example, greater than 6 months and the tribunal considers it necessary to continue internment, they must make an application to the MOD through Permanent Joint Headquarters who will review the case and make a decision within 10 working days of receipt as to whether to approve continued internment. The internee must be released if the MOD assesses that it is no longer necessary to intern him for imperative reasons of security. If the MOD does not authorise continued internment, the internee must be released.

Criminal Charges

1B8. If there is sufficient evidence to support a criminal charge against an internee, he should be reclassified as a criminal detainee and be transferred to the host nation for criminal prosecution; it may no longer be necessary to continue to intern him as an imperative threat to security. If requested by the host nation, the UK should continue to hold the individual (for capacity or security reasons) but as a criminal detainee with the additional specific provisions.

ANNEX 1C – SUMMARY OF CATEGORIES OF CPERS

Type of Operation	CPERS	Examples	Rules Governing CPERS	
International Armed Conflict	Prisoners of war	Combatants	Geneva Convention (GC) III and Additional Protocol (AP) I	Customary International Law and Applicable International Human Rights Law
	Retained persons	Medical, chaplains		
	Others entitled to prisoner of war status	War correspondents, supply contractors and others authorised to accompany armed forces <i>Levee en masse</i>		
	Internees	Civilians belonging to the opposing state interned for imperative reasons of security Criminal detainees sentenced to internment	GC IV	
	Detainees	Civilian criminals Civilians taking a direct part in hostilities Criminal detainees prior to sentence to internment Insurgents/agitators Spies Mercenaries	AP 1 Article 75	
Non International Armed Conflict	Internees	Dissident armed forces or other organised armed groups interned for imperative reasons of security	Common Article 3 and AP II (if criteria are satisfied)	Customary International Law and Applicable International Human Rights Law
	Detainees	Civilians detained for committing a criminal offence under the host nation law Civilians taking a direct part in hostilities		
Other Operations*	Internees	Individuals who are threatening mission accomplishment	Domestic laws of UK	
	Detainees	Individuals who are threatening mission accomplishment or committing criminal acts	Domestic laws of the country in which operation occurs	

* For example, a non-combatant evacuation operation or peace support operation.

CHAPTER 2 – STANDARDS OF TREATMENT

SECTION I – BASIC PRINCIPLES OF HUMANE TREATMENT

201. Basic principles of humane treatment must be applied when dealing with all Captured Persons (CPERS), at all stages of the CPERS handling process, from point of capture to release or transfer. This chapter sets out the basic principles of humane treatment beginning by listing the minimum standards and requirements that UK Armed Forces will deliver to all CPERS. It then explains what constitutes the prohibited acts, including the 5 techniques,¹ and provides guidance on what actions may be permitted. The chapter then outlines special treatment for specific categories of CPERS before finally addressing the process of complaint.

ALL CPERS must be treated humanely at all times

ALL CPERS are entitled to respect for their person, honour and religion

202. To the extent permitted by operational circumstances, all CPERS are to be afforded protection from the effects of the conflict. All are to be treated consistently with the UK's obligations whether under the Geneva Conventions or any other applicable international law.

203. CPERS handling requires firm command, leadership and a strong commitment to treating individuals humanely.² Commanders must ensure that all personnel under their command are fully aware of the obligations to treat CPERS humanely and of the prohibition on torture, cruel, inhuman or degrading treatment.³ These prohibitions must be stated in the operational directives and regulations and in the unit standing orders for those responsible for CPERS.

Standing Orders

204. Standing Orders must clearly set out that access to CPERS must be strictly controlled and kept to the absolute minimum necessary for the safe, secure and humane treatment of the CPERS, including allowing for authorised tactical questioning. In-theatre legal and provost advisers should be approached for advice at an early stage in the drafting of such orders. A list of subjects that must be covered by the orders is at Annex 2A.

¹ See paragraphs 215-220.

² Violation of the obligation to treat CPERS humanely and the command and individual responsibility to prevent, interrupt and report such violations is addressed in Chapter 4.

³ Additional Protocol (AP) I: 87.

205. Commanders must ensure that following the advice of the legal adviser and the Force Provost Marshal, standing orders are drafted for each operation to ensure that they account for the specific circumstances involved. Breach of such standing orders will be dealt with under the existing disciplinary provisions of the Armed Forces Act 2006, for example, section 13 (Contravention of a Standing Order) which carries a maximum sentence of 2 years imprisonment. If the mistreatment of a CPERS, however, is considered to be of sufficient severity, and is considered to amount to cruel or inhuman or degrading treatment, the matter may be dealt with as a war crime, either at court martial or in a civilian court.⁴

206. A set of orders should also be published for the CPERS, setting out the behaviour that is expected of them and the rules that they are to adhere to while held at the CPERS facility. For the purpose of this publication, a CPERS facility is *any facility where a CPERS is held in captivity whether temporarily or permanently including unit holding areas, collecting points and CPERS holding facilities*.⁵ These orders should include details of the complaints procedure to follow in the event that they have been mistreated or abused. Additionally, commanders must ensure that copies of standing orders, instructions and announcements for the CPERS are displayed in the facilities and that copies of all written orders, regulations and rules are handed to the various CPERS representatives.⁶

207. International law requires a copy of the Geneva Conventions and the Additional Protocols to be displayed in every CPERS facility. All of these documents must be posted so that they are available to all CPERS and written in a language which can be understood by them.⁷ When a CPERS is unable to read, the contents of the documents should be explained to them by the facility staff or interpreters. The documents should regularly be checked for damage and defacement and replaced when necessary.

Risk and Vulnerability

208. Commanders must be aware of the sensitivities inherent in CPERS handling. The early stages of any CPERS handling activity such as the point of capture present greater risks due to the inherently stressful situation and the immediate lack of resources and facilities. Additionally, the restrictive and isolated nature of a CPERS facility can result in abuses being committed unless the right ethos has been instilled in training and where supervision is poor. CPERS are vulnerable to various types of abuse, including physical, mental and psychological. Examples include the use of force, other types of

⁴ See Chapter 4 Section II.

⁵ New definition.

⁶ See Chapter 10 Section XII.

⁷ Geneva Convention (GC) III: 41.

coercion, bullying and sexual abuse. Commanders are responsible for keeping all CPERS safe from all forms of abuse, including bullying.

Self-induced Pressure

209. Captivity is a stressful time for any CPERS. There may be a sense of shame that they have been captured, mingled with relief, and possibly guilt at being alive. Most, apart from willing deserters, will be openly or covertly hostile to UK and allied forces, our ethos and our mission. Experience of what happens to their own captives may inform their view. Collectively these feelings are referred to as self-induced pressures and they naturally diminish during extended captivity as CPERS come to terms with their situation. Such pressures may assist in exploitation for intelligence as detailed in Chapter 11 Section II.

210. Conversely, and most importantly, under no circumstances are active measures to be taken to increase self-induced pressures; an unpleasant or disadvantageous environment must not be created or exacerbated, nor can cruel, inhuman or degrading treatment be used to worsen such pressures. In the majority of cases, until the exploitation of the CPERS in tactical questioning or interrogation is complete, or the CPERS is transferred into the holding facility or returned to the host nation, it is essential that the rapport-building effort is led by the tactical questioner or dedicated interrogator.⁸ Cruel, inhuman or degrading treatment, as well as being unlawful, will further convince the CPERS of the justice of their cause and reinforce their view that the UK Armed Forces fail to comply with the Law of Armed Conflict. Humane treatment, however, will assist in challenging any misconceptions. It may undermine their negative beliefs, and may cause them to re-assess their view of the overall situation, and thus the UK's legitimacy. It will ensure the greatest possibility of successful intelligence exploitation and in some cases the complete rejection of the CPERS' previous beliefs and convictions. This in turn may assist the overall campaign, but even if it does not, the consequences of failing to be fair in CPERS treatment demands a consistent and just approach in all circumstances.

Minimum Standards and Requirements

211. The following section sets out the minimum standards and requirements for UK Armed Forces when dealing with CPERS. These minimum standards apply at all times and in all environments except as qualified by operational constraints or the exigencies of the situation. The underlying principle is that of equivalency. CPERS will receive basic provisions to an equivalent standard as UK Armed Forces:

⁸ Not all CPERS will be subject to intelligence exploitation, for example, children and vulnerable CPERS.

a. **Accommodation.** Where possible, CPERS shall be accommodated in conditions as favourable as those for UK Armed Forces.⁹ The conditions will in no case be prejudicial to the health of the CPERS. All precautions must be taken against the danger of fire. The premises will provide CPERS with adequate heating and lighting. The conditions shall make allowance for the habits and customs of the CPERS. Latrine facilities are to be provided for use both by day and night. Access to baths or showers is to be provided together with sufficient supplies of water for ablutions and laundry. Adequate facilities are to be provided for messing. Further guidance on planning a CPERS facility is at Chapter 6.

b. **Food.**¹⁰ Food shall be sufficient in quantity, quality and variety to keep CPERS in good health and to prevent loss of weight or the development of nutritional deficiencies. Each CPERS shall be provided with 3 meals per 24-hour period, of a similar standard to that of the UK Armed Forces. As a general guide meal times shall be no closer together than 4 hours nor further apart than 10 hours. Account shall be taken of the habitual diet of CPERS and of their cultural and religious needs. The CPERS' physical state, however, may dictate that more regular feeding is required.

c. **Water.**¹¹ CPERS shall be provided with sufficient drinking water. CPERS must have access to water at all times either on request or by default, where CPERS are given a supply to self ration.



d. **Health and Hygiene.**¹² Health and hygiene standards in all CPERS facilities shall be sufficiently high to keep CPERS in good health. As a minimum the conditions should be of the same standard as those for the UK Armed Forces who are collocated. Inspection of CPERS facilities by medical officers should take place regularly to ensure that the highest possible standards are maintained in all

⁹ GC III: 25, GC IV: 85.

¹⁰ GC III: 20, 26, GC IV: 89.

¹¹ GC III: 20, 26, GC IV: 89. In accordance with APII: 5 internees shall be provided with drinking water to the same extent as the local civilian population.

¹² GC III: 22 and 29, GC IV: 85, 91 and 92.

circumstances.¹³ Further guidance on health and hygiene standards for CPERS facilities is at Chapter 3 Section V.

e. **Protection from the Environment.**¹⁴ CPERS shall be afforded sufficient protection against the rigours of the climate and dangers of the armed conflict. CPERS should not be unnecessarily exposed to danger or the elements and, subject to operational circumstances, are not to be kept in direct sunlight for long periods or denied protection from the cold.

f. **Clothing.**¹⁵ The UK Armed Forces shall provide all CPERS with underclothes, footwear and outer clothing of a type appropriate to the climate of the region in which the CPERS holding facility is located. The CPERS holding facility staff will ensure that this is maintained in a reasonable state of repair and replaced when it is no longer serviceable.

g. **Sleep and Rest.** CPERS shall be given at least 8 hours of rest per 24-hour period, during which there shall be an opportunity to sleep for a single undisturbed period of no less than 4 hours.¹⁶

h. **Medical Treatment.** CPERS should be provided with suitable medical care. Details of CPERS medical treatment are at Chapter 3.

i. **Religious Practice.**¹⁷ Subject to operational circumstances, all CPERS shall enjoy complete freedom in the exercise of their religious practices. CPERS may receive spiritual assistance from chaplains or other persons.

j. **Protection from Curiosity.**¹⁸ At all times, CPERS shall be protected against insults and public or media curiosity. Photographs are only to be taken for official purposes.

k. **Right to Communicate with the International Committee of the Red Cross.**¹⁹ During an international armed conflict, the International Committee of the Red Cross (ICRC) has a right of access and a right to privately interview CPERS.²⁰ During a non-international

¹³ Medical officers will determine the regularity of any such inspections.

¹⁴ GC III: 19, 20, 22 and 23, GC IV: 83, 88 and 90.

¹⁵ GC III: 20 and 27. GC IV: 90.

¹⁶ A DSTL Study Technical Note (DSTL/DOC29938 July 2008 *Sleep Requirements for Captured Personnel*).

¹⁷ GC III: 34, 35 and 37, GC IV : 93, AP II: 5.

¹⁸ GC III: 13, GC IV: 27.

¹⁹ GC III: 81, 126. GC IV: 30, 143.

²⁰ GC III: 126 and GC IV:143.

armed conflict the ICRC can offer its services to perform similar visits.²¹ As a matter of policy, where appropriate, all CPERS shall be provided with information and access to the ICRC as fully and rapidly as practicable. They are also entitled to unfettered correspondence with the ICRC.

l. **Right to Complain.**²² CPERS shall have an unrestricted right to complain. Further details on the complaint procedure can be found in Chapter 2 Section V.

m. **Right to Exercise.**²³ CPERS shall be allowed a minimum of one hour of exercise in the open air per 24 hours.

212. The standards and requirements described above will be provided to all CPERS to the fullest extent possible. During the early stages of the CPERS handling process, the exigencies of the situation such as a shortage of resources may prevent the full provision of these standards and requirements.

SECTION II – PROHIBITED ACTS

CPERS must not be subjected to torture, cruel, inhuman or degrading treatment, or violence to life in any form

The threshold of cruel, inhuman and degrading treatment may also be reached from an aggregation of conditions which, if taken in isolation, may individually appear to be acceptable

213. There are no circumstances in which torture, cruel, inhuman or degrading treatment can ever be justified.²⁴ UK Armed Forces are required by law to act humanely towards all CPERS. To that end, **certain specified acts as listed below are absolutely prohibited in all circumstances**, irrespective of the nature of the operation or category of the CPERS. Anyone who commits an offence contrary to these prohibitions can expect to be charged with crimes under service law, domestic law or international criminal law.²⁵

It is forbidden to take photographs of CPERS (dead or alive) for personal reasons

²¹ Common Article 3 of GCs.

²² GC III: 78, GC IV: 101.

²³ GC IV: 125.

²⁴ For details on the elements of crimes of cruel, inhuman and degrading treatment see Chapter 4 Section II.

²⁵ See Chapter 4.

214. In accordance with the 1949 Geneva Conventions, the 1977 Additional Protocols, the 1998 International Criminal Court Statute,²⁶ the International Covenant on Civil and Political Rights and Customary International Law, the following are Prohibited Acts:

Prohibited Acts
Violence to the life, health and physical or mental well-being of CPERS, in particular murder as well as cruel treatment and torture, mutilation or any form of corporal punishment ²⁷
Collective punishments ²⁸
Taking of hostages ²⁹
Acts of terrorism
Slavery and the slave trade in all their forms ³⁰
Outrages upon personal dignity, in particular humiliating and degrading treatment, rape, sexual slavery, enforced prostitution, forced pregnancy, forced sterilisation and any other form of sexual violence ³¹
Pillage (to steal by force)
Physical mutilation or medical or scientific experiments of a kind which are neither justified by medical, dental or hospital treatment of the person concerned nor carried out in his or her interest ³²

²⁶ Implemented into British law by the International Criminal Court Act 2001.

²⁷ Common Article 3 of the GCs, GC III: 13, GC IV: 27, AP I: 11, 75, AP II: 4, ICCA Sch 8 Article 7 paragraph 1 and Article 8 paragraph 2.

²⁸ AP I: 75, AP II: 4. This forbids the inflicting of punishments upon the population on account of the acts of individuals for which the general population cannot be regarded as responsible, for example, the destruction of houses in a village of which the offender is an inhabitant.

²⁹ Common Article 3 of the GCs, AP I: 75, AP II: 4, ICCA Sch 8 Article 8 paragraph 2.

³⁰ International Criminal Court Act, Schedule 8 Article 7 paragraph 1. As stated in GCIV: 40, 95 and 96 and GCIII: 49, 50 and 62 internees and detainees may not be set to work. Enlisted prisoners of war may be required to engage in labour having no military character or purpose. Non-commissioned officer prisoners of war may be required only to perform supervisory work. Officers may not be required to work, although they may volunteer. Suitable arrangements for payment should be put in place.

³¹ Common Article 3 of the GCs, AP I: 75, 76, AP II: 4, ICCA Sch 8 Article 7 paragraph 1 and Article 8 paragraph 2.

³² AP I: 11, AP II: 4.

Prohibited Acts (Continued)
The passing of sentences and the carrying out of executions without previous judgment pronounced by a properly constituted court, affording all the judicial guarantees, which are recognised as indispensable by civilised peoples ³³
Reprisals ³⁴
Threats to commit any of the foregoing acts
The taking or possession of photographs of live CPERS or dead bodies for any reason other than official purposes of identification, evidence or intelligence ³⁵
Identification by tattooing or imprinting permanent signs or markings on CPERS ³⁶

The 5 Techniques

215. Following the introduction of internment in Northern Ireland in the early 1970s, a number of individuals captured and held by the police and UK Armed Forces made allegations of inhuman treatment during their period of captivity. On 2 March 1972, the UK Prime Minister Edward Heath stated in the House of Commons:

‘The Government, having reviewed the whole matter with great care and with reference to any future operations has decided that the 5 techniques...will not be used in future as an aid to interrogation...The statement that I have made covers all future circumstances.’

The techniques in question were hooding, wall standing, subjection to noise, deprivation of sleep and deprivation of food and drink. The UK Government prohibited these 5 techniques as an aid to interrogation.

216. On 8 February 1977 in proceedings before the European Court of Human Rights, the then Attorney General stated:

‘The Government of the UK has considered the question of the use of the 5 techniques with very great care and with particular regard to Article 3 of the European Convention on Human

³³ Common Article 3 of the GCs, GC II: 82-88, 99-108, GC IV: 117, AP I: 75, AP II: 4.

³⁴ Reprisals are acts, that would normally be illegal, taken by a belligerent to suppress illegitimate acts of warfare by the adversary and are only permissible in narrowly defined circumstances. See JSP 383, *The Joint Service Manual of the Law of Armed Conflict*, paragraph 5.18.

³⁵ GC III: 13, GC IV: 27.

³⁶ GC IV: 100.

*Rights. They now give this unqualified undertaking that the 5 techniques will not in any circumstances be reintroduced as an aid to interrogation.*³⁷

217. In *Ireland v UK* (Application 5310/71), the European Court of Human Rights gave its judgment on the use of the 5 techniques and concluded:

*‘Although the 5 techniques, as applied in combination, undoubtedly amounted to inhuman and degrading treatment, although their object was the extraction of confessions, the naming of others and/or information and although they were used systematically, they did not occasion suffering of the particular intensity and cruelty implied by the word torture as so understood. The Court concludes that recourse to the 5 techniques amounted to a practice of inhuman and degrading treatment, which practice was in breach of Article 3.’*³⁸

This judgment was a condemnation of the 5 techniques, which amounted to a breach of the right not to be subjected to inhuman or degrading treatment.

218. The 5 techniques have been redefined following intense scrutiny during the 2010 Baha Mousa public inquiry.³⁹ The 5 techniques are:

- a. **Stress Positions.** Any physical posture which a CPERS is deliberately required to maintain will be a stress position if it becomes painful, extremely uncomfortable or exhausting to maintain.
- b. **Hooding.** Placing a cover over a CPERS’ head and face.⁴⁰
- c. **Subjection to Noise.** Holding a CPERS in an area where there is unnecessary excessive noise.⁴¹
- d. **Deprivation of Sleep and Rest.** Depriving a CPERS of the minimum requirement of sleep and rest.⁴²
- e. **Deprivation of Food and Water.** Depriving a CPERS of the minimum requirement of food and water.⁴³

The 5 techniques, as re-defined above, must never be used as an aid to tactical questioning or interrogation, as a form of punishment, discriminatory conduct, intimidation, coercion or as deliberate mistreatment. Hooding is

³⁷ *Ireland v UK* (5310/71), paragraph 102, 18 January 1978.

³⁸ *Ibid*, paragraphs 167 and 168.

³⁹ Baha Mousa was a 26 year old receptionist who died while being held in a UK CPERS facility in Basra in September 2003.

⁴⁰ A cover includes a sandbag. See also paragraphs 221 and 224 for further guidance on what is permitted.

⁴¹ Unnecessary excessive noise includes noise which, for example, is too loud, persistent or close.

⁴² See Chapter 2 Section I.

⁴³ See Chapter 2 Section I.

prohibited at any time, for whatever purpose. Guidance on permitted activities in order to control CPERS can be found in Section III.

219. Commanders must ensure that the prohibition of the 5 techniques is contained in standing orders, which are to be displayed and available to all UK Armed Forces particularly those working within CPERS facilities. In addition, reference to the 5 techniques must be included in all training packages and doctrine dealing with the treatment of CPERS. It must be clear to all UK Armed Forces that any breach of these prohibitions will result in disciplinary action.

The 5 techniques must never be used as an aid to tactical questioning or interrogation, as a form of punishment, discriminatory conduct, intimidation, coercion or as deliberate mistreatment

HOODING IS PROHIBITED IN ALL CIRCUMSTANCES

SECTION III – GUIDANCE ON CONTROL OF CPERS

220. Despite the above, it is recognised that there are entirely lawful activities arising from operational circumstances that may incidentally result in instances which necessitate CPERS being held in, or transported between facilities which by their temporary nature, crude construction or limited logistic support result in some discomfort. This may cause CPERS to suffer uncomfortable restraint positions, temporary disruption of sleep, exposure to excessive noise and limited food and water, all through no fault of the UK Armed Forces.

221. Whenever any of the circumstances referred to in this section arise, all reasonable steps should be taken to mitigate such conditions which must be for the minimum duration possible. In circumstances resulting in disruption of sleep, limited food and water and subjection to noise, the general rule is that the conditions for the CPERS, as a minimum, should be equivalent to the conditions experienced by those UK Armed Forces who are collocated with the CPERS. The reason for the activity (resulting in the discomfort), and the context in which it is carried out, will be crucial in determining its legitimacy. The following guidance is in accordance with the Chairman's Report of the Baha Mousa Inquiry:⁴⁴

- a. **Search Positions.** It will be necessary to search CPERS. This may require the individual to adopt a posture with limbs spread, albeit only for the purposes of the search and only for so long as the search is

⁴⁴ The Report of the Baha Mousa Inquiry, 8 September 2011 (www.bahamousainquiry.org).

conducted. If such a search position is imposed, the CPERS must be allowed to change position regularly to prevent pain and exhaustion.

b. **Restraint Positions.** There may be an operational requirement to use a restraint position on CPERS as a temporary measure to gain control of a situation. For example, restraint may be necessary where an individual is attempting to escape or is assaulting those engaged in handling or tactical questioning and interrogation. If such restraint positions are imposed, the CPERS must be allowed to change position regularly to prevent pain, extreme discomfort or exhaustion.

c. **Restraint Equipment.** Circumstances may also require the use of restraining equipment, for example plasticuffs specifically issued for such purposes to personnel engaged in CPERS handling. These must only be applied to the hands in front of the body as shown.



d. **Restriction of Vision.** Where practicable, the need to deprive CPERS of their sight should be avoided in the first place by common sense steps such as appropriate design and layout of facilities, the planning of operations, choice of routes and the covering up of equipment. All efforts should be taken to avoid the need for CPERS to ever be present in or pass through such areas. Restricting the vision of CPERS may be achieved by travelling in enclosed vehicles, or vehicles with windows covered. Even if it is impracticable to avoid CPERS seeing facilities or equipment in the first place, there must be a genuine sensitivity about the facilities or equipment before sight deprivation can be justified. Where, on a case by case basis, no other physical alternative is available and no other measure is



possible, CPERS may be required to wear blacked out goggles (as shown in the image) specifically issued for that purpose, or, if no blacked out goggles are available, a blindfold may be improvised. Any

improvised blindfold must not be designed to cause pain. Blacked out goggles or blindfolds (not covering the mouth or nose) should only be employed as a last resort and for the time and extent necessary, for example, to preserve operational security. Sight deprivation should not be used as a means of separating CPERS to prevent them from communicating with each other. Sight deprivation should not become routine; it must always be capable of being justified by the operational circumstances on the ground or to ensure the safety and anonymity of the CPERS. CPERS must not be subjected to tactical questioning or interrogation while their vision is obscured.

e. **Excessive Noise and Restriction of Hearing.** Holding facilities may be inherently noisy places, but steps should be taken to reduce noise levels and mitigate such conditions, or consideration must be given to providing CPERS with ear protection. Noise must not be deliberately directed at, or increased in the vicinity of CPERS, even for security purposes. Furthermore, all efforts should be taken to avoid the need for CPERS to ever be present in, or pass through, genuinely sensitive areas. Facility design should, where practicable, avoid the risks of CPERS hearing sensitive information including the questioning of others. Where strictly necessary, for example, in areas that are genuinely sensitive, ear defenders may be used to prevent CPERS overhearing sensitive information, but only for the time and extent necessary to preserve operational security; generators or other loud equipment should not be used as noise shields.

f. **Reduced Food and Water.** The quality and the variety of food available for CPERS may differ according to the operational circumstances. In addition, the food and the cooking facilities during the early stages of CPERS handling may not be of the same standard as those in the CPERS holding facility.



Circumstances may require that food has to be rationed. CPERS should receive the same amount and quality of food as the UK Armed Forces; the rule of equivalency should be applied. CPERS may be put on a special diet if directed by a medical officer as part of the CPERS' medical care. Even if restraint equipment is applied, the CPERS should be provided with drinking water when required, as shown.

g. **Disruption of Sleep.** It is prohibited to deliberately keep CPERS awake, even for short periods, merely because they may shortly face tactical questioning or interrogation. They may be woken in order to be tactically questioned or interrogated, if the questioning is ready to take place, provided that the minimum sleep requirement is respected.⁴⁵ It is further recognised that operational circumstances may result in sleep being disrupted or delayed. Moreover, CPERS may need to be woken or disturbed for reasons of safety to the CPERS or for the welfare of the CPERS. Therefore, it may be difficult to ensure CPERS receive the minimum sleep requirement, during transfer between facilities. The discretion to wake a CPERS for immediate questioning is not to be abused by way of repeated or random waking of the CPERS with a view to disorientation.

222. Deprivation of sight or hearing and the application of restraints will only be lawful in the very limited circumstances when they are strictly necessary for operational reasons or the safety and anonymity of the CPERS and no lesser measure will suffice. When the reason no longer exists such treatment must cease immediately. Where practicable, CPERS who are subjected to sight or hearing deprivation should be told the reason for it. If being deprived of their sight for some or part of a journey by road or air, as well as ensuring that the sensory deprivation is kept to the minimum time strictly necessary, CPERS should be told in a language which they understand, in general terms, where they are being taken. Simple phrases in relation to sight deprivation should be included in mission-specific language training.

223. As soon as practicable, a record should be made of every occasion when sensory deprivation, such as blacked-out goggles or the application of ear defenders, takes place; this is to include the date and time, duration, a brief explanation of the circumstances and the justification, and the details of the service person who authorised the sensory deprivation. This information should be included in the CPERS record of captivity.

224. A CPERS may personally make a specific request, such as: to be concealed under a blanket for fear of being identified by other CPERS or local nationals; to wear a veil or head dress for religious or cultural purposes; to wear head protection against the dangers of conflict; to wear a hat or other head garment for protection against the climate. Provided the aforementioned are requested by the CPERS, they do not violate the prohibition on hooding. A record must be kept of every such request including the date/time, a brief explanation of the request and the details of the service person who authorised the action.

⁴⁵ See paragraph 211g.

225. Aids to senses, including spectacles and hearing aids, must never be removed from CPERS except during a search, and then only for the minimum time necessary or where it is absolutely necessary, for example, if the individual is on suicide watch and it is believed the items may be used to self harm.

CPERS handling requires firm command, leadership and a strong commitment to treating individuals humanely

226. The examples given above are by no means exhaustive. Every CPERS must be considered as an individual with their own strengths and weaknesses. What may not be considered as discomfort or stressful to one person may be extremely uncomfortable to another. Whenever there is doubt as to whether a particular activity is appropriate or lawful, advice should always be sought from the Force Provost Marshal and legal adviser in theatre or from Permanent Joint Headquarters (PJHQ) J9. The use of reasonable force when necessary in self-defence is always permitted.

SECTION IV – SPECIAL TREATMENT FOR CERTAIN GROUPS OF CPERS

227. Certain groups of CPERS are entitled to special treatment and care. Specific medical treatment relating to these groups can be found in Chapter 3 Section II. The groups of CPERS requiring special treatment and care are detailed below.

Juveniles and Children

228. Apart from the general guidance contained in Additional Protocol I, Article 77, the Geneva Conventions and Additional Protocol I make no specific provision for the capture and treatment of juveniles, although Geneva Convention IV does include limited provisions relating to the protection of children. Therefore, for each operation, it will be for the UK MOD to establish a policy for the handling of juveniles, which will conform with human rights law and the humanitarian principles of the Geneva Conventions.⁴⁶ Advice should be sought from the ICRC on the management of juveniles and children.

229. For the purpose of this publication, captured juveniles are defined as *all CPERS aged 15, 16 or 17*. The following guidance reflects the basic legal position regarding the treatment of juveniles:

⁴⁶ The Operations Directorate are responsible for the UK policy on juveniles.

- a. CPERS who are, or are believed to be, juveniles shall be processed through the same administrative and induction arrangements as adult CPERS, however, where possible, juveniles will be separated from other CPERS during these processes.
- b. Juveniles should be accommodated separately from all adult and child CPERS except where they are part of a family group.
- c. The ICRC will assist with the repatriation of juvenile prisoners of war and early liaison is essential. All other juvenile CPERS can be held by UK Armed Forces. They can also be transferred to the host nation authorities or to another nation's authorities, but such transfers will be governed by MOD policy.
- d. Initial questioning of juveniles can be carried out to establish the identity and age of the individual.⁴⁷ Subsequent tactical questioning and interrogation of juveniles is not prohibited in law; however MOD will issue operation-specific guidance on whether this is permitted as a matter of policy. Such policy will have due regard to the juvenile's age, any special condition and vulnerability, as well as the military benefit to be derived.

230. For the purpose of this publication, captured children are defined as *all CPERS under the age of 15*.⁴⁸ The following guidance reflects the legal position for the treatment of children:

- a. Children should not be held in captivity unless captured to prevent imminent danger to UK Armed Forces. If they are detained, children must be housed in separate quarters from adults and juveniles unless they are part of a family group. In certain circumstances those under the age of 15 may be removed from a location to be protected from danger.
- b. Children must be guarded by a minimum of 2 UK personnel who should, where possible, be servicewomen.
- c. Children are not to be tactically questioned or interrogated.
- d. For each operation the UK MOD must issue specific guidance regarding the transfer or release of children who have been captured.⁴⁹

⁴⁷ See Chapter 11 Section II on the distinction between initial questioning and tactical questioning.

⁴⁸ AP I: 77.

⁴⁹ The Operations Directorate are responsible for the UK policy on children.

231. There may be instances where CPERS do not know or are unwilling to reveal their date of birth and it may be extremely difficult to ascertain the age of young CPERS. It will be better to assume that the CPERS is a child until more detailed checks can be made. Determination of age will be made by, or on behalf, of the detention authority, taking into account all relevant evidence, including the assessment of the medical officer. The role of the medical officer is at Chapter 3. If an individual reasonably claims or is assessed to be less than 15 years of age, the individual should be treated as a child and neither tactically questioned nor interrogated.

232. All officers responsible for CPERS facilities must understand that when holding juveniles or children they have an obligation to care for them in a manner that takes account of their age and particular needs. Juveniles and children are more vulnerable than adults and need to be protected from violence or abuse, including amongst themselves. They are to be treated with special respect and shall be protected from any form of assault. In addition, they will be provided with the care and assistance they need whether due to their age or for any other reason.

233. As they are generally more likely to respond to positive influences, the regime for juveniles and children, should emphasise education and skills training. J1 should seek to establish links with those non-governmental organisations working with young people beyond the CPERS holding facility in order to extend the range of programmes available to young CPERS, particularly in physical, cultural and social activities.⁵⁰

234. A high priority should be given to maintaining and developing links between juveniles and children and their families. Families should be encouraged to visit the CPERS holding facility as often as is feasible and to maintain contact by letter. The CPERS holding facility commandant needs to pay special attention to the environment in which visits take place, affording as much privacy and informality as possible.

235. In many countries, a significant proportion of juveniles may have lost contact with their families before, or as a result of, their period in captivity. CPERS holding facility commandants will need to give particular attention to identifying those young people who may need additional support in re-establishing links with their families or for whom family links have irrevocably broken down. UK Armed Forces may request assistance from the ICRC in establishing family links. In addition, where operational circumstances allow, depending on the nature of the operation and the duration of the period in captivity, the commandant should consider some sort of purposeful activity or

⁵⁰ For example, the UN International Children's Emergency Fund or Save the Children.

training for juveniles. The main purpose should be to avoid returning the young persons to the social circumstances that contributed to their original capture. It will be important to enlist the help of the relevant governmental and non-governmental agencies in designing and delivering appropriate resettlement programmes.

Females

236. The captivity of female CPERS may be culturally sensitive. Due regard must be given to females' physical strength, the need to protect them against rape, forced prostitution and other forms of sexual violence or abuse, and the special demands of biological factors such as menstruation, pregnancy and childbirth. Pregnant females and mothers of dependent children must have their cases considered with the utmost priority. Female CPERS shall in all cases benefit from treatment as favourable as that granted to male CPERS.⁵¹

237. Females must be kept in separate accommodation from males.⁵² Female CPERS should be under the immediate supervision of female Service personnel where possible.⁵³ In cases where families are detained or interned, if possible, and unless there is an urgent operational requirement to segregate specific family members, they should be kept together as family groups and away from other CPERS.⁵⁴

Vulnerable CPERS

238. For the purpose of this publication, a vulnerable CPERS is defined as *an individual who by reason of mental or other disability, age or illness, is or may be unable to take care of himself or is unable to protect himself against significant harm or exploitation or is dependent on others for assistance in the performance of basic physical functions.*

239. Where CPERS are identified by the commander as being vulnerable they are to be managed according to need. Those who require medical treatment are to be handed over to medical staff; those who are considered vulnerable but do not require medical attention are to be managed by J1 personnel. UK Armed Forces must, at all times, secure the safety of any vulnerable CPERS. Any CPERS who is considered to be a vulnerable person must be segregated from all other CPERS, except for any carer or family members. Extra care must be taken to ensure they are protected from any abuse or mistreatment.

⁵¹ GC III: 14.

⁵² GC IV: 76.

⁵³ Female supervision may not be available at the early stages of an operation or in the maritime environment if the ship is not manned by a mixed crew.

⁵⁴ AP I: 75(4).

SECTION V – COMPLAINT PROCEDURE

240. CPERS shall have an unrestricted right to complain: to the ICRC representative; to their respective CPERS representative; to the protecting power;⁵⁵ or directly to the UK Armed Forces. CPERS must be briefed on this as part of their in-processing brief to the facility.⁵⁶ On entry to, and exit from, a CPERS holding facility, CPERS are to be asked whether they have any complaints concerning their treatment. This should not be done in the presence of the capturing Service personnel or unit. The Force Provost Marshal must establish practical and effective arrangements for complaints in respect of captivity before reaching the CPERS holding facility.⁵⁷ For details on the CPERS' representative see Chapter 10 Section XII. Commanders must ensure that the process and procedure for making complaints are displayed in all CPERS facilities and are available to all CPERS.

241. All complaints must be unaltered and forwarded immediately. Even if complaints are unfounded, no punishment may be imposed on the complainant. It is important to recognise that the absence of complaints does not, in itself, prove that all is well; experience of custodial systems has shown that the absence of complaints may be indicative of a lack of faith in a system or of a fear of reprisals. Independent inspections, however, help to counter allegations of mistreatment where no specific complaints arise.

CPERS have an unrestricted right to complain

242. If a CPERS complains that they have suffered some form of abuse or been mistreated in any way, the person receiving the complaint is to report it to their chain of command and the Service police immediately and summon medical assistance if required. The details of all complaints must be recorded in full in the personal file of the CPERS, including details of the actions taken to resolve the complaint. It is the responsibility of the chain of command to ensure that all complaints have been brought to the attention of the Service police without delay.⁵⁸ The information required should include:

- a. What has been alleged?
- b. Who was involved?
- c. The place, date and time of the alleged incident.

⁵⁵ For further details on the Protecting Power see Chapter 4 Section IV.

⁵⁶ GC III: 50 and 78.

⁵⁷ Chapter 4 Section III paragraph 432.

⁵⁸ Commanding Officers should also be mindful of their duties under ss113 & 114 Armed Forces Act 2006 to notify the Service police in certain circumstances.

- d. What the person receiving the allegation did about it?

An *immediate actions* drill for adverse incidents is at Annex 13B.

243. The Service police are mandated to conduct an independent and effective investigation of all complaints. In addition to being a legal requirement, such investigations bring benefits to the force in terms of force protection and reputation.

244. The chain of command is to ensure that PJHQ and Provost Marshal (Army) are copied in on all allegations of complaints. PJHQ should ensure that the ICRC (or other applicable representative power) is notified of the details of complaints, whether the complaints are against UK Armed Forces, the host nation authorities or allies. In the case of serious complaints (which involve cruel, inhuman or degrading treatment or abuse) this must be done immediately. In the case of less serious complaints, this can be done during routine visits.

ANNEX 2A – GUIDANCE ON STANDING ORDERS

GUIDANCE ON STANDING ORDERS

Commanders must ensure that as a minimum, the topics listed below are included in standing orders for Captured Persons (CPERS) facilities and that the standing orders are displayed in all facilities.

Humane Treatment	<p>Make it clear that all CPERS are to be treated humanely at all times</p> <p>Forbid the prohibited acts, including the 5 techniques as detailed in Chapter 2 Section II</p>
Authorised Access List	<p>Emphasise that access to CPERS will be strictly limited to those individuals who need and are authorised to have access to CPERS</p> <p>Maintain and update a list of individuals authorised to visit CPERS</p> <p>Deny entry to all others seeking access to CPERS unless authorisation from the officer in charge of the facility has been granted</p> <p>Maintain a record of all individuals who have had access to CPERS, even if their names appear on the authorised list</p>
Geneva Conventions or other Applicable Law	<p>Display a copy of the Geneva Conventions/applicable law and make it available to all CPERS in a language that they understand</p> <p>As part of their in-processing, provide CPERS with a verbal brief on the contents of the Geneva Conventions/applicable law</p> <p>Provide assistance to those CPERS who are unable to read to ensure that they understand their rights and entitlements</p>
Complaints Procedures	<p>Display a copy of the complaints procedure for CPERS in a language that they understand</p> <p>Explain to CPERS the procedure on how to make a complaint</p>
Access by ICRC	<p>State the procedure for any visit by the ICRC, including access to CPERS</p>

Daily Routine	<p>Publish a daily routine that shows key timings such as meal timings, medical checks and prayer timings</p> <p>Complete and maintain a daily occurrence book (to include routine events)</p> <p>As part of the in-processing brief, verbally brief CPERS on the daily routine</p>
Water and Feeding	<p>Ensure that drinking water is available to CPERS at all times</p> <p>Ensure that food be equivalent to that given to own forces with due allowance made for cultural and religious differences</p>
Governance	<p>Identify who has direct responsibility for CPERS at any time</p> <p>Identify the chain of command in respect of the facility</p> <p>Stipulate the procedures for management checks to ensure the humane treatment of CPERS</p>
Actions On	<p>As part of their in-processing, provide CPERS with:</p> <ul style="list-style-type: none"> • A verbal briefing highlighting: <ul style="list-style-type: none"> ○ Actions to be taken in the event of indirect fire ○ Procedures to be followed in the event of an adverse incident involving CPERS ○ The need to notify guards immediately if a CPERS falls ill or dies • Issue helmets and combat body armour as required
Fire	<p>Fire safety measures</p> <p>Actions to be taken in the event of a fire</p>
Reporting of Violations	<p>Report to the chain of command and the Service police all violations of the Law of Armed Conflict (including breach of any standing orders for any CPERS facility)</p>

CHAPTER 3 – MEDICAL SUPPORT TO CPERS

SECTION I – LEGAL AND ETHICAL PRINCIPLES

301. This chapter provides direction on the standards of medical support that should be provided to Captured Persons (CPERS) held by UK Armed Forces while on operations and outlines the legal provisions and ethical principles that underpin these standards. While it is not possible to cover every CPERS eventuality, these principles (in conjunction with good medical practice and healthcare governance) shall govern conduct whenever there is medical involvement with CPERS. Whenever any member of the Defence Medical Services staff are involved with CPERS issues they are to comply with their professional obligations for optimum professional practice as stated by their respective professional regulatory bodies (medical practitioners,¹ dental practitioners,² nurses,³ midwives,⁴ pharmacists,⁵ allied health professionals⁶).

302. While in legal terms the Geneva Conventions only apply in their entirety to international armed conflicts, the humanitarian principles that underpin them will be applied at all times as a matter of policy in the medical management of all CPERS.

303. The contents of this chapter should be read in conjunction with the whole of JDP 1-10 (2nd Edition) *Captured Persons* (CPERS) and understood by all Defence Medical Services staff who may be liable for deployment or involved in the planning of medical provision on operations. Chapter 2 must be read in its entirety as it sets out the minimum standards of treatment for all CPERS.

United Nations (1982) Principles of Medical Ethics⁷

304. The United Nations (UN) has issued a set of ethical principles that relate to the involvement of healthcare personnel when treating CPERS. These principles of professional conduct apply at all times:

¹ General Medical Council, *Good Medical Practice*, 2006.

² General Dental Council, *Standards for Dental Professionals*, 2005.

³ Nursing and Midwifery Council, *Code of Conduct for Nurses and Midwives*, 2008.

⁴ Nursing and Midwifery Council, *Code of Conduct for Nurses and Midwives*, 2008.

⁵ General Pharmaceutical Council, *Standards of Conduct, Ethics and Performance*, 2010.

⁶ Health Professions Council, *Standards of Conduct, Performance and Ethics*, 2008.

⁷ UN (1982) *Principles of Medical Ethics in the Protection of Prisoners and CPERS against Torture and Other Cruel, Inhuman or Degrading Treatment*, General Assembly Resolution 37/194.

Principle 1 – Duty to Treat
Health personnel, particularly physicians, charged with the medical care of CPERS have a duty to provide them with protection of their physical and mental health and treatment of disease of the same quality and standard as is afforded to those who are not imprisoned or detained.
Principle 2 – Prohibition of Mistreatment
It is a gross contravention of medical ethics, as well as an offence under applicable international instruments, for health personnel, particularly physicians, to engage, actively or passively, in acts which constitute participation in, complicity in, incitement to or attempts to commit torture or other cruel, inhuman or degrading treatment or punishment.
Principle 3 – Professional Relationships
It is a contravention of medical ethics for health personnel, particularly physicians, to be involved in any professional relationship with CPERS the purpose of which is not solely to evaluate, protect or improve their physical and mental health.
Principle 4 – Impartiality of Treatment
<p>It is a contravention of medical ethics for health personnel, particularly physicians:</p> <ul style="list-style-type: none"> • To apply their knowledge and skills in order to assist in the interrogation of CPERS in a manner that may adversely affect the physical or mental health or condition of such CPERS and which is not in accordance with the relevant international instruments; • To certify, or to participate in the certification of, the fitness of CPERS for any form of treatment or punishment that may adversely affect their physical or mental health and which is not in accordance with the relevant international instruments, or to participate in any way in the infliction of any such treatment or punishment which is not in accordance with the relevant international instruments.
Principle 5 – Restrictions on Restraint
It is a contravention of medical ethics for health personnel, particularly physicians, to participate in any procedure for restraining a CPERS unless such a procedure is determined in accordance with purely medical criteria as being necessary for the protection of the physical or mental health or the safety of the CPERS himself, of his fellow CPERS, or of his guardians, and presents no hazard to his physical or mental health.
Principle 6 – Prohibition of Derogation
There may be no derogation from the foregoing principles on any ground whatsoever, including public emergency.

305. Further guidance and direction pertaining to the principles:

- a. While medical documents must be held separately from other official CPERS records, the latter can annotate that a medical examination has taken place and may include any specific instructions issued by medical staff that are necessary to safeguard the CPERS or facilitate their on-going care.

Standards of medical care, confidentiality and documentation should be equivalent to those applied to members of the UK Armed Forces

- b. If healthcare personnel become aware of mistreatment as detailed at Principle 2, they have a responsibility to report this to the operational chain of command, the Service police and also to the medical chain of command.
- c. Health personnel are only to be involved in professional relationships with CPERS for the purposes of evaluating, protecting or improving their physical and mental health. Health personnel must NOT engage in the following:
 - (1) Apply their knowledge and skills to assist in the questioning of CPERS in a manner that may adversely affect the CPERS' physical or mental health; this includes certifying or stating that a CPERS meets a specific mental or physical standard for questioning because this could never be considered as benefiting their health. Based on the principle that medical staff must act in the best interests of their patient, the practice of declaring someone as fit for captivity or questioning is incompatible with the role of medical staff. Medical staff may at any time recommend a CPERS as unfit to take part in a specific activity on the grounds of poor health. The UK formation commander (or equivalent in the maritime environment), however, may decide not to accept the recommendation.⁸
 - (2) Certify, or participate in the certification of CPERS for any form of treatment or punishment that may adversely affect their physical or mental health, or participate in any way in the infliction of any such treatment or punishment.
 - (3) Question CPERS about matters unless they are relevant to their medical care.

⁸ The process for this is laid out at paragraph 312(a) below for an in-patient at a medical facility.

d. Medical staff can, and should, at any time recommend a CPERS as unfit to take part in a specific activity (including captivity and questioning) on the grounds of poor health. The UK formation commander, or equivalent in the maritime environment, however, may decide not to accept the medical recommendation.⁹

e. CPERS must be protected from being subjected to public curiosity. Clinical photography of CPERS requires special consideration as the validity of consent may be difficult to assess. Photography required for legal or forensic purposes will be conducted by Service police to ensure compliance with any legal evidence requirements. Very rarely, clinical images (including photography) may be required for the medical record but only after written consent has been given by the CPERS. The use of such images for teaching, research, papers, books, journals or presentations is prohibited.

f. Health personnel must not participate in any procedure for restraining CPERS unless such a procedure is determined to be in accordance with purely medical criteria as being necessary for the protection of the physical or mental health or the safety of the individual, his fellow CPERS or of his guardians. Moreover, restraint must not present an undue or disproportionate hazard to the CPERS physical or mental health. Such requirements are likely to occur rarely.

g. UK Armed Forces must provide medical support with impartiality. There shall be no discrimination on grounds of race, colour, sex, language, religion, sexual orientation, political or other opinion, national or social origin, property, birth or other status. The medical care provided must be ethical and comply with best practice.

h. Additionally, medical staff have a responsibility for monitoring the standards of health and hygiene within CPERS facilities regardless of their size or austerity. Medical staff should always consider the need for environmental health personnel to be involved with this process.

UK Armed Forces medical staff must treat all CPERS with impartiality

i. Medical staff are to remain alert to the potential conflict that may arise through their dual loyalty to support CPERS while supporting the needs of the military organisation. They must be mindful that the well-being of the patient is their prime consideration and all patients are to be treated in accordance with their medical needs.

⁹ The process for this is laid out at paragraph 316(a) for an in-patient at a medical facility.

SECTION II – STATUS AND PROTECTION OF MEDICAL STAFF

306. During an armed conflict the Geneva emblem should always be displayed when in the presence of CPERS. When intact enemy medical facilities are captured, this should be reported through the chain of command. Their incorporation into the medical organisation for the treatment of CPERS should be considered.

307. Military medical staff should routinely wear full uniform. Captured medical staff have protected status under the Geneva Conventions, as detailed below. Where possible, to reduce the burden on UK medical staff, captured medical staff should be used to the maximum extent possible. These individuals can contribute to the management of CPERS particularly where there would otherwise be language or cultural difficulties. They are also of value where the captured enemy medical staff have a particular expertise in endemic disease not normally seen in the UK, and in supporting the management of psychological disorders in CPERS. Such staff can be categorised into:¹⁰

- a. **Retained Personnel.** Permanent members of enemy medical and dental services who are captured but are not prisoners of war are considered to be retained personnel. They may be retained so that their skills may be used in treating prisoners of war.
- b. **All Other Medical Staff.** These consist of personnel trained and employed as orderlies, nurses or stretcher bearers, or who are not members of the medical services but who happen to be suitably qualified; for example, doctors and physicians who are not serving in a medical capacity. Personnel in this category are treated as prisoners of war but when they are employed in medical duties they have the same rights as retained personnel.

308. Captured medical staff who fall into either of the 2 categories shown above and who are engaged in giving medical assistance to CPERS have the following rights and privileges:¹¹

- a. They are to receive, as a minimum, all the rights conferred by the Geneva Conventions.
- b. They are to be afforded the facility to perform their medical duties in accordance with medical ethics, under the direction and control of UK medical services and within the scope of UK military laws and

¹⁰ Geneva Convention (GC) III: 30, 32, 33.

¹¹ GC III: 33, 113.

regulations.

c. They are to be given the means of treating CPERS, preferably those of their own forces.

d. They are to be given the opportunity (including the provision of transport) to make regular visits to CPERS employed outside the camp or to CPERS who are in hospital outside the camp.

e. While they are subject to the internal discipline of the camp, there is no compulsion placed upon them to carry out anything other than medical work.

f. They have the right to propose CPERS for repatriation or accommodation in a neutral country and have an entitlement to attend examinations conducted by mixed medical commissions appointed to examine sick and wounded CPERS and make recommendations concerning their repatriation. For further details on mixed medical commissions see Chapter 12 Section IV.

g. If hostilities permit, retained personnel have the right to be relieved and repatriated.¹²

h. The senior retained medical officer is responsible to the CPERS holding facility commandant for everything connected with the activities of retained and other medical staff employed on medical duties in the camp. He has the right of direct access to the commandant and must be provided with the necessary facilities for correspondence.

SECTION III – MINIMUM STANDARDS FOR PROVISION OF MEDICAL TREATMENT

309. Medical staff shall conduct medical inspections or examinations in the following circumstances:¹³

a. CPERS must undergo a medical examination within 4 hours of capture, unless there are compelling circumstances making such examination impossible. This examination should be conducted by the most medically qualified individual available. CPERS should be examined by a qualified doctor as soon as reasonably practicable (i.e.

¹² GC I: 28.

¹³ Where specified, this must be a medical officer. In all other cases this may be suitably qualified and appropriately supervised professional medical staff. In some operating environments (e.g. the maritime setting) there may be no medical officer available. In this event the medical officer may be substituted by the most highly trained medical staff available at that time.

usually upon transfer to a facility where a doctor is based) with a view to discovering any physical or mental illness. This is to be documented using FMed 1026 (Medical Examination for CPERS) as shown in Annex 3A.

b. All CPERS are to be medically examined as early as reasonably practicable. The commander responsible for the CPERS facility must ensure that interrogation (as distinct from tactical questioning) does not take place until the CPERS has been medically examined by a qualified doctor.

c. In addition to (and distinct from) the formal screening medical examination described above, the chain of command may require some form of elective screening medical to be conducted and documented further forward than the CPERS holding facility, for example, where transit through the CPERS handling chain is prolonged or where specific concerns regarding CPERS' health exist. The exact nature of such forward screening medicals (i.e. who does what, when and where) will be determined between the medical commander and the chain of command, and will be influenced by availability of resources and specific operational circumstances. Any such medical examination may only be conducted with the full consent of the CPERS, as explained in Section VI.

d. When required determine the fitness of those CPERS eligible for work.¹⁴ These examinations shall have particular regard to the nature of the work that CPERS may be required to do. If any CPERS considers he is incapable of working, he shall be permitted to seek a medical opinion. Medical staff may recommend the exemption of a CPERS from work.

e. In addition to any medical screening as described above, periodic examinations of CPERS shall be conducted by a medical officer. The exact frequency of reviews will be determined by specific circumstances. Where captivity is prolonged such medical examinations should take place at least once a month and shall include checking and recording each individual's weight.¹⁵ The purpose of this is to monitor the general state of health, nutrition and cleanliness of CPERS and to detect contagious diseases. Screening for endemic diseases such as tuberculosis may need to be undertaken. Although models of psychological health do not translate easily across cultures, attempts

¹⁴ Only applies to CPERS with prisoners of war status and those internees who volunteer for work. For further details see Annexes 10D and E.

¹⁵ GC III: 31.

must be made to assess a CPERS' mental health as part of such examinations. Where possible, consideration should be given to the frequency of medical examinations being enhanced from monthly to weekly.

- f. Prior to CPERS transfer of care from one institution or facility to another, and upon discharge or release.
- g. Every 24 hours for those CPERS who are being kept in isolation, segregation or under maximum security restrictions including those who are engaged in actions that might affect their health (such as those on hunger strike, refusing medication or deemed at risk of self-harm).¹⁶
- h. All CPERS who request to be seen.
- i. All CPERS who require clinical follow-up.
- j. Any CPERS to whom medical staff are specially directed or about whom they might have clinical concerns. This may include vulnerable groups.¹⁷
- k. Any CPERS upon the request of holding facility staff.

310. The following minimum standards of medical treatment must be provided:¹⁸

- a. All CPERS held by UK Armed Forces will require a medical assessment in accordance with paragraph 309.
- b. All sick or injured CPERS should be treated according to medical need and without regard to status or national origin. At any point after capture all CPERS entering the CPERS handling chain will receive medical care based on their immediate clinical need when requested.
- c. No CPERS may be subjected to physical mutilation (except where relevant to medical care in the CPERS' interest), or to medical or scientific experiments of any kind.
- d. When there is a change of duty medical carer for CPERS patients, there should be a clear and documented handover routine so that there is, as far as practically possible, seamless care in accordance with good healthcare governance principles.

¹⁶ This does not apply to individuals who are housed in single cells and who are in regular contact with other CPERS through communal messing or exercise arrangements.

¹⁷ Chapter 2 Section IV.

¹⁸ United Nations (30 August 1955) *Standard Minimum Rules for the Treatment of Prisoners*.

e. CPERS are entitled to the same medical attention as that afforded to UK Armed Forces personnel in the same situation and delivered by the most appropriate medically trained personnel available in that locality. This does not necessarily imply the provision of additional resources.

f. UK Armed Forces should not prevent CPERS from presenting themselves to medical staff for examination. Instructions must be clearly visible detailing how medical staff can be contacted in an emergency.

g. Medical staff should:

(1) Treat, evacuate and return CPERS to duty (i.e. transfer back to normal CPERS facilities) using the same clinical criteria that are applied to UK Armed Forces.

(2) Hold a daily sick parade at each CPERS holding facility.

Details of the timings of sick parades and of the medical facilities available are to be clearly displayed and briefed to CPERS using their native language

(3) Transfer CPERS requiring specialist treatment to specialised institutions, military or civil hospitals most appropriate to their needs. Where hospital facilities are provided within an institution, their equipment, furnishings and pharmaceutical supplies shall be adequate for the medical care and treatment of sick CPERS, and there shall be a staff of suitable trained personnel.

(4) Provide CPERS with medical care and the appliances necessary for their maintenance in good health, free of charge, for example: pharmaceutical preparations; dressings; immunisations; spectacles; dentures; and other prostheses.

h. The services of at least one fully qualified general practitioner, with primary care experience of mental health problems, shall be available to every CPERS holding facility. Vulnerable CPERS, as defined at Chapter 2 Section IV, who require medical attention, are to be released into the care of the medical services. CPERS who, owing to their physical or mental condition, are unable to state their identity, shall be handed over to the medical services in the first instance. The identity of such CPERS shall be established by all reasonable means.

- i. Oral health inspections (properly consented) are to be carried out at appropriate intervals as determined by dental staff.

The services of a qualified dental officer shall be available to every CPERS holding facility

- j. The medical authorities shall, upon request, issue any CPERS who has undergone treatment, a report indicating the nature of his illness or injury, and the duration and kind of treatment received. A duplicate of this report shall be held with the CPERS medical record.
- k. New injuries found while being held by UK Armed Forces must be carefully documented and brought to the attention of the operational and medical chain of command and the Service police, such that an investigation can be commenced immediately. Medical staff must carry out checks of other CPERS to ensure that this is not indicative of a wider problem.

New injuries found on CPERS while being held by UK Armed Forces must be carefully recorded and reported

- l. If a CPERS brings in any drugs or medicine or declares that they have been receiving any continuing therapy, the medical officer shall consider how best, if appropriate, to continue the course of treatment.
- m. Medical staff providing treatment to CPERS must endeavour to secure an interpreter, without which it will be difficult to conduct a medical consultation on a patient. Unless there appears to be a clinical imperative, or it will unduly delay the completion of the formal medical screening examination on admission to the CPERS holding facility, medical staff should postpone undertaking a clinical consultation until an interpreter is available. Should a CPERS refuse to allow an interpreter to be present, efforts should be made to reassure the patient and address any fears that they might have. However, if they remain adamant that they do not wish to have an interpreter present, the consultation should continue with an appropriate note being made in the medical documents.
- n. Consideration must be given to cultural issues, such as the preference in some societies of only using female health personnel for female patients and male health personnel for male patients. It is recognised that it may not be possible in all circumstances, however, to comply with such preferences.

- o. Commander Medical has a specific responsibility to undertake regular visits to any national CPERS holding facility within his area of responsibility for the purposes of medical assurance.
- p. The practice of remote prescribing of treatment without actual examination of the patient is highly undesirable and should not occur unless there are compelling operational reasons that make this approach the only way in which to administer care to the CPERS. If remote prescribing does occur, then the reason is to be clearly recorded in the CPERS' medical records and arrangements to visit the CPERS made at the earliest opportunity.
- q. The burial or cremation of a CPERS shall be preceded by a medical examination of the body with a view to confirming cause of death. Detailed clinical records should be made that will enable a subsequent written report to be prepared and, where necessary, establish identity. The nature of the medical examination required will depend upon the circumstances of the death and will, whenever possible, be sensitive to local customs and religious practices. In all cases of death, immediate advice on required medical management procedures including death certification, post-mortem requirements, storage of the body and any other associated issues must be obtained from the Service police, operational and medical chains of command. The forensic component of any investigation following the death of a CPERS will normally be led by Service police.

311. Continuation of Medical Care Out of Country. There may be occasions when the clinical care of a CPERS cannot be supported locally and it would be in their best medical interests to be evacuated to the UK or to a third-party nation for continuation of care. Under these circumstances, clinical staffs are to advise the chain of command at the earliest opportunity in order to enable the necessary consultation with key UK Government Departments and for political approval of any evacuation to be given. Notwithstanding the clinical imperatives, it may be that clearance for evacuation is not forthcoming. Under these circumstances, a note to the effect that clearance to evacuate has not been given is to be recorded in the CPERS' documents and the best care is to be continued within the capabilities and constraints of the deployed medical clinical facilities within the operational area.

SECTION IV – SPECIAL CATEGORIES OF CPERS

312. **Wounded and Sick CPERS.** Wounded and sick may be questioned, but not if it would adversely affect their health or treatment. Procedures will vary depending upon whether the CPERS is a patient within a medical facility or not:

a. **In-Patients within a Medical Facility of the Medical Services.**

Questioning will not normally take place within a medical facility, or when a patient is receiving treatment for an acute condition. However, a responsible officer from the detention authority may seek permission from the commanding officer of the relevant medical facility to question a CPERS. The commanding officer, in consultation with the clinician directly responsible for the CPERS' treatment, should make an assessment as to whether questioning will adversely affect their patient's treatment, physical or mental health.¹⁹ This assessment and any time limitations must be recorded in the clinical record. Only the UK formation commander to whom the medical unit commanding officer is responsible can order that commanding officer to allow questioning against medical opinion. In such circumstances the order must be in writing and the facts reported up through the operational chain of command as well as the medical functional chain of command.

b. **Out-Patients.** When a CPERS is being treated outside the hospital setting, medical staff must ensure that appropriate measures are in place to maintain continuity of any care during the period of captivity by UK Armed Forces. This includes ensuring that time is available for any routine follow-up examinations to be made and that medications can be administered in accordance with the required treatment regime to ensure continuity of care. It is the responsibility of the CPERS holding facility commandant to ensure that medical care is not compromised.

c. **Recommendations of Grounds for Medical Discharge from Captivity.** If, in providing clinical care to a CPERS, the clinician in charge becomes concerned that the health of a CPERS is being adversely affected by his captivity, he can recommend to the commandant of the CPERS facility that the individual be released on medical grounds. The final decision will rest with sufficiently senior staff within the operational chain of command who are able to fully analyse the implications of such a release. However, should the advice to

¹⁹ JSP 383 *The Joint Service Manual of the Law of Armed Conflict*, paragraph 8.34.1 states *wounded and sick prisoners of war may be questioned, but not if it would seriously endanger their health (GC III: 13) so medical advice should be taken in case of doubt.*

release a CPERS on medical grounds not be taken, a record must be made in his medical documentation showing the medical advice, to whom it was given, the decision made and by whom it was made. Additionally the senior theatre medical commander must be informed.

313. Juveniles and Children. Juveniles and children are subject to different management.²⁰ All Defence Medical Services staff are to ensure they act within their professional obligations: the UK General Medical Council gives additional guidance for the treatment of juveniles and children.²¹ Lack of documentation, and cultural and ethnic differences may make it difficult to determine age and while not primarily a medical responsibility, medical staff may be called upon to help determine the age of a CPERS. In practice, even with medical evidence, age determination is extremely difficult to do with certainty and no single approach can be relied upon. While elaborate forensic techniques exist to help determine age, these are impractical and ethically unacceptable in the CPERS setting. One technique that may be utilised is the assessment of dental age based on detailed assessment of dental development. However, even when conducted by dental consultants the margin of error in determining age through this process is approximately plus or minus 2 years for 95% of the population.²² When assessing age of CPERS, medical authorities are acting in a purely advisory capacity. The ultimate decision on determining age is to be taken by the detention authority who is always to be made aware of the limitations of any medical and dental assessment advice. When medical authorities are asked to determine age they are to confine themselves to the following procedures:

- a. Assessment of physical appearance and general demeanour – to be conducted by a qualified doctor with experience in treating children.
- b. Inspection of dentition to determine the emergence of third molar (M3) wisdom teeth. The expert opinion is that, on the balance of probability, a person with one or more fully emerged M3 teeth is likely to be aged 18 years or over.²³ Conversely, however, the absence of M3 dentition is not a reliable indicator of juvenile status. This examination is only to be done by a qualified dental practitioner.
- c. Dental examination is only to be conducted after obtaining informed written consent. Any consent must also agree to the subsequent release of information to the detention authority.

²⁰ See Chapter 2 Section IV.

²¹ General Medical Council, 0-18 years: guidance for all doctors, 2007

²² *The Health of refugee Children: Guidelines for Paediatricians*. Royal College of Paediatrics and Child Health, November 1999.

²³ Defence Dental Services literature review report dated 2 February 2011.

- d. X-ray examination (including dental) is not to be used in determining age under any circumstances.

314. **Females.** Appropriate chaperones should be made available for opposite sex examinations. In the case of pregnant females there should be special accommodation for pre-natal and post-natal care and treatment. Arrangements should be made wherever practicable for children to be born in a hospital outside the CPERS holding facility. If a child is born in a CPERS holding facility, this fact shall not be mentioned in the birth certificate.

SECTION V – HYGIENE STANDARDS²⁴

315. The UK has a responsibility to ensure that all necessary measures are taken to prevent epidemics and to ensure that CPERS facilities are maintained in a clean, sanitary and healthy condition.²⁵ Therefore, medical authorities (including environmental health) must be involved at an early stage in the planning of CPERS facilities.²⁶

316. CPERS may pose a risk to each other and those guarding them, due to poor hygiene practices or endemic disease. In addition to primary care support for CPERS, the medical authorities will need to consider preventive medicine issues when planning a CPERS facility. A medical risk assessment must be carried out with a view to recommending any special measures (over and above those already included in the theatre medical plan) that may be required to protect individuals (both CPERS and guarding force) against any increased health threats; this may include a programme of inoculation or de-infestation of CPERS on arrival at a CPERS holding facility. CPERS found to be suffering from infectious diseases are to be placed in quarantine.

Medical staff must ensure that the highest standards of health and hygiene are maintained in all CPERS facilities

317. Medical staff must conduct a continuous programme of inspections aimed at promoting and maintaining the highest standards of hygiene within a CPERS holding facility. The medical authorities must audit this activity and may need to direct environmental health staff to assist medical officers in this task. The results of these inspections must be reported to the commandant of the CPERS holding facility and through the medical chain of command. Inspections should include:

- a. The quantity, quality, preparation and service of food.

²⁴ United Nations *Standard Minimum Rules for the Treatment of Prisoners*, 30 August 1955 and JSP 383.

²⁵ GC IV: 85 and 92.

²⁶ Allied Joint Publication (AJP)-4.10(A) *Allied Joint Medical Support Doctrine*, Chapter 1.

- b. The quantity, quality, preparation and service of potable water to ensure sufficient drinking water supply. In addition, the sufficiency and suitability of water to maintain hygiene is also to be assessed.
- c. The hygiene and cleanliness of the institution and the CPERS.
- d. The sanitation, heating, lighting and ventilation of the institution.
- e. The suitability/cleanliness of the CPERS' clothing and bedding.
- f. The adherence to guidelines on physical exercise.

318. The commandant should take into consideration the reports and advice that the medical officer submits and, when he concurs with the recommendations made, take steps to implement them. If they are not within his competence, or if he does not concur with them, he should submit his own report and the advice of the medical officer to a higher authority. The medical officer shall report to the CPERS holding facility commandant and to the medical authorities whenever he considers that a CPERS' physical or mental health has been or will be injuriously affected by being held in the CPERS holding facility.

SECTION VI – CONSENT OF CPERS

319. The normal rules and standards of consent, record keeping, use of chaperones and medical confidentiality apply in respect of the medical management of all CPERS.²⁷ Where written consent is required, but the CPERS is unable to write, some other recognised means of consent such as a thumbprint may be used.



320. Any medical information given by a CPERS to a health care professional is given on the understanding of a duty of confidence. Consent must be obtained before releasing this information; the information released should always be relevant and the minimum required. Where there is doubt as to the confidentiality of the information, advice should always be obtained from higher medical authority through the medical chain of command.

321. Unsolicited physical medical examinations and inspections, for example those conducted as part of the routine administrative process and not at the specific request of the CPERS, should only be conducted with the informed,

²⁷ General Medical Council, *Good Medical Practice*, 2006 and General Medical Council, *Confidentiality*, 2009.

written consent of the individual. Consent for physical examinations and treatment must be recorded in medical records. If consent is withheld, this must be recorded and witnessed and any examination must be restricted to external visual observations.

322. Standard UK consent forms will need to be modified to suit the cultural and linguistic needs of the CPERS. Permanent Joint Headquarters (PJHQ) should issue operation-specific instructions directing the format that such consent forms should take. Informed consent for photography should always be obtained in writing.

323. Such information as injuries, distinguishing marks, immunisation history, blood group and allergies will be regarded as confidential if obtained through a medical examination and consultation. If it is in the interests of the CPERS to divulge this information then they should be encouraged to do so. For example, an immunisation history will help ensure necessary immunisation cover as required and a declaration of allergy status would be beneficial to avoid exposure to allergens whilst a CPERS is held in captivity. Sex, age, height, weight, eyes, skin and hair descriptions are not regarded as medically confidential information because identification is in the patient's best interest if being treated within legitimate legal authority, and these factors are obvious within any normal social contact. In cases of doubt concerning the release of medical information, the supervising medical officer or the medical chain of command is to be consulted.²⁸

SECTION VII – QUALIFICATIONS AND TRAINING OF MEDICAL STAFF

324. **Qualifications.** A medical officer in charge of providing medical support to CPERS within a CPERS holding facility will normally have completed general practice training. For tasks specified in this document as requiring a medical officer, doctors under training may be utilised provided they are under the immediate supervision of a named general practitioner. In this context the named supervisor must be resident in the same location. In the immediate aftermath of capture but before transfer and formal induction into any CPERS holding facility, an individual will be treated according to clinical need. In such cases medical assistance will be provided by the most appropriate clinical staff available at that location. At point of capture or in remote locations this may include a first aider, medical assistant or combat medical technician.

325. **Supervision.** The medical management of CPERS is very different to the normal professional experiences of Defence Medical Services personnel.

²⁸ General Medical Council, *Confidentiality*, 2009.

It is imperative that junior medical personnel are fully supported in their work with CPERS and that they do not feel professionally isolated; there should be clearly defined channels enabling junior medical staff to seek advice and support from those higher in the Command Chain.

326. **Training.** Training in the legal, ethical, moral, clinical and managerial aspects of providing medical support to CPERS is to be delivered during Phase 2 training for all clinical cadres and as part of any operational pre-deployment training. Additionally, appropriate refresher training may be delivered periodically as part of any through-life career course. The exact nature of this training will vary according to the needs of the different specialties and their specific operational roles. This training will be in addition to any LOAC training detailed in Chapter 5. The medical commander should ensure that Defence Medical Services personnel who may become involved with CPERS understand their roles and responsibilities and, where possible, direct refresher training to be conducted.

327. **Moral Courage.** The need for medical staff to demonstrate moral courage cannot be over emphasised, particularly if they become aware of any physical or psychological mistreatment of CPERS or have concerns about the conditions in which CPERS are being held. Medical staff should be reminded that they will always be supported by the chains of command if they have acted in a professional manner to make their legitimate concerns known.

SECTION VIII – CLINICAL RECORDS AND REPORTING

328. The prime purpose of medical records is to facilitate patient care. A secondary purpose is to provide a record for medico-legal purposes. Clinical information should be recorded on the most appropriate medium (for example, FMed 826 Field Record, FMed 5, or approved electronic medical information systems) then stored and disposed of appropriately.

A comprehensive contemporaneous record of any medical interaction with CPERS is to be maintained by the attending medical staff

329. The *Medical Examination for CPERS Clinical Record* F Med 1026 as shown at Annex 3A is to be completed by a medical officer for every CPERS on the first occasion that they are admitted to a CPERS holding facility. The F Med 1026 is composed of 2 parts.

- a. **Part 1 – Medical Examination of CPERS.** Part 1 carries a PROTECT-MEDICAL caveat and is retained in the medical notes. It states the purposes of the medical examination and records consent.

b. **Part 2 – CPERS Medical Recommendation Card.** Part 2 is used to communicate any specific medical care and medical safety instructions that the detaining authority is to comply with. The medical recommendation card does not contain a privacy caveat as it will not contain sensitive medical information. If the medical condition of the CPERS changes, the information in Part 2 may need to be updated. The specific format of F Med 1026 does not negate the requirement for comprehensive medical records to be held elsewhere within the medical system for additional information as required.

330. Comprehensive medical documentation for all cases of CPERS medical examinations, clinical management paths and treatment programmes is essential. Good record keeping complies with optimum clinical governance for the benefit of the patient and provides evidence when there is a dispute over health care issues between the examining medical officer and the CPERS.

331. Medical staff are to ensure that, at all stages, medical records are treated as confidential.²⁹ They need to exercise continuous vigilance when completing or supplying information for non-medical CPERS documentation such as the Record of Captivity shown at Annex 9B. In any areas of doubt, advice should be requested from the supervising senior Defence Medical Services medical officer.

332. Translations of the F Med 1026 into a local language must be accurate. This will normally be addressed by PJHQ as part of any operational specific captivity standard operating instruction. Local variations (including translations) of medical forms are to be approved by PJHQ prior to use.

333. In addition to the above guidance, medical records are to be managed as follows:

a. When a CPERS is transferred to another healthcare facility, a copy of any healthcare records should accompany them, with originals being retained in the CPERS holding facility medical centre until transferred to the Central Health Records Library for archiving.

b. When a CPERS is transferred from a medical facility back to the CPERS holding facility, a copy of any in-patient notes is to be sent to the CPERS holding facility medical centre. The principles of medical confidentiality are to be adhered to at all times. The original hospital notes should be retained at the Role 2/3 facility for as long as that facility retains responsibility for the medical care of the CPERS after which the originals are to be returned to the Central Health Records

²⁹ General Medical Council, *Confidentiality*, 2009.

Library for archiving.

c. Upon release, CPERS will be given a summary of their medical records if required for continuity of care or at the CPERS' request.

d. When a CPERS has incurred illness or injury caused by work in which he is employed, the detention authority is to provide him with a certificate stating the nature of the injury, how it was sustained and the treatment given for it.³⁰ The certificate is to be signed by the CPERS holding facility commandant and the record of treatment authenticated by a medical officer. One copy of the certificate is to be given to the CPERS, one copy retained within the CPERS medical documents, and the other forwarded to the Prisoner of War Information Bureau after obtaining appropriate consent. The CPERS is to be advised that any claim for disability is to be pursued through the power in whose forces he was serving at the time of capture.

334. A CPERS Casualty Report (CASREP) for each nationality of CPERS is to be completed daily by all medical facilities having a CPERS registration unit.³¹ The CPERS CASREP is used to inform the Prisoner of War Information Bureau³² of the numbers of CPERS who are undergoing medical treatment and who are held in medical facilities in accordance with Geneva Convention requirements.³³ A copy of the CASREP is at Annex 3B.

³⁰ GC III: 30, 54.

³¹ In practical terms, this will include all dressing stations, field hospitals, hospital ships and general hospitals.

³² See Chapter 4 Section V for further details of the Prisoner of War Information Bureau.

³³ GC III: 122, GC IV: 136.

ANNEX 3A – MEDICAL EXAMINATION FOR CPERS

PROTECT – MEDICAL (When complete) F Med 1026 Revised Jul 11

PART 1 - MEDICAL EXAMINATION FOR DETAINEES

Full Name		Known As:	
Last Name or Family Name		Identification No:	
DOB/Age		Place of Examination	
Date:		Operation:	
Time:		Target Site No:	

Purpose of the Examination:

- To determine your immediate physical and mental health care needs.
- To determine if you are suffering from any infectious disease.
- To document whether you are injured.
- To inform the detaining authority of any medical care or supervision you may require.
- To make a medical plan if required.
- To ensure continuity of medical care throughout your captivity.

Consent:

- I am aware of the purpose of this examination.
- I understand that medical information is confidential but the detaining authority may be given instructions with regards to my care.
- I understand that I have the right to refuse to participate in this medical examination.
- If I refuse to undertake this medical examination, I will continue to be entitled to the same level of medical care as any other CPERS.

I do / do not* consent to undergoing a medical examination for the purposes described above.

Witness signature (interpreter):

Detainee's Signature:

Name (Print):

Date:

**Delete as appropriate*

PROTECT-MEDICAL (When complete)

CPERS Name:				Identification No:	
Temperature °C	Pulse	Blood Pressure	Urinalysis		Weight Kg

History

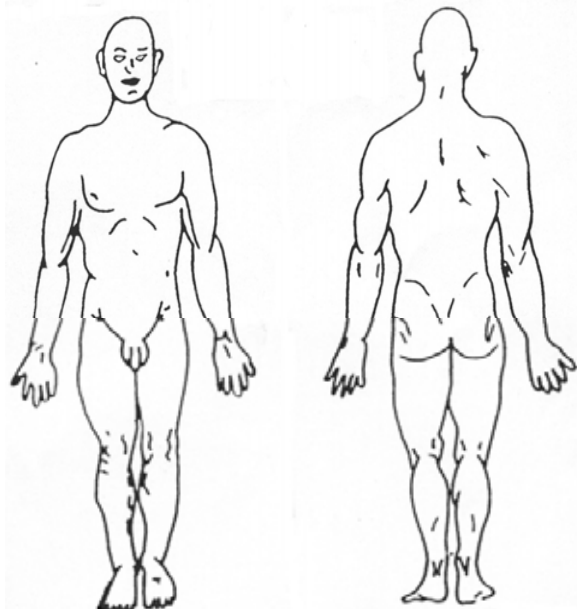
PMH				
Allergies		Current Medication		
Immunisation History				
Current State of Health				

PROTECT-MEDICAL (When complete)

CPERS Name:		Identification No:	
--------------------	--	---------------------------	--

Examination

Include a record of any injuries or distinguishing marks



--

Health Requirements Identified			
Medical Treatment Plan (Including any Medical Advice and Special Dietary Requirements):			
Medical Completed by:		Signature:	
Service No:		Rank:	
Appointment:		Date:	Time:
CPERS		Identification	

PROTECT-MEDICAL (When complete)

Name:		No:	
CPERS Name:		Identification No:	
CONTINUATION SHEET			
DATE	NOTES		SIGN

PROTECT-MEDICAL (When complete)**PART 2 - CPERS MEDICAL RECOMMENDATION CARD****Not to be completed if CPERS requires hospital in-patient care****Caution must be taken in consideration of release of Confidential Medical Information**

Disposal of Part 2: CPERS Medical Recommendation Card: Copy 1: Patient's Medical Notes
 Copy 2: Guard Force

Full Name			
Known As		Last/Family Name	
Identification No.		DOB/Age	
Location			
Next Appointments		Date, Time & Location	
		Date, Time & Location	
		Date, Time & Location	
Date	Specific Medical Treatment, Caution Advice And Dietary Recommendations		Sign
To include frequency of drug treatment to be dispensed by the medical centre (drug name(s) not required).			

PROTECT-MEDICAL (When complete)

CPERS Name:		Identification No:	
Date	Specific Treatment, Advice & Dietary Recommendations	Sign	
To include frequency of drug treatment to be dispensed by the medical centre (drug name(s) not required).			

ANNEX 3B – THE CPERS CASUALTY REPORT

3B1. The CPERS Casualty Report (CASREP) fulfils the function of informing the Prisoner of War Information Bureau of the numbers of Captured Persons (CPERS) who are undergoing medical treatment and who are held in medical facilities. This meets the UK's obligations under the Geneva Conventions.¹

3B2. A CPERS CASREP for each nationality of CPERS is to be completed daily by all medical facilities having a CPERS registration unit.² J1 staff at Joint Task Force Headquarters are to consolidate the figures into a theatre CPERS CASREP which is to be sent to the Prisoner of War Information Bureau.

3B3. In an international armed conflict, where different categories of CPERS are held, the form must include details of the numbers of individuals in each category. In other situations, total numbers are sufficient.

There is a legal obligation to complete and submit the CPERS CASREP for prisoners of war and internees in an international armed conflict

¹ Geneva Convention (GC) III: 122, GC IV: 136.

² In practical terms, this will include all dressing stations, field hospitals, hospital ships and general hospitals.

CPERS CASUALTY REPORT

CPERS REPORT FOR (UNIT) AS AT(DTG)							
SER	DETAIL	Prisoner of War		Internee		Detainee	
		Male/Female	Civilian/Military	Male	Female	Male	Female
1	Totals from last CPERS CASREP						
2	CPERS TOS since last CASREP						
3	CPERS evacuated since last CASREP						
4	CPERS died since last CASREP						
5	Number of CPERS casualties on strength at DTG of this CASREP						
6	ISN of CPERS placed on VSI/SI lists since last CASREP						
7	ISN of CPERS removed from SI/VSI lists since last CASREP						
8	ISN of CPERS who have died since last CASREP						

Legend:

CASREP	Casualty Report
TOS	Taken on Strength
DTG	Date Time Group
ISN	Internment Serial Number
SI	Seriously ill
VSI	Very Seriously ill

CHAPTER 4 – RESPONSIBILITIES AND GOVERNANCE

SECTION I – CRIMINAL RESPONSIBILITY

401. This Chapter sets out both individual and command responsibility for UK Armed Forces during Captured Persons (CPERS) activities and describes the violations of international and domestic law that relate to CPERS handling. It then sets out the responsibilities of the staff and the governance arrangements for the provision of oversight and surety of the CPERS handling process.

402. Under Section 42 of the Armed Forces Act 2006 it is an offence for a member of the UK Armed Forces, or a civilian subject to service discipline, to carry out an act which is punishable under the law of England and Wales. Any criminal offence so committed will be liable to trial by court martial but may also be liable to trial in the UK civilian courts under domestic law even when committed overseas. Additionally, military personnel subject to Service law, and civilians subject to Service discipline, may be liable for the commission of Service offences, for example contravention of standing orders.

403. Parties to a conflict have an obligation under international law to charge, prosecute and sentence their own nationals, whether members of the armed forces or civilians, who commit war crimes. International law also provides that belligerents have the right to charge, prosecute and sentence enemy armed forces personnel and enemy civilians who fall under their control for such offences.

404. **Individual Responsibility.** All members of the UK Armed Forces are to comply with domestic¹ and international humanitarian law at all times. The fact that a subordinate was ordered to do an act or make an omission which was illegal does not, of itself, absolve the subordinate from criminal responsibility.

All members of the UK Armed Forces will be individually responsible for any crimes they commit themselves or which they order, encourage or assist others to commit

405. An individual shall be criminally responsible and liable for punishment for a crime under Service law, including a war crime if he:

- a. Commits the crime himself, either on his own or jointly with others, or

¹ The law of England and Wales.

- b. Orders, solicits or induces a crime which is committed or attempted, or
- c. Aids, abets or otherwise assists in the commission or attempt of the crime, including providing the means for its commission or attempted commission, or
- d. Intentionally contributes to the commission or attempted commission of the crime by a group of persons acting within a common purpose.²

406. **Collective Responsibility.** In addition, all members of the UK Armed Forces are, to the utmost of their ability and authority, to prevent violations by others; they must promptly report violations of which they become aware. Where UK Armed Forces are involved, they must report the matter immediately to the Service police and the chain of command. Where other UK personnel are involved, they should intervene to prevent the commission of a criminal act. Where non-UK personnel are committing offences, for example, mis-treating or using violence against CPERS, UK Armed Forces have the right in law to intervene under the inherent right of self-defence or to prevent a crime. Such intervention will depend upon the ability of the individual and the extent of their authority, but may include arguments to dissuade the offender, threatening to report the criminal act, repeating orders and asking the senior individual at the scene to intercede. Where the criminal act imminently threatens another, force may be used to the extent necessary to prevent the crime.³ Note that lethal force may only be used to protect life when necessary, reasonable and as a last resort.

407. Where an individual reports an alleged violation by another member of the UK Armed Forces, the chain of command is to ensure that every effort is made (so far as the law allows) to protect the anonymity and well-being of the reporting individual. Any allegation is to be treated, so far as is possible, in confidence. While allegations must be reported through the chain of command and to the Service police, there may be occasions where this is exceptionally difficult. In such cases, the allegations may be reported to, for example, the padre, the detention officer or the medical officer (including qualified practitioner) in the first instance.

² Article 25 paragraph 3 of the Rome Statute of the International Criminal Court and Sections 43-48 of the Armed Forces Act 2006.

³ Section 3 Criminal Law Act 1967.

408. **Command Responsibility.**⁴ A commander is to comply at all times with, and require those under his command to comply with, international and domestic law.⁵ He is responsible for preventing violations of the law and for taking the necessary disciplinary action. While a commander may delegate some or all of his authority, he cannot delegate responsibility for the conduct of the forces that he commands.

A commander not only has individual responsibility, but is also responsible for the conduct of his subordinates

409. The fact that a commander did not order, authorise or knowingly acquiesce in a violation of the law by a subordinate will not relieve him of criminal responsibility for its occurrence if it is established that he knew, or owing to the circumstances at the time, should have known, that forces under his command were committing or about to commit crimes, and he failed to take all necessary and reasonable measures within his power to prevent or suppress their commission or to submit the matter to the competent authorities for investigation or prosecution.⁶

410. Commanders must ensure that all members of their unit receive appropriate training and education in the principles applicable to dealing with CPERS, emphasising basic principles of humane treatment as well as permitted and prohibited acts. Theatre-specific training will be provided as part of deployment preparations and the theatre legal adviser and Provost Marshal (Army) are also available to supplement training.⁷ Details of training are in Chapter 5. A commander's



Humane treatment – one of the basic principles

⁴ The concept of command responsibility was first enunciated by the military commission that tried Japanese General Yamashita at the end of World War II. Yamashita was held to have failed to exercise *effective control* of his troops who had carried out widespread atrocities in the Philippines.

⁵ See Geneva Convention (GC) I: 43, II: 50, III: 129, IV: 29, 146 and Additional Protocol (AP) I: 91.

⁶ Section 65 International Criminal Court Act (ICCA) 2001 which implements the Rome Statute of the International Criminal Court, Article 28; see also AP I: 86(2).

⁷ All members of UK Armed Forces receive training in the Law of Armed Conflict (LOAC) (see Chapter 5). The role and responsibilities of the legal adviser are detailed in Joint Doctrine Publication (JDP) 3-46 *Legal Support to Joint Operations*.

guide to governance, risk and the measures that should be put in place to militate against risk is at Figure 4.1.

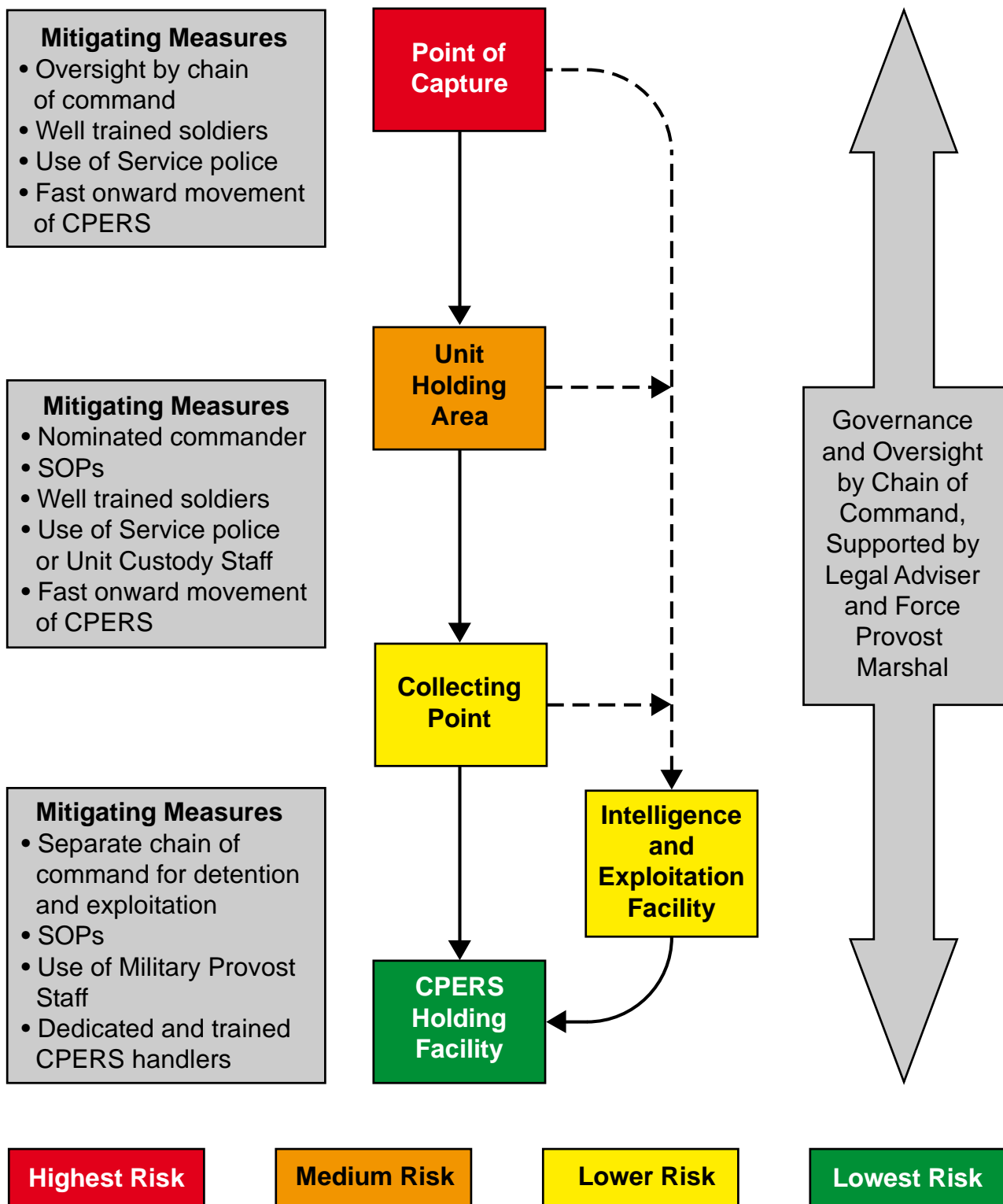
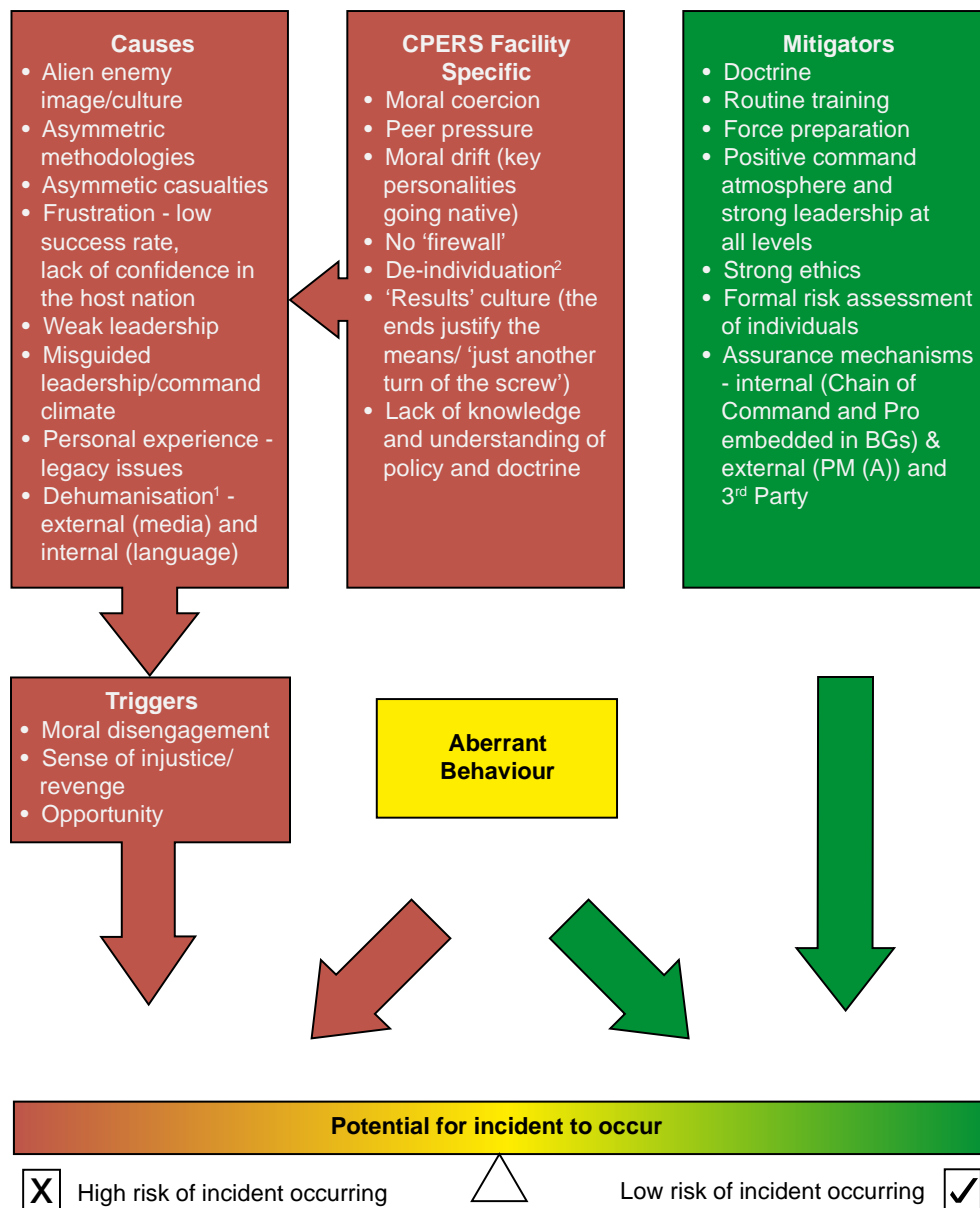


Figure 4.1 – Commander’s Guide to Governance and Risk Throughout the CPERS Handling Chain

411. Figure 4.2 shows a matrix depicting the factors indicating potential abuse and an *aide memoire* covering integral principles for commanders involved in CPERS handling is at Annex 4A.



Notes:

1. Dehumanisation takes away the humanity of potential victims, rendering them as animal like.
2. De-individuation makes the perpetrator anonymous, thereby reducing personal accountability, responsibility and self monitoring, allowing them to act without conscience-inducing limits and inducing group think.

Notes:

1. Dehumanisation takes away the humanity of potential victims, rendering them as animal-like.
2. De-individualisation makes the perpetrator anonymous, thereby reducing personal accountability, responsibility and self-monitoring, allowing them to act without conscience-inducing limits and inducing group think.

Figure 4.2 – Potential Abuse Incident Risk Indicator Matrix

412. Any alleged violation of the Law of Armed Conflict (LOAC) committed by UK Armed Forces is likely to amount to the suspected commission of a criminal offence either contrary to the Geneva Conventions Act 1957 or the International Criminal Court Act 2001. As soon as he becomes aware of such an allegation or circumstances, the commanding officer must ensure that the Service police are informed.⁸ The Service police must then deal directly with the Director of Service Prosecutions in relation to the matter.⁹ All alleged violations must also be reported immediately through the command chain to theatre headquarters, Permanent Joint Headquarters (PJHQ) and Provost Marshal (Army). In particular, commanders must take legal advice through the command chain about their legal responsibilities.

413. **Superior Orders.** UK Armed Forces must obey all *lawful* orders issued by a superior. Unlawful orders should neither be given nor obeyed.¹⁰ Superior orders are not a defence available to UK Armed Forces in a UK court.¹¹ An order to commit an obviously criminal act – whether given directly or indirectly – such as the torture or inhuman treatment of a CPERS, is an *unlawful* order which does not relieve a subordinate of his responsibility. Where an order is ambiguous, a subordinate must seek clarification. Where an order permits such degree of latitude to a subordinate that it is capable of being carried out lawfully or unlawfully, the subordinate should only carry it out lawfully.

SECTION II – VIOLATIONS OF INTERNATIONAL AND DOMESTIC LAW

Offences

414. The Geneva Conventions Act 1957 criminalises grave breaches of the 4 Geneva Conventions of 1949 and of the First Protocol to the Conventions. The International Criminal Court Act 2001 criminalises the crime of genocide, crimes against humanity and war crimes; it divides war crimes into grave breaches and other serious violations of the laws of war:

a. **War Crimes.** War crimes are defined in numerous statutes and treaties. Simply put, a war crime is defined as any serious violation of the LOAC, but may also include criminal acts such as murder, manslaughter or assault. A war crime can be committed in international armed conflict and non-international armed conflict. A typical war crime relevant to this publication is the commission of cruel treatment, or mutilation or maltreatment of dead bodies.

⁸ Section 113(1) Armed Forces Act 2006.

⁹ Sections 116(2) and 116(4) Armed Forces Act 2006.

¹⁰ See Joint Service Publication (JSP) 383 *The Joint Service Manual of the Law of Armed Conflict*, 16.47.

¹¹ See Lord Lloyd in *R v Clegg* (HL) 1995 All ER, 334 at 344.

b. **Grave Breaches.** The term *grave breaches* encompasses the most serious types of war crimes and can only be committed in an international armed conflict. Examples of grave breaches, for the purposes of this publication, include the wilful killing, torture or inhuman treatment of CPERS, compelling a prisoner of war to serve in the forces of a hostile power, the unlawful deportation, transfer or confinement of CPERS, the taking of hostages, the denial of a fair trial and wilfully causing great suffering or serious injury to the body or health of CPERS.

415. The International Criminal Court Act 2001, Elements of Crimes (No. 2) Regulations 2004 defines the following crimes:

- a. **Genocide.** Genocide involves the commission of defined acts against a group, committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group.¹²
- b. **Crimes against Humanity.** Crimes against humanity involve the commission of defined acts when committed as part of a deliberate widespread or systematic attack directed against any civilian population.¹³
- c. **Torture.** The offence of torture is committed when the following elements are proved:¹⁴
 - (1) The perpetrator inflicted severe physical or mental pain or suffering upon one or more persons.
 - (2) The perpetrator inflicted the pain or suffering for such purposes as: obtaining information or a confession, punishment, intimidation or coercion or for any reason based on discrimination of any kind.
 - (3) Such person or persons were protected under one or more of the Geneva Conventions 1949, or were either *hors de combat*¹⁵ (CPERS are by definition *hors de combat*), or were civilians, or medical personnel or religious personnel taking no active part in the hostilities.

¹² The defined acts are listed in International Criminal Courts Act 2001 (Elements of Crimes) (No 2) Regulations 2004 (Section I No. 3239 of 2004).

¹³ *Ibid.*

¹⁴ The crime of torture is also defined in the Criminal Justice Act 1988, Section 134.

¹⁵ *Hors de combat*, literally meaning 'outside the fight,' is a French term used in diplomacy and international law to refer to soldiers who are incapable of performing their military function.

(4) The perpetrator was aware of the factual circumstances that established that protected status.

(5) The conduct took place in the context of, and was associated with, either an international armed conflict or a non-international armed conflict.

(6) The perpetrator was aware of factual circumstances that established the existence of an armed conflict.

d. **Outrages Upon Personal Dignity.** The offence of outrages upon personal dignity is committed when the following elements are proved:

(1) The perpetrator humiliated, degraded or otherwise violated the dignity of one or more persons.

(2) The severity of the humiliation, degradation or other violation was of such degree as to be generally recognised as an outrage upon personal dignity.

(3) Such person or persons were either *hors de combat* (CPERS are by definition *hors de combat*) or were civilians, medical personnel or religious personnel taking no active part in hostilities.

(4) The perpetrator was aware of the factual circumstances that established this status.

(5) The conduct took place in the context of, and was associated with, either an international armed conflict or a non-international armed conflict.

(6) The perpetrator was aware of the factual circumstances that established the existence of an armed conflict.

e. **Inhuman Treatment.** The offence of inhuman treatment is committed when the following elements are proved:

(1) The perpetrator inflicted severe physical or mental pain or suffering upon one or more persons.

(2) Such person or persons were protected under one or more of the Geneva Conventions of 1949.

(3) The perpetrator was aware of the factual circumstances that established that protected status.

(4) The conduct took place in the context of, and was associated with, an international armed conflict.

(5) The perpetrator was aware of the factual circumstances that established the existence of an armed conflict.

f. **Wilfully Causing Great Suffering.** The offence of wilfully causing great suffering is committed when the following elements are proved:

(1) The perpetrator caused great physical or mental pain or suffering to, or serious injury to body or health of, one or more persons.

(2) Such person or persons were protected under one or more of the Geneva Conventions of 1949.

(3) The perpetrator was aware of the factual circumstances that established that protected status.

(4) The conduct took place in the context of, and was associated, with an international armed conflict.

(5) The perpetrator was aware of the factual circumstances that established the existence of an armed conflict.

g. **Cruel Treatment.** Cruel treatment differs from the crime of inhuman treatment as it occurs in a non-international armed conflict. The offence of cruel treatment is committed when the following elements are proved:

(1) The perpetrator inflicted severe physical or mental pain or suffering upon one or more persons.

(2) Such person or persons were either *hors de combat* or were civilians, medical personnel or religious personnel taking no active part in hostilities.

(3) The perpetrator was aware of the factual circumstances that established this status.

(4) The conduct took place in the context of, and was associated with, a non-international armed conflict.

- (5) The perpetrator was aware of the factual circumstances that established the existence of an armed conflict.

The Applicability of Human Rights Legislation

416. In some circumstances the European Convention on Human Rights *may* apply to CPERS during operations. This legal issue is currently subject to scrutiny in UK courts and in the European Court of Human Rights. PJHQ in consultation with the MOD will need to provide further guidance for each operation. The MOD has not conceded that the International Covenant on Civil and Political Rights and the UN Convention against Torture and Inhuman or Degrading Treatment apply in all circumstances extra territorially and therefore they do not currently apply to CPERS during operations.

417. A violation of human rights law can have grave consequences. Under the Human Rights Act 1998 the MOD can be sued in the UK civil courts and can be required to pay compensation if found to be liable. At the international level, if the victim of a human rights violation does not get an effective remedy through the UK courts, they can lodge an application with the European Court of Human Rights. This court has power to condemn the UK for violating a person's human rights and can order the UK Government to pay compensation to the victim. Such violations can also damage UK Armed Forces' reputation and perceived legitimacy, even for non-related operations.

Judicial Reviews

418. In addition, recent operations have resulted in a number of judicial reviews, which include allegations that CPERS have been abused or mistreated by UK Armed Forces, their allies and the host nation authorities contrary to Article 3 of the European Convention of Human Rights. Although a judicial review is not a criminal trial, the evidence it hears may ultimately lead to disciplinary proceedings. It is expected that judicial reviews will continue to be a mechanism for reviewing procedures associated with CPERS activities.

419. The outcome of judicial reviews may have direct implications for UK CPERS activities. Any abuse of CPERS, poor planning or procedures, or neglect may give rise to further legal challenges. Such cases are very costly, both in money and manpower, and are highly damaging to the reputation of the UK and the Armed Forces. In addition, they give rise to the risk that, either as a result of legal or policy requirements, significant restrictions or a complete prohibition may be placed on the UK Armed Forces' ability to carry out certain CPERS activities. The effect of such restrictions cannot be overstated.

SECTION III – STAFF RESPONSIBILITIES

Core Responsibilities of Key Personnel

420. The core responsibilities of key personnel involved in the CPERS handling organisation are detailed below. It is not intended to be an exhaustive list and the allocation of responsibilities will reflect the demands of the operational situation. The staff appointments and responsibilities listed below are those required to support the Joint Task Force Headquarters (JTFHQ), but they remain subject to additions and alterations at the direction of the Joint Task Force Commander (JTFC). It may be necessary to replicate them at lower levels of command.

421. **The Joint Task Force Commander.**¹⁶ The JTFC is responsible for:

- a. Giving clear direction to his staff for CPERS activities within the overall campaign plan, including any necessary re-integration operations.
- b. Designating the CPERS handling organisation commander, who will be the single individual responsible for all aspects of CPERS handling, to include CPERS holding facilities and reporting requirements in the Joint Operations Area (JOA).
- c. Ensuring that the CPERS handling organisation commander and CPERS holding facilities comply with relevant laws and regulations.
- d. Liaising with PJHQ to establish the policy for the safe release, transfer and repatriation of CPERS.

422. **The Detention Authority.** The detention authority will be an independent body appointed for the purpose of reviewing all matters of detention. Detention responsibilities of the national component commander may be delegated to the UK detention authority, which must be independent from the combatant commander.¹⁷ The detention authority provides an in-theatre independent level of review for all CPERS activities and is under a continuing duty to ensure that each captivity is justified. The detention authority will be mandated to review all captivities within, for example, 48 hours of the capture and is to seek legal and political advice when deciding whether or not to continue captivity. Particular responsibilities include:

¹⁶ Certain types of operations may require the appointment of a national contingent commander or a senior British military representative, in which case the roles and responsibilities for each in relation to CPERS activities must be clearly understood and articulated.

¹⁷ For example, in Afghanistan the detention authority was the Joint Force Support Commander.

- a. Chairing any committee which reviews captivity or applications to extend captivity or transfer of CPERS.
- b. Ensuring that captivity is only employed when there is a genuine requirement and that all applications for extension are appropriately scrutinised.
- c. Providing oversight of CPERS activities for the purposes of external assurance as mandated by PJHQ.

423. **Detention Review Committee.** The detention authority is to establish a detention review committee. The committee is *a mechanism to support the detention authority in managing detention*. The key role of this committee is to assist the detention authority to review cases and to conduct staff processes to support the decisions taken. Membership should include a legal adviser, political adviser, the Commanding Officer of the Intelligence Exploitation Facility (or his designated representative) and Force Provost Marshal. The committee may seek medical advice if necessary. The detention authority and Provost Marshal (Army) will regularly review the membership of the committee. The targeting and tactical legal chain of command must remain outside the core membership.

424. **The CPERS Handling Organisation Commander.** The appointment of the CPERS handling organisation commander is most likely to arise in a large-scale operation or where there are several CPERS holding facilities. However, whether or not this specific appointment is made, the tasks listed below must still be carried out by, or on behalf, of PJHQ. The CPERS handling organisation commander is responsible for:

- a. Exercising tactical command over all assigned and attached forces and CPERS holding facilities within the Joint Operations Area.
- b. Reporting directly to the JTFC on all CPERS matters.
- c. Ensuring the development and implementation of CPERS handling policies for the JTFC in accordance with the applicable law, regulations and policies.
- d. Ensuring that all allegations of CPERS abuse are immediately reported to the Service police through the appropriate chain of command.
- e. Ensuring that all personnel are properly trained on Rules of Engagement, the applicable Geneva Conventions provisions and all

other applicable laws and policies, to include ensuring that personnel have an effective knowledge of the facility operating procedures.

- f. Ensuring logistical and medical requirements for the CPERS holding facilities are determined and met.
- g. Co-ordinating the JTFC's response to the International Committee of the Red Cross' (ICRC) complaints, concerns and observations and ensuring that they have been addressed by the chain of command.¹⁸
- h. Co-ordinating all visits by representatives of the protecting power or designated agency.¹⁹
- i. Co-ordinating with the JTFC legal adviser for guidance in all matters of planning and execution of operations.
- j. Overseeing the arrangements for the transfer, evacuation for medical treatment and repatriation of all prisoners.²⁰

425. CPERS Holding Facility Commandant. The CPERS holding facility commandant is the commander responsible for CPERS handling at a facility established by UK Armed Forces for that purpose. He is responsible through the chain of command for all CPERS holding facility activities, to include humane treatment of CPERS, security, law enforcement, administration, logistics and other operational support requirements. He is not responsible for CPERS during exploitation. The CPERS holding facility commandant must be a UK regular commissioned officer of at least OF3 rank who is not a professional intelligence officer of any Service and who has received training on detention, and preferably with detention experience. He must be supported by a Military Provost Staff officer or warrant officer and is responsible for:

- a. Implementing the provisions of the Geneva Conventions and Additional Protocols as far as they relate to the facility under his command.²¹
- b. Ensuring that all personnel are properly trained in Rules of Engagement, the applicable Geneva Conventions and all other applicable laws and policies, to include ensuring that personnel have an effective knowledge of the facility operating procedures.

¹⁸ See Chapter 4 Section IV.

¹⁹ See Chapter 4 Section IV.

²⁰ See Chapter 12.

²¹ GC III: 39.

- c. Ensuring that CPERS are dealt with in accordance with the applicable laws and policy.
- d. Ensuring the safety, health, well-being and training of all personnel operating the facility.
- e. Ensuring that all allegations of CPERS abuse are immediately reported to the Service police and PJHQ through the appropriate chain of command.
- f. Security of the facility.
- g. Co-ordinating the arrival or departure of all CPERS.
- h. Imposing control and discipline over CPERS in accordance with law, regulations and policy.²²
- i. Ensuring special provisions are in place for the groups of CPERS detailed in Chapter 2 Section IV.
- j. Keeping a record of those on duty at the facility, which is to be placed in the unit operational archive.
- k. In the case of long-term captivity, planning for re-integration operations.
- l. Ensuring the humane treatment of CPERS at all times and in all circumstances, excluding periods of questioning or interrogation.
- m. Co-ordinating with counter-intelligence elements/J2X for the handing over or transfer of CPERS to the *intelligence exploitation facility*.

426. **The In-Theatre Management Board.** *The In-theatre Management Board* is a constituted committee meeting regularly to review all Human Intelligence (HUMINT) matters. It comprises Commander British Forces, the legal adviser, policy adviser, and J2X staffs with co-opted specialists as required. The decision-making process of the in-theatre management board is in turn endorsed by the MOD supervisory authority which meets quarterly and comprises the MOD Operations Directorate, Defence HUMINT Organisation, Defence HUMINT Unit, PJHQ, MOD Central Legal Services, and Defence Intelligence HUMINT Policy staffs. It will exercise oversight of all HUMINT operations (tactical questioning and interrogation) and will resolve issues which have not been resolved at staff level.

²² See Chapter 10 Section IV.

427. Commanding Officer of the Intelligence Exploitation Facility. The commanding officer of the Intelligence Exploitation Facility (IEF) is responsible for the governance of CPERS exploitation. He is to be a professional intelligence officer (tri-Service) and preferably of OF4 rank. His responsibilities include:

- a. Delivering an enduring operational design for exploitation to ensure coherence of effect. This is to be supported by a robust tactical architecture and an enduring, future-proof command and control construct.
- b. Ensuring that intelligence exploitation facilities activity complements existing (and intended) force exploitation structures, processes and procedures.
- c. Providing subject matter expertise to the detention authority.
- d. Providing oversight and first part assurance of all intelligence exploitation activities in the intelligence exploitation facilities.
- e. Ensuring that CPERS are dealt with in accordance with the law, regulations and policy.
- f. Ensuring the humane treatment of CPERS when undergoing periods of questioning or interrogation at the intelligence exploitation facility.

He is not responsible for CPERS handling activities outside of periods of questioning or interrogation.

428. Detention Officer. Each battlegroup, or maritime equivalent, should have a detention officer, who should be a commissioned officer, within their headquarters.²³ The detention officer is not to be the intelligence officer or the unit tactical questioning co-ordinator. The role should encompass:

- a. The co-ordination and management of CPERS.
- b. Acting as a focus on CPERS matters during mission-specific training.
- c. Ensuring that, as soon as a battlegroup is established, Service-specific military annual training tests (for example, Naval Military Training, Military Annual Training Test 7) and other training relevant to

²³ See Chapter 5 Section II paragraph 509.

CPERS which inculcates the vital messages about the correct handling of CPERS are being carried out.

d. Assisting the commanding officer during operations by monitoring compliance with timescales, record keeping and other CPERS handling standards.

e. Acting as a clear point of contact with higher headquarters on CPERS matters and liaising as necessary, with the Military Provost Staff.

f. Ensuring that the responsibility for CPERS does not fall between the gap of other battlegroup-level officers, or their maritime equivalent.²⁴

429. **Unit Holding Officer.** The unit holding officer is the officer responsible for CPERS handling at a unit holding area. He is responsible for their humane treatment at this stage of the process. He is also responsible through the chain of command for all unit-holding activity matters, to include security, administration, logistics and other operational support requirements. He is directly responsible for the safety and security of all CPERS at the unit holding area and shall conduct regular inspections of the treatment and conditions of CPERS. He shall also ensure that a daily occurrence book is maintained. The unit holding officer must be supported by guards, sufficient staff to complete CPERS documentation and medical support staff. His responsibilities, which relate to the unit holding area are the same as those in paragraph 425 a-j.

430. **Detention Sergeant.** The detention sergeant may be a member of the Military Provost Staff or the Regimental Provost Sergeant, or someone suitable for the role (for example, the Regulating Petty Officer in maritime units). The detention sergeant is to support the detention officer within the battlegroup, or maritime equivalent, prior to deployment on operations and the detention officer, or the unit holding officer as necessary, while deployed on operations. He is to have specific responsibilities for the administration of CPERS.

431. **SO2 J2X(I).** The SO2 J2X(I) is a staff officer who holds current tactical questioning and interrogation qualifications and is responsible for providing staff advice to the commander on the conduct of tactical questioning and interrogation. His responsibilities are:

a. As a qualified interrogator, acting as the in-theatre subject matter expert and single point of contact for all tactical questioning and interrogation issues.

²⁴ Text extracted directly from *Baha Mousa* Report.

- b. Providing specialist advice and direction, as required, to unit tactical questioning co-ordinators.
- c. Ensuring that unit tactical questioners receive an in-theatre brief during reception, staging, onward movement and integration.
- d. Ensuring that the intelligence exploitation facility is briefed monthly on tactical questioning activities and any significant policy issues or allegations of abuse as they arise.
- e. Ensuring that any significant issues concerning tactical questioning policy or allegations of abuse during tactical questioning are reported to the in-theatre management board chaired by the JTFC.
- f. Providing feedback to unit tactical questioning co-ordinators about the quality of exploitation at point of capture.
- g. Providing subject matter expert comment on unit tactical questioning lessons identified and ensuring that they are disseminated to PJHQ J2X.
- h. Submitting a monthly tactical questioning return to the in-theatre management board in accordance with PJHQ directives.

432. Unit Tactical Questioning Co-ordinator. The unit tactical questioning co-ordinator will be an officer or warrant officer. He will be selected and appointed by the unit commanding officer and must be a currently qualified tactical questioner. His responsibilities will include:

- a. Acting as the unit single point of contact for all unit-related tactical questioning issues.
- b. Attending a PJHQ J2X tactical questioning briefing prior to deployment.
- c. Ensuring that all deploying unit tactical questioning personnel have read and understood the current *tactical questioning directive*.²⁵
- d. Ensuring that all deploying unit tactical questioning personnel attend a HUMINT orientation brief from the Defence HUMINT unit.

²⁵ Unit tactical questioners are to maintain a record stating that they have read the requisite and current tactical questioning directive immediately prior to deployment.

- e. Attending an in-theatre briefing by SO2 J2X(I)/interrogation staff during reception, staging, and onward integration and ensuring that points of contact are established.
- f. Ensuring that deploying unit tactical questioning personnel are familiar with approved influence messages.
- g. Submitting a nominal roll of unit tactical questioning personnel to SO2 J2X(I) and ensuring that any amendments are reported within one week.
- h. Maintaining a unit tactical questioning activity log which details all tactical questioning sessions conducted by trained unit personnel.
- i. Reconciling the unit tactical questioning activity log against unit captivity records to ensure that all CPERS held by the unit are subject to tactical questioning and accurate records maintained.
- j. Ensuring that, where operationally possible, unit tactical questioning personnel or the detaining Service person accompanies the CPERS to the intelligence exploitation facility and delivers a battlefield interrogation team brief to the intelligence exploitation facility.²⁶
- k. Ensuring that hard copy tactical questioning reports and materiel recovered during sensitive site exploitation accompany the CPERS to the intelligence exploitation facility.
- l. Ensuring that soft copy tactical questioning reports are disseminated to the intelligence exploitation facility quickly via the company intelligence support team or battlegroup intelligence cell.
- m. Submitting a weekly unit tactical questioning report via the chain of command to SO2 J2X(I).
- n. Producing a unit *tactical questioning post operational report* through the chain of command to SO2 J2X(I) prior to departure from theatre.

433. **Unit Tactical Questioning Personnel.** Unit tactical questioning personnel are responsible for:

- a. Ensuring the humane treatment of CPERS during tactical questioning.

²⁶ See Chapters 11 and 11A.

- b. Attending a HUMINT orientation brief from the Defence HUMINT unit during pre-deployment training or reception, staging, onward movement and integration.
- c. Obtaining tactical information from CPERS, the value of which would deteriorate or be lost altogether if the questioning was delayed.
- d. Facilitating the screening and selection of CPERS for subsequent interrogation.
- e. Completing a full tactical questioning report following each tactical questioning session and ensuring that a hard copy of the report and any materiel recovered during *stop search and exploitation* accompanies the CPERS to the intelligence exploitation facility. A second copy of the tactical questioning report is to be handed to the company intelligence support team for soft copy transmission to the unit tactical questioning co-ordinator in the battlegroup intelligence cell.
- f. Where operationally possible, accompanying the CPERS to the intelligence exploitation facility.
- g. Ensuring that the current tactical questioning *aide memoire* is carried at all times on all operations where the capture of CPERS is likely.

434. **Force Provost Marshal.** The Force Provost Marshal is a Service police officer and must have unrestricted access at all times to all CPERS facilities in theatre. He must ensure that all allegations of abuse and mistreatment are investigated and all timelines adhered to. He will provide:

- a. Professional and technical oversight of the custodial specialists (Military Provost Staff).²⁷
- b. Technical guidance to commanders and staff on all issues relating to CPERS activities.



²⁷ The Military Provost Staff are the Defence subject matter experts in CPERS handling practice.

- c. Direction and guidance on investigations into allegations of abuse.
- d. Direction for arrangements to ensure CPERS are proactively asked whether or not they have any complaints concerning their treatment, before and on arrival at the CPERS holding facility.²⁸
- e. Determination on whether any unannounced Military Provost Staff inspections of CPERS facilities would be feasible and beneficial.

435. J1 Staff. J1 staffs have responsibility for:²⁹

- a. Accounting for and tracking the whereabouts of CPERS, to include transfers and release.³⁰ In consultation with J3, J1 staffs must ensure the provision of adequate IT resources to enable this activity.
- b. Nominating officers and staffs to run collecting points and CPERS holding facilities within the Joint Operations Area.
- c. In conjunction with the legal adviser, determining the status of CPERS where it is not clear from the outset.³¹
- d. Making arrangements for the transfer, movement, release and repatriation of CPERS.
- e. All aspects of information management for CPERS, including the proper archiving of all records, files, registers and electronic media types.
- f. Consolidating the information of CPERS who are receiving treatment in a medical facility into a theatre CPERS Casualty Report which they are to forward to the Prisoner of War Information Bureau.³²

436. J2 Staff. J2 staffs are responsible for issuing instructions for the collection, searching and, where appropriate, the tactical questioning and interrogation of CPERS, and for the exploitation, handling and disposal of captured documents and equipment. The J2 estimate should specify the number of interrogators to be deployed.

²⁸ See Annex 9B.

²⁹ The staff responsibilities that follow may need to be replicated in component command headquarters in order to facilitate CPERS handling at the tactical level.

³⁰ Information on the whereabouts of all CPERS should be forwarded to the Prisoner of War Information Bureau. See Chapter 4 Section V and Annex 13A.

³¹ See Annex 1A.

³² See Annex 3B.

437. **J3 Staff.** J3 staffs are the lead staff branch for CPERS matters and are responsible for:³³

- a. Overseeing the delivery of CPERS training as part of the preparation for operations.
- b. Producing estimates of likely numbers and categories of CPERS before an operation begins (assisted by J2/J5).
- c. Identifying the requirement for officers and staffs to run collecting points and CPERS holding facilities within the Joint Operations Area
- d. Issuing instructions for the activation of the CPERS handling organisation.
- e. Selecting locations for collecting points and CPERS holding facilities, and issuing orders to units for their construction.
- f. Identifying and allocating units to the CPERS handling organisation commander to act as guards and escorts and the issuing of orders for these tasks.
- g. Ensuring that sufficient trained, current tactical questioners are available.
- h. Issuing instructions and timelines for movement of CPERS through the handling process.

438. **J4 Staff.** J4 staffs are responsible for:

- a. Procuring and providing construction materials and stores for the establishment of collecting points and CPERS facilities.
- b. Allocating resources and establishing the supply chain for the feeding, clothing, movement, accommodation and daily administration of CPERS.
- c. Producing administrative instructions covering the feeding, clothing, movement and accommodation of CPERS.
- d. Planning for the provision of sufficient resources to meet the requirements of projected CPERS numbers.

³³ Letter ,Chief of Staff Operations PJHQ reference PJHQ/1/Detention Policy, dated 22 February 2008.

e. Issuing instructions (with J1) for the medical examination and treatment of CPERS and, where necessary, the establishment of dedicated medical facilities.³⁴

f. Making the arrangements for the movement of CPERS.³⁵

439. **J5 and J7 Staff.** J5 and J7 staffs are responsible for the planning of all CPERS activities including the liaison necessary for re-integration operations.

440. **Political Adviser.** The senior UK political adviser is the conduit for all cross-Government in-theatre captivity issues. He is to:

a. Provide daily liaison between UK Armed Forces and the host-nation government through the British Embassy for UK CPERS issues.

b. Provide daily liaison between UK Armed Forces and any coalition forces for all UK CPERS issues.

c. Provide advice on UK captivity policy to the detention authority when requested.

441. **Legal and Policy Advice.** CPERS legal and policy advice should be sought through the chain of command, initially referring to the commander's legal adviser, policy adviser and, where deployed, humanitarian and cultural adviser. Advice is also available from PJHQ J9, who may engage the MOD Director Central Legal Services (Operational and International Humanitarian Law) and Operations Directorate on CPERS issues.

442. **International Committee of the Red Cross.** Members of the Central Tracing Agency of the ICRC are available to give advice to planning staffs during the planning phase of an operation. Although operational security may prevent early engagement, J1 staff at PJHQ are encouraged to take advantage of this arrangement, liaising through MOD Deputy Chief of Defence Staff (Personnel) Strategic Operations. More generally, where operational security and policy considerations permit it, liaison with the ICRC through MOD channels is a valuable source of advice and should be encouraged.

SECTION IV – ADVISORY VISITS AND INSPECTIONS

443. The purpose of advisory visits and inspections is to assess the management, administration, infrastructure and security of the CPERS handling process. Inspections and visits provide an opportunity for both the chain of command and those placed in charge of CPERS facilities to ensure

³⁴ See Chapter 3.

³⁵ See Chapter 8.

best practice and compliance with the UK's obligations under international law. When carried out as a part of a system of periodic visits, regular inspections of CPERS facilities (where possible, independent of the MOD) constitute one of the most effective preventative measures against torture, cruel, inhuman and degrading treatment, or violence to life in any form, for example, murder.

444. Inspections or advisory visits may be conducted by, but are not limited to:

- a. The ICRC.
- b. Representatives of the protecting power.
- c. Committees under the auspices of the Council of Europe or the United Nations on the prevention of torture.
- d. The Provost Marshal (Army) or his representatives.
- e. The Defence HUMINT Organisation and Defence Policy staffs.
- f. Medical staff as detailed in Chapter 3.
- g. Her Majesty's Inspector of Prisons.³⁶

445. Representatives and delegates of protecting powers and ICRC delegates have the right to investigate the treatment and administration of CPERS wherever they may be and are to be allowed to interview them without witnesses being present. UK Armed Forces are to assist them as much as possible in this work. This right can be temporarily suspended by the MOD for reasons of imperative military necessity and then only as an exceptional and temporary measure.³⁷ It should be noted that the UK's standing in the eyes of the international community will depend, to a large extent, on the conclusions of the reports from these bodies. The provision of full and open inspection facilities and scrupulous adherence to the principles in this publication will assist in showing that the UK takes its obligations towards CPERS seriously. The background and the functions of the bodies which conduct the visits and inspections, together with details of the procedures involved, are detailed below.

³⁶ Discussions are ongoing as to the details of the nascent inspections to be conducted by Her Majesty's Inspector of Prisons.

³⁷ GC III: 126, GC IV:143.

The International Committee of the Red Cross

446. The ICRC is a neutral, independent and impartial international humanitarian organisation whose unique mandate and legal status set it apart from other international organisations. In most of the countries in which it works, the ICRC has concluded agreements with national authorities. Through these agreements, the ICRC enjoys the privileges and immunities normally only granted to inter-governmental organisations such as the UN, for example, immunity from legal process and the inviolability of its premises, archives and documents. Such immunities are vital in preserving the ICRC's impartiality and independence.

447. The ICRC has a number of roles stemming from its principal responsibility for monitoring the application of the Geneva Conventions and Additional Protocols by state parties: giving aid to, and improving the conditions of captivity for CPERS; acting on behalf of civilian populations to relieve suffering; and acting as a Central Tracing Agency for CPERS and missing persons. Therefore, the ICRC has a vital role to play in advising states of their obligations to treat CPERS humanely and is often influential in persuading states to meet their obligations in this regard.³⁸

448. During an international armed conflict the ICRC has a right of access and a right to privately interview CPERS.³⁹ During a non-international armed conflict the ICRC can offer its services to perform similar visits.⁴⁰ MOD policy is to, where appropriate, provide information and access to facilities to the ICRC as fully and rapidly as practicable and to permit CPERS unfettered correspondence with the ICRC.

449. A crucial element supporting the role of the ICRC is the fact that it does not criticise governments publicly and that their reports to governments remain confidential. It is important that this confidentiality is not compromised by the disclosure of ICRC reports, or the results of an ICRC visit, to the media or others. Although not obliged to do so, as a matter of practice the ICRC will notify the commandants of UK CPERS facilities of their visit although they have a legally based right to immediate, free and unfettered access to all places where CPERS are held.⁴¹ The ICRC may also conduct interviews with CPERS without witnesses being present.⁴² Having conducted an inspection visit the ICRC's likely responses are:

³⁸ See JSP 383, *The Joint Service Manual of the Law of Armed Conflict*, 16.13.

³⁹ GC III: 126 and GC IV: 143.

⁴⁰ Common Article 3 to GCs.

⁴¹ Although the legally based right is only strictly applicable in international armed conflict, MOD policy is to apply this rule to CPERS in all operations.

⁴² See GC III: 126. Non-governmental Organisations (for example Amnesty International) have no such rights.

- a. An oral report to the commander in charge of the CPERS facility on the observations or findings made during the visit.
- b. A report in the form of a local working paper (often copied to PJHQ and MOD Service Personnel Policy).
- c. A report on specific facilities, or on specific CPERS or groups of CPERS.
- d. A standard report on all facilities in theatre.
- e. Formal intervention via the British Embassy in Geneva.

450. All ICRC reports submitted in theatre are to be forwarded immediately to MOD, through the JTFC and PJHQ. In most cases – and in every case where there has been criticism of a facility or of the handling of a particular CPERS – Provost Marshal (Army) and Ministers will be informed and press lines prepared. However, ICRC reports are not to be disclosed. An investigation or review should be initiated where this has not already been done.⁴³ When the ICRC has suggested changes to the holding facility regime, the MOD would need to know what practical steps could be taken in theatre to meet the concerns expressed. ICRC reports held by MOD and any information contained in the reports may be withheld from disclosure under the *Freedom of Information Act 2000*.

ICRC reports are confidential and are not to be disclosed

451. During allied or coalition operations ICRC reports are only to be released to Commander British Forces. Usually, Commander British Forces may release the report to the Senior British Officer within the theatre headquarters without recourse to PJHQ or MOD. Further release to the coalition headquarters (for example, NATO headquarters) for distribution to non-British staffs will only be authorised by MOD after consultation with the Foreign and Commonwealth Office (FCO) and the ICRC.

The Protecting Power

452. During international armed conflict the Geneva Conventions stipulate that the treatment of prisoners of war and internees is to be monitored by a neutral nation known as the protecting power. MOD policy is to ensure that all CPERS benefit from the protecting power protections. It has proven difficult to find a nation that opposing belligerents agree is truly neutral, and so international humanitarian organisations, such as the ICRC, have been

⁴³ For example, into an allegation of abuse or where poor facilities or poor camp layout are alleged.

authorised by the parties to the conflict to perform at least some of the functions of the protecting power. These include investigation of the treatment and administration of CPERS.

453. **Definition of Protecting Power.** The protecting power is a *non-belligerent state designated by a party to the conflict and accepted as such by other parties to the conflict*.⁴⁴ It must agree to carry out the functions assigned to it. A *substitute* is an organisation acting in place of the protecting power when such agreement cannot be reached, a role that is often *de facto* carried out by the ICRC.

454. **Discharge of Responsibilities.** The protecting power will discharge its responsibilities through:

- a. **Representatives.** The normal diplomatic and consular personnel of the protecting power.
- b. **Delegates.** Persons appointed by the protecting power to discharge its functions under the Geneva Conventions. Delegates will normally be nationals of the protecting power or of another neutral state. It will normally be the delegates who ensure, through physical checking, that CPERS are being treated correctly.

The Roles of Committees for the Prevention of Torture

455. A number of treaties and conventions focus on the prevention of torture. Consequently, there are a number of mechanisms for enforcing the provisions of these instruments as detailed below:

- a. **The UN Convention against Torture.**
 - (1) **The UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment** holds a key position in respect of the implementation of the UN Convention against Torture. His role is to examine questions relevant to torture and to report to the UN Human Rights Council on the extent to which torture and other cruel, inhuman or degrading treatment or punishment is still practised around the world. Part of the mandate of the *Special Rapporteur* is to undertake fact-finding country visits, although all such visits must be by invitation of the host nation. The visits provide the Special Rapporteur with a first hand account of the situation concerning torture, including institutional and legislative factors that contribute

⁴⁴ AP I: 5.

to such practices. If the host nation authorises an inspection, UK Armed Forces must co-operate.

(2) **The UN Committee Against Torture** is a mechanism to enforce the Convention. The UK made a declaration accepting the competence of the UN committee to receive and consider communications from states claiming that another state is failing to fulfil its obligations under the convention. The UN Committee is involved mainly in considering reports from states about their implementation of the convention. The UK provides regular reports covering a range of relevant matters concerning detention facilities in the UK. The UN Committee has since made recommendations to the UK to accept the full application of the Convention to CPERS activities abroad. This point is currently under discussion and further guidance will be issued in due course from the MOD and the FCO.

(3) **The Optional Protocol to the Convention** aims to establish a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, to prevent torture and other cruel or inhuman treatment. It established the Subcommittee on the Prevention of Torture which operates in conjunction with the Committee Against Torture. This committee can visit all places in States Party to the Protocol where persons are deprived of their liberty: it has recently visited Paraguay, Honduras and Cambodia. The UK position in relation to the applicability of the Optional Protocol to the Convention is under discussion and further guidance will be issued in due course from the MOD and the FCO.

b. **The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment** established the Committee for the Prevention of Torture. This committee shall, by means of visits, examine the treatment of CPERS with a view to strengthening the protection of such persons from torture and inhuman or degrading treatment or punishment. The committee can visit any UK CPERS facilities where the European Convention of Human Rights is considered to be applicable. Further guidance will be issued in due course from the MOD and the FCO.

Provost Marshal (Army)

456. **General.** Provost Marshal (Army), the competent Army authority for custody and detention, has been appointed the Defence subject matter expert for operational detention on overseas operations.⁴⁵ He will be responsible for the inspection and monitoring of all UK-run CPERS facilities within operational theatres to ensure the standards set out in policy and in doctrine are upheld and will provide advice on all aspects of CPERS handling operations. He shall be granted unrestricted access to all UK-run operational CPERS facilities and will prepare reports on them. Provost Marshal (Army) also acts as the adviser to Chief of Joint Operations for captivity and CPERS handling matters.

457. **Provost Marshal (Army) Inspectorate Staff.** Provost Marshal (Army) inspections will be conducted by dedicated custodial staff from Headquarters Provost Marshal (Army) wherever possible. However, if the operational situation precludes this, the authority to inspect may be delegated by Provost Marshal (Army) to his Provost Staffs in theatre under the management of the Force Provost Marshal.

458. **Timing of the Inspections and Advisory Visits.** Provost Marshal (Army)'s Military Provost Staff and Provost Staff will have been involved in the construction of CPERS holding facilities. To monitor and advise upon areas of compliance, Provost Marshal (Army) or his nominated representative should conduct advisory visits or inspections:

- a. Within one month of the CPERS holding facility becoming operational.
- b. Every 3 months thereafter for advisory visits.
- c. Every 6 months thereafter for formal inspections.
- d. Whenever there is an adjustment to the CPERS holding facility, for example, an increase in holding capacity or structural adjustments.
- e. On an *ad hoc* basis when directed to do so by Provost Marshal (Army) – for example, as a result of a security incident – or when requested to do so by the CPERS holding facility commandant.

⁴⁵ See the MOD Strategic Detention Policy published by the Secretary of State for Defence in March 2010.



An inspection being carried out at the CPERS holding facility

459. **Areas for Inspection.** The areas for inspection will be decided by Provost Marshal (Army). The following list is not exhaustive; however, it does give an outline of the areas to be inspected by Provost Marshal (Army) or his inspectorate staff:

Inspection Areas	
Compliance with UK doctrine, the Istanbul Protocol, UN Standards and in-theatre instructions ⁴⁶	Segregation and use of <i>incommunicado</i> captivity
Humane treatment, including access to daylight and exercise	Healthcare and environmental health issues
Command and control, governance and assurance measures	Religious and cultural matters
Treatment of vulnerable groups, juveniles, children and females	Education and rehabilitation/re-integration programmes
Security, infrastructure and equipment	Complaints procedure
Orders, and search and incident procedures	Discipline policy, punishments, use of force and use of restraints

⁴⁶ *The Manual on Effective Investigation and Documentation of torture and other cruel, inhuman and degrading treatment or punishment.* <http://www.ohchr.org/Documents/Publications/training8Rev1en.pdf>

Inspection Areas (Continued)	
The interface between captivity and interrogation, including during interrogation	Fire, health and safety, and equality and diversity issues
Access to legal representation	Visits procedure
Manning and staff training	Exercise and work policy
Documentation, property, information management and archiving policy	Feeding

460. In consultation with specialist staff, the inspection should also cover: provision of food and water; hygiene and sanitation; medical provision; and the arrangements under which individuals' captivity is periodically reviewed. CPERS holding facility commandants or unit headquarters' staff should accompany the inspectorate or advisory team.

461. **Inspection Report.** Following each inspection, a report is to be produced outlining the areas inspected and confirming whether the standards for each area have been met. The report must state which aspects are mandatory and which are advisory and should cover:

- a. Areas of compliance.
- b. Areas where standards may be improved.
- c. Factors contributing to non-compliance, for example, lack of logistic provision.
- d. Corrective action required and guidance on how to achieve compliance.
- e. Recommendations for any immediate remedial action to be taken and advice on required improvements.
- f. An opportunity for the CPERS holding facility commandants' comments.

Defence HUMINT Inspections

462. An additional and separate governance mechanism, laid down in a classified Chief of Defence Staff Directive to the Chief of Joint Operations, covers the conduct of HUMINT operations, including tactical questioning and

interrogation. This governance mechanism will be articulated by PJHQ for each operational theatre, but in broad outline will involve the In-Theatre Management Board. Deployed in-theatre management boards are further scrutinised by the MOD supervisory authority which is in turn inspected by the Intelligence Services Commissioner.⁴⁷ The Defence HUMINT organisation, PJHQ J2X staff and Defence HUMINT Policy Staffs are mandated by MOD tactical questioning and interrogation policies to conduct inspections of UK interrogation facilities and procedures on operations every 6 months.⁴⁸ These inspections are to ensure adherence to relevant HUMINT policies and to provide oversight of in-theatre supervisory mechanisms for tactical questioning and interrogation.

SECTION V – THE NATIONAL INFORMATION BUREAU

463. The Geneva Conventions place a duty on all parties in an international armed conflict to open a *National Information Bureau* at the outset of hostilities.⁴⁹ They also require neutral and non-belligerent nations to open a bureau if there is a likelihood of those who may be categorised as prisoners of war or internees finding their way into neutral or non-belligerent territory. The National Information Bureau exists to gather and pass on important information used to monitor the details, whereabouts and health of CPERS, and to facilitate contact with their next-of-kin.

464. While the requirements of the National Information Bureau are mandatory in relation to prisoners of war and internees detained for over 2 weeks, the provisions do not strictly apply to detainees or internees in a non-international armed conflict.⁵⁰ However, as a matter of good practice, the provisions should apply to all CPERS. In a non-international armed conflict, reporting on internees or detainees is the responsibility of PJHQ.

465. In operations other than armed conflict, the UK may open a National Information Bureau or something similar. Where a National Information Bureau does not exist PJHQ will take on the responsibilities and tasks of the bureau.

466. The Geneva Conventions also provide for the establishment of a Central Information Bureau in a neutral country (which is normally the

⁴⁷ The Intelligence Services Commissioner, appointed by the Prime Minister, provides independent non-statutory assurance in respect of tactical questioning and interrogation and conducts regular theatre visits.

⁴⁸ MOD Tactical Questioning and Interrogation Policies dated 4 October 2010.

⁴⁹ GC III: 122, GC IV: 136.

⁵⁰ GC IV: 136.

protecting power) to which all of the National Information Bureaus report.⁵¹ In practice, this role is subsumed by the Central Tracing Agency of the ICRC.

467. UK Armed Forces must provide the National Information Bureau with each prisoner of war's and each internee's full name (as expressed locally), rank, army, regimental, personal or serial number, place and full date of birth, his nationality, first name of father and maiden name of mother (where appropriate), name and address of the person to be informed and the address to which correspondence of each CPERS should be sent. Furthermore, for internees, the last known place of residence and the date, place and nature of any action taken with regard to the individual is also required. In addition, the National Information Bureau shall receive information regarding transfers, releases, repatriations, escapes, admissions to hospital and deaths. This notification is mandatory for prisoners of war and internees and UK Armed Forces are to transmit such information by the fastest possible means.⁵²

468. In the UK, the National Information Bureau comprises 2 components:

- a. **The Civilian Information Bureau.** The Civilian Information Bureau is run by the Home Office and is responsible for the recording and reporting of those nationals held in captivity within the UK.
- b. **The Prisoner of War Information Bureau.** The Prisoner of War Information Bureau will report on all prisoners of war and internees captured by UK Forces during international armed conflict. Responsibility for the operation and management of the Prisoner of War Information Bureau lies with the Service Personnel and Veterans Agency, an executive agency of the MOD which works to the Deputy Chief of Staff (Personnel). The focus for wider CPERS and captivity-related policy responsibilities within the MOD lies with the Operations Directorate.⁵³

⁵¹ GC III: 123, GC IV: 140.

⁵² GC III: 122.

⁵³ Letter from Deputy Chief of the Defence Staff (Personnel) to ICRC Central Tracing Agency, reference D/DCDS(Pers)Strat/21/1/5 dated 18 December 2008.

ANNEX 4A – AIDE MEMOIRE FOR COMMANDERS

4A1. Experience has shown that having a robust system of governance in Captured Persons (CPERS) handling is a vital safeguard in ensuring that humane standards are met. Commanders must aspire to the principles listed below. Although the nature of operations means it may not always be possible to implement them all completely, failure to do so will introduce considerable extra risk into the system.

4A2. Commanders must:

- a. Understand their responsibilities as set out in this publication.
- b. Avoid conflicts of interest to ensure that they make demonstrably objective decisions affecting CPERS.
- c. Ensure that access to CPERS is limited to authorised Service personnel and authorised representatives of organisations, such as the International Committee of the Red Cross, details of which must be recorded.¹
- d. Issue orders to those responsible for CPERS to ensure that they understand their duties and responsibilities, especially in unusual situations, for example a CPERS requiring medical attention or actions during incoming fire.
- e. Ensure that all those responsible for CPERS handling are aware of the requirement to treat all CPERS humanely, the 5 prohibited techniques and other prohibited actions.²
- f. Put in place CPERS handling supervision (for example, periodic checks by officers, warrant officers or senior non-commissioned officers).
- g. Ensure that CPERS are kept apart from UK Armed Forces who may have emotional attitudes to CPERS, such as friends of UK casualties.
- h. Whenever possible, use members of the Military Provost Staff (as Defence subject matter experts in CPERS handling practice) or Service police to provide additional security in CPERS handling.

¹ See Annex 2A Guidance on Standing Orders.

² See Chapter 2.

- i. Report all allegations of assault or abuse to the Service police and chain of command immediately and preserve the scene of any incident or physical evidence that may assist any investigation.

CHAPTER 5 – TRAINING AND SELECTION OF UK ARMED FORCES PERSONNEL DEALING WITH CPERS

SECTION I – INTRODUCTION

501. This Chapter sets out the responsibilities and requirements for the training and selection of UK Armed Forces for Captured Persons (CPERS) activities. There is a legal obligation upon states to train and educate members of their armed forces on the Law of Armed Conflict (LOAC),¹ to issue orders and instructions requiring compliance with the LOAC and to take steps to ensure that those orders are obeyed.² Ignorance of the law is not a defence and the first step to ensure compliance with the LOAC is to ensure as wide a knowledge of its terms as possible.

502. Members of the UK Armed Forces are likely to deal with CPERS in the course of military operations. The requirement may include handling large numbers of CPERS during an armed conflict, either in the land environment or when transporting them by air or sea. It may also arise when conducting peacekeeping operations. To assure correct treatment of CPERS, it is essential that all members of the UK Armed Forces are fully trained in CPERS handling practices and prepared to deal with CPERS during an operation.

As a key skill, every individual in the UK Armed Forces must be aware of the minimum standards that apply to CPERS handling

503. Training is essential. It must include theory and practical training to develop the skill sets required to deal with CPERS in all situations. The training must prepare UK Armed Forces to be able to deal with CPERS, even when unexpectedly confronted by numerous CPERS. The theoretical underpinning for this activity must include current policy and doctrine (including key UK policy statements), applicable UK domestic law, host nation law and the LOAC. Pre-deployment training should supplement and build upon the existing LOAC training given by each of the single Services.

504. Training should cover the principle of individual and command responsibility **and** the requirement to prevent and suppress violations by others. It is essential that all members of the UK Armed Forces are aware of the system to follow should they be concerned about the actions of others; the procedure to report concerns must be included in any training. In addition, training should include the measures that the chain of command will put in

¹ Geneva Convention (GC) 1:47, II:48, III:127, IV:144, Additional Protocol (AP) I:83, APII:19.

² API: 80.

place to protect members of the UK Armed Forces who make allegations against others for violations of the LOAC. To reinforce the requirement to comply with the LOAC, training should also cover the consequences, including the sanctions, of violating the LOAC.³

505. It is also essential to include training and instruction on basic human rights, including an understanding of offences such as torture, cruel, inhuman or degrading treatment. The consequences of failure to comply with human rights obligations should be incorporated into the training, and therefore the penal and other sanctions under human rights law should also be covered.

506. Practical training is the responsibility of the single Services and should cover all aspects of the planning, support for and conduct of CPERS activities. It should cover the requirement to maintain a robust system of CPERS record keeping. It should form part of, and be included in, existing tiered operational training arrangements. Dealing with CPERS should be exercised in single-Service and joint scenarios. It should also address multinational operations. Exercises for commanders need to test and train commanders in CPERS handling issues and problems, including in the command and control of tactical questioning; this should be a particular priority for mission-specific training. Joint Task Force Commanders (JTFC)s have the overall responsibility for developing, implementing, monitoring and refining standards, policies and standing operating procedures consistent with the applicable laws and regulations. Commander Joint Forces is to ensure the effective, routine review of CPERS activities and related training.

Commanders will be held accountable for training their units

507. To ensure that all personnel receive regular updates and refresher courses, commanders must maintain a record of all personnel within their unit who have undergone training. Commanders will be held accountable for the training of their units, and therefore clear audit trails of training undertaken both as a unit and individual are essential.⁴

SECTION II – ROUTINE TRAINING

508. Initial training units are to provide LOAC training to all members of the UK Armed Forces. Individual units are then required to provide subsequent training at specified and regular stages throughout the individual's career. The

³ For details on criminal offences see Chapter 4 Section II.

⁴ The Army Inspectorate Review into the Implementation of Policy, Training and Conduct of Detainee Handling, dated 15 July 2010, stipulates that Headquarters Land Forces should hold subordinate commanders accountable for ensuring that all units receive training and that auditable records of training are maintained.

requirement and further detail of the training to be provided is in Joint Service Publication (JSP) 898.⁵ The obligation to set the LOAC training requirement falls to the LOAC training steering group, based in the Development, Concepts and Doctrine Centre. The responsibility for delivering LOAC training falls to the single Services, suitably supported and advised by the training delivery authorities and the single-Service legal directors.

509. All training must reflect the requirement to act in accordance with the LOAC and in particular to recognise and protect CPERS in accordance with extant rules. Such training is appropriate to all ranks. During periods of routine training, each unit is to appoint a detention officer who is to ensure that Service-specific military annual training tests (for example, Naval Military Training, Military Annual Training Test 7) and other training relevant to CPERS inculcates the vital messages about the correct handling of CPERS.⁶

SECTION III – TRAINING FOR OPERATIONS

510. Commanders should ensure that all personnel under their command receive the operation-specific pre-deployment training as mandated by the Chief of Joint Operations prior to any deployment.⁷ Such mission-specific training should include scenarios which test the staff and units in all aspects of



CPERS operations, including suitably pitched training on the risks of positional asphyxia/death by struggle against restraint, tactical questioning, media operations and dealing with certain groups of CPERS such as juveniles. The image opposite shows soldiers being trained in general CPERS activities.

511. Commanders must ensure that all members of the Armed Forces deploying on a specific operation receive a tailored legal brief consisting of a refresher on the LOAC together with a specific brief on the rules of engagement for that particular operation or deployment. In addition, they are to ensure that UK Armed Forces due to deploy receive a brief on CPERS handling from the Military Provost Staff. This obligation may be satisfied

⁵ JSP 898 *Catalogue of Defence Policies with Impact on Training and Education*.

⁶ See Chapter 4 Section III paragraph 428.

⁷ Permanent Joint Headquarters pre-deployment training requirements.

before the deployment commences or on arrival in a theatre of operations (during reception staging and onward integration), or a combination of the two. The training must emphasise the requirement to treat all CPERS humanely. Simple phrases in relation to sight deprivation should also be included in mission-specific language training. The obligation for setting the requirements of the pre-deployment and reception staging and onward integration brief falls to the Permanent Joint Headquarters (PJHQ). The responsibility for delivering the brief falls to the single Services or the deployed headquarters. The detention officer will act as the focus for CPERS matters during mission-specific training.⁸

512. All commanders must ensure that an audit trail is kept of all training and refresher courses, with details of attendees. Once an individual has received mission-specific training, the units responsible for the training should ensure that a record is made on the personal training record of every individual who has undertaken the training, preferably on *Joint Personnel Administration*.

513. Where possible, commanders should ensure that task-specific training is given to those personnel who will work in CPERS handling facilities which should include: enhanced cultural awareness training (including language



training) in the basic instructions necessary for use in CPERS handling facilities; standard operating procedures; the conduct of searching; the safe movement and control of CPERS; the use of force; and public order training to deal with situations of unrest (as shown opposite). Custodial training should be delivered by members of the Military Provost Staff. Training should also be

given to all medical personnel involved in CPERS activities as set out in Chapter 3 Section VII. Ideally, prior to a new CPERS holding facility being occupied by CPERS there should be a test exercise held to validate the training of personnel working there or supporting the facility, such as dog handlers, medical services, sniper teams for possible use in resolving hostage situations, and quick reaction forces. The Custodial Branch of Headquarters

⁸ See Chapter 4 Section III paragraph 428.

Provost Marshal (Army) will be able to advise on the nature of such training and test exercises.

514. PJHQ, Service legal officers and Provost Marshal (Army), or his representatives, should provide training and briefings to those commanders who will have specific responsibilities for the long-term management and oversight of CPERS. Such training is mandatory for any individual who will participate in the Detention Review Committee or the Detention Authority.

515. Examples from history and the results of academic studies show that there are a number of factors that act as indicators for possible abuse of CPERS, as illustrated in Figure 4.2. Some of these factors arise during the course of a force serving in an operational theatre. Commanders are to familiarise themselves with these factors and apply them when assessing their own forces. They will assist commanders when deciding whether to deliver remedial training and, during the course of an operation, will help to mitigate against the effects of those factors.

516. Those individuals who will comprise the In-theatre Management Board should attend pre-employment training hosted by the Defence School of Intelligence, covering governance of Human Intelligence (HUMINT) operations, including tactical questioning and interrogation. All commanders of units with trained tactical questioners are to attend PJHQ for a J2X tactical questioning pre-deployment briefing.

SECTION IV – SELECTION OF UK ARMED FORCES PERSONNEL TO DEAL WITH CPERS

517. Long-term CPERS operations are not only unpopular with the host nation population but also with soldiers, who rarely relish the notion of being used as a guard force. Therefore, the single most important component of long-term CPERS operations is leadership. This must be strong, ethical and effective: from the most senior to the most junior appointments. Commanders at all levels must ensure that they set a culture committed to high standards of personal and professional conduct and emphasise to all under their command that anything less is unacceptable. The command climate is a principal factor in setting the attitudes and influencing the actions of the soldiers involved in delivering the process.

A commander's ethics and moral courage are vital to successful leadership of CPERS activities

518. Service personnel must know the standards expected of them. They must carry out CPERS duties conscientiously; with honesty and integrity; with a strong sense of both responsibility and accountability for their actions; and by treating CPERS humanely, fairly and with decency and respect.

519. Commanders must take positive steps to discourage the use of group labels or nicknames for CPERS and the local populace, as experience has shown these to have a dehumanising and depersonalising effect, which can lead to an increased likelihood of abuse.

520. Inevitably, some Service personnel will be less well-suited to direct long-term contact with CPERS than others due to temperament or other circumstances. In such cases the chain of command must ensure that steps are taken to mitigate risk as far as is practicable. Vulnerability to wrongdoing may arise through pressure or manipulation by other soldiers or by CPERS, or from personal circumstances which may open an individual to financial or other pressures or inducements, or to venting frustration. To assist commanders in making their assessment of suitability for direct long-term contact with CPERS, they must consider the factors listed at Annex 5A for each Service person and sign the risk assessment document to that effect. The document is not to be used as the basis of an interview; it is to be used as a record that the commanding officer has applied the factors to his knowledge of the Service person when determining the suitability of that Service person for employment within the guard force.

521. The consequences of selecting inappropriate guards, tactical questioners or interrogators can be serious and cannot be over-emphasised. Many CPERS will either have served in the military or have links to serious organised crime, or terrorist groups which have a global reach. They may be familiar with assessing our Service personnel's behaviour and conduct, and with UK procedures. They may seek ways to exploit weaknesses to their advantage, including employing threats and coercion. CPERS will easily distinguish an efficient unit from a badly run one and will look for softer opportunities when making escape or disruption plans.

522. After guarding CPERS in extreme conditions for lengthy periods there may be a danger of *burnout*. Warning signs that the chain of command should watch for include: an increase in Service personnel's swearing; yelling; short temper; and asking to be placed on other duties. The chain of command should take timely remedial actions to deal with such cases.

ANNEX 5A – CPERS HOLDING FACILITY GUARD FORCE RISK ASSESSMENT

RESTRICTED – STAFF IN CONFIDENCE (WHEN COMPLETED)

SERVICEMAN/WOMAN DETAILS			
Number		Rank	
Name		Initials	
Ship/Coy/ Bty/Sqn		Platoon/Troop	
Age		Days in Theatre	

I have considered the following factors in determining the suitability of the above named Service person for CPERS Holding Facility Guard Force duties:

1. History of violence.
2. History of self-harm, post-traumatic stress disorder, or mental illness.
3. Currently on Theatre Risk Register.
4. Operational incidents involving this individual or friends/colleagues.
5. Beliefs and prejudices in relation to the current deployment/operation.
6. Beliefs and prejudices in relation to CPERS.
7. Welfare issues that may affect behaviour or judgement (e.g. pregnant girlfriend, debt).
8. General maturity and attitude.
9. Any other factors that may affect suitability for employment.

Recommendation by Commanding Officer:

Direct interface/internal guard force	YES	NO
Guard force but not direct interface	YES	NO
Not to be employed in CPERS holding facility	YES	NO

RESTRICTED – STAFF IN CONFIDENCE (WHEN COMPLETED)

RESTRICTED – STAFF IN CONFIDENCE (WHEN COMPLETED)

Commanding Officer

Number Rank..... Name.....

Unit..... Signature Date

Notes:

1. All relevant information must be considered. The decision as to whether or not a Service person is deemed suitable for employment in any area of the CPERS holding facility is the responsibility of the commanding officer.
2. A commanding officer should use this document as a tool to assist in assessing the suitability of a Serviceman/woman for employment within a CPERS holding facility. This document should not be used as the basis of an interview, but the factors listed should be considered on the basis of the knowledge of the Service person.
3. Consideration of the factors will assist in producing a view of the Service person's character which, when combined with sound military judgement, should allow commanders to make an informed decision on suitability for employment in a CPERS holding facility.
4. A commanding officer is to categorise a Service person as either suitable for *direct interface/internal guard force*,¹ suitable for *guard force but not direct interface*,² or not suitable for employment in the CPERS holding facility.
5. The commanding officer must reflect any subsequent change to this initial assessment on a separate risk assessment document. The Military Provost Staff warrant officer is to retain the completed risk assessment document on file at the CPERS holding facility. A copy should also be placed in the operational archives in accordance with theatre policy.

¹ The internal guard force has the greatest amount of contact with CPERS.

² The external guard force has few opportunities to have contact with CPERS.

CHAPTER 6 – PLANNING FOR CPERS ACTIVITIES

SECTION I – INTRODUCTION TO PLANNING

601. This Chapter is essential reading for all UK Armed Forces involved in planning Captured Persons (CPERS) activities. It lists key planning issues and considerations, explains how CPERS activities affect operations and gives an overview of the entire CPERS handling process.

602. The level of scrutiny and degree of sensitivity associated with the treatment of any type of CPERS means that the Joint Task Force Commander (JTFC) must have clear guidance regarding CPERS in the early stages of the planning process. The Chief of Joint Operations must refer to the Chief of the Defence Staff's Directives (including the Detention and Human Intelligence Directives) which will include guidance on legal issues, Rules of Engagement and CPERS activities. Chief of Joint Operations will in turn use Chief of the Defence Staff's Directives to give operational direction in the form of the Joint Commander's Mission Directive. The JTFC can expect issues related to CPERS to be covered in more detail in the mission directive. If they are not, he will need to request additional guidance. In conducting his own operational estimate, the JTFC should consider whether he has been allocated sufficient resources to establish a viable CPERS handling organisation on a scale consistent with wider planning assumptions.

Commanders should be clear about the effect that CPERS activities should achieve within the overall campaign plan

603. The JTFC must then consider his own plan for dealing with CPERS within the Joint Operations Area. The JTFC must ensure that all personnel involved in this activity are trained, equipped and otherwise logistically supported. This does not just include those running any facility, but all involved from the point of capture onwards. It also includes identifying – and by implication, correctly resourcing – the effect that he wishes CPERS activities to achieve within the overall campaign plan.¹ There are a variety of pertinent operational and logistic considerations including: the number of personnel required to conduct such operations; materiel support; medical support; construction or adapting of facilities; a logistic support plan; arrangements to categorise and record CPERS; and their subsequent detention, transfer, re-integration and release of CPERS. As early as possible,

¹ This may include activities such as psychological operations, media operations and other influence activities. The lead for co-ordinating and synchronising such activities is J3, with advice being provided by the Force Provost Marshal, legal adviser and policy adviser.

commanders should establish planning mechanisms that ensure effective consideration of potential CPERS issues, and so develop plans and procedures to respond to them in a timely manner. The planning process needs to include all relevant staff disciplines because such issues have been shown to impact upon the operational, intelligence, logistical, engineering, medical, legal, religious and information aspects of the mission.

General Planning Issues

604. The CPERS handling organisation will assume responsibility for all aspects of CPERS activities once they have been delivered to the collecting point, leaving unit and formation commanders free to conduct operations. The responsibilities of the CPERS handling organisation commander and all staff involved in CPERS activities are outlined in Chapter 4 Section III.

605. Commanders must give particular consideration to the requirement to investigate serious incidents involving CPERS, for example, deaths occurring in captivity or any allegations of torture or abuse. They will need to ensure that procedures are put in place for securing the scene of an incident (it may be a crime), collecting and preserving evidence and taking statements from both UK Armed Forces and local witnesses. It is vital that commanders have arrangements in place to ensure prompt involvement of the Service police at significant incidents. Commanders must also keep family members informed of the progress of investigations and set out procedures for handling the media aspects of such investigations.

Commanders should seek early advice from the Force Provost Marshal and legal advisers when planning for operations involving CPERS

606. In addition to conducting a campaign, UK Armed Forces may be faced with the responsibility for potentially thousands of extra personnel who have to be accounted for, administered and held in captivity. In this situation, unless an effective means of managing and administering the extra burden imposed by CPERS is established, the conduct of operations will be adversely affected.

607. Each operation will be different depending on the nature of the conflict. Important planning issues may include, but are not limited to:

- a. Ensuring the requisite standing orders are published in all units handling CPERS, covering, for example, the 5 Prohibited Techniques.²
- b. The effect that CPERS activities should achieve within the overall

² See Chapter 2 Section II.

campaign plan.

- c. Liaising with the Foreign and Commonwealth Office (assessing the host nation's judicial system and, where suitable, concluding agreements with the host nation in relation to the safe transfer of CPERS).
- d. Establishing links with other government departments and non-governmental organisations to support the reconciliation and re-integration of CPERS into their society and forming policies (backed by appropriate resourcing) for conducting re-integration operations while CPERS are being held by UK Armed Forces. Further details of which can be found in Chapter 12 Section III.
- e. Co-ordination with coalition partners for all CPERS activities.
- f. Media and press relations.³
- g. Identifying the manpower requirement for CPERS activities, to include the provision of: provost support and scene of crime management; sufficient legal advisers, to cover legal advice to commanders and to conduct all required legal duties for CPERS (including review boards); and interpreter support. A full list of staff and their responsibilities is listed at Chapter 4 Section III.
- h. Providing enhanced training in CPERS handling to those UK Armed Forces specifically assigned to CPERS handling tasks.
- i. Communications support for CPERS activities.
- j. Facility location and construction, including security and sanitation requirements.
- k. Ensuring CPERS receive the minimum standards and requirements as set out in Chapter 2 Section I.
- l. Transportation of CPERS.
- m. Categorisation of CPERS.
- n. Interrogation and intelligence-gathering.⁴
- o. Procedures for recording and reporting details of those held or transferred, the wounded and the dead.

³ See Chapter 1 Section VI.

⁴ See Joint Doctrine Note (JDN) 3/06, *Human Intelligence*.

- p. Procedures for death and burial of CPERS, including provision for arranging coroners' inquests and obtaining authority from the host nation for *post mortem* activity.
- q. Ensuring sufficient resources are in place to allow family visits and religious, intellectual, physical, vocational or educational activities.
- r. Issuing clear instructions for the archiving of all CPERS related documentation and media.
- s. Considering the effects of releasing large numbers of CPERS into the host nation society.
- t. Issuing clear instructions for the transfer of CPERS captured on the high seas.
- u. Issuing Standard Operating Instructions in relation to the specific operation based upon this Joint Doctrine Publication (JDP).⁵
- v. Before any deployed operation, the commanding officer must ensure that there is a clear written explanation of unit level responsibilities for CPERS. If responsibilities are changed during operations, this should be recorded.
- w. Considering the potential means and methods, such as confidential telephone lines, via which complaints and reports about mistreatment of CPERS may be raised by Service personnel.
- x. As far as possible, ensuring information technology systems for reporting CPERS are harmonised between the different agencies (International Committee of the Red Cross (ICRC), Prisoner of War Information Bureau, etc).

608. The types of predictive analytical tools favoured by J3 and operational analysts, which suggest likely numbers or categories of CPERS, can be useful in giving an appreciation of the anticipated scale of such operations. They cannot be definitive, however, and the JTFC should balance the likely demands against available resources when formulating a plan, while recognising that a gross under/over estimation of required resources may have adverse consequences. The estimate process should consider CPERS activities, in detail. Depending on the circumstances, CPERS issues may merit a discrete estimate process of their own.⁶ Subject always to operational

⁵ Permanent Joint Headquarters holds generic Standard Operating Instructions for maritime and land CPERS activities.

⁶ See Chapter 6 Section II.

security and current policy considerations, commanders should engage with the ICRC during planning for CPERS activities.

609. Operation TELIC lessons identified echoed many of the issues first identified in the US Army's study of prisoner handling operations during the Korean War. Both established enduring conclusions:

- a. CPERS activities require sufficient qualified administrative and detention personnel.
- b. The locations of facilities should be determined in advance, taking into account terrain and water supply, while avoiding proximity to major population centres and likely areas of continuing military activity.⁷
- c. Positive identification of each individual CPERS and the maintenance of personnel records are essential.
- d. Interpreters are often essential for the management and questioning of CPERS. Experience has shown that the best method for using interpreters during routine in/out-processing is to issue them with a script that they are to read to the CPERS, although this method will not be suitable on all occasions. All personnel who use interpreters are to ensure that they have been carefully briefed and understand their tasks. The potential for them to exceed, or be short of, their remit may have serious consequences for the gathering of intelligence and the management of CPERS, including the safety of the guard force. Interpreters may need to conceal their identity by the use of screens, dark glasses or face scarves.
- e. The CPERS holding facility commandant must have the authority and means, where appropriate, to apply an effective disciplinary system among CPERS.⁸
- f. A pre-planned and co-ordinated intelligence and counter-intelligence programme should be developed to provide a continuous, timely flow of intelligence information from the point of capture to the release phase.⁹

⁷ See Chapter 6 Section IV.

⁸ See Chapter 10 Section IV.

⁹ See JDN 3/06 *Human Intelligence* and JDN 2/09, *Materiel and Personnel Exploitation*.

SECTION II – EFFECTS OF CPERS ON OPERATIONS

610. The significance of CPERS activities in influencing the commander's plan will vary according to the type of operation undertaken, the legal powers available and the effects that he wishes to realise. Experience has shown that consideration of the effect requires greater analysis during non-international armed conflict activities because the situation may be less straightforward than during international armed conflicts where there may be greater need to maintain and cultivate the goodwill of the local population. For example, history shows the consistent unpopularity of internment; this is because it is perceived as a blunt, non-transparent process that is at odds with the normal rule of law practices. Far from reducing insurgencies, use of internment can exacerbate the situation and play into enemy propaganda.

When planning an operation, commanders must take into account the potential number of CPERS and the resources required to effectively deal with them

611. In general, offensive operations will result in more CPERS than defensive operations; peace support operations will normally result in the holding of CPERS where local law enforcement authorities are inadequate or absent. In all operations, the effects of CPERS activities are:

- a. The number of personnel available for other tasking is reduced by the obligation to administer and care for CPERS.
- b. An additional burden is placed on force logistics by CPERS support requirements.
- c. An additional burden is placed on the transport system by the requirement to move CPERS.
- d. The tempo of operations can be adversely affected by CPERS activities.
- e. The commander's operational flexibility may be inhibited by the physical presence of CPERS in the Joint Operations Area.
- f. Improved intelligence and situational awareness through CPERS exploitation.
- g. Additional personnel for the security of CPERS will be required.

612. In order to prevent CPERS becoming involved in insurgent or other illegal activities, UK Armed Forces should make every effort to reintegrate them back into society in a productive and meaningful way.¹⁰ The process should involve a mechanism to identify what motivated the individual to participate in the activity which led to his capture, and provision to educate and rehabilitate those that are held in captivity. The aim is to release them back into society as peaceful citizens with a stake in the future success of the state. Reintegration of those being held for long periods of time was conducted to a limited degree by the UK in Iraq, and on a considerably larger scale by the US in Iraq, where such operations were sophisticated and successful.

613. The commander's consideration of CPERS activities during the operational estimate process will take place within a number of steps:¹¹

a. **Step 1.** J2 staff assess whether the operation is likely to result in the capture of CPERS. In making this assessment, they will take into account a number of factors:

- (1) The likely outcome of the operation.
- (2) The size and nature of opposing forces.
- (3) The enemy's likely courses of action.
- (4) The enemy's cultural and religious background.
- (5) The state of the enemy's morale.
- (6) The overall progress of the campaign.

b. **Step 2.** If the intelligence received in response to Step 1 indicates the likelihood of the operation resulting in CPERS this is considered under the estimate heading of other relevant factors.

c. **Step 3.** Having considered the impact of CPERS on the plan, provision is included in the summary of possible tasks and troops allocated to the task. This will include the requirement for interpreters to support the intelligence gathering effort and to process CPERS.

d. **Step 4.** Once the commander has selected his course of action,

¹⁰ For the purposes of this publication, *reintegration* is the term used to describe returning a person to their society. Reintegration spans from the point in time that a person is allowed to proceed on their way following a routine stop and question, through to releasing a person that has been held by the UK Armed Forces for a period of years.

¹¹ For detailed advice on the estimate process generally, see Joint Doctrine Publication (JDP) 5-00 (2nd Edition) *Campaign Planning*.

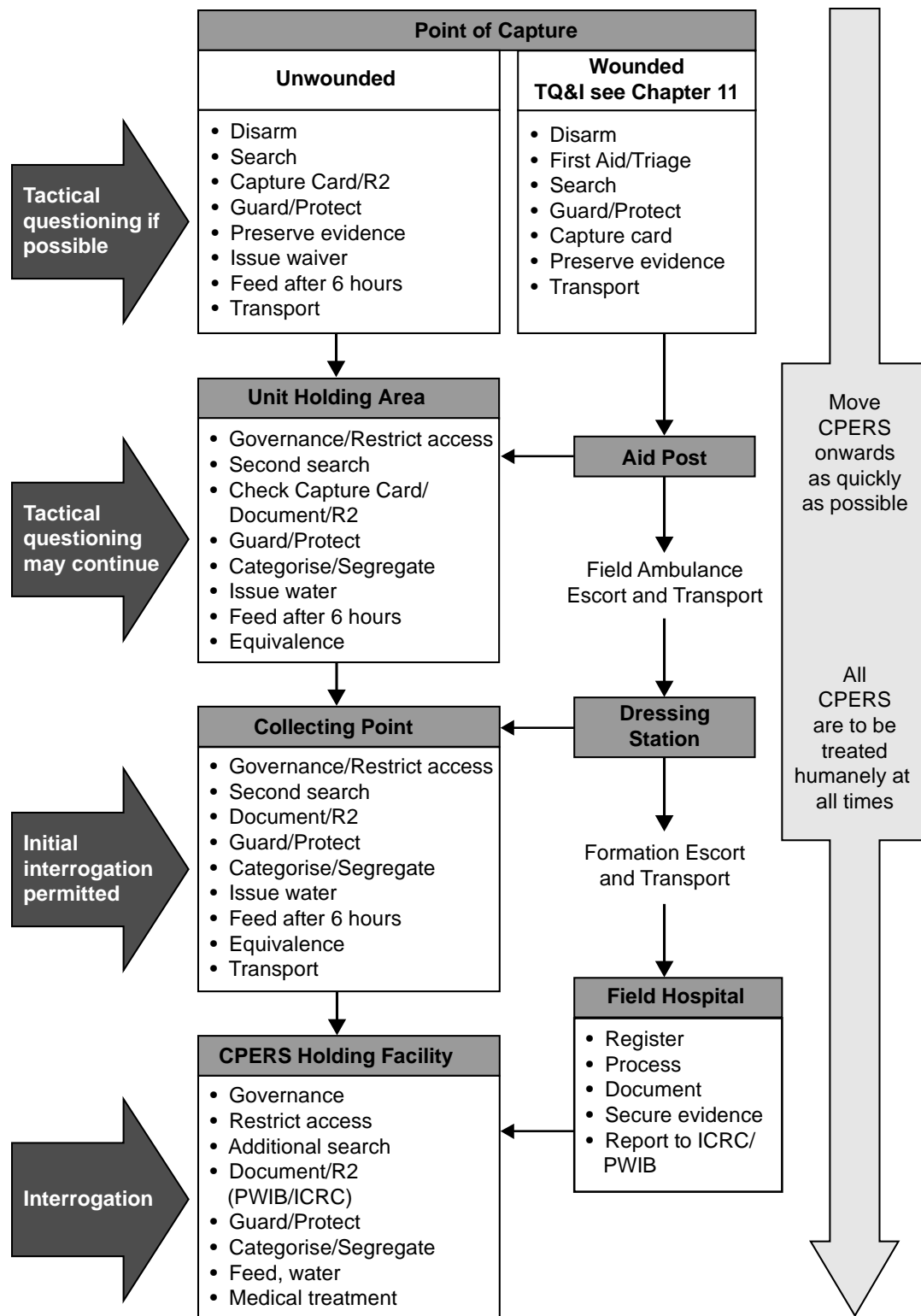
details of the CPERS plan are to be included in the execution paragraph of his orders. Depending on the potential impact on the operation, the need to make a specific plan may be reflected in the concept of operations. CPERS handling must always be included in the coordinating instructions of the plan.

614. CPERS handling and its effect on an operation will always be one of the planning imponderables. Rarely will the commander be able to make a plan secure in the knowledge that its success will be guaranteed. Such planning should assume a worst case scenario. Given the diffuse nature of contemporary operations, CPERS of whatever status, may be captured by any number of different units and across all environments. In operations, the unexpected almost always happens and the unplanned arrival of large numbers of CPERS into the Joint Operations Area can provide significant challenges for the joint force.¹²

SECTION III – AN OVERVIEW OF THE CPERS HANDLING PROCESS

615. To assist in planning CPERS activities, this section provides a brief introduction to the different phases of the CPERS process, although more detail can be found in Chapters 8 and 9. The basic principles and standards of treatment as set out in Chapter 2 apply throughout this process. An *aide memoire* of the CPERS process can be found at Figure 6.1, which can be used as a template for planning CPERS activities, alongside the timeline at Figure 6.2.

¹² During the 1991 Gulf War, US helicopter squadrons were faced with having to deal with hundreds of Iraqi prisoners of war who had surrendered when confronted by helicopters. Other Iraqi soldiers had surrendered to an unmanned aerial vehicle.



Notes:
 ICRC – International Committee of the Red Cross
 PWIB – Prisoner of War Information Bureau
 TQ&I – Tactical Questioning and Interrogation
 R2 – Reports and Returns

Figure 6.1 – Planning Aide Memoire

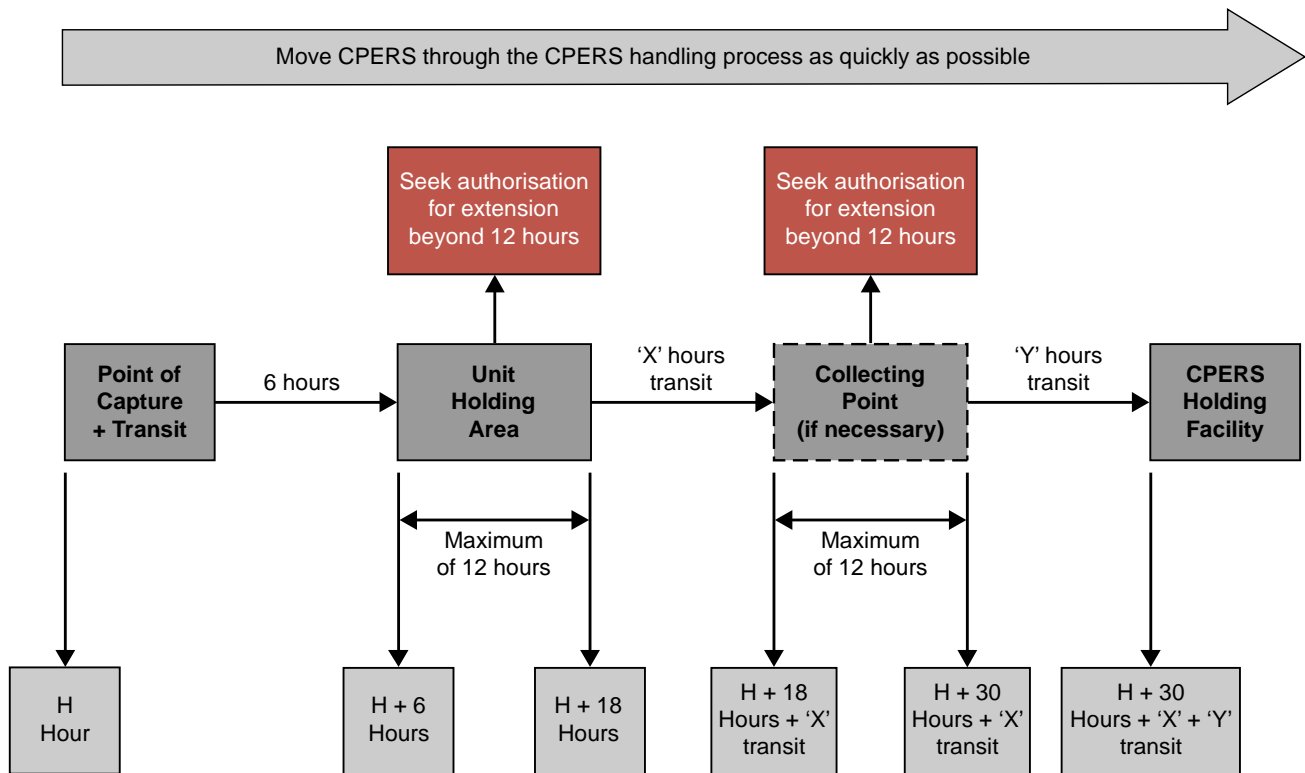


Figure 6.2 – Direction on Time Limits

Time Limits

616. Figure 6.2 sets out direction on time limits to be applied during the processing of all CPERS. Time begins at point of capture (H-Hour); when UK Armed Forces deprive someone of their liberty that person becomes a CPERS. Due to the variable nature of operational environments, it is not possible to place a time limit on the transit between various stages of the handling process, hence the transit times are referred to as 'X' and 'Y'. Every effort must be made, however, to adhere to the time limits shown in Figure 6.2. The basic principle is that CPERS are to be moved through the process as quickly and efficiently as possible;¹³ CPERS must reach the CPERS holding facility as a matter of priority. Standard operating instructions for each operation should set out indicative time lines for CPERS handling.

CPERS are to be moved through the handling process as quickly and efficiently as possible

¹³ GC III: 20 (in relation to prisoners of war).

The Point of Capture

617. Once a CPERS has been captured, the key processes for UK Armed Forces at *point of capture* are to disarm, search and document that individual, paying particular attention to the retention of any items of intelligence or evidential value. Full details of the point of capture procedures can be found in Chapter 7. The capturing unit are to process CPERS through the CPERS handling chain as soon as practicable; they should move CPERS to the unit holding area within 6 hours from the point of capture.

The Unit Holding Area

618. The *unit holding area* may be a temporary facility and is the first point in the CPERS handling chain where detailed documentation of CPERS may begin. Notwithstanding the temporary nature of the unit holding area, it must afford the minimum standards listed in Chapter 2 Section I. Full details of the unit holding area can be found in Chapter 9. It should only hold CPERS for the minimum time necessary; the maximum time to move CPERS out of the unit holding area is within 12 hours of arrival. Extensions to the 12 hour period must be authorised by the detention chain of command (and ultimately the detention authority). The maximum time limit of 12 hours at the unit holding area will not include the transit time required to take the CPERS from the unit holding area to the collecting point or directly to the CPERS holding facility. This transit time is depicted on the *aide memoire* as X hours.¹⁴

619. If tactical questioning was not possible at the point of capture it may take place at the unit holding area. Movement through the CPERS handling chain, however, should not be delayed pending the arrival of a tactical questioner. The tactical questioner will decide whether CPERS should be released, proceed to interrogation, or be processed into the CPERS holding facility as a member of the general population. In the absence of a tactical questioner this decision may be taken by the unit. For detailed guidance on tactical questioning see Chapter 11 Section II.

The Collecting Point

620. Dependent upon geography, the tactical situation and environmental factors, it may be necessary to establish a *collecting point* in the evacuation chain. Established primarily for the management of CPERS captured in significant numbers, collecting points are temporary in nature and usually established at formation level in order to provide a central facility to ease

¹⁴ In the maritime environment, it is more likely that these timelines will not be achievable. If it is anticipated that CPERS will be required to spend more than 24 hours embarked, the commanding officer of the unit is to seek in-theatre legal advice.

transport to the CPERS holding facility. Interrogation may take place at the collecting point. Details on interrogation procedures are outlined at Chapter 11.¹⁵ The decision to establish a collecting point at a particular formation level will be taken by the Joint Task Force Headquarters.

621. CPERS should not be held in the collecting point for longer than 12 hours after arrival. This 12 hour period will not include the transit time from the unit holding area to the collecting point, which is depicted on the *aide memoire* as X hours, nor will it include the transit time required to take the CPERS from the collecting point to the CPERS holding facility, which is depicted on the *aide memoire* as Y hours.

622. The construction and the facilities of the collecting point together with the operational situation will dictate the maximum length of time CPERS should remain in the collecting point. Should there be a requirement to remain at the collecting point for longer than 12 hours, staff at the collecting point will need to seek authorisation from the detention chain of command (ultimately the detention authority). Guidance on collecting points is at Chapter 9.

The CPERS Holding Facility

623. For the purpose of this publication, a CPERS holding facility is defined as *a facility which is of an established nature and designed to hold larger numbers of CPERS for extended periods of time*. It does not include unit holding areas, or collecting points. Details of the running, staffing and management of a CPERS holding facility are detailed at Chapter 10. UK Armed Forces must make every effort to ensure that CPERS arrive at the CPERS holding facility no later than H + 30 + transit time (X + Y) after point of capture.¹⁶

Intelligence Exploitation Facility

624. The *intelligence exploitation facility* is an operational multi-source fusion and single-source processing capability that enables the exploitation of materiel and personnel to provide actionable operational intelligence.¹⁷ This can be a stand-alone facility, or collocated within the boundary of a CPERS holding facility. Irrespective of this, it will have its own separate and distinct chain of command as detailed in both Chapter 10 Section I and Chapter 11 Section III.

¹⁵ See JDN 3/06 *Human Intelligence*.

¹⁶ See Figure 6.2.

¹⁷ JDN 2/09, *Materiel and Personnel Exploitation*.

SECTION IV – PLANNING A CPERS HOLDING FACILITY

625. Depending on the nature of the campaign, a CPERS holding facility may be temporary (for example, tented), based on existing buildings, or purpose built. Typically, temporary CPERS holding facilities will be less sophisticated and less secure. In the case of temporary CPERS holding facilities, or of those based on existing buildings, the aim must be to increase levels of security and upgrade infrastructure as soon as possible as this will release manpower from guarding and administrative tasks inevitably associated with temporary facilities.¹⁸ In the case of purpose-built CPERS holding facilities, the aim must be to design security systems that reduce the need for guarding and administrative manpower while also meeting the minimum standards for humane treatment as set out in Chapter 2. Principles of design are set out below, and commanders should seek advice on all aspects of purpose-built CPERS holding facility designs from the Provost Marshal (Army), PM(A). PM(A) may decide to deploy members of the custodial branch to theatre to facilitate a CPERS holding facility achieving initial, and full, operating capability.



Temporary CPERS holding facility during Operation TELIC 1

626. Decisions made about the location of the CPERS holding facility will be amongst the most significant in establishing the CPERS handling process. If all the relevant factors concerning the location of a CPERS holding facility are not properly taken into account, unnecessary administrative and logistic burdens may be imposed on the force. In the worst case, large numbers of CPERS may have to be relocated at a critical point in the operation or campaign. The CPERS holding facility must be sited in a location away from immediate danger with access to a main supply route. An exception to this rule would be where a political decision is taken involving the location of the CPERS holding facility in the territory of a friendly neighbouring state.

¹⁸ An outline establishment for a CPERS holding facility is at Annex 6A.

Planning Factors for a CPERS Holding Facility	
<p>The Geneva Convention states that CPERS establishments are only allowed to be sited on land¹⁹</p> <p>Once a large camp is built, it becomes inherently difficult and burdensome on the logistic chain to relocate</p> <p>The training required for the commandant and guard force. Details for training are in Chapter 5, and details for governance and responsibilities in Chapter 4</p> <p>The attitude of the local population</p> <p>Influence of the terrain on construction, access and security</p> <p>The local availability of construction materials</p> <p>In order to minimise the requirement for the use of blacked out goggles, blindfolds and ear defenders, CPERS facilities should ideally be designed and constructed to be secure and separate from (or screened from) other military activities</p>	<p>The threat of guerrilla or enemy activity and the general attitude of the CPERS population²⁰</p> <p>The existence of an adequate water supply sufficient to meet the needs of the facility for drinking, washing and sewage disposal</p> <p>The potential to make use of existing real estate in order to reduce the logistic burden. When considering options, allowance should be made for legacy issues connected with any real estate²¹</p> <p>Proximity to potential target areas</p> <p>Proximity to existing infrastructure such as road, rail or airhead</p> <p>The availability locally of a suitable electrical power supply</p> <p>Ground features such as marshes or swamps, which might bring about conditions adversely affecting the health of CPERS and UK Armed Forces collocated</p> <p>Any climatic considerations</p>

Design of a CPERS Holding Facility

627. Design of effective CPERS holding facilities balances security and systems that will minimise manpower levels. In cases where the standards do

¹⁹ GC III: 22.

²⁰ Experience from Iraq has shown that some CPERS continue the fight *behind the wire*. This manifested itself by CPERS mass producing home-made weapons and digging tunnels – not to escape – but to emerge near to armed guard towers in order that they may over-power guards and take weapons to instigate a major uprising within the facility.

²¹ For example the *Abu Ghraib* prison in Iraq was known under the Saddam Hussein regime as *torture central*; its use under the regime that replaced it was always likely to carry presentational risk.

not conform to those specified, measures must be taken to reach those standards as soon as possible. Paragraphs 628-643 detail the requirements that commanders must consider when designing a CPERS holding facility. Examples of the layout of 250, 500 and 2000 CPERS holding facilities are at Annex 6A.

628. CPERS Accommodation. CPERS accommodation, and in particular all sleeping accommodation, must meet good health requirements such as climatic conditions and fresh air, minimum floor space, lighting, heating and ventilation.²² Medical/environmental health staff will provide advice in this area.²³

629. Segregation. The facility must include adequate accommodation to ensure the requisite segregation of CPERS. For example, females and children must be separated from other CPERS. Where nursing infants are allowed to remain in the facility with their mothers, the facility should include a nursery staffed by qualified persons, where the infants can be placed when they are not in the care of their mothers.²⁴

630. Ablutions. The sanitary installations must be maintained in working order and adequate to enable every CPERS to comply with the needs of nature when necessary (available for the use of CPERS during the day and the night). The facility must include separate toilet facilities for the exclusive use of female CPERS. The facility must include adequate bathing and shower installations so that every CPERS may bathe or shower, at a temperature suitable to the climate, as frequently as necessary for general hygiene according to season and geographical region.

631. Waste Disposal System. An important aspect of the construction and management of CPERS facilities is the requirement for an efficient waste disposal system. UK Armed Forces should not underestimate the volume of waste produced by a large CPERS facility and they should make disposal plans accordingly.

a. Human Waste. At the outset of construction, the facility must include a system for disposing of human waste from latrines in compounds and enclosures. For anything other than the basic collecting point, the deep trench latrine will not suffice and the facility must provide a more effective form of latrine. Depending on the

²² Experience has shown that a 4-compound (2000 CPERS) holding facility is the maximum size of any one enclosure. If it is assessed that the holding requirement is likely to exceed this figure, further enclosures will need to be established. A balance has to be struck in siting additional compounds between the requirement to prevent communication between enclosures and the administrative efficiency derived from collocation.

²³ See Chapter 3.

²⁴ AP I: 76; AP II: 5.

resources available, this will range from a simple chemical toilet to a fully-fledged disposal system equipped with flushing lavatories and connected to either a local sewage system or to cess pits. Failure to make provision for the disposal of human waste will almost inevitably lead to the rapid spread of disease amongst CPERS.

b. **Other Waste.** UK Armed forces must ensure that arrangements are made for the collection and disposal of other waste. The amount of waste generated in a 2000 CPERS holding facility each day will be considerable and unless an organised system of rubbish collection and disposal is set up from the first occupation of the facility, environmental and health problems will quickly follow.

c. **Waste Collection.** The Geneva Conventions allow the use of CPERS for tasks connected with camp maintenance.²⁵ The operation of sewage systems and waste disposal are tasks that fall within this category provided that CPERS employed on them are trained and given protective equipment and clothing.²⁶

632. **Laundry.** The facility must include the equipment and space to enable CPERS to launder their personal clothing. In accordance with local or national standards, UK Armed Forces must provide each CPERS with a separate bed, as well as separate and sufficient clean bedding.

633. **Ventilation.** In all places where CPERS are required to live or work there must be windows that are large enough to enable CPERS to read or work by natural light. The windows should be constructed to allow the inflow of fresh air, whether or not there is artificial ventilation and artificial light sufficient for CPERS to read or work without injury to eyesight.

634. **Exercise.** The facility must include an area available for CPERS to take daily exercise in the open air, if the weather permits. The image opposite illustrates exercise areas integral to CPERS compounds which could be improved by enclosing them with welded mesh over the top. Additionally, it should include space, installations and equipment to allow children and juvenile CPERS, and others of suitable age and physique, to receive physical and recreational training.



²⁵ GC III: 50.

²⁶ GC III: 51.

635. **Security.** Security considerations include: secure cells, compounds and a perimeter fence. Guard towers are to be sited around the perimeter of each enclosure and be:

- a. Of sufficient height to permit unobstructed observation of the section of perimeter which they are sited to cover.
- b. Placed immediately outside the perimeter. Where the perimeter is a double fence, sited in such a manner as to allow an unrestricted view of the lane between the fences.
- c. Low enough to allow an adequate field of fire.
- d. Spaced to provide optimum observation. In conditions of poor visibility, extra guard posts may have to be established between towers outside the outer perimeter fence.
- e. Of sufficient size to allow the mounting of crew-served automatic weapons.
- f. Afforded protection from missiles thrown by CPERS.
- g. Fitted with retractable ladders.

636. **Vehicular Access.** The facility design is to incorporate vehicular access, including full vehicular access to the inside of the compound and to the perimeter fence along its complete length.

637. **Generators.** Generators (including stand-by equipment) and lighting sets are to be provided to enable the following lighting requirements to be met:

- a. Sufficient lighting of fences or walls to enable the detection of CPERS attempting to escape at night.
- b. Sufficient lighting at strategic points within the CPERS holding facility to enable security to be maintained at night within the compound.
- c. All lighting to be shaded so that tower and other perimeter guards are not dazzled.

638. **Communications.** Communications are to be established between perimeter towers and other guard posts and the compound headquarters or operations centre. A secondary means of communication must also to be put in place.

639. **Fire Prevention.** Firefighting equipment must be provided in all CPERS holding facilities to the same standard as that allocated to UK personnel accommodated in similar conditions. Where piped water is not readily available the facility should include emergency water supply tanks or reservoirs constructed close to the CPERS compound or enclosure.

640. **Family Visits.** Experience has shown that a family visit programme has many logistical, human resources and security implications that need to be included in the early planning stages. The location of the family visitation area is crucial in terms of security; its management will require staff who are aware of the cultural environment, and female staff members to search female family members. Families will often come with parcels for their CPERS relatives and the policy about accepting, screening and handling of such parcels can be quite resource-intensive. Consideration should also be given to alternative technological means for maintaining family contact (for example, provision of telephone calls in the case of an infirm family member).

641. **Other Areas.** Other areas include: an area for purposeful and reintegration activities; kitchen and messing facilities; and a suitable area for visits.

642. **On-site Facilities.**

- a. A discrete area for a collocated intelligence exploitation facility.
- b. An enclosure command post and administration office.
- c. A medical centre.
- d. A facility for the storage and issuing of clothing and equipment.
- e. A facility for the conduct of religious services.
- f. Provision of IT support, including CPERS reporting software.

643. **Protective Marking.** Geneva Convention III grants protected status to prisoner of war and internee facilities. Roofs and walls of CPERS holding facilities are to be clearly marked with the letters PW or PG (*Prisonnier de Guerre*) so as to be visible from both ground and air. Internment CPERS holding facilities are to be marked IC in a similar way. Some form of similar marking should be considered for other CPERS holding facilities if the situation demands it.

The Force Provost Marshal will provide advice regarding the design and construction of a CPERS facility

Security

644. To prevent escape, security must be of the highest standard without being unnecessarily oppressive. Experience has shown that exacting specifications and constant monitoring are required to avoid sub-contractors delivering sub-standard measures. It is recommended that only UK standard security items (such as padlocks, cell doors and windows) that have been tested and proven suitable are used throughout. Examples of good security design include:

a. Ensuring that the bases of all fences are embedded in a concrete ring beam that is sunk at least one foot into the ground. Engineer advice will be needed to be take into account local conditions. The image opposite shows a welded mesh fence, fixed to the inside of posts and sunk into a concrete ring beam.



b. Fixing fence panelling to the **inside** of all supporting and strengthening posts to avoid providing climbing points.

c. Only using welded mesh fencing as shown and never chain-link. Chain-link fence can be easily snapped or cut through, after which it can be quickly *unzipped* to create gaps large enough to climb through.²⁷ The image opposite shows a chain-link fence that was cut, started to be unzipped and was then inadequately repaired by local contractors.



d. Covering security lighting in stand-off mesh so that it cannot be smashed by missiles thrown by CPERS, such as stones during disturbances.

²⁷ Chain-link fences were broken through and unzipped by CPERS during public order disturbances at a UK facility in Iraq. It is known that US CPERS in Iraq constructed home-made 'fence poppers'; a device designed to quickly snap through chain link fences, for use during pre-planned disturbances.

e. Completely covering exercise areas and accommodation compounds in welded mesh fencing, so that CPERS cannot climb out. The image opposite shows a well constructed exercise compound. It is fully encased in welded mesh fencing and has a concrete base to prevent tunnelling.



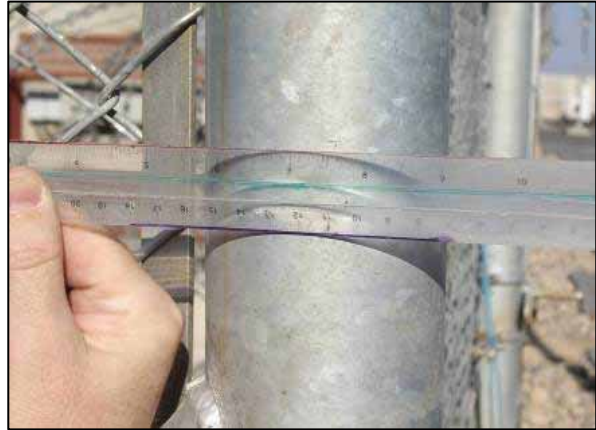
f. Using suited padlocks; each compound must have same-suited locks for all cell accommodation within it, but no 2 compounds should have cell locks that are suited the same.²⁸ To avoid key compromise, compound and external security gates are not to be on the same suiting as cell accommodation.

g. Ensuring that cells and compounds are constructed with suitable materials that will prevent escape, such as concrete reinforced with metal bars. This should include the floors and ceilings. An example of a poorly constructed gate is shown opposite. The wire above the gate could be easily prised apart; the fencing part should be extended to the top and welded mesh used.



²⁸ Suited locks (a number of locks that operate from 1 key) ensure fast and safe reaction in the event of fire, disturbance, or other emergency and is the methodology used in HM Prisons.

h. Using fence posts that are adequate to the task and that are robust enough not to be snapped or pushed over along the fence line if a mass of CPERS working in concert with each other should attempt to do so during a disturbance, as shown opposite.



645. The Military Provost Staff must carry out a *cell destruction test* prior to a CPERS holding facility being declared at full operating capability. The purpose of this test is to check that the security fittings and design of a cell is sufficient to prevent an attempted escape within 30 minutes of the attempt beginning. The Military Provost Staff should choose a cell at random and conduct the test using items that a CPERS may reasonably have in their possession.

Building in Systems that will Minimise Manpower Levels

646. Systems can be built into the design of a facility to safely and securely manage the CPERS while reducing the level of manpower. As a general rule, the less that staff have to break security to gain access to CPERS, the more safe and secure it will be for the staff. This has to be balanced, however, against the need for security staff to properly interact with CPERS. Poor design or the use of inadequate-to-task materials will require increased manpower, risk of attack on staff and the risk of escape.

647. Examples of manpower-saving design include:

- a. **In-cell Sanitation.** CPERS do not have to leave their cell to use the toilet.
- b. **Integral Exercise and Recreation Areas.** Allowing CPERS constant access to exercise and recreation areas reduces the time needed to transit them to and from these areas while providing the health benefits of the open air.
- c. **Visit Halls.** Visit halls that have safe, secure podiums providing staff with good visibility over all areas and all aspects of the visits. Separate exit points from visit halls to toilet facilities for CPERS and visitors reduce the opportunities for passing prohibited items.

Staffing Requirements

648. Core responsibilities of key personnel have been covered in Chapter 4 Section III. While the exact staffing requirements of a CPERS holding facility will vary, guidance is provided at Annex 6A. In addition, the commandant should consider using:

- a. **Custodial Specialists.** A CPERS holding facility requires custodial specialists to advise the commandant on CPERS handling. In the case of the UK land component, Military Provost Staff are to be used under the direction of the Force Provost Marshal.²⁹ In the case of the maritime or air components, where Military Provost Staff are not available, individuals trained by the Military Provost Staff at the Military Corrective Training Centre are to be used.
- b. **Guard Force.** The size of the guard force will vary depending upon the size and location of the CPERS holding facility, as set out in Annex 6B.
- c. **Medical Staff.** The CPERS holding facility should provide sufficient medical staff to provide the minimum acceptable standard of medical treatment to all CPERS. Details of medical support to CPERS are set out in Chapter 3.
- d. **Staff to Administer Documentation.** Sufficient administrative staff will be needed to meet any requirements of the Geneva Conventions. The CPERS registration unit will manage all CPERS documentation as detailed in Chapter 10 Section V. Information management and the administration of documentation are J1 functions and not those of the Military Provost Staff.
- e. **Legal Adviser.**³⁰ Legal advice is crucial to the effective running of a CPERS facility, although it may not be practical to have legal staff based at the facility. The legal adviser and J1 staffs will assist in running hearings to consider whether an individual should remain in captivity, as well as offering advice on the legality of all aspects of CPERS.

²⁹ The Military Provost Staff are the Defence subject matter experts in CPERS handling practice.

³⁰ See JDP 3-46 *Legal Support to Joint Operations*.

Documentation and Processing

649. The importance of ensuring accurate information management (documentation, record keeping, information collection and processing and appropriate communication of that information) throughout the CPERS handling process cannot be over-emphasised. Similarly, associated materiel seized must also be accurately documented, correctly handled and accounted. Timely, accurate documentation is central to the efficient administration of CPERS and is also essential to both fulfil the requirements of the Geneva Conventions and to prevent administrative burdens compromising operational effectiveness. It is also vital that continuity of evidence handling and record keeping is maintained to assist the intelligence gathering process, or any criminal investigation or prosecution. It will also assist in ensuring the proper care of CPERS and the ability to refute future claims of improper treatment.

650. Therefore, the planning process must take account of the requirements for the documentation and processing of CPERS. Theatre information instructions will be issued for each operation and must be promulgated as early as possible. Planning must ensure adequate provision for the documentation of CPERS at all stages of the CPERS process, from point of capture to release or transfer. Commanders should identify sufficient personnel and logistics resources for each stage of the CPERS handling process as early as possible in the planning of the operation.

SECTION V – PLANNING FOR ADVERSE INCIDENTS AFFECTING CPERS

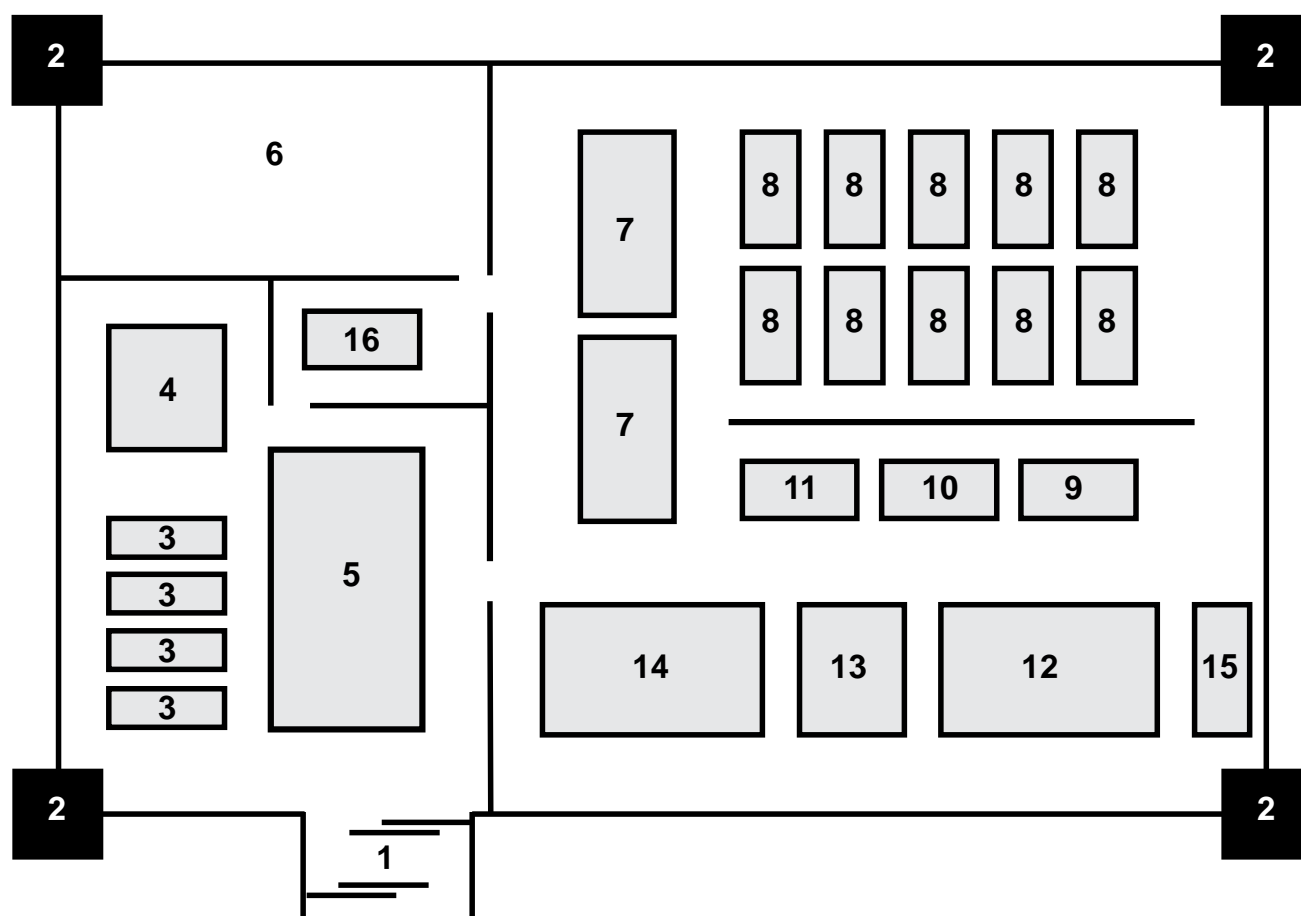
651. For all CPERS activities, the theatre chain-of-command must ensure that procedures, orders and contingency plans are in place and effective in the event of adverse incidents such as:

- Fire
- Escape
- Indirect fire attack
- Abuse of CPERS
- Hostage taking
- Death of CPERS
- Public order disturbance
- Evacuation of CPERS holding facility
- Break in by a rescue force
- Hunger strikes
- Self harm

652. A summary of basic actions to follow whenever there is an adverse incident involving CPERS is at Annex 13B.

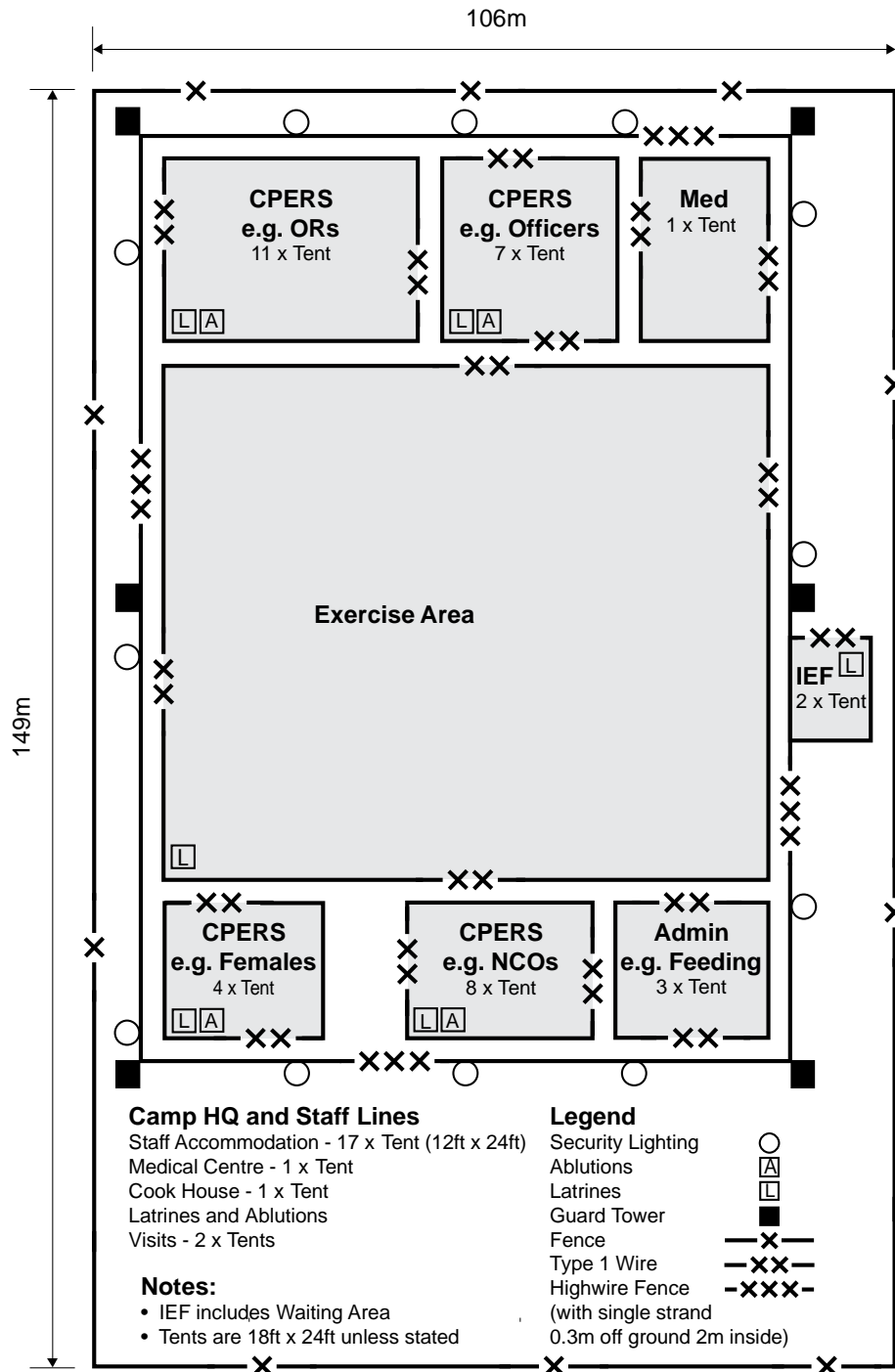
ANNEX 6A – PLANNING CPERS HOLDING FACILITIES

EXAMPLE OF A 250 PERSON CPERS HOLDING FACILITY



1	Air Lock Gate	
2	Guard Towers	
3	Staff Offices	
4	Initial Centre Processing – CPERS Registration Unit	
5	Vehicle Car Parks	
6	Staff Accommodation	
7	Exercise Areas	
8	General Quarters – each block holds a maximum of 25 CPERS	
9	Segregated Quarters	May be used for families, females, juveniles, children or vulnerable CPERS
10	Segregated Quarters	
11	Segregated Quarters	
12	G4 Departments	May include stores, kitchens, etc
13	G4 Departments	
14	Vehicle Car Park	
15	Medical Facility	
16	Visits Hall	

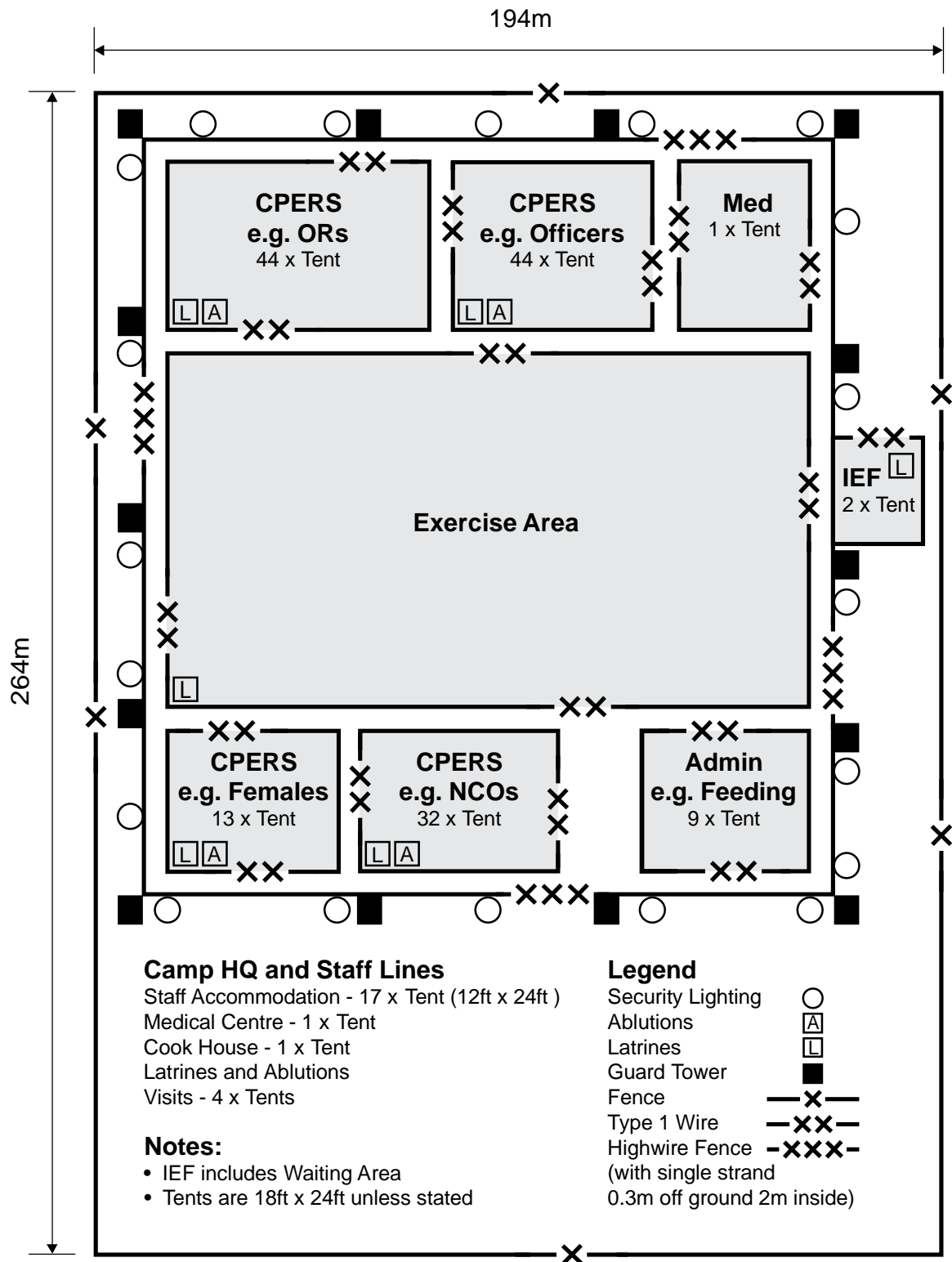
EXAMPLE OF A 500 PERSON CPERS HOLDING FACILITY



IEF – Intelligence Exploitation Facility. Medical centre includes dental facilities.

(Shown as prisoner of war holding facility; adapt role of compounds appropriately for other CPERS, where for example no segregation necessary between other ranks and officers).

EXAMPLE OF A 2000 PERSON CPERS HOLDING FACILITY



IEF – Intelligence Exploitation Facility. Medical centre includes dental facilities.

(Shown as prisoner of war holding facility; adapt role of compounds appropriately for other CPERS).

OUTLINE ESTABLISHMENT FOR MANAGEMENT AND ADMINISTRATIVE STAFF FOR CPERS HOLDING FACILITY

Serial	Post	Rank	No for 250 CPERS	No for 500 CPERS	No for 2000 CPERS	Remarks
1	Commandant	Maj/Lt Col	1	1	1	
2	Second in Command	Capt/Maj	1	1	1	
3	Adjutant	Lt/Capt	1	1	1	
4	Chief Clerk	WO2/SSgt	1	1	1	
5	Assistant Chief Clerk	Sgt/Cpl	1	1	1	
6	Clerks	Pte/LCpl	2	4	10	
7	Custodial Staff	WO2/Sgt	12	24	30	MPS and/or Service police
8	WO i/c Kitchen	WO2/SSgt	1	1	1	
9	Chef Sgt	Sgt	1	1	1	
10	Chefs	Pte/LCpl	3	7	15	Augmented by CPERS
11	Paymaster	Lt/Capt	0	0	1	
12	Pay SSgt	SSgt	0	0	1	
13	Pay Sgt	Sgt	0	1	2	
14	Pay Cpl	Cpl	0	1	5	
15	QM	S/Sgt	1	1	1*	*Lt/Capt
16	QM Staff	Pte/LCpl	2	4		
17	RQMS	WO2	0	0	1	
18	Medical Officer	Capt/Maj	1	1	1*	*Maj/Lt Col
19	NCO i/c Med Centre	Sgt	1	1	1*	*WO2
20	Med Centre Staff	Pte/LCpl	1	2	5	Replaced/augmented by CPERS
21	NCO i/c RE Maintenance Team	Cpl	1	1	1	Maintenance and running of compound
22	RE Maintenance Team	Spr/LCpl	2	4	8	
23	MT NCO	Cpl	1	1	1*	*Sgt
24	MT Drivers	Pte	2	5	8	
25	Interpreters		2	5	8	

Note: There may be a requirement for a Service legal representative at any CPERS holding facility, especially where large numbers of CPERS or particularly high level CPERS are held.

* Denotes a higher rank required for the 2000 CPERS Holding Facility.

ANNEX 6B – CPERS HOLDING FACILITY GUARD FORCE

6B1. **Role.** The role of the guard is to protect and to prevent the escape of Captured Persons (CPERS) from a CPERS holding facility and to maintain discipline within it. Guards will also have a subsidiary role in the day-to-day administration of the CPERS holding facility. Military Provost Staff will normally provide custodial staff to assist the guard force and provide an interface between the CPERS and the internal guard force.

6B2. **Provision of the Guard Force.** The guard force at a holding area or CPERS holding facility is, where possible, to be found from all or part of a formed unit or units, designated at the outset of operations by J3 at Joint Task Force Headquarters and placed under command of the CPERS handling organisation commander. The designated unit or units should have no other task apart from the provision of guards for CPERS facilities and must be trained for the task.¹

6B3. **The Size of the Guard Force.** The ratio of guards to CPERS is to be 1 x company sized sub-unit to each 500 person compound. This provides for 1 x platoon sized guard force to be on duty at any one time.

6B4. **Organisation of the Guard Force.** The guard force is composed of 4 elements:

- a. **External Guards.** External guards secure the perimeter of the facility by manning guard towers and gate posts. Their main role is to ensure that CPERS remain confined inside the facility but they also have the subsidiary role of protecting the facility against attack or attempts to infiltrate the area from outside.
- b. **Internal Guards.** Internal guards maintain segregation and order within the facility and restrict access to areas where the possibility of escape may exist, such as buildings sited close to the perimeter of the compound.
- c. **Roving Sentries.** Roving sentries, operating in pairs, carry out random patrols within the perimeter of the compound.
- d. **The Quick Reaction Force.** The quick reaction force is the reserve force for the facility and will normally be found from off-duty members of the guard force. Tasks of the quick reaction force include:

¹ See Chapter 5.

- (1) Reinforcing the external and internal guards where necessary.
- (2) Defending the perimeter against outside attack.
- (3) Pursuing and re-capturing escaped CPERS in the immediate area of the facility.
- (4) Resolving any internal breakdown of CPERS discipline.

6B5. **Dogs.** Wherever possible, the guard force is to be augmented with dogs and their handlers. The dogs should include at least one tracker dog. The deployment and use of dogs is to be at the discretion of the CPERS holding facility commandant bearing in mind both the threat posed by the CPERS and the impact of the use of dogs on some religious and cultural groupings.



Patrol of the perimeter fence using dogs

CHAPTER 7 – POINT OF CAPTURE

SECTION I – BASIC PRINCIPLES

701. This Chapter will cover direction on the actions to be carried out at the point of capture. It incorporates all documentation required at this stage of the process.

702. This event is a key stage in the Captured Persons (CPERS) handling process. The time of capture is marked when a member of the UK Armed Forces deprives an individual of his liberty.¹ From the point of capture it is essential to ensure that all CPERS are treated humanely; the situation is likely to be chaotic and stressful, so every care must be taken to ensure that any CPERS is protected and cared for. Treating a CPERS humanely from the point of capture is not only a legal necessity: it also sets the conditions for subsequent exploitation through tactical questioning and interrogation.

703. The basic principles and standards of treatment, including the 5 prohibited techniques outlined in Chapter 2 and the prohibition on taking photographs, will apply to CPERS from point of capture.

All allegations of abuse relating to CPERS must be immediately reported to the chain of command and to the Service police

704. To reduce the higher risk of abuse that can be inherent at point of capture, UK Armed Forces must make every effort to transfer CPERS away from it and through the CPERS chain as soon as possible. It is critical that UK Armed Forces process CPERS in a timely fashion in order to preserve relevant evidence and gather accurate intelligence. J3 and J1 staff are responsible for the production of theatre orders that outline a timeline which, while taking due account of the limitations of the environment, ensures that CPERS are moved to a holding facility with Military Provost Staff oversight. Timelines for processing CPERS through the handling process is at Chapter 6 Section III.

705. Unless specifically authorised by MOD, UK Armed Forces are not to transfer CPERS to the forces of other nations.² Once captured by UK Armed Forces, and unless transferred immediately, UK Armed Forces must take CPERS to a UK unit holding area or release them, if the grounds to hold cease to exist. Interpreters may be required at the point of capture. See Chapter 6 Section I.

¹ See paragraph 103 for details on the meaning of deprivation of liberty.

² A memorandum of understanding, or similar, will generally have been concluded with the receiving state.

SECTION II – SEARCHES

706. The command chain is responsible for ensuring that UK Armed Forces are instructed on the circumstances in which searches may be conducted, the procedures to be followed, and the mandatory standards of humane treatment to be afforded to all CPERS. Searches may be carried out prior to a suspect becoming a CPERS; evidence discovered during a search may assist in the decision to deprive an individual of his liberty.

707. **Use of Force.** UK Armed Forces must take all reasonable efforts to control a situation without resort to the use of force. The circumstances in which force may be used and the degree of force to be used in a given situation will be governed by the legal status of the conflict and the current Rules of Engagement. Nothing in the Rules of Engagement limits an individual's inherent right to use force, including lethal force, in self-defence, where to do so would be necessary and proportionate.

The use of minimum proportionate force to stop, search, disarm or capture a suspect is permitted when authorised by the Rules of Engagement

708. **Conduct of Searches.** When searching a suspect, CPERS or premises, vessels or vehicles, UK Armed Forces should always adhere to theatre standing operating procedures and Rules of Engagement. In the unlikely event of no standing operating procedure being in force, UK Armed Forces must apply the following minimum standards:

- a. The Service person conducting the search is to:
 - (1) Maintain a record of the search.
 - (2) Ensure the presence of a second Service person as a witness.
 - (3) Explain to those subjected to the search, the reason for the search.
 - (4) Issue a receipt for any property seized (Annex 7A).
- b. UK Armed Forces are to allow CPERS to retain property such as clothing, personal effects and religious items that do not represent a threat to security or the safety of the CPERS, or that do not have

evidential value. Additionally, a prisoner of war must be allowed to retain:³

- (1) Clothing, military and civilian, including that for their special protection such as helmets, body armour, respirators and nuclear, biological and chemical suits.
- (2) Feeding utensils, ration packs and water bottles.
- (3) Badges of rank, nationality and military insignia.
- (4) Decorations and medals.
- (5) Identity cards/discs and, where not in their possession, identity cards must be issued to them.
- (6) Personal property which the CPERS are able to carry with them, such as watches, spectacles, wallets and articles of sentimental value like personal letters and family photographs.
- (7) Medicine for the personal use of the CPERS.

c. UK Armed Forces are to conduct searches with due regard for the CPERS' personal dignity, taking into account religious sensibilities.

d. Unless absolutely unavoidable, UK Armed Forces are to ensure that:

- (1) Searches are conducted by the same gender (i.e. female CPERS should be searched by female service personnel and male CPERS, by male service personnel), or by the use of scanners.
- (2) Female service personnel should search juveniles or children.
- (3) Where the above is not possible, another member of the UK Armed Forces, and where possible someone more senior to the individual conducting the search, should supervise the search and record the details.

e. Service personnel carrying out searches may request those subject to the search to open their mouths but they must not insert fingers or any other items into the mouth because this would constitute

³ Geneva Convention (GC) III: 18.

an intimate search. Intimate searches must not be carried out under any circumstances at the point of capture.

- f. Service personnel conducting the search should:
 - (1) Remove weapons (including knives and anything capable of being used as a weapon), ammunition, associated improvised explosive device equipment, all communications equipment and IT, documents, maps and military equipment such as radios.
 - (2) Record the above items as belonging to the CPERS.
 - (3) Whenever possible, make weapons safe, and evacuate them with the CPERS.
 - (4) Provide a receipt to the CPERS for all items removed. An example of a Property Receipt is at Annex 7A.⁴ Such items may be used for evidential or exploitation purposes.
 - (5) Prevent CPERS from destroying equipment or documents in their possession as these may be of interest to interrogators and J2.
- g. UK Armed Forces are to:
 - (1) Search vehicles, vessels (or maritime structures and installations), aircraft or equipment in or near where CPERS are captured.
 - (2) Ensure that any documents, equipment or maps found with CPERS are evacuated with CPERS.
 - (3) Search any vehicle or vessel used to transport CPERS from point of capture to the unit holding area as this is often where small items will be discarded.
 - (4) Refer CPERS in possession of an unusually large amount of medicines or of medicine of an unusual type for medical screening. In any case, medicines should not be removed from CPERS if to do so would result in discomfort, suffering or risk to their health.

⁴ For details on initial documentation see Chapter 7 Section III.

h. In a maritime CPERS operation, where practicable, UK Armed Forces should search CPERS either prior to their transfer to the UK vessel or, if not possible, immediately on their arrival onboard. The ship's weapon engineering officer (or the equivalent officer onboard auxiliary vessels), should give consideration to formulating a ship-specific policy for the storage of captured weapons.⁵

UK Armed Forces are to conduct searches with due regard for the CPERS' dignity

709. **Method of Search.** Individuals should be searched systematically using the following guidelines:

- a. Suspects who become CPERS are to be disarmed and their weapons seized.
- b. Outer garments should be removed (coats, headwear and footwear).
- c. Pockets should be emptied and contents checked.
- d. The search should begin at the head and finish at the feet.
- e. Particular attention should be paid to collars, pockets, linings and footwear.
- f. Contact should be maintained with the body – rub, do not pat.
- g. Surgical gloves should be worn if available.

SECTION III – INITIAL DOCUMENTATION

710. The aim of the initial stage in the documentation process is to identify CPERS through the recording of their capture number and to feed them into the evacuation chain. The initial documentation of the CPERS is normally carried out as close to the point of capture as possible. Examples of *capture cards* are at Annex 7B. This process provides sufficient means of identification until the CPERS reaches the first purpose-built facility in the handling chain, normally a CPERS holding facility, at which stage the CPERS registration unit becomes responsible for the full documentation (for details see Chapter 10 Section V).

⁵ The ship's weapon engineering officer will be best placed to decide whether recovered weapons and ammunition can be safely held on board.

711. Initial documentation of CPERS may be made difficult by the confused conditions of combat and will be further complicated by language difficulties. For operational reasons, it will not be unusual for the initial documentation process to be delayed until CPERS have been evacuated from immediate danger. In these circumstances some loss of potential information sources must be balanced against the freedom of action of the unit commander and the requirement to evacuate CPERS to safety as soon as possible.

712. Although initial documentation may have to be truncated due to the requirement to move CPERS out of the combat zone quickly, the full documentation process has to be undertaken as soon as is reasonably practical. Without an effective accounting system for CPERS, they cannot be properly fed, accommodated, exploited, transported and their next of kin kept informed of their whereabouts. The provision of adequate IT support to enable this task to be fulfilled is essential and the need for interpreters cannot be overstated.

713. Documentation at the point of capture will be carried out by unit personnel at the unit headquarters location to which CPERS will be brought following their capture. Where very large numbers of CPERS are involved, the process may be devolved down to sub-unit level.

714. An efficient CPERS documentation system enables maximum intelligence value to be obtained from the interrogation of CPERS. A system that relates CPERS to a place and time of capture and to equipment and documents which may have been captured with them is of immense value to the interrogator. It is important that equipment or documents are evacuated with the CPERS until they can be handed over to intelligence personnel or Service police if the CPERS has potentially been involved in a criminal act.

715. Where possible, the UK should operate an automated data process system for the documentation and tracking of CPERS from the time of capture. Where this is not available, however, a manual system may be used.

716. Every CPERS is allocated a unique serial number to enable his identification and tracking by the CPERS handling organisation throughout the CPERS handling process. If the automated data process system is available at the point of capture, it will generate a CPERS internment serial number at that stage. If this is not possible a temporary CPERS internment serial number is allocated from a block held by the capturing unit to enable CPERS tracking between the point of capture and CPERS holding facility, at which point a permanent CPERS internment serial number is generated and

allotted.⁶ Blocks of serial numbers are to be recorded and tracked to ensure transparency and historical tracking. Full details of the CPERS internment serial number system are found in Chapter 10 and Annex 10B.

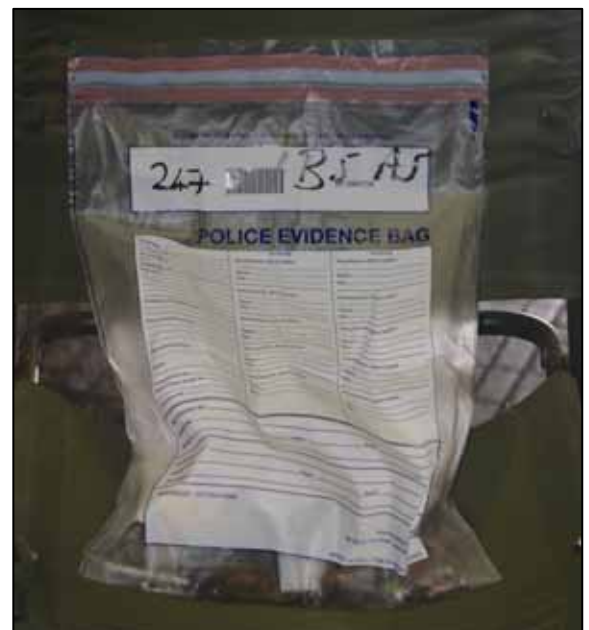
717. The initial capture report, as shown in Annex 7C, is completed by the capturing unit and retained by the escort until the CPERS is handed over. Its purpose is to record basic circumstances surrounding the CPERS capture. This form is mandatory for prisoners of war.

718. The unit should also complete the detail of capture record, as shown at Annex 7D. This alerts the CPERS handling organisation of the imminent arrival of CPERS at the unit holding area, collecting point or CPERS holding facility and the J2 exploitation staff at formation level of the availability of a potential source of information. An example of a NATO standard common capture report is at Annex 7E.

719. The Geneva Conventions require the UK to notify the relevant authorities of the capture and every significant subsequent event affecting prisoners of war and internees including transfers, releases, repatriations, escapes, admissions to hospital and death.⁷ Although not a legal requirement, a similar system should also operate in relation to all CPERS.

Property and Evidence

720. The capturing unit must ensure property belonging to CPERS is properly accounted for, using the capture card at Annex 7B and a property receipt as shown at Annex 7A. This is to ensure that property can be exploited, preserved as evidence, or returned to the owner as appropriate. The capturing unit should give consideration to the items which may be retained, and the items which may constitute evidence that could be used in a later investigation. They must secure and clearly label any evidence and property as near to the point of capture as possible to avoid loss or contamination, as shown.



⁶ Units may be allocated (by formation) a list of capture numbers to be allocated to CPERS to allow their tracking prior to allocation of their formal internment serial number.

⁷ GC III: 122. The Prisoner of War Information Bureau shall be notified of all events affecting prisoners of war. GC IV: 136. 43 The National Information Bureau shall be notified of all events affecting internees.

721. The capturing unit must ensure that all property seized and retained is documented and a receipt in triplicate prepared. They must provide the CPERS with the original receipt, store one copy with the property and retain the third with the CPERS documents.

722. Whenever a capturing unit suspects that a CPERS is in possession of material which may be evidence of a crime having been committed, the capturing unit should take the following action:

- a. Remove the property from the CPERS and label it as follows:
 - (1) National identifying letters of capturing unit as prescribed in STANAG 1059, for example, 'UK'.
 - (2) Designation of capturing unit, including Service.
 - (3) Date/time/group of capture.
 - (4) Location of capture.⁸
 - (5) Captured from whom.
 - (6) Summary of circumstances of capture.
 - (7) Associated captured persons.
- b. Securely package or place the property into a suitable container which should then be safeguarded.
- c. Provide the CPERS with a receipt for the property (see Annex 7A).
- d. Report seizure of the property to the Service police and hand over the property to their custody as soon as practicable.

723. The capturing unit should identify for the Service police to consider criminal investigation of CPERS who are suspected of having committed, been involved in, or have knowledge of crimes, terrorist acts, crimes against humanity, or war crimes. The responsible authority (depending on the nature of the operation) will determine whether a CPERS will be subject to criminal prosecution and whether he will be dealt with under the International Criminal Court or by the host nation.

⁸ Geographic co-ordinates or Universal Transverse Mercator grid reference including grid zone designation and 100,000-metre square identification).



Following correct procedures for handling evidence

724. The decision on any criminal prosecution will govern how the exploitation of the CPERS will be conducted and any regulations regarding evidence.⁹ Although a CPERS may be subject to police investigation, this does not preclude concurrent intelligence exploitation provided this does not conflict with the criminal investigation and judicial process. If necessary, early liaison between the Service police and J2 will be required in order to resolve primacy. In serious cases it may be necessary to hand the CPERS over, along with all evidence collected, to either civilian or Service police. The earlier the Service police can be involved and jurisdiction determined the better to ensure an uncontaminated, unbroken chain of custody/evidence which will be imperative to ensure any subsequent conviction.

SECTION IV – TREATMENT OF CPERS CASUALTIES

725. CPERS casualties are to receive the same standards of medical treatment as friendly casualties with priorities for treatment and evacuation being allocated solely according to medical criteria. For details on medical treatment see Chapter 3. The capturing unit is to disarm and move sick or wounded CPERS up the casualty evacuation chain to the nearest medical aid post.

⁹ For example, if the UK decides to prosecute a CPERS within the jurisdiction of the host nation the investigation must be conducted and the evidence must be gathered in accordance with host nation procedures. In such a case transfer of the CPERS to host nation jurisdiction will be required.

726. A summary of the main elements of the processing procedure for sick and wounded CPERS at the unit holding area are as follows:

- a. **Search.** The capturing unit is to search CPERS casualties in such a manner that it does not aggravate their medical condition.
- b. **Guarded.** The capturing unit is to segregate and guard lightly injured CPERS until they can be returned to the CPERS handling system. Seriously injured CPERS may not require guarding.
- c. **Questioned.** Medical staff may only question injured CPERS about the extent of their injuries. Interrogation of seriously injured CPERS is not permitted. The capturing unit, however, is to allow CPERS who wish to provide information, the opportunity to speak to J2 personnel.
- d. **Evacuated.** After initial treatment, the capturing unit is to evacuate CPERS up the medical chain or return them to the CPERS handling organisation.

CPERS Questioning

727. Any serviceman may speak to a willing CPERS to establish identity, status, age and any information directly and immediately pertaining to force protection – this is not considered to be tactical questioning. If the CPERS is unwilling to speak, however, only qualified tactical questioners may engage with the CPERS. For guidance on questioning of juveniles and children see Chapter 2 Section IV. Tactical questioning must be carried out as close to the point of capture as practical but must only be conducted by specially trained, qualified and current tactical questioning experts, who have been properly authorised to engage in such activity.¹⁰ For specific details on tactical questioning see Chapter 11. For every CPERS, a record of the tactical questioning must be made. A copy of the form used to record tactical questioning is at Annex 7F.

SECTION V – SEGREGATION AND CATEGORISATION

728. It is essential that from point of capture, the capturing unit segregate and provide separate accommodation for females, juveniles, children and vulnerable CPERS. Further detail on such groups is at Chapter 2 Section IV.

729. In addition, there is a legal requirement to accommodate and administer other categories of CPERS separately. It is acknowledged that

¹⁰ See Chapter 11, and *MOD Policy on Tactical Questioning* dated 4 October 2010.

resources, facilities and manpower may be limited at this stage of the CPERS handling process, but the capturing unit are to make every effort to categorise and segregate the following:

- a. **Prisoners of War.** In international armed conflict, if UK Armed Forces capture both prisoners of war and internees, they must clearly segregate these 2 categories.¹¹ This is a legal requirement under the Geneva Conventions. UK Armed Forces should also segregate officers and senior non-commissioned officers who are prisoners of war from their subordinates to prevent them from organising escapes, sabotage or generally giving encouragement and moral support.
- b. **Detainees.**¹² Where possible UK Armed Forces should separate criminal detainees from other CPERS to preserve evidence and for reasons of safety. Additionally, they should segregate detainees from each other to avoid contamination of evidence and prevent collusion. If segregation is impossible UK Armed Forces must closely guard detainees to avoid conversation and contamination of evidence.
- c. **Internees.**¹³ Where individuals are being interned for security reasons alongside prisoners of war and criminal detainees, UK Armed Forces must ensure that they are accommodated and administered separately.¹⁴ In addition, where possible, they should separate internees from one another to avoid contamination of evidence and to prevent collusion.

730. **Influential Leaders.** Irrespective of the category into which they fall, UK Armed Forces should segregate a CPERS who displays leadership influence, which could lead to security issues being encountered.

731. In maritime operations, categorisation of CPERS, where practicable, should take place prior to their transfer to a UK vessel. If this is not possible, it should take place immediately on their arrival onboard. Where this is not practicable, owing to space constraints onboard, UK Armed Forces should give consideration to transferring CPERS to larger vessels or to the segregation of CPERS using different vessels.

¹¹ As defined in Chapter 1 Section V.

¹² As defined in Chapter 1 Section V.

¹³ As defined in Chapter 1 Section V.

¹⁴ GC IV: 84 Internees shall be accommodated and administered separately from prisoners of war and from persons deprived of their liberty for any other reason.

ANNEX 7A – PROPERTY RECEIPT

The following property is being retained by UK Armed Forces:

Details of CPERS			
Name			
Address or Unit			
Date and Place of Birth			
Height			
Complexion			
Hair Colour			
Eye Colour			
Sex			
Property Retained			
Ser	Full Description of Article	DTG	Place Property Retained
SIGNED:		SIGNED:	
NAME:		NAME:	
APPOINTMENT:		APPOINTMENT:	
DTG:		DTG:	

Remove and Document: property which may represent a threat to security or the safety of the individual, or property that may hold evidential value.

Allow Retention of: items that do not represent a threat to security or the safety of the individual or that do not have evidential value, for example, clothing, personal effects and religious artefacts.

Hand over a copy of this receipt to the CPERS.

Individuals must be informed in a language that they understand why their property is being retained.

PRISONER OF WAR CAPTURE CARD

FRONT OF FORM		BACK OF FORM	
<div style="border: 1px solid black; width: 50px; height: 20px; margin: 0 auto; position: relative;"> <div style="position: absolute; top: -10px; left: 50%; transform: translateX(-50%); border: 1px solid black; border-radius: 50%; width: 10px; height: 10px;"></div> </div>		<div style="border: 1px solid black; width: 50px; height: 20px; margin: 0 auto; position: relative;"> <div style="position: absolute; top: -10px; left: 50%; transform: translateX(-50%); border: 1px solid black; border-radius: 50%; width: 10px; height: 10px;"></div> </div>	
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">1. DATE AND TIME OF CAPTURE</div> <div style="width: 55%;">1. SERIAL NUMBER XXXXXXX/1A</div> </div>		<div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> PRISONER OF WAR CAPTURE TAG PART A (Attach this part of tag to PW) </div> <p> 1. SEARCH - For weapons, military documents or special equipment 2. SILENCE - For ease of control, prohibit talking amongst PW 3. SEGREGATE - By rank, sex and nationality 4. SAFEGUARD - To prevent harm or escape 5. SPEED - Evacuate PW from the Combat Zone quickly 6. TAG - PW, documents or special equipment </p>	
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">3. NAME</div> <div style="width: 55%;">4. DATE OF BIRTH</div> </div>			
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">5. RANK</div> <div style="width: 55%;">6. SERVICE NUMBER</div> </div>			
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">7. PW UNIT</div> <div style="width: 55%;">8. CAPTURING UNIT</div> </div>			
9. GRID REFERENCE OF CAPTURE			
<div style="display: flex; justify-content: space-between;"> <div style="width: 33%;">10. CIRCUMSTANCES OF CAPTURE</div> <div style="width: 33%;">11. PHYSICAL CONDITION</div> <div style="width: 33%;">12. WPNS, EQPT, DOCS</div> </div>			
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">1. DATE AND TIME OF CAPTURE</div> <div style="width: 55%;">2. SERIAL NUMBER XXXXXXX/1B</div> </div>		<div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> PRISONER OF WAR CAPTURE TAG PART B (This part of tag to be handed to escort) </div> <p>COMPLETION</p> <p>The following boxes in Parts A & B must be completed</p> <p> Box 1 - Date and time of capture Box 8 - Capturing unit Box 9 - Grid reference of place of capture Box 10 - Circumstances of capture </p>	
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">3. NAME</div> <div style="width: 55%;">4. DATE OF BIRTH</div> </div>			
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">5. RANK</div> <div style="width: 55%;">6. SERVICE NUMBER</div> </div>			
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">7. PW UNIT</div> <div style="width: 55%;">8. CAPTURING UNIT</div> </div>			
9. GRID REFERENCE OF CAPTURE			
<div style="display: flex; justify-content: space-between;"> <div style="width: 33%;">10. CIRCUMSTANCES OF CAPTURE</div> <div style="width: 33%;">11. PHYSICAL CONDITION</div> <div style="width: 33%;">12. WPNS, EQPT, DOCS</div> </div>			
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">1. DATE AND TIME OF CAPTURE</div> <div style="width: 55%;">2. SERIAL NUMBER XXXXXXX/1B</div> </div>		<div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> PRISONER OF WAR CAPTURE TAG PART C (This part of tag to be firmly attached to any weapons, documents or equipment captured with the PW) </div> <p>The following boxes in Parts A & B must be completed</p> <p> Box 1 - Date and time of capture Box 8 - Capturing unit Box 9 - Grid reference of place of capture Box 10 - Description of wpns, docs or eqpt captured </p> <p>USE STRING OR WIRE TO ATTACH THIS PART OF THE FORM TO BUNDLED WEAPONS OF EQUIPMENT.</p> <p>Mark box <input type="checkbox"/> if items are of intelligence interest</p>	
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">3. NAME</div> <div style="width: 55%;">4. DATE OF BIRTH</div> </div>			
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">5. RANK</div> <div style="width: 55%;">6. SERVICE NUMBER</div> </div>			
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">7. PW UNIT</div> <div style="width: 55%;">8. CAPTURING UNIT</div> </div>			
9. GRID REFERENCE OF CAPTURE			
10. DESCRIPTION OF WPNS, SPECIAL EQPT, DOCS			

FRONT OF FORM

BACK OF FORM

ANNEX 7C – INITIAL CAPTURE REPORT

<div style="border: 1px solid black; padding: 2px; display: inline-block;">Capture Report</div>	Restricted	F/PW 779 UK (introduced 8/90)
<p>■ To be completed at the time of capture by the capturing ship/unit and then retained by the escort until CPERS is/are handed over.</p> <p>1. Name of CPERS Rank</p> <p>2. Service Number Service Unit</p> <p>3. Where captured (Grid Ref) Nationality</p> <p>4. DTG of Capture.....</p> <p>5. Direction Heading (eg. NW)</p> <p>6. Other members of group (Names/Rk/Svc No).....</p>		
<div style="border: 1px solid black; padding: 5px;"> <p>Signed</p> <p>Name</p> <p>Rank</p> <p>Ship</p> <p>DTG</p> </div>	<p>.....</p> <p>.....</p> <p style="text-align: center;">Food and Drink given at (DTG)</p> <p>1.....4.....</p> <p>2.....5.....</p> <p>3.....6.....</p> <p style="text-align: center;">Restricted - When Complete</p>	

This form may be completed once in respect of a number of CPERS captured at the same time.

This form must be used for prisoners of war.

ANNEX 7D – DETAIL OF CAPTURE RECORD

CRIMINAL OFFENCE (tick one) if other please describe.	
<input type="checkbox"/> Murder/Manslaughter <input type="checkbox"/> Sexual Offence <input type="checkbox"/> Kidnapping/False Imprisonment <input type="checkbox"/> Assault <input type="checkbox"/> Theft <input type="checkbox"/> Smuggling <input type="checkbox"/> Other (please describe)	<input type="checkbox"/> Damage to Public Utility <input type="checkbox"/> Criminal Damage <input type="checkbox"/> Use of Explosives <input type="checkbox"/> Riot/Civil Disorder <input type="checkbox"/> Violation of Home and Privacy <input type="checkbox"/> Concealment of FGoods
CAPTURED FOR SECURITY PURPOSES (describe)	
CAPTURING Unit:	Location (Grid and Place):
Date: (D/M/Y)	Time (hrs):
Suspects' Details:	Victim/Witness Details:
Name:	Name:
Address:	Address:
Date and Place of Birth:	Date and Place of Birth:
Height:	Height:
Complexion:	Complexion:
Hair Colour:	Hair Colour:
Eye Colour:	Eye Colour:
Sex:	Sex:
ID Held: (Specify) Driver Lic/ID Card	ID Held: (Specify) Driver Lic/ID Card

Details of Conveyance or Other Transport:	Details of Property/Evidence:
Make:	Description:
Model:	
Year:	
Colour:	
Registration:	
Receipt Provided: Yes/ No. If Yes Attach.	Receipt Provided: Yes/ No. If Yes Attach.
Capturing Persons Details:	Service Witness (1) Complete Over if More:
Name:	
Rank:	
Number:	
Unit:	
Provide Written Details of the Apprehension:	
I swear / affirm that the information contained in this capture report is true and correct to the best of my knowledge and belief:	
Signature:..... PRINT NAME RANK UNIT	
Witnessed by	
Signature:..... PRINT NAME RANK UNIT	

ANNEX 7E – NATO COMMON CAPTURE REPORT

7E1. The Common Capture Report (COMCAPREP) is a standard NATO message. Nations have agreed to its use through their ratification of STANAG 2044 which contains full details of the message, its use and format.

7E2. **Purpose of the Report.** The purpose of the report is to:

- a. Alert the J2 organisations of the possible capture of a potential source of information.
- b. Alert the CPERS handling organisation to the capture of CPERS so that arrangements for the movement, care and disposal of the CPERS can be put in train.

7E3. **Completion of the Report.** Capturing units are to complete the COMCAPREP as fully as the circumstances allow. The evacuation of CPERS should not be delayed by the requirement for the completion of a COMCAPREP. Where the capturing unit has the ability to categorise CPERS this should be done and the category noted in the COMCAPREP.

7E4. **Format of the COMCAPREP.** The format of the COMCAPREP is set out on the following pages.

This form must be used for prisoners of war.

COMCAPREP TEMPLATE

1. Designator of Capturing Unit.

--

2. Date/Time Group of Capture.

D	D	T	T	T	T	Z	M	M	M	Y	Y
---	---	---	---	---	---	---	---	---	---	---	---

3. Location of Capture.

a. UTM Grid Reference.

N	N	A	A	A	N	N	N	N	N	N
---	---	---	---	---	---	---	---	---	---	---

or

b. Latitude and Longitude.

N	N	N	N	N	N	A	N	N	N	N	N	N	N	A
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---

4. Numbers of Prisoners of War Captured.

a. Officers - Male.

O	M	N	N	N	N
---	---	---	---	---	---

b. Officers - Female.

O	F	N	N	N	N
---	---	---	---	---	---

c. NCO - Male.

N	M	N	N	N	N
---	---	---	---	---	---

d. NCO - Female.

N	F	N	N	N	N
---	---	---	---	---	---

e. Soldiers - Male.

S	M	N	N	N	N
---	---	---	---	---	---

f. Soldiers - Female.

S	F	N	N	N	N
---	---	---	---	---	---

g. Other - Male.

C	M	N	N	N	N
---	---	---	---	---	---

h. Other - Female.

C	F	N	N	N	N
---	---	---	---	---	---

5. Captured Enemy Documents (CED).

Free text listing of the numbers, type and nationality of the documents.

6. Captured Enemy Equipment (CEE).

Free text listing of the numbers, type and nationality of the equipment.

7. Circumstances of Capture.

Free text statement of such details as: size of force, direction of movement, speed of movement.

8. Other Points of Intelligence interest.

Free text statement of such details as: prisoner of war nationality, prisoner of war allegiance, service, branch, unit, function, position, categorisation.

9. Location of Capturing Unit at Time of COMCAPREP.

a. UTM Grid Reference.

N	N	A	A	A	N	N	N	N	N	N
---	---	---	---	---	---	---	---	---	---	---

or

b. Latitude and Longitude.

N	N	N	N	N	N	A	N	N	N	N	N	N	N	A
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---

10. Evacuation Intentions.

To what location, when and by what means it is intended to evacuate the prisoners of war.

KEY

N - Numerical character except in the first field of 4c where it is the designator NCO.

A - Alphabetical character.

D - Day.

T - Time.

M - Month except in 4 a, c, e and g where it is the designator for male.

Y - Year.

O - Officer.

S - Soldier.

C - Other personnel.

ANNEX 7F – RECORD OF TACTICAL QUESTIONING

Capture Information		
Attach Photograph	Operation Name	
	TQ Report Number	
	DTG Capture	
	Grid of Capture	
	Circumstances Surrounding Capture	
	CPERS Medical and Welfare Concerns	
CPERS Information		
CPERS Number		
Full Name		
Aliases		
Age		
Nationality		
Tribe		
Occupation		
Religion		
Languages Spoken/Understood		
Place of Birth		
Current Address		
Sex		
Marital Status		
Family Details: Father Mother Brother Sister Wife Children		

Point of Capture

Information	
Operation background and intelligence brief	
Storyboard (including date of capture timeline)	
Witness statements/supporting information	
Conduct/attitude of CPERS	
Other CPERS captured at same time	
Photography/s included (Y/N)	
Biometrically enrolled (Y/N)	
Sensitive Site Exploitation included (Y/N)	
Intelligence Gained (Include Sketch Map/Photos as Appropriate)	

TQ – Tactical Questioning

CHAPTER 8 – MOVEMENT OF CPERS

SECTION I – TRANSPORTING AND ESCORTING OF CPERS

801. Moving Captured Persons (CPERS) between locations constitutes the highest risk of all the various CPERS handling activities. It may not always be possible for the escorts to be in total control of the environment, and maintaining control over CPERS can be problematic, especially if some are actively seeking ways of escape, assault, acquiring aids to escape or causing a disturbance. This Chapter covers direction for the transportation and escort of CPERS between the different stages of the CPERS handling process. The standards of treatment contained in Chapter 2 will apply throughout the movement of CPERS.

802. The capturing sub unit will provide escorts from the point of capture to the unit holding area and to the collecting point. Once CPERS have arrived at the collecting point their onward movement should become the responsibility of the CPERS handling organisation commander, who will provide the escort for the move to their next destination. Alternatively, if no other provisions have been made, the unit will be responsible for moving CPERS to the CPERS holding facility.

803. It is essential that all members of the UK Armed Forces are instructed in their responsibilities towards CPERS and that personnel detailed as escorts clearly understand their Rules of Engagement and are clearly briefed on the degree of force they may exercise to prevent the escape of CPERS.¹

804. The evacuation or movement of CPERS from their point of capture to the CPERS holding facility where they will remain in captivity may be as simple as a move from the unit holding area or collecting point directly to the CPERS holding facility. Alternatively, it may be a series of moves through a number of staging points, over long distances, to a final destination. Additional guidelines for the different modes of transportation of CPERS are detailed in Section III and Annex 8A.

CPERS must be passed along the handling chain as quickly as possible

¹ Escorts will be governed by Joint Service Publication (JSP) 398 *The Joint Service Manual of the Law of Armed Conflict* and Card A *Guidance for Opening Fire for Service Personnel Authorised to Carry Arms and Ammunition on Duty*, unless otherwise specified.

Principles

805. Whether the move is short or long, staged or direct, a number of principles govern the movement of CPERS:²

a. CPERS shall be moved, as soon as possible after their capture, to a place far enough from the combat zone for them to be out of danger.

The movement of CPERS is to be conducted humanely

b. They are to be provided with sufficient food of a standard similar to that made available to UK Armed Forces, but account is to be taken of their dietary habits. Adequate provision for water, additional clothing and protection against the elements should be made.

c. Ideally, movement should be made from a unit holding area or collecting point directly to the CPERS holding facility. Where this is not achievable, there should be as few intermediate stages as possible and time spent at each stage kept to a minimum.

d. Arrangements for the wounded and sick are to be made and carried out in accordance with medical advice.³ Wounded and sick CPERS are to be moved under escort through the same casualty evacuation system as UK Armed Forces. Ambulances are not to be used to transport uninjured CPERS.

e. CPERS are not to be moved outside the theatre unless the move is authorised by MOD. Legal and policy advice is essential whenever such extra-territorial movements are envisaged.⁴

f. At all times the escort is to be in communication with the headquarters of the formation whose area of operations they are transiting through.

It is essential that all forms of transport used to move CPERS are searched prior to them embarking and disembarking

² Geneva Convention (GC) III: 19 and 20. Although these principles are mandatory for prisoners of war, they are of general application to all CPERS.

³ See Chapter 3.

⁴ See Chapters 3 and 12. Such guidance should be sought through the chain of command.

- g. Depending on the length of time of the move and the time of day, the following items of equipment may be necessary: restraints; night vision goggles for use by escorts; cyalumes (to be attached to CPERS at night); blacked out goggles; ear defenders; helmets; and combat body armour if available and necessary (it must not have UK camouflage covers on and should preferably have dark blue covers).
- h. Depending on the type of CPERS to be moved, consideration should be given to using the following specialist personnel in addition to the escorts: Military Provost Staff; Service police; a legal adviser; medical staff; dogs with handlers; and interpreters.
- i. A policy on the use of restraints is to be made clear in the orders for the move.
- j. CPERS shall be informed in advance that they are to be moved and given reasonable time to prepare for the journey.⁵
- k. If being deprived of their sight or hearing, the sensory deprivation must be kept strictly to the minimum time necessary, and CPERS should be told, in general terms, where they are being taken.⁶



A CPERS under restraint being assisted during transportation

⁵ This is mandatory for prisoners of war in accordance with GC III: 48.

⁶ See Chapter 2 Section III.

SECTION II – PLANNING THE MOVE

806. When planning the move of CPERS, the unit may seek advice from the Force Provost Marshal. The following details must be ascertained:

- a. **The Number and Nature of CPERS to be Escorted.** The number and nature of CPERS to be escorted are key factors in determining the size and composition of the escort. If females, juveniles or children are included, female service personnel must form part of the escort wherever possible. If vulnerable CPERS are included, consideration should be given to providing medical personnel.⁷
- b. **The Condition and Morale of the CPERS.** Tired and co-operative CPERS may not need as many escorts as those who are fresher and better motivated.
- c. **The Method of Movement.** Movement on foot offers more opportunities for escape than vehicle movement. Certain types of movement (such as by truck, train and air) require specific precautions to be taken by the escort, as detailed in Annex 8A.
- d. **The Terrain.** The terrain across which the CPERS are to be moved will influence the numbers in the escort and the method of movement. Movement across difficult terrain, for example, will usually call for more escorts than movement across a flat desert.
- e. **Enemy Activity.** Any likelihood of enemy interference with the move will require an escort capable of taking offensive action to protect itself and keep CPERS under escort.
- f. **The Location of Other Units on the Route.** Before departure, the escort should familiarise itself with the location of units on its planned route in case it needs to seek assistance or make rest stops during the course of the journey.

SECTION III – METHODS OF MOVING CPERS

807. It is unlikely that there will be dedicated transport for the movement of CPERS. Their movement will often be based on the return journeys of vehicles and aircraft delivering combat supplies forward to the general area from which CPERS are to be moved. Transport arrangements will be co-ordinated by the J1 and J4 staffs at the formation headquarters concerned. It

⁷ As defined in Chapter 2 Section IV.

is essential that theatre headquarters is made aware of all moves; all moves must comply with the theatre movement policy. Guidance on the different modes of transportation is set out below with additional direction included in Annex 8A.

- a. **Movement on Foot.** The movement of CPERS on foot will only be carried out where there is no transport available and immediate movement is essential for operational reasons. While moving CPERS on foot may be acceptable for small groups over short distances, it is an unsatisfactory method for moving larger numbers over longer distances, except as a last resort where there is no other way of moving CPERS from a combat zone. Where there is no alternative, the normal support to marching bodies, such as straggler transport, medical support, food and provisions, must be provided. For their own protection, escorts may be mounted in open vehicles, but not on motor cycles.
- b. **Movement by Road.** Movement by vehicle is the most likely method of transportation. Vehicles are to be appropriate to the threat level in the area and, where applicable, covered with side and rear flaps, secured to reduce the possibility of escape and to shield CPERS from media attention and public curiosity. Whenever possible, a convoy should include recovery and support vehicles.



Movement of CPERS by road

c. **Movement by Rail.** CPERS moved by rail will normally be moved in passenger coaches. Where this is the case, doors are to be locked where possible and escorts should be dispersed along the length of the train in separate compartments or areas. If passenger coaches are not available and the operational situation requires the movement of individuals in freight vans, the doors are to be secured and escorts are either to travel on their own in every third van with doors open, or in mesh enclosures in the vans. When the train stops, escorts should dismount and deploy to cover the entire length of the train.

d. **Movement by Air.** When being transported by air, CPERS are to be further searched immediately before entering the aircraft for prohibited items and dangerous air cargo.⁸ The aircraft is also to be searched after the CPERS have disembarked. In the aircraft, escorts are to be positioned to prevent access to the flight deck or controls. Escorts on aircraft are to be armed with pistols rather than rifles. If CPERS are to be restrained while onboard an aircraft, restraints must not prevent the CPERS evacuating the aircraft in an emergency. Restrained CPERS must also not present a flight-safety risk to other passengers in the event of an emergency in the aircraft. Further details can be found in Annex 8B. It is essential that the force movement control centre is contacted at the earliest opportunity to ensure the most appropriate aircraft is allocated to the task.

e. **Movement by Ship.** The arrangements for the movement of CPERS by sea may differ from that of CPERS captured on land. While the broad principles of treatment are identical, in each case there is likely to be a specific maritime dimension that will require different actions to be taken up to the moment that the CPERS are finally landed and handed over to the land-based CPERS holding facility or coastal state authority. Wherever possible, CPERS are to be held below decks in secure accommodation.⁹ Where the nature of the accommodation is unduly restrictive, CPERS are to be allowed on deck in small groups, at the discretion of the escort commander and with approval from the commanding officer. They are to be instructed in emergency drills and sufficient life-saving equipment is to be provided for those embarked.

⁸ See Chapter 7 Section II for guidance on searches.

⁹ There may be occasions (for example counter piracy), where it will be undesirable or impractical to hold CPERS within the citadel. In these circumstances, weather and sea state permitting, it would be acceptable to construct a unit holding area outside the citadel where CPERS could be held.

SECTION IV – THE ESCORT

808. **Role of the Escort.** The role of the escort is both to protect CPERS and to prevent them from escaping or being liberated. The responsibility of an escort for those in its charge begins when it assumes its escort duty and ends when CPERS are handed over to the next stage in the CPERS handling process. Escorts are to be briefed in detail on their responsibilities, including the use of force.

809. **Location and Number of Escorts.** The location of escorts for all modes of transportation is set out in Annex 8A. The escort party is to consist of a formed body of Service personnel. Each situation will be different and local factors will determine the number of escorts required, sufficient to deter escape attempts.

ANNEX 8A – GUIDELINES FOR THE MOVEMENT OF CPERS

GENERAL INSTRUCTIONS			
<p>The standards of treatment in Chapter 2 apply during all stages and modes of transportation.</p> <p>UK Armed Forces are to:</p> <ul style="list-style-type: none"> • Segregate Captured Persons (CPERS) by category and sex, maintaining segregation as far as is possible throughout the journey. • Search CPERS, transport and baggage before loading. <p>If the use of restraints is specifically authorised, CPERS hands may be secured in front of them using <i>plasticuffs</i> or any other form of restraint that has been authorised by Provost Marshal (Army).¹</p> <p>If food is provided, do not allow the use of metal cutlery and can openers.</p>			
ON FOOT			
Type of Formation	CPERS Numbers	Escorts Required ²	Location of Escorts
Marching Column	300 – 500	40	Front, rear and flanks in accompanying transport.
WHEELED VEHICLES			
Type of Transport	CPERS Load	Escorts Required	Location of Escorts
TUL	8	2	One in vehicle cab, other in following vehicle.
TUM	10	2	One in vehicle cab, other in following vehicle.
4/8 tonne Cargo	25	3	One in vehicle cab, the others in following vehicle.
14 tonne Cargo	40	4	One in vehicle cab, the others in following vehicle.

¹ See paragraph 807 for guidance on the use of restraints on an aircraft.

² The numbers of escorts detailed under the various categories are for planning guidance. They reflect the minimum requirements.

WHEELED VEHICLES (CONTINUED)			
Type of Transport	CPERS Load	Escorts Required	Location of Escorts
Military Coach	54	5	One at front of vehicle, 2 at rear of vehicle, 2 in following vehicle.
<p>For Vehicle Movement. The following special instructions apply:</p> <ul style="list-style-type: none"> The proportion of escorts to CPERS-carrying vehicles is dependent on the size of the vehicle and numbers of CPERS, and an assessment of their morale and likely actions. The proportion may be increased at night or in bad visibility. The individual in charge of the escort is to fully brief drivers on routes, speeds and actions in the event of attack or escape of CPERS. 			
RAIL			
Freight Wagon	25	3	In mesh enclosure in centre of wagon.
Passenger Coach	50	10	At either end of the coach.
<p>For Train Movement. The following special instructions apply:</p> <ul style="list-style-type: none"> The individual in charge of the escorts is to brief escorts to dismount at halts and to secure a perimeter around the train. Where CPERS are in passenger coaches, escorts are to ensure that windows are suitably secure and are to carry out periodic checks of windows. 			
AIRCRAFT ³			
Type of Aircraft	CPERS Load	Escorts Required ⁴	Location of Escorts
Lynx	7	2	Escorts to guard exits and prevent CPERS access to flight deck.
Sea King	12-14	2-3	
Puma	14	3	
Merlin	25-30	3-4	

³ Note that aircraft load limits may vary with different aircraft configurations.

⁴ The number of escorts detailed applies to pre-planned lifts. Guidance on the minimum escorts required for tactical lifts is set out in paragraph 8B4.

AIRCRAFT ⁵			
Type of Aircraft	CPERS Load	Escorts Required	Location of Escorts
Chinook	36	4	
C-130 Hercules	100	12	Escorts will be placed at the front of the hold (preventing access to the flight deck), in the waist of the aircraft (preventing access to emergency doors) and in the tail of the aircraft (preventing access to the rear door controls).
C17	44	8	Escorts will be placed in accordance with the directions of the air load master.
<p>For Aircraft Movement. The following special instructions apply:</p> <ul style="list-style-type: none"> • Aircrew or movement staff will supervise the loading of passengers. • Aircrew personnel will ensure that any equipment that could be used as a weapon is removed from the immediate vicinity of the CPERS. All such items should be out of reach of CPERS as far as is practicable. • Aircrew or movement staff will provide CPERS with a brief in their own language prior to embarking on the aircraft informing them that they should follow the directions of the crew and escorts should an emergency or incident occur. Before departure, they should inform CPERS that the area of the flight deck/controls is out of bounds to them at all times. • Aircrew or movement staff will order CPERS to keep seat belts fastened throughout the flight. • Aircrew or movement staff will designate specific lavatories for the use of CPERS and remove locks from lavatory doors. If necessary for security purposes, doors should be left open. • The escort is to hand the completed manifest (FMov237) for the escort and CPERS to the movement staff on arrival at the aircraft. • Further detail on movement by aircraft can be found at Annex 8B. 			
SHIPS			
<p>Geneva Convention (GC) III precludes the establishment of internment facilities at sea in relation to prisoners of war. Ships are therefore most likely to be used to remove CPERS from the Joint Operations Area and to repatriate them on completion of hostilities. The type of vessel used and the number of CPERS embarked will determine the size of the guard force and how they will be deployed. CPERS being repatriated are less likely to be more</p>			

⁵ Note that aircraft load limits may vary with different aircraft configurations.

SHIPS (CONTINUED)

aggressive than those being removed from the Joint Operations Area while hostilities are continuing. Warships are unlikely to be tasked with such an activity; the most likely type of ship is a passenger vessel taken up from trade. There is the possibility that officials from an organisation such as the International Committee of the Red Cross will be permitted onboard vessels repatriating CPERS. In such circumstances the MOD will give guidance as to the formal relationship between such persons and the guard commander. The Joint Task Force Commander will detail the military guard force. The captain, or ship's company of a merchant vessel, should not be involved with the supervision and handling of CPERS.

For ship movement. The following specific instructions apply:

- Wherever possible, the guard force will keep CPERS in areas which have only one entry/exit route.
- When possible, the guard force will allow CPERS to have a period of exercise as set out in Chapter 2. Numbers undertaking exercise at any one time are to be commensurate with the size of the guard force available. CPERS' recreation is to be taken separately from the ship's company.
- If CPERS' meals are taken in a ship's dining hall, they are to be taken separately from the ship's company. It may be that the CPERS administration will determine that meals are taken within accommodation areas.

ANNEX 8B – AIR MOVEMENT OF CPERS

8B1. The movement of Captured Persons (CPERS) by air carries significant risk and is necessarily a balance between the humane treatment of CPERS and the safety of the aircraft and its crew and passengers. All categories of CPERS may be transported on the same aircraft and must, as far as possible, be protected from public curiosity. CPERS may be moved by fixed or rotary wing air assets as part of a tactical lift, or as part of a deliberate, pre-planned operation.

Pre-planned Moves

8B2. For all pre-planned moves the CPERS must be booked to the aircraft via the theatre force movement control centre. Theatre headquarters must be aware of the move, which must be carried out in compliance with theatre movement policy. Some of the defining features of a deliberate operation are that:

- a. There is a dedicated aircraft for the operation, or a dedicated section of an aircraft.
- b. There has been sufficient time to conduct planning and to liaise with the crew.
- c. The escort party has had time to search the aircraft for aids to attack or escape.
- d. There are sufficient and appropriate personnel dedicated to the operation, such as; Military Provost Staff, Service police, a legal adviser, medics and interpreters.
- e. Sufficient and appropriate equipment such as: night vision goggles; plasticuffs and escort-chain handcuffs of a type approved by the Provost Marshal (Army); and cyalumes (to be attached to CPERS clothing) are available.
- f. If during a tactical lift some, or all, of the above are missing the risk will be increased. In all cases planning must include the procedures on arrival such as the positioning of vehicles, and if necessary, fresh escorts.

Tactical Lifts

8B3. Passengers during tactical lifts often include a mixture of escorts, CPERS, and other personnel that may have no direct connection to the

CPERS. In extreme cases this may include embedded journalists and even wounded UK personnel; all of this will need to be managed by the escort commander. It is essential that the crew are informed in advance that CPERS will be onboard. Whenever possible, CPERS and escorts should be last on, and first off, the aircraft during tactical lifts.

8B4. Due to the potential risks involved in tactical lifts it is essential that there is one escort for each CPERS plus an escort commander for the escort party, who should not have direct responsibility for an individual CPERS. The role of the escort commander is to maintain overall situational awareness, direct the actions of the escorts to ensure the humane treatment of the CPERS, and, if requested, assist the crew in maintaining the safety of the aircraft. As the CPERS' property must be moved with them throughout the handling chain it may be necessary for the escort to make arrangements for other passengers to take temporary charge of that property, depending on its bulk/quantity. Escorts must be focussed on the safe handling of CPERS and not also be overburdened with a combination of their own kit and CPERS property. The escort commander should be in possession of all the relevant documents relating to the CPERS.

8B5. Aircrew or movement staff are to thoroughly search CPERS for weapons and contraband immediately before boarding the aircraft. Whenever possible, they must also ensure that CPERS are briefed in their own language, about the departure and restrictions while onboard, as well as safety and emergency matters. Experience has shown that some CPERS become disoriented on the aircraft and vomit – whenever possible this should be factored into planning.

8B6. Escorts must be constantly alert and positioned in seats such that the CPERS cannot gain access to weapons, or anything that will endanger the aircraft or cabin area. If considered necessary by the escorts, CPERS are to be placed into restraints but they must never be secured to any part of the aircraft other than wearing a safety belt (it will probably be necessary for the escort to apply/release the safety belt).¹ The escorts should provide CPERS with water and encourage them to use the toilet before boarding the aircraft. If CPERS wish to use the toilet they must be escorted by at least 2 UK personnel and must not be allowed to close the toilet door completely for security reasons. If it is necessary to feed CPERS during a flight, food should be a packed-type meal, such as sandwiches, that can easily be eaten without utensils.

¹ Also see paragraph 807 on guidance on use of restraints.

Deliberate Operations

8B7. Deliberate operations may take place using military or civil aircraft; the defining features of deliberate operations are listed above. If on a civil aircraft, it is essential that, as a minimum, there is a screened, dedicated area for the CPERS and their escorts. The escort must seek planning advice from the Provost Marshal (Army) for operations involving civil aircraft.

The Escort Party

8B8. The role of the escort party is to execute the mission in a safe, secure and humane manner. The escort commander must ensure that the escort party remain vigilant at all times. CPERS will identify and exploit signs of guard boredom, complacency or fatigue.

The Escort Commander Must:
Monitor the escorts to ensure that they always maintain weapon control. Maintain CPERS silence and segregation. Ensure that the escorts check restraints periodically. Prevent any contact between other passengers and CPERS. Prepare for actions at planned stops and anticipate actions at unexpected stops. Direct response actions during emergencies. Correct, report and document any allegations of CPERS abuse.

CHAPTER 9 – UNIT HOLDING AREA AND COLLECTING POINT

SECTION I – INTRODUCTION TO THE UNIT HOLDING AREA

901. After the point of capture the next point within the Captured Persons (CPERS) handling chain will usually be the *unit holding area*. This Chapter provides the direction that is to be followed at the unit holding area and the *collecting point*. It includes the documentation to be completed and submitted at these stages of the CPERS handling process. The basic principles and standards of treatment, outlined in Chapter 2, will apply to CPERS at both of these facilities.

902. As soon as possible (within the limitations of the tactical situation) the sub-unit escort must move CPERS to the unit holding area, and then on to the collecting point or CPERS holding facility. The movement and escorting of CPERS is covered in detail in Chapter 8. Despite the overriding principle of moving CPERS through the handling chain as quickly as possible, depending upon the type of operation and particular environment, it is possible that CPERS may be required to spend a significant period of time in the unit holding area. Guidance on the timings can be found in Chapter 6 Section III. Authorisation from the chain of command (and ultimately the detention authority) must be sought to hold CPERS at the unit holding area beyond the 12 hours. Accordingly, UK Armed Forces at the unit holding area must make proper provision for the safety, treatment and administration of CPERS.

903. Each unit must produce and display detailed standing orders for the running of a unit holding area. Such orders must comply with this publication and any theatre standing orders.¹

904. Unit holding area staff must ensure that CPERS are closely guarded at all times to prevent conversation amongst them. If necessary they should move or separate CPERS to prevent conversations and hand them over to the relevant intelligence body for tactical questioning as soon as possible (see Chapter 11). It is unlikely that interrogation will occur at this location and therefore the unit holding area staff should make every effort to move those CPERS selected for interrogation to the intelligence exploitation facility before the period of self-induced pressures diminishes. This will greatly improve the chances of successful exploitation.²

¹ See Chapter 2 Section I and Annex 2A for further details on standing orders.

² See Chapter 2 Section I for details on self-induced pressures.

905. Joint Doctrine Note (JDN) 3/06 *Human Intelligence* details the handling procedures of CPERS who are of intelligence value. Unit holding area staff must ensure that the handing over of CPERS (and any associated material recovered with them) to intelligence staff is documented on detailed captivity records in order to ensure their progress through the J2 chain is monitored and to safeguard evidence continuity for any future criminal prosecution.

SECTION II – STAFFING OF THE UNIT HOLDING AREA

906. The officer in charge of the unit holding area is directly accountable for its command and control and the detailed captivity arrangements, including the humane treatment of CPERS. The duties and responsibilities of the unit holding officer are at Chapter 4 Section III.

An officer must be placed in charge of the unit holding area

907. Staffing requirements will depend on the variables of the theatre and operation, but should include as a minimum:

a. **Provost Branch Personnel.** While it is unlikely that there will be sufficient Military Provost Staff in theatre to complement unit holding areas, commanders should consider their use as part of their planning, particularly for large deliberate operations. Service police may be available for the transportation and processing of high value CPERS and associated evidence. They will be able to collate evidence linked to a suspect and gather the necessary evidence required to support any criminal proceedings. The evidence of the unit involved in the capture of an individual is critical. If the Service police are unavailable, commanders should consider the use of unit custody staff to ensure the correct handling and documentation of evidence.

b. **Unit Custody Staff.** Most units will deploy with unit custody staff trained in the basics of operational custody handling. Commanders should ensure that the specialist knowledge of the unit custody staff is used to good effect in the unit holding area, although it should be recognised that unit custody staff are not a substitute for the Military Provost Staff or the Service police.

c. **Medical Support.** Medical staff will provide medical care to CPERS according to need. Unit holding area staff are to ensure that CPERS have access to unit medical facilities if required.³

³ See Chapter 3 for full details on medical treatment.

d. **Intelligence Staff.** Unit holding area staff must bring CPERS who may have intelligence of value, to the attention of the intelligence officer as soon as possible. The J2 chain must evaluate any materiel or documentary intelligence collected. Only qualified and trained personnel are to carry out tactical questioning and interrogation.⁴ Unit holding area administrative staff must record details of any CPERS (and their associated materiel, property and records) who are handed over to the J2 staff. It is essential that continuity of associated materiel is maintained in order to assist the intelligence gathering process.

e. **Interpreters.** The officer in charge of the unit holding area should ensure that sufficient interpreters are available.⁵

SECTION III – CONSTRUCTING A UNIT HOLDING AREA

908. Unit holding areas may either be constructed in the field or, more usually, situated at a unit headquarters location. They may be based on existing structures or be purpose-built. The level of security of the unit holding area must be appropriate to the location and the level of protection afforded to the CPERS must be at least equivalent to that afforded to UK Armed Forces in that location. Examples of the layout of both types of unit holding areas can be found at Annex 9A.

909. The following is a checklist covering both the principles and practicalities of accommodation for unit holding areas when designing and constructing a unit holding area:

Serial	Factor	Complete
1	Planning factors and principles of design of a CPERS holding facility as set out in Chapter 6 Section IV have been used.	
2	Basic standards and requirements will be provided for CPERS as set out in Chapter 2 Section I.	
3	Appropriate staff have been appointed in accordance with Chapter 4 Section III.	
4	The unit holding area has been designed to ensure CPERS are held safely, securely and humanely.	
5	Where practicable, efforts are being made to improve infrastructure, medical and logistical support.	
6	Policies, practices and procedures are, and will continue to be, periodically reviewed.	

⁴ See Chapter 11.

⁵ See Chapter 6 Section I.



Unit holding area providing shelter and water

910. The underlying principle governing treatment of CPERS is one of equivalence;⁶ for example, if, due to low temperatures, UK Armed Forces are provided with additional cold weather clothing, the same should be made available to CPERS. Likewise, the levels of protection from enemy action afforded to CPERS should be at least the equivalent as those for UK Armed Forces. Special consideration, however, should be granted regarding the treatment of children, juveniles or other vulnerable CPERS.

Except where qualified by operational constraints or the exigencies of the situation, CPERS will be given basic provisions to an equivalent standard as those received by UK Armed Forces

SECTION IV – SEARCHING

911. CPERS should already have been searched at the point of capture but a further, more detailed search must be conducted by the unit holding area staff on arrival at the unit holding area. Principles governing the conduct of searches are set out in Chapter 7 Section II.

912. **Intimate Searches.** Intimate searches (of body cavities and orifices) must not be conducted unless they have been authorised by the Force Provost Marshal. The Force Provost Marshal, in consultation with medical and legal advice, should stipulate in theatre orders what constitutes an intimate search and the circumstances in which intimate searches may be conducted.

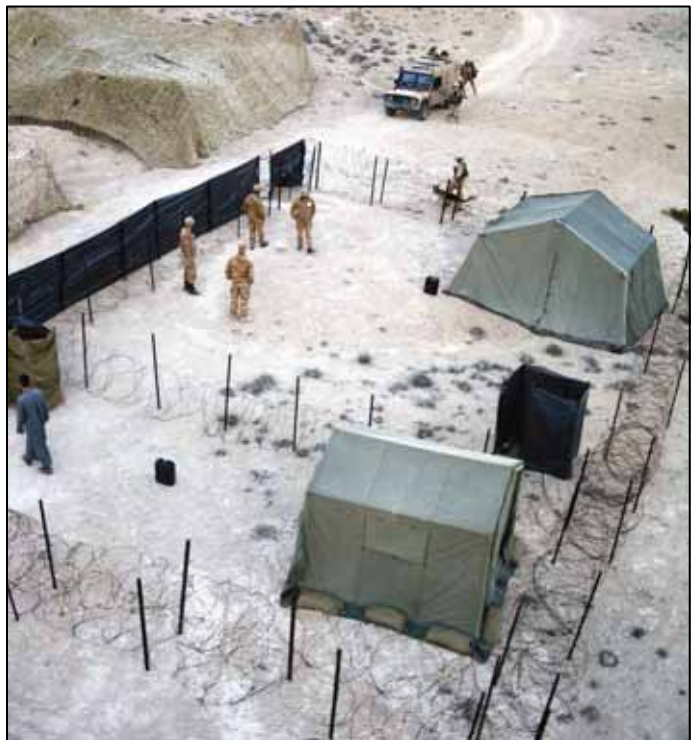
⁶ The principle of equivalence is also set out in Chapter 2 Section I.

Where an intimate search has been authorised, commander medical must be informed. Intimate searches will only be carried out:

- a. After the reason for the search has been explained to the CPERS.
- b. By medical staff with appropriate competencies.
- c. Within a suitably equipped medical facility.

SECTION V – CATEGORISATION AND SEGREGATION

913. The process of categorisation and segregation of CPERS should be developed from the point of capture. The same categories and rules for segregation will apply at the unit holding area as at point of capture – see Chapter 7 Section V. An aerial view of a unit holding area with segregated compounds is shown opposite. As CPERS may remain in a unit holding area for several hours, it is essential that UK Armed Forces comply with the legal requirements of segregation, and therefore unit holding area staff must give consideration to the logistical implications of



segregation and the availability of real estate. In addition, to the categorisation and segregation already set out at the point of capture, unit holding area staff should, where appropriate, give consideration to the further segregation into: officers; non-commissioned officers; other ranks; and influential leaders.

SECTION VI – DOCUMENTATION

914. The aim of this stage in the documentation process is to ensure the identification of the CPERS through the recording of their capture number and to bring them into the CPERS handling chain.⁷ At the same time, CPERS must be linked to any documentation or equipment captured with them which may be of intelligence value and/or to preserve evidence to support any subsequent criminal proceedings. CPERS and their associated materiel,

⁷ A capture number is a temporary number allocated by the capturing unit. It will be replaced with an internment serial number on admission to the CPERS holding facility.

property and records must be processed by the unit holding area administrative staff. As with the requirements for documentation at the point of capture, effective and appropriate information management is essential at the unit holding area.

915. UK Armed Forces may, depending on the nature of the operation, be legally required to ensure that accurate records and returns are submitted to the Prisoner of War Information Bureau and the protecting power. Such forms will be dependent on the information compiled throughout the CPERS handling process.

916. Circumstances may require that some of the documentation originating from the point of capture will be completed by unit staff at the unit holding area to which CPERS are brought following their capture. Where very large numbers are involved, the process may be devolved to sub-unit level. Once at the unit holding area, its administrative staff must complete the CPERS documentation and expand upon information taken at the point of capture. The unit holding area staff are therefore responsible for ensuring that the following documents are complete and accurate: Initial Capture Report (Annex 7C); NATO Common Capture Report (Annex 7E); and the Property Receipt (Annex 7A).

917. The unit is required to hold information on all CPERS in order to fulfil legal requirements. As a minimum, the following information must be documented:

- a. Name/date of birth/nationality.
- b. Reason(s) for capture.
- c. Details of Service personnel responsible for capturing the individual.

918. At this stage in the CPERS handling process it is necessary for the unit holding area administrative staff to begin completion of the capture record, found at Annex 9B, in respect of each CPERS. This is a detailed form which contains information regarding the circumstances of the capture, details of the CPERS and any property or evidence on their person, as well as details of the individuals who captured them. A copy of this form should be retained by the unit, and the original handed over to the next facility with the CPERS. A copy of the property receipt should be attached to this record (Annex 7A).

919. UK Armed Forces should ensure that all CPERS documents are moved with the CPERS as they are transported through the handling chain, with a copy retained at the unit headquarters.

Property

920. Property recovered at the point of capture should have been correctly accounted for and documented by the capturing unit prior to its arrival at the unit holding area. Staff within the unit holding area must ensure property documentation is correctly completed before accepting CPERS.

921. Property should be categorised at the unit holding area as follows:

- a. **Evidential Property.** Certain items of property may constitute evidence. Examples of evidential property are weapons used in the commission of an offence, stolen goods, drugs, money or clothing worn at the time of an offence. Evidential property should be tagged and documented by the capturing unit and handed over to the Service or host nation police as soon as possible so that it may be accounted for during any ensuing investigation.
- b. **Contraband Property.** Unit holding area administrative staff should ensure that contraband property not constituting evidence in its own right has been removed and accounted for. Weapons and drugs, for example, should be retained and disposed of in accordance with theatre instructions.
- c. **Personal Property.** Personal property, such as clothing, jewellery and money, should be documented by the unit holding area administrative staff. Details of the owner should be attached to the property which should then be moved with that CPERS through the CPERS handling chain.
- d. **Retained Property.** As detailed in Chapter 7 Section II.

922. **Evidential Documentation.** If Service police are available within the unit holding area, evidential details should, where possible, be collated by them in order to provide the best possible continuity of evidence, unless the CPERS is an internee or there is no question of a criminal prosecution. Capturing personnel should expect to provide further information as the investigation proceeds, but the collation of as much detail as possible in the early stages is imperative. In the absence of Service police, details should be recorded and held by the unit holding area staff until such a time as the Service police wish to retrieve them. A copy of this document must be moved with the CPERS as they are transported through the CPERS handling chain.

SECTION VII – THE COLLECTING POINT

923. The Joint Task Force Headquarters will decide whether to establish a collecting point at a particular formation level. Normally a collecting point will only be required where there are large numbers of CPERS. A collecting point is established in order to centralise the location of individual and small groups of CPERS and to consolidate them into larger groups to facilitate movement out of immediate danger and to the CPERS holding facility. Guidance on the time limits a CPERS should remain at the collecting point are found in Chapter 6 Section III. This facility is the first point at which interrogation will normally take place.

924. All the principles that apply for a unit holding area will also equally apply to a collecting point including: provision of the basic standards of treatment (Chapter 2); principles of design (Chapter 6 Section V); having standard operating procedures; establishing governance measures; and sufficient staffing. Collecting points must be able to move with little or no notice.

925. **Siting.** The collecting point(s) will be sited to meet the operational situation and the number required will depend on the overall size of the Joint Operations Area. Proximity to a main supply route will speed up the evacuation process.

926. **Construction.** If feasible, collecting points should be based on an existing building. This increases the shelter available for CPERS and reduces the need for engineer support to erect perimeter wire and overhead shelters. There is no formal design for a basic collecting point, which must be built to suit the environment, weather and operational situation.

927. **Central Collecting Points.** A large Joint Operations Area may require a central collecting point to be established to enable further consolidation of CPERS. A central collecting point would be bigger than the basic collecting point and, if not based on existing buildings, would require the erection of tentage. An example of the layout of a central collecting point is at Annex 9C.

928. **Location, Organisation and Size Criteria.** The criteria governing the location, organisation and size of a formation collecting point are:

- a. It should be capable of holding the CPERS likely to be captured by that formation in a 12-hour period.
- b. CPERS should pass through as quickly as possible and not spend longer than 12 hours in it.

- c. It should not be located in or near to a location which may be an enemy target or objective.
- d. Its manning should be based on the establishment of an existing formed unit or sub-unit, which is fully integrated into the CPERS handling organisation.⁸
- e. It should be under tactical control of the formation within whose operational area it is deployed.

SECTION VIII – MARITIME CAPABILITIES FOR HOLDING CPERS

929. In the maritime environment the unit holding area will be situated on a UK vessel, where CPERS will be held until they are transferred.⁹ While a land unit holding area will normally hold CPERS for very limited amounts of time, the nature of the maritime environment, where large distances may have to be covered before a suitable transfer point is reached, may mean CPERS have to spend days rather than hours in a maritime unit holding area. While the level of facilities will vary between types of ship, the minimum standards and requirements set out in Chapter 2 Section I will be provided in all cases. Nevertheless, if it is anticipated that CPERS will be required to spend more than 24 hours onboard a ship, the commanding officer of the vessel should seek in-theatre legal advice.

930. Maritime units should segregate CPERS as previously specified in Section V. Smaller units will have difficulty in accommodating CPERS and, as



such, temporary facilities may be constructed as shown. CPERS should not, however, be housed in temporary facilities for any longer than is absolutely necessary. If possible, smaller units should consider transferring CPERS to larger units with more suitable accommodation facilities. The commanding officer of a UK vessel (excluding merchant vessels, who will have a guard commander

embarked) with CPERS embarked will bear overall responsibility for all aspects of the CPERS handling system onboard.

⁸ This will include representation from Military Provost Staff.

⁹ Maritime unit holding areas are for temporary purposes only prior to transfer to a land facility or coastal state authorities. They are not to be used as places to intern prisoners of war. Geneva Convention (GC) III: 22.



An example of a maritime unit holding facility

Specialist Personnel

931. In addition to the staff listed at Section II, the following specialist personnel should be available to assist in CPERS handling onboard a ship:

- a. **Royal Navy Police.** Royal Navy police onboard major warships (including warships such as frigate, destroyer, aircraft carriers, landing platform helicopter and landing platform dock) will be available for the processing of all CPERS and any associated evidence.¹⁰ All embarked Royal Navy police are required to undertake the unit custody staff course at the Military Corrective and Training Centre and will therefore be qualified to act as command advisers on all aspects of CPERS handling. In addition, their knowledge of search, seizure, evidence gathering, documentation and retention will be invaluable to support any potential criminal proceedings at a later date.
- b. **Intelligence Staff.** While the majority of ships will not contain dedicated intelligence staff, the operations officer is responsible to the commanding officer for the collection, reporting and dissemination of

¹⁰ In the case of Royal Fleet Auxiliary vessels, assistance from Service police embarked on accompanying warships should be sought.

intelligence information onboard.¹¹ Both tactical questioning and interrogation may be authorised by the Chief of Defence Staff to take place onboard ship. Specific instructions for individual maritime operations will be issued by Permanent Joint Headquarters or Navy Command in consultation with MOD policy staffs. The operations officer or a suitable subordinate, should evaluate all materiel collected and decide if action needs to be taken prior to the handover of the CPERS. If material is discovered that could assist the intelligence gathering process, the operations officer should seek guidance from the appropriate headquarters as to its disposal.

Design

932. At present there is no purpose-built maritime holding facility for CPERS and, as such, maritime units will have to make use of appropriate existing compartments and areas onboard, as required. While the optimum unit holding area will be internal to the ship, (with sufficient space, lighting, ventilation and ablutions for the number of CPERS held) it is recognised that due to the restrictions on space onboard warships (and to a lesser extent an auxiliary ship), there will be severe constraints in establishing a functional unit holding area to safely secure CPERS. Study of the facilities available, particularly onboard frigates and destroyers, has demonstrated that in temperate climates the quarterdeck of a ship is the most suitable location for the erection of a unit holding area. In extreme climates a space within the ship must be adapted. The following guidance is given to those constructing such facilities:

- a. **Construction.** Construction of the unit holding area should be of rigid welded mesh wiring (so as not to hinder observation), attached to stanchions. The mesh should reach from deck level to deck head, with wooden boards laid along the bottom of the facility. An inner wall of rigid wire mesh can also be attached to the interior side of the stanchions to increase the strength of the facility. If possible, sufficient space should be available to enable exercise to take place within the facility's confines. Again, if space permits, an area of the facility should be sub-divided from the main holding area with the use of rigid wire mesh, to allow for the segregation of CPERS (females, juveniles, etc). It is recommended that black-out material be used to ensure that there is no visibility between the 2 areas.

¹¹ The Queen's Regulations for the Royal Navy, paragraph 1963(2).

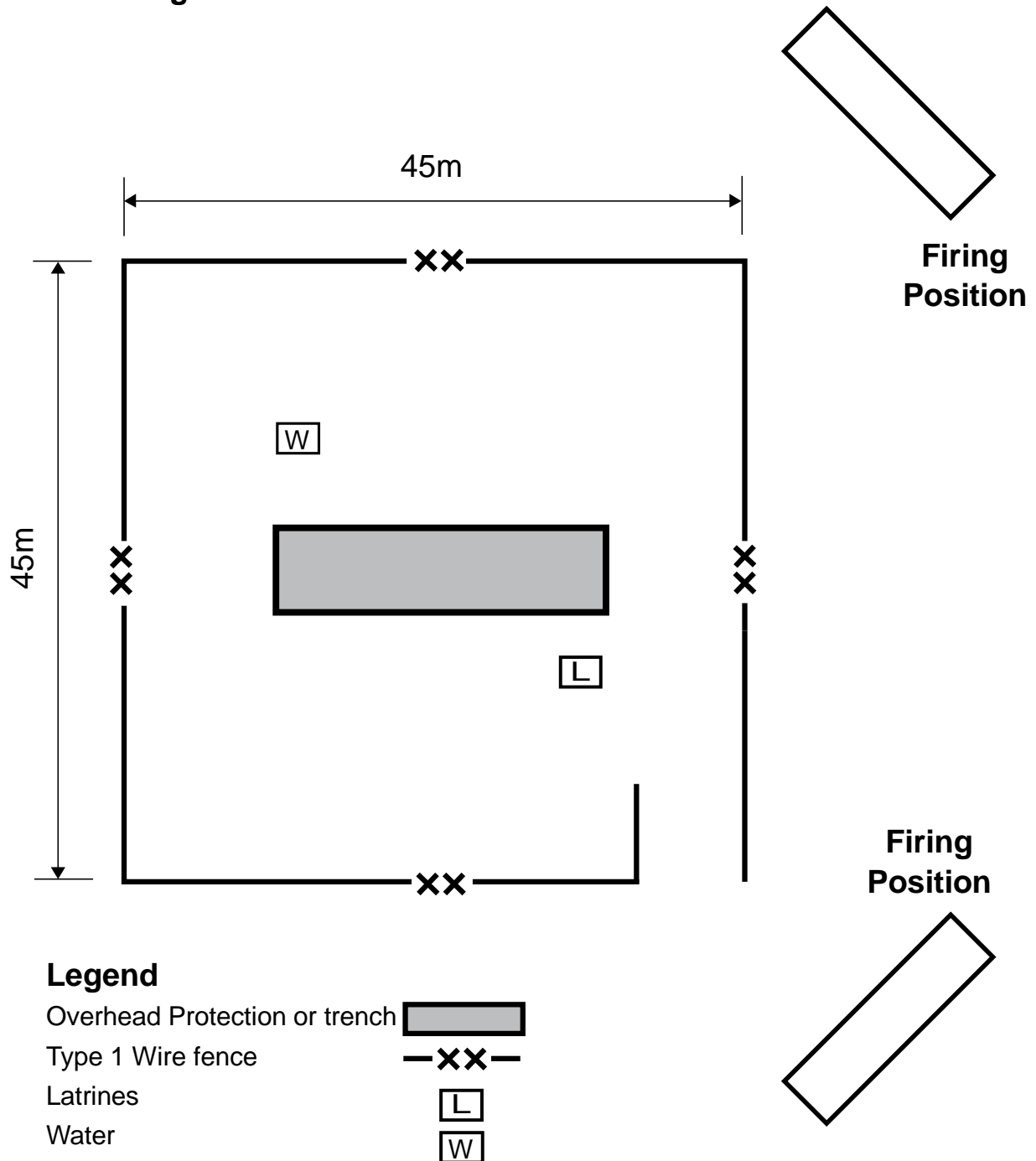
- b. **Gate and Keys.** A suitable security gate of wire mesh, as shown in the previous photograph, should be constructed for the unit holding area. It should be hinged to open outwards, be securable using a bolt and padlock system to the top and bottom, and contain a safe handling cutaway. Personnel assigned to guard duties should sign for keys for the door, with a spare copy held by the ship's Royal Navy Police.
- c. **Ablutions.** Where possible, CPERS should have access to a chemical camping-style toilet which should be shielded by a curtain to maintain privacy. Shower facilities (with a curtain) should also be provided, along with bottled water for consumption and for additional washing.
- d. **Noise.** As the quarterdeck is situated beneath the flight deck, maritime units should issue ear defenders to all CPERS held in the facility during flight operations.¹² A system must be in place to ensure that all CPERS are informed when an aircraft is due to take off and/or land and that they are required to wear ear defence until informed otherwise.
- e. **Lighting.** Natural lighting in the quarterdeck during daylight is adequate and will be supplemented with red lighting during the hours of darkness.

933. Maritime units deploying to areas where it is likely that CPERS activities may be conducted should ensure that the unit holding area is constructed prior to departure from the UK and that Provost Marshal (Army) , as Defence subject matter expert, is notified through Provost Marshal (Navy) in sufficient time that Provost Marshal (Army) can conduct an inspection prior to sailing. Purpose-built unit holding areas may come into use in the future, at which point they will become the preferred maritime unit holding facility. Ship class specific guidance on the location of the unit holding area should be issued by Navy Command.

¹² See Chapter 2 Section II.

ANNEX 9A – EXAMPLES OF THE LAYOUT OF UNIT HOLDING AREAS

Unit Holding Area in the Field



Construction Details

1. **Manpower.** One NCO and 10 men.

2. **Fence Construction.** In accordance with *Military Engineering Volume II, Pamphlet No 3, Obstacles*, Annex D. Note: perimeter fence consists of 4 x 45m sections, each containing 6 x concertinas.

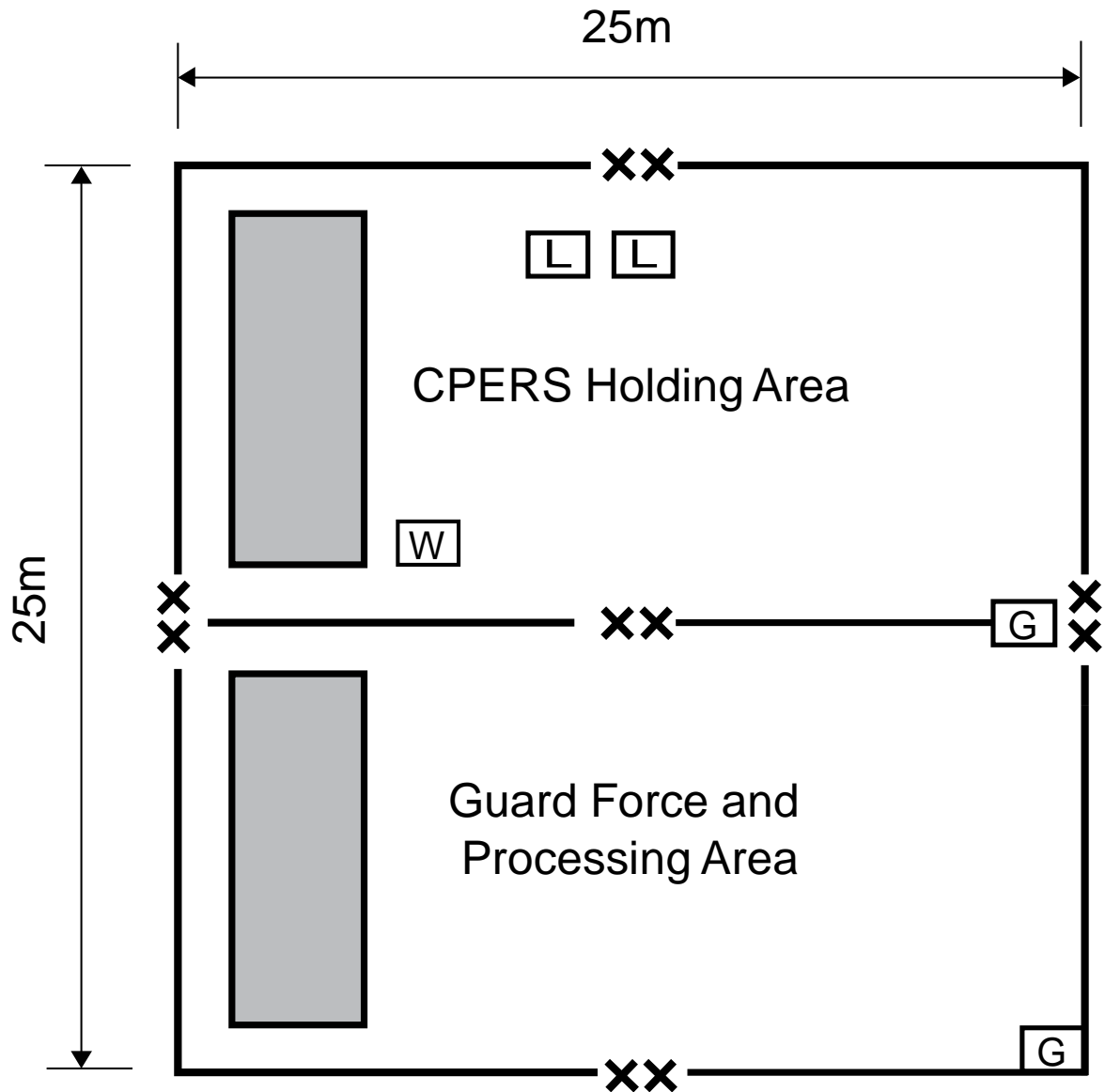
3. **Timings.** To construct perimeter wire fence, Type 1. Under average conditions approximately:

- 1 hour 15 minutes by day
- 2 hour 30 minutes by night



An example of a unit holding area in the field; note the shelter from the elements, trench latrine and cover from indirect fire.

Unit Holding Area in a Headquarters Location



Legend

Shipping Containers

Type 1 Wire fence

Latrines

Water

Gate





An example of a unit holding area under construction in a headquarters location viewed from across the CPERS Holding Area; note that use has been made of other features to form 2 sides of the unit holding area

ANNEX 9B – EXAMPLE OF RECORD OF CAPTIVITY

PART 1 – TO BE COMPLETED BY CAPTURING UNIT				
CAPTURING SERVICE PERSON DETAILS				
Name		Number		
Rank		Unit		
CPERS DETAILS				
Name:		DTG of Capture:		
Address / Unit:		Place of Capture:		
Nationality / Language Spoken:		Reason for Capture:		
Gender	MALE FEMALE	ISN:		
Date of Birth:		Adult / Juvenile / Child / Vulnerable ¹ (Circle one)		
Search Conducted (DTG)				
Property (Attach Receipt)				
Initial Capture Report Complete		YES / NO		
Food issued	DTG:	DTG:	DTG:	DTG:
Water issued	DTG:	DTG:	DTG:	DTG:
Details of Sight Deprivation	DTG: Duration: Justification:	DTG: Duration: Justification:	DTG: Duration: Justification:	DTG: Duration: Justification:
Tactical Questioning	TQ Number: DTG:	TQ Number: DTG:	TQ Number: DTG:	TQ Number: DTG:
THIS FORM MUST BE HANDED OVER WHEN CPERS IS TRANSFERRED				

¹ See Chapter 2 Section IV paragraph 238 for definitions of juveniles, children and vulnerable CPERS.

PART 2 – TO BE COMPLETED BY UNIT HOLDING STAFF					
UNIT STAFF HANDING OVER CPERS					
Name		Number			
Rank		Unit			
UNIT HOLDING STAFF ACCEPTING CPERS					
Name		Number			
Rank		Unit			
RECEIPT OF CPERS					
Name or Location of CPERS Facility:					
DTG of Transfer:					
IN-PROCESSING ADMINISTRATION					
Ensure that:					
<ul style="list-style-type: none"> Part 1 is complete Property received and correct (attach receipt) Search of CPERS has been conducted CPERS has been briefed on: <ul style="list-style-type: none"> Daily routine Behaviour expected and disciplinary matters Religious practice that they may undertake Complaints procedure CPERS has been asked if they have any complaints concerning their humane treatment since point of capture (see below) 					
MEDICAL CHECK PERFORMED²					
Medicines retained by CPERS:	Medical Staff Conducting Check:	Name:			
		Rank:			
		Number:			
		DTG:			
YES / NO	No Check:	Reason:			
COMPLAINTS – CERTIFICATE BY CPERS					
I have been asked if I have any complaints concerning the manner in which I have been treated since point of capture and I (complete one of below):					
Have no complaints:					
<ul style="list-style-type: none"> Signature (or mark): 					
Wish to complain: ³					
<ul style="list-style-type: none"> Signature (or mark): 					
RECORD OF ACTIVITY⁴					
Categorisation of CPERS:		Internee / Detainee / Prisoner of War / Retained Person (Circle one)			
Food issued	DTG:	DTG:	DTG:	DTG:	DTG:
Water issued	DTG:	DTG:	DTG:	DTG:	DTG:
Exercise taken	DTG:	DTG:	DTG:	DTG:	DTG:

² Medical check to be conducted within 4 hours of capture, where practicable.

³ If CPERS wishes to complain take action in accordance with Chapter 2, Section V and Chapter 13.

⁴ Checks on the security, safety and humane treatment of CPERS and the details (name, rank, number) of all staff on duty in the unit holding area, or those who have had access to the CPERS, are to be recorded centrally in the Daily Occurrence Book for the CPERS holding facility.

Visits / Visitor ⁵	DTG: Visited by:	DTG: Visited By:	DTG: Visited By:	DTG: Visited By:	DTG: Visited By:
Tactical Questioning	TQ Number: DTG:	TQ Number: DTG:	TQ Number: DTG:	TQ Number: DTG:	TQ Number: DTG:
Details of Sight Deprivation	DTG: Duration: Justification:	DTG: Duration: Justification:	DTG: Duration: Justification:	DTG: Duration: Justification:	DTG: Duration: Justification:
Other remarks	DTG:	DTG:	DTG:	DTG:	DTG:

TRANSFER OF CPERS			
Name or Location of CPERS Facility (or other – state which) that CPERS is to be transferred to:			
DTG of Transfer:			
UNIT HOLDING FACILITY STAFF CONDUCTING OUT-PROCESSING OF CPERS			
Name		Number	
Rank		Unit	
OUT-PROCESSING ADMINISTRATION			
<p>Ensure that:</p> <ul style="list-style-type: none"> • If being transferred to another UK Armed Forces facility this original Record of Captivity accompanies CPERS with the relevant medical documents for that CPERS. • If being transferred to another nation ensure that you have authority to do so and copies of this Record of Captivity accompanies CPERS along with relevant copies of medical documents for that CPERS, and the original CPERS Record of Captivity and medical documents are archived in accordance with theatre policy. Complete Part 4 of this form. • Property accompanies CPERS (attach receipt). • Search of CPERS has been conducted. • CPERS has been briefed in general terms where they are going. • CPERS has been asked if they have any complaints concerning their humane treatment prior to departure from the facility (see below). 			
MEDICAL CHECK PERFORMED			
Medicines Retained by CPERS:	Medical Staff Conducting Check:	Name:	
		Rank:	
		Number:	
		DTG:	
YES / NO	No Check:	Reason:	
COMPLAINTS – CERTIFICATE BY CPERS			
I have been asked if I have any complaints concerning the manner in which I have been treated since point of capture and I (complete one of below):			
Have no complaints:			
<ul style="list-style-type: none"> • Signature (or mark): 			
Wish to complain: ⁶			
<ul style="list-style-type: none"> • Signature (or mark): 			

PARTS 1 AND 2 OF THIS FORM MUST BE HANDED OVER WHEN CPERS IS TRANSFERRED⁷

⁵ For example, Unit Holding Officer.

⁶ If CPERS wishes to complain take action in accordance with Chapter 2 Section V, and Chapter 13.

PART 3 – TO BE COMPLETED BY CPERS HOLDING FACILITY STAFF					
UNIT STAFF HANDING OVER CPERS					
Name			Number		
Rank			Unit		
CPERS HOLDING FACILITY STAFF ACCEPTING CPERS					
Name			Number		
Rank			Unit		
RECEIPT OF CPERS					
Name or Location of CPERS Facility:					
DTG of Transfer:					
IN-PROCESSING ADMINISTRATION					
<p>Ensure that:</p> <ul style="list-style-type: none"> Part 1 is complete. Part 2 is complete. Property received and correct (attach receipt). Search of CPERS has been conducted. CPERS has been briefed on: <ul style="list-style-type: none"> Daily routine. Behaviour expected and disciplinary matters. Religious practice that they may undertake. Complaints procedure. CPERS has been given opportunity to communicate with ICRC. CPERS has been asked if they have any complaints concerning their humane treatment since point of capture (see below). 					
MEDICAL CHECK PERFORMED					
Medicines retained by CPERS:	Medical Staff Conducting Check:	Name:			
		Rank:			
		Number:			
		DTG:			
YES / NO	No Check:	Reason:			
COMPLAINTS – CERTIFICATE BY CPERS					
I have been asked if I have any complaints concerning the manner in which I have been treated since point of capture and I (complete one of below):					
<p>Have no complaints:</p> <ul style="list-style-type: none"> Signature (or mark): 					
<p>Wish to complain:</p> <ul style="list-style-type: none"> Signature (or mark): 					
RECORD OF ACTIVITY⁸					
Food issued	DTG:	DTG:	DTG:	DTG:	DTG:
Water issued	DTG:	DTG:	DTG:	DTG:	DTG:
Exercise Taken	DTG:	DTG:	DTG:	DTG:	DTG:
Tactical Questioning	TQ Number: DTG:	TQ Number: DTG:	TQ Number: DTG:	TQ Number: DTG:	TQ Number: DTG:

⁷ See detailed notes within this form regarding the precise documentation that is to be transferred with the CPERS, which is dependent on whether the CPERS is being transferred to UK Armed Forces or to another nation.

⁸ Checks on the security, safety and humane treatment of CPERS are to be recorded centrally in the Daily Occurrence Book for the CPERS holding facility.

Interrogation	Interrogation Number: DTG:	Interrogation Number: DTG:	Interrogation Number: DTG:	Interrogation Number: DTG:	Interrogation Number: DTG:						
Visits / Visitor ⁹	DTG: Visited By:	DTG: Visited By:	DTG: Visited By:	DTG: Visited By:	DTG: Visited By:						
Sight Deprivation	DTG: Duration: Justification:	DTG: Duration: Justification:	DTG: Duration: Justification:	DTG: Duration: Justification:	DTG: Duration: Justification:						
Other remarks	DTG:	DTG:	DTG:	DTG:	DTG:						
TRANSFER OF CPERS											
Name or Location of CPERS Facility (or other – state which) that CPERS is to be transferred to:											
DTG of Transfer:											
CPERS HOLDING FACILITY STAFF CONDUCTING OUT-PROCESSING OF CPERS											
Name			Number								
Rank			Unit								
OUT-PROCESSING ADMINISTRATION											
<p>Ensure that:</p> <ul style="list-style-type: none"> • If being transferred to another UK Armed Forces facility this original Record of Captivity accompanies the CPERS with the relevant medical documents for that CPERS. • If being transferred to another nation ensure that there is authority for the transfer, copies of this Record of Captivity accompany the CPERS together with relevant copies of the CPERS medical documents, and that the original CPERS Record of Captivity and medical documents are archived in accordance with theatre policy. Complete Part 4 of this form. • Personal property accompanies the CPERS (attach receipt). • Search of the CPERS has been conducted. • The CPERS has been briefed in general terms where they are going. • The CPERS has been asked if they have any complaints concerning their humane treatment prior to departure from the facility (see below). 											
MEDICAL CHECK PERFORMED											
Medicines Retained by CPERS:	Medical Staff Conducting Check:	Name:									
		Rank:									
		Number:									
		DTG:									
YES / NO	No Check:	Reason:									
COMPLAINTS – CERTIFICATE BY CPERS											
I have been asked if I have any complaints concerning the manner in which I have been treated since point of capture and I (complete one of below):											
Have no complaints:											
<ul style="list-style-type: none"> • Signature (or mark): 											
Wish to complain: ¹⁰											
<ul style="list-style-type: none"> • Signature (or mark): 											

⁹ For example Unit Holding Officer, ICRC.

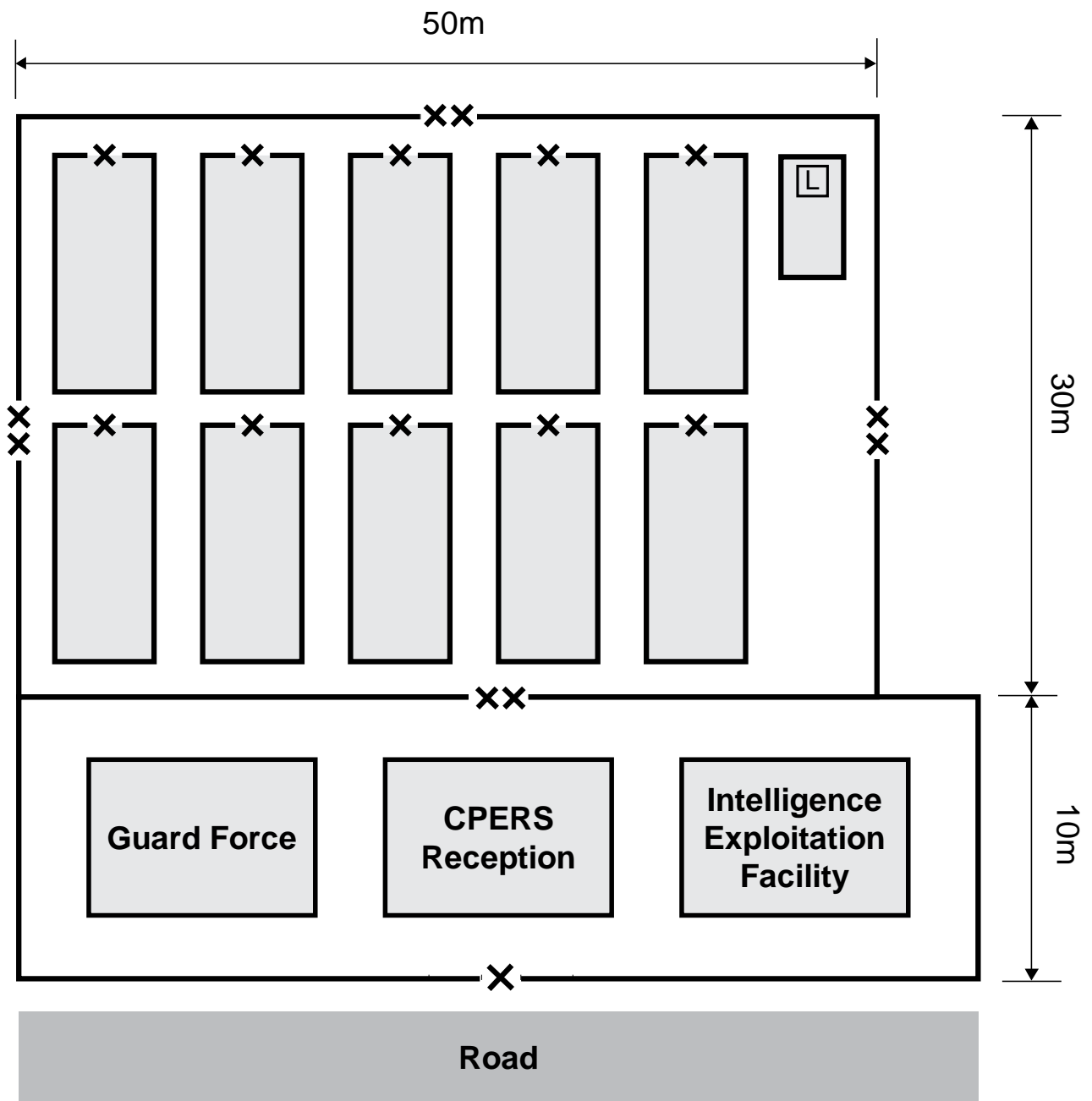
¹⁰ If CPERS wishes to complain take action in accordance with Chapter 2 Section V, and Chapter 13.

PART 4 – TO BE COMPLETED ON TRANSFER OF CPERS TO ANOTHER NATION			
DETAILS OF HANDOVER			
Reason for handover		Address	
Location of handover		Date	
HOST NATION INDIVIDUAL ACCEPTING CPERS			
Name		Signature ¹¹	
Rank / Appointment		Organisation	
UK ARMED FORCES INDIVIDUAL HANDING OVER CPERS			
Name		Number	
Rank		Unit	
DOCUMENTATION TO BE HANDED OVER WITH CPERS			
<p>Ensure that the following is handed over with the CPERS:</p> <ul style="list-style-type: none"> • Copies of the CPERS Record of Captivity • Relevant copies of medical documents • Personal property (ensure it is checked and obtain a signed receipt – place original of receipt with original CPERS Record of Captivity) • CPERS has been briefed in general terms where they are going • CPERS has been asked if they have any complaints concerning their humane treatment prior to handover (see below) 			
COMPLAINTS – CERTIFICATE BY CPERS			
I have been asked if I have any complaints concerning the manner in which I have been treated since point of capture and I (complete one of below):			
<p>Have no complaints:</p> <ul style="list-style-type: none"> • Signature or • Mark: 			
<p>Wish to complain:¹²</p> <ul style="list-style-type: none"> • Signature or • Mark: 			

¹¹ The UK Armed Forces individual who is handing over the CPERS must make it clear to the host nation individual who is receiving the CPERS that by signing this form they accept responsibility for the CPERS.

¹² If CPERS wishes to complain take action in accordance with Chapter 2 Section V, and Chapter 13.

ANNEX 9C – EXAMPLE OF THE LAYOUT OF A CENTRAL COLLECTING POINT (200 CPERS)



CHAPTER 10 – THE CPERS HOLDING FACILITY

SECTION I – PRINCIPLES OF CPERS HOLDING FACILITY MANAGEMENT

1001. This Chapter focuses on the running of, and best practices for, the Captured Persons (CPERS) holding facility. The design of the facility and planning considerations, including guidance on timings, were addressed in Chapter 6.

1002. As with every stage of the process, the standards of treatment set out in Chapter 2 will apply in the CPERS holding facility, and may even be enhanced at this stage. As CPERS may remain at this facility for lengthy periods of time, the commandant must ensure that the CPERS are afforded the best possible treatment. Furthermore, the CPERS holding facility must maintain the highest possible standards of health and hygiene; further guidance on this area and the standards to be maintained is set out Chapter 3 Section V.

1003. Failure to run a CPERS holding facility to the highest standards may lead to disorder, ill discipline, escapes and potential criminal liability. Visits and inspections as outlined in Chapter 4 Section IV will contribute to ensuring that the highest possible standards are maintained.

It is essential that every CPERS holding facility has a clear chain of command, with good levels of governance and strong leadership

1004. The *intelligence exploitation facility* is a separate facility to the CPERS holding facility but can be collocated. Each should have its own separate and distinct chain of command. Separate and distinct governance regimes apply to CPERS during detention and during tactical questioning or interrogation. This is to ensure a proper separation of function between the 2 disciplines, which will mitigate the risk of the detention regime being used to condition CPERS ahead of questioning. Tactical questioners and interrogators are responsible for the well-being and humane treatment of CPERS during tactical questioning and interrogation sessions; the guard force or detention staff remain responsible at all other times. Both these regimes report separately through distinct chains of command to the MOD Operations Directorate. For further details on the intelligence exploitation facility see Chapter 11.

1005. While every effort has been made to ensure segregation and categorisation of CPERS from point of capture through to the unit holding area, it is essential that at this stage of the CPERS handling process CPERS are categorised and segregated to ensure that they are accommodated and administered appropriately.

1006. The principles of successful CPERS holding facility management apply to all CPERS holding facilities and intelligence exploitation facilities.¹ The core principles are:

Principles of CPERS Holding Facility Management
Humane Treatment
Security
Discipline

SECTION II – HUMANE TREATMENT

1007. UK Armed Forces must treat all CPERS humanely in all circumstances and at all times. For further detail see Chapter 2. When a CPERS is first admitted into a CPERS holding facility, the treatment he receives at that point is an indication of what is likely to follow. It is important that staff treat every CPERS on admission with dignity and respect, regardless of their status or demeanour. Every CPERS upon admission shall be provided with written information and a verbal briefing (in a language he understands) about the regulations governing the treatment of CPERS, the disciplinary requirements of the facility, the authorised methods of seeking information and making complaints, and all matters necessary to enable him to understand both his rights and his obligations and to adapt himself to the life of the facility. If a CPERS is unable to read, all relevant information should be conveyed to him by an interpreter.

Every CPERS should understand his rights and obligations in the CPERS holding facility

SECTION III – SECURITY

Dynamic Security

1008. Dynamic security is a term used by custodial professionals to describe the synergy that occurs when all the elements of sound custodial practice come together. Dynamic security encompasses:

¹ See Chapter 11.

- a. **Security Procedures.** CPERS holding facility staff must account for individuals and conduct random but frequent searches including searches of accommodation, communal areas and the body.
- b. **Physical Security and Equipment.** Appropriate walls, fences, locks, bolts and bars, security lighting and surveillance devices such as closed circuit television are required. Airport-style security archways and scanners may be needed to assist in the searching of visitors and items. The full range of public order equipment must be available so that guards are properly equipped to deal with disturbances.



Example of the use of security lighting

- c. **Assessment Procedures.** CPERS holding facility staff must categorise CPERS and conduct regular risk assessments to ensure that individuals are held in appropriate security conditions. They must segregate extremists or insurgents from other CPERS. Inaccurate assessments can result in the injury or death of other CPERS, contribute to insurgent recruitment or cause public order issues for the guard force.
- d. **Passive Intelligence Gathering.** Passive intelligence gathering provides staff with an opportunity to anticipate any premeditated disturbances and to pre-empt breaches of discipline. It is also useful in

identifying and dealing with abuse and bullying, can assist in preventing suicide or self-harm, and can provide input into the J2 picture.

Successful passive intelligence gathering relies on the facility staff knowing those in their charge and building up a picture over time of things such as leadership dynamics within the CPERS population and the interplay between any factions that may exist.

e. **Behavioural Awareness.** CPERS holding facility staff should monitor CPERS, both individually and as a collective, to identify marked changes in mood, attitude and conduct. This may defuse tensions before they become problems that could lead to serious disturbances.

f. **Consistent and Respectful Treatment.** It is vital that all staff are consistent and fair in their treatment of CPERS, remaining professional at all times and avoiding any form of favouritism or victimisation; they must treat CPERS with respect for their human dignity at all times. Holding facility staff must always remain proactive in their approach to detention and not reactive; consistent and respectful treatment reduces the likelihood of disorder occurring.

g. **Purposeful Activity.** Providing CPERS with opportunities for exercise, education and other positive regimes is not only humane but has the added benefit of dissipating their energy and deflecting their minds away from the

circumstances of their incarceration, thus enhancing safety and security. It can also equip CPERS with the life or job skills necessary for successful reintegration into society.² Experience has shown that bored CPERS, without resource to purposeful activities, quickly become focused on petty matters that



can have inflammatory effects out of all proportion to their real significance. Purposeful activity can be provided in the form of recreational facilities such as sports and games, education and work.³ An example of an exercise area is shown. In addition, holding facility staff should ensure that CPERS keep their own quarters clean and in a hygienic state. Family and other visits and regular access to the

² See Chapter 12 Section III for the benefits that purposeful activity can have on reintegration.

³ Prisoners of war can be employed, but internees and detainees may not be forced to work. Further details are contained in Annexes 10D and 10E.

canteen are other methods for establishing routine and preventing boredom.⁴ To achieve campaign coherency, it is essential that commanders identify and properly resource those measures that allow for the reintegration of CPERS as contributing and productive members of society upon their release.

h. **Safety.** Staff must ensure that CPERS, especially the most vulnerable, are held safely. Equally, CPERS holding facility staff must also be afforded a safe working environment.

Maximum Security

1009. CPERS should be subject to security measures which are commensurate with the requisite care and control. Staff should only confine individuals to maximum security conditions where risk assessment shows them to pose such a threat to safety and security that the commandant of the CPERS holding facility has no other choice. A CPERS should not be kept in such conditions for prolonged or repeated periods, as this is a measure that



may affect both the physical and psychological integrity of the individual. Excessive application of these conditions could amount to mistreatment. Individuals may be placed into maximum security segregation if they pose a danger to others or themselves. In such cases, the matter must be reported to the medical staff and an alternative range of actions must be considered.⁵

1010. Individuals placed under maximum security restrictions will usually be subject to an enhanced searching regime to make sure that they are not carrying contraband items, or items which can be used in escape attempts or to injure other people or themselves. The intensity and frequency of such searches will vary according to circumstances. Commandants of CPERS holding facilities should introduce additional security measures for the management of violent, disruptive or otherwise dangerous individuals. Such measures should safeguard against the possibility of coercion being applied to staff and may include the regular rotation of staff to reduce the risks of pressure being applied to them by the CPERS. Searches, including of staff who come into contact with such individuals, may be necessary. In addition,

⁴ See also paragraph 640.

⁵ For example, counselling may be an alternative if available and practical.

medical staff are to conduct inspections of those individuals placed under maximum security restrictions every 24 hours.⁶

Searches

1011. The principles for conducting searches, including intimate searches, are explained in Chapter 7 Section II and Chapter 9 Section IV. Commandants must issue a clear set of procedures that describe in detail the circumstances in which searches should be carried out, who may conduct searches, the methods to be used and their frequency. The procedures should cover the regular search of all places where CPERS live, work or congregate, including living accommodation, such as cells and dormitories, to make sure that security features, such as doors and locks, windows, grilles and floors have not been tampered with. The procedures should also ensure that the personal property of individuals is subject to *ad hoc* searches. Staff must be specially trained to carry out these searches in such a way as to detect and prevent any escape attempt, or secretion of contraband, while at the same time respecting the dignity of the person and showing respect for their personal possessions, in particular religious artefacts. Searches should not be used to harass or victimise the CPERS and staff should allow the CPERS to be present whilst the search is carried out.

1012. The type of search conducted will depend upon the circumstances. For example, when CPERS are moving in large numbers from their place of work back to their living accommodation it is normal for staff to conduct security screening searches, akin to those used at civilian airports. On other occasions, especially if there is reason to believe that CPERS may have something secreted about their person or when they are designated as high risk CPERS, staff will need to carry out a more detailed search. Guidance on intimate searches can be found in Chapter 9 Section IV.

1013. Procedures for searching visitors should take into account cultural sensitivities. In addition, when conducting searches, UK Armed Forces must be sensitive to the needs of children, women and other vulnerable groups. The Joint Task Force Headquarters (JTFHQ) J9 (Legal) should approve the procedures for searching professional visitors (such as legal representatives and doctors) to ensure a balance between security and the right of confidential professional access.

⁶ See Chapter 3 Section I for guidance on a medical practitioner's role.

Orders and Immediate Actions

1014. CPERS holding facilities must have orders and immediate action plans that can be used in the event of an emergency situation. Direction on standing orders is found in Chapter 2 and Annex 2A and immediate action plans in the event of adverse incidents are provided in Chapter 13 and Annex 13B.

Use of Interpreters

1015. Interpreters will be essential at a CPERS holding facility. Further guidance can be found in Chapter 6 Section I.

SECTION IV – DISCIPLINE

General

1016. Discipline within a facility is necessary not only to ensure that CPERS do not escape but also as an enabler through which the provisions of the Geneva Conventions can be applied. Well-ordered facilities need to operate within a set of rules and regulations that are fair and just. The effect will be to protect the staff **and** the CPERS. By their nature CPERS holding facilities and the compounds within them are closed institutions in which large groups of people are held against their will in confined conditions. It is inevitable that some CPERS will break the rules and regulations. Physical attacks, theft, refusal to follow a daily routine, disobeying legitimate orders and the smuggling of contraband goods are common transgressions.

Discipline must be applied consistently in an even-handed manner and never oppressively applied

1017. All CPERS should be subject to disciplinary rules and regulations.⁷ The Geneva Conventions expressly authorise disciplinary jurisdiction over prisoners of war and internees.⁸ The authorisation for taking disciplinary action against detainees will emanate from the legal authority to capture and hold them, such as a UN Security Council Resolution or host nation consent. Permanent Joint Headquarters will issue guidance on any disciplinary procedures applicable to CPERS prior to deployment.

Disciplinary Rules and Regulations

1018. The CPERS holding facility must have discipline regulations. These may differ depending upon the category of those being held, the operational

⁷ Prisoners of War (Discipline) Regulations 1958 form the basis of all disciplinary offences for prisoners of war, but these are currently being updated.

⁸ Geneva Conventions (GC) III: 82.

environment and the specifics of the theatre. UK Prison Rules may be used as a basis for facility rules and the following list is a guide drawn from that publication.

A CPERS is Guilty of an Offence Against Discipline if he:

- Commits any assault.
- Detains any person against his will.
- Denies access to any part of the facility to any guard or any person (other than a CPERS) who is working there.
- Intentionally endangers the health or personal safety of others or, by his conduct, is reckless as to whether such health/personal safety is endangered.
- Intentionally obstructs a guard in the execution of his duty, or any person (other than a CPERS) who is at the facility for the purpose of working there, in the performance of his work.
- Escapes or absconds.
- Administers a controlled drug to himself.
- Has in his possession any unauthorised article, or a greater quantity of any article than he is authorised to have.
- Sells or delivers to any person any unauthorised article.
- Takes improperly any article belonging to another person or to the facility.
- Intentionally or recklessly sets fire to any part of the facility or any other property, whether or not his own.
- Destroys or damages any part of the facility or any other property, other than his own.
- Disobeys any lawful order.
- Disobeys or fails to comply with any rule or regulation applying to him.
- Receives any controlled drug or, without the consent of a guard, any other article, during the course of a visit.
- Attempts to commit, incites another CPERS to commit, or assists another CPERS to commit or to attempt to commit any of the foregoing offences.

Disciplinary Proceedings

1019. Only the CPERS holding facility commandant or the officer to whom he has delegated his powers, may take disciplinary action by way of a summary

hearing. The commandant must seek legal advice before any disciplinary proceedings are initiated against any CPERS, and he must ensure that breaches of discipline, particularly cases of escape and attempted escape, are investigated immediately. He must deal with offences committed in connection with an escape on a disciplinary basis and shall not regard the escape as an aggravating circumstance even if it is a repeated offence.⁹

1020. The commandant will not confine a CPERS accused of an offence for which disciplinary punishment is contemplated, pending the disciplinary hearing, unless it is essential in the interests of order and discipline. The commandant should reduce any period spent by an individual in confinement awaiting a hearing to an absolute minimum. For disciplinary offences, as opposed to criminal offences, such confinement will not exceed 14 days.

1021. Medical staff will inspect all CPERS during any period of confinement (whether awaiting trial or as part of the sanction) every 24 hours.

1022. In all cases the accused should be present at the hearing. The accused should hear the evidence as it is presented and should be entitled to question the staff member who is presenting the case. If an accused is not capable, for whatever reason, of defending himself, he should be allowed to call another person to assist him. If the case is a complex one or the possible punishment severe, the commandant should consider handing the investigation over to the Service police and providing the accused with legal representation.

1023. The commandant must ensure that there are a clear set of legitimate procedures for dealing with such incidents and that these regulations ensure the safety of the individual, both staff and CPERS. A CPERS holding facility must be secure, safe and well ordered with a consistency of approach, neither too harsh nor too liberal. The majority of CPERS will welcome firm and fair management by staff because where the staff are not in control, the resulting vacuum will be filled by strong-willed CPERS, often to the detriment of other CPERS. It is also critical that the regulations are applied from the commandant downwards; if command is weak, individual members of staff may resort to delivering their own unauthorised forms of control. The disciplinary procedure must not be so complex, unwieldy and bureaucratic that CPERS holding facility commandants are disinclined to use it. The disciplinary regime in a CPERS holding facility must be humane and must not include regulations that impose physical exertion that is brutal, dangerous to health or involve physical or moral victimisation.¹⁰

⁹ GC III: 92, 93.

¹⁰ GC III: 89; GC IV: 100.

Disciplinary Sanctions

1024. Before any disciplinary sanction is awarded, the commandant must give the accused full details of the offence and an opportunity to explain his conduct and to defend himself. In particular, he must allow the accused to call witnesses and, if necessary, give him the services of a qualified interpreter.

1025. When reaching decisions on punishment, the commandant must at all times remember that the accused CPERS is not a UK national. The commandant must be free to reduce the penalty below the minimum prescribed by law for the offence. The Geneva Conventions provides specific direction on disciplinary sanctions which may be awarded to certain categories of CPERS:

Disciplinary Sanctions	
Prisoner of War¹¹	<ul style="list-style-type: none"> • A fine which shall not exceed 50% of the advances of pay and working pay which the prisoner of war would otherwise receive under provisions of Articles 60 and 62 during a period of not more than 30 days. • Discontinuance of privileges granted over and above the treatment provided for by the present Convention. • Fatigue duties not exceeding 2 hours daily.¹² • Confinement. • The duration of a punishment shall not exceed 30 days, even if the prisoner of war is answerable for several acts at the same time. • Time spent in confinement prior to a disciplinary hearing shall be deducted from the award pronounced. • The period between pronouncing an award of disciplinary punishment and its execution shall not exceed one month. • When a prisoner of war is awarded a further disciplinary punishment, a period of 3 days must elapse between the execution of the punishment if the duration of one of the awards is 10 days or more.

¹¹ GC III: 89.

¹² This shall not be applied to officers.

Disciplinary Sanctions (Continued)	
Internees¹³	<ul style="list-style-type: none"> • A fine not exceeding 50% of 30 days' pay. • Withdrawal for up to 30 days of any privileges granted over and above the minimum provided for by the Convention. • Fatigue duties for up to 30 days, not exceeding 2 hours per day and connected with the maintenance of the camp. • Confinement for not more than 30 days.

Specific Rules for Sanctions

1026. Disciplinary punishments will not be inhuman, brutal or dangerous to the health of CPERS. The Geneva Conventions impose specific restrictions in relation to sanctions or punishments. For all CPERS the following are forbidden:

- a. Any form of torture or cruelty.
- b. Collective punishment for individual acts.
- c. Corporal punishments.
- d. Holding CPERS in a facility without daylight.
- e. The duration of any single punishment exceeding a maximum of 30 consecutive days, even if the CPERS is convicted of several breaches of discipline, whether connected or not.¹⁴
- f. Failure to allow an interval of at least 3 days between the execution of any 2 punishments if the duration of one of them is 10 days or more, when a further punishment is awarded.
- g. A delay of more than one month between pronouncement and commencement of the sentence.
- h. Punishment more than once for the same offence.
- i. Different treatment of CPERS who have completed their sentence to CPERS of the same category. The only exception is the rule relating to special surveillance of CPERS who have attempted to escape.
- j. Reduction of food and water as a punishment.

¹³ GC IV: 119.

¹⁴ GC III: 90, GC IV: 119.

- k. Use of restraints as a punishment.
- l. Sensory deprivation as a punishment (for example, deprivation of sight or hearing).
- m. In addition to the above, no prisoner of war may be deprived of his rank or prevented from wearing his badges; a prisoner of war awarded disciplinary punishment may not be deprived of the prerogatives attached to his rank.

1027. The commandant must announce the decision on punishment in the presence of the accused and, where the CPERS is an internee, a member of the internee committee. Holding facility staff must retain a record of summary punishments awarded, which they are to file with the CPERS documents. The commandant must also maintain a record of disciplinary punishments which he must make available for inspection by representatives of the protecting power or International Committee of the Red Cross (ICRC).¹⁵

1028. When a sanction is applied, either before or after a hearing and whether in connection with disciplinary or judicial proceedings, the commandant will allow individuals:

- a. A minimum of one hour exercise in the open air per 24 hours.
- b. To attend daily sick call, receive medical attention as needed, and if necessary be transferred to a hospital.
- c. To receive enough sufficient potable water and food of an appropriate type to maintain them in good health (religious and cultural implications should be considered).
- d. To confer with visiting representatives of the protecting power and the ICRC.
- e. To receive spiritual assistance.
- f. Hygienic living conditions.
- g. Adequate bedding, supplies and facilities necessary for personal cleanliness.
- h. If female, to be confined in separate quarters from males and, where practicable, to be under the immediate supervision of female staff.

¹⁵ Chapter 4 Section IV.

- i. For a hearing relating to a disciplinary offence committed while in captivity, the accused is to be afforded the opportunity for assistance from qualified legal counsel.¹⁶

Applicable Law

1029. According to their categorisation, CPERS are subject to different legal regimes for offences committed by them while in captivity. The commandant should seek legal advice on the legal regime to be applied. As a general rule:

- a. Prisoners of war are subject to the laws, regulations, and orders in force in the UK Armed Forces. Therefore, they are subject to the Armed Forces Act 2006.¹⁷
- b. Internees and detainees are subject to the laws in force in the territory where they are held, namely the host nation laws. During occupation, UK Armed Forces may repeal or suspend host nation law which constitutes a threat to security and may impose provisions essential to ensure security.¹⁸

1030. In the case of criminal offences relating to the armed conflict, the tribunal or court must observe basic principles of natural justice. No sentence may be passed and no penalty executed unless it follows a conviction pronounced by an impartial and regularly constituted court respecting the generally recognised principles of regular judicial procedure. These principles include:

- a. The procedure to ensure that the accused is informed of the particulars of the offence alleged against him without delay and shall afford the accused all necessary rights and means of defence, both before and during his trial.
- b. No one is to be convicted of an offence except on the basis of individual penal responsibility.
- c. No one is to be accused or convicted of a criminal offence on account of any act or omission which did not constitute a criminal offence under the national or international law to which he was subject at the time when it was committed; nor shall a heavier penalty be imposed than that which was applicable at the time when the criminal offence was committed. If, after the commission of the offence,

¹⁶ GC III: 99; GC IV: 72.

¹⁷ GC III: 82.

¹⁸ GC IV: 64.

provision is made by law for the imposition of a lighter penalty, the offender shall benefit thereby.

d. Anyone charged with an offence is presumed innocent until proven guilty according to law.

e. Anyone charged with an offence shall have the right to be tried in his presence.

f. No one shall be compelled to testify against himself or to confess guilt.

g. Anyone charged with an offence shall have the right to examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him.

h. No one shall be prosecuted or punished by the same party for an offence in respect of which a final judgement acquitting or convicting that person has been previously pronounced under the same law and judicial procedure.

i. Anyone prosecuted for an offence shall have the right to have the judgement pronounced publicly.

j. On conviction, the CPERS shall be advised of his rights of remedy and of the time limits within which they may be exercised.

Escapes

1031. It is the natural instinct of most CPERS to escape from captivity. In many cases prisoners of war have a military duty to escape from captivity. Consequently, specific provisions, as set out in Geneva Conventions III and IV, apply to an escape by a prisoner of war or an internee:

a. **Successful Escapes.** Prisoners of war who carry out a successful escape and who are subsequently captured again may not be punished for the earlier escape.¹⁹ A prisoner of war is deemed to have carried out a successful escape in the following circumstances:

(1) When he has rejoined his own Armed Forces or has reached the Armed Forces of an ally of his nation.

¹⁹ GC III: 91.

(2) When he has left the territory, which is under the control of the UK or of an ally of the UK.

(3) When he has joined a ship flying the flag of his own nation or of an ally of his own nation which, although it may be in waters under the control of the UK, is not itself under the UK's control.

b. **Unsuccessful Escapes.** Prisoners of war and internees who are involved in unsuccessful escapes are protected:²⁰

(1) A prisoner of war or internee who escapes and is re-captured before having completed a successful escape, as above, is only to be liable to summary punishment, even if it is a repeated offence.

(2) A prisoner of war or internee who aids or abets an escape, or an attempt to escape, is only to be liable to summary punishment.

(3) A prisoner of war or internee who commits offences with the sole aim of facilitating their escape and which does not entail any violence against life or limb are only to be liable to summary punishment.

c. If a prisoner of war or internee is subjected to trial by judicial proceedings as the result of an offence of violence against life or limb in the course of an escape, the fact of his escape or attempted escape, even if this is a repeated offence, is not to be considered an aggravating circumstance in the commission of the crime.

d. Notification of the escape and re-capture of a prisoner of war or internee is to be made to the Prisoner of War Information Bureau.²¹

Preventing a Breakdown in Discipline

Prevention is better than cure

1032. It is rare that a major incident will occur without prior warning. In most cases there will be some indication of a build up of tension, whether at an individual or group level. This is where the benefits of dynamic security become apparent. On entering an accommodation block or working area where tension is apparent, a member of the guard should immediately be

²⁰ GC III: 92-93; GC IV: 120-122.

²¹ GC III: 94.

aware that something is wrong. They should be able to identify any CPERS who are unsettled or likely to threaten violence. It will be more difficult for CPERS who wish to create trouble to recruit others if the general approach of guard staff has been fair and consistent. Even where there is good dynamic security, however, there may be an outburst of individual or collective violence.

1033. A positive method for managing violent and disruptive CPERS is to house them in small units of up to 10 persons. This is called *group isolation* and it is critically different from individual segregation. In these conditions it should be possible for professionally trained members of the Military Provost Staff to develop a strategy for dealing with even the most dangerous individuals. If logistics allow the creation of a maximum security area, individuals should be able to move relatively freely within the group isolation units and to have a *normal* routine.

1034. Good relationships between staff and CPERS are an essential element of dynamic security and can be put to good effect in de-escalating potential incidents or in restoring good order through a process of dialogue and negotiation. Only when these methods fail, or are considered inappropriate, should staff consider physical methods of restoring order.

Managing a Breakdown in Discipline

1035. In any CPERS holding facility, no matter how well run, there is always the potential for a breakdown in discipline.²² The most common examples include: an individual attack on staff or other CPERS; a group revolt which may include rioting or hostage taking; and the smuggling of contraband goods.

1036. Commandants should ensure that in every CPERS holding facility there is a clear set of procedures for dealing with such incidents, which should have been approved by J9 (Legal). Military Provost Staff within a facility will have been trained in control and restraint techniques and some may be trained in hostage negotiation.²³ Guard forces should be trained in public order and properly equipped. Whenever there is a violent incident or a CPERS has to be subdued, a senior member of staff should attend the scene as soon as possible. A report should be prepared by the



²² Although not usually a disciplinary issue, instances of deliberate self-harm may also occur.

²³ Members of the Military Provost Staff are trained to Home Office standards in Prison Service Control and Restraint techniques.

CPERS holding facility commandant and forwarded to the JTFHQ J1 Branch. For direction on action to take following an adverse incident involving CPERS see Chapter 13.

Dealing with a Breakdown in Discipline

1037. There may be occasions when, despite effective use of dynamic security, indiscipline occurs. Indiscipline may manifest itself in several forms, from passive protest through disturbances, to hostage taking; all of these situations should have contingency plans in place to deal with them.²⁴

1038. CPERS normally plan passive protests which tend to result from a perceived grievance. The key to unlocking such protests is for a member of staff to enter into a dialogue with the leader(s) of the protest, in a calm manner and, if possible, by separating the leaders from the group, so that talks can be conducted in private. It is at such times that dynamic security can pay dividends because staff should know the personality of the leaders and so exploit such an advantage in talks.

1039. Disturbances can be spontaneous or pre-planned. Pre-planned disturbances are potentially the worst type as CPERS are likely to have made and stockpiled home-made weapons and missiles. Good facility design and construction, as set out in Chapter 6, will in most cases mean that the guard force has sufficient time to react in a planned manner. Staff should employ the use of force continuum, as set out in Figure 10.1. Where the guard force is augmented with dogs and handlers, dogs should be used very carefully. While dogs can have a strong deterrent effect, experience has shown that if they bite someone they can then act as a touchstone that draws the full violent attention of the crowd against them; the *magic effect* that dogs may have had, dissipates very quickly.

1040. Hostage situations are always a possibility, particularly when compounds hold large numbers of CPERS. A person who becomes a hostage should remember that they should:

- a. Act as if they have no rank. They should avoid making demands or giving orders and should not give suggestions to their captors.
- b. Listen carefully for clues regarding the emotional state of the CPERS who have taken them hostage.
- c. Remain calm and alert and not become aggressive.

²⁴ Advice on contingency planning should be sought from the in-theatre Military Provost Staff or from Provost Marshal (Army) Custodial Branch.

- d. Avoid political or religious discussion.
- e. Not make any promises that they cannot fulfil.

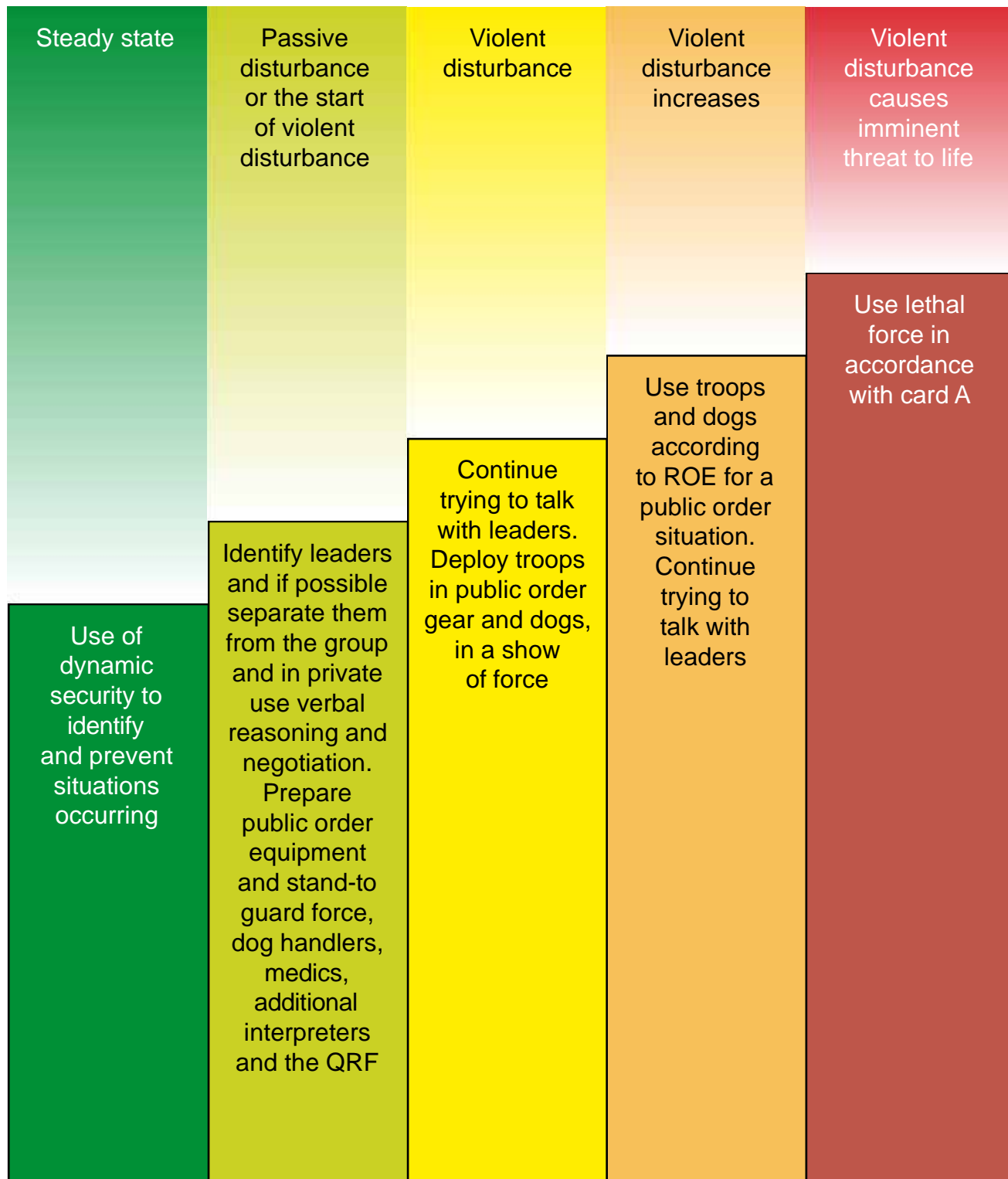


Figure 10.1 – The Use of Force Continuum

SECTION V – DOCUMENTATION

CPERS Registration Unit

1041. The *CPERS registration unit* is part of the CPERS handling chain and is responsible for the full documentation of CPERS. The responsibilities and staffing of a CPERS registration unit are in Annex 10A. The CPERS registration unit is the entry point into the formal CPERS system and the point at which full documentation of the CPERS takes place. An example of the holding bays where a CPERS is being registered and documented is shown opposite. The unit is to be sited close to the CPERS facility, and where possible should be physically integrated into its structure. An example of the layout of a CPERS registration unit is set out at Figure 10.2.



1042. Once at the CPERS registration unit, the administration carried out at the point of capture and unit holding area should allow staff at the holding facility to link CPERS to any documentation, evidence and property that has moved through the CPERS handling chain. It is imperative at this point that the CPERS registration unit hold all documentation created by the capturing unit to allow further investigation and legal procedures to be carried out.

1043. Overall responsibility for the CPERS documentation process is vested in the force field administration office. The commandant will establish a field records section within the force field administration office with responsibility for the documentation of all CPERS and for the operation of the administrative records system required by the Geneva Conventions.²⁵ They will normally operate at the CPERS holding facility although the Commander Joint Task Force may task them to operate at whichever point in the evacuation chain operational circumstances dictate.

²⁵ Personnel administration staff will usually be RN, Army or RAF human resources administration-trained personnel.

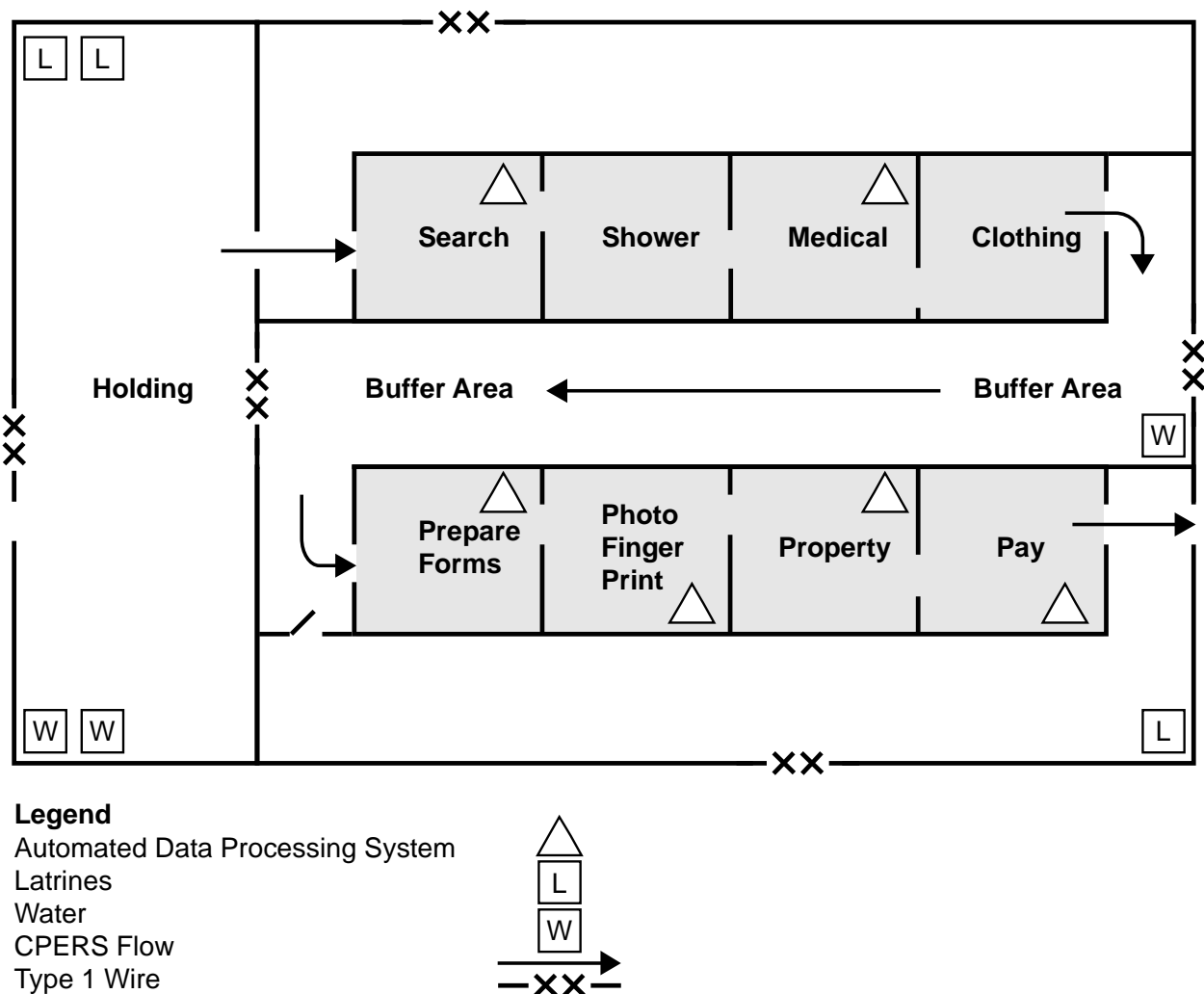


Figure 10.2 – Example Layout of a CPERS Registration Unit

1044. The details of the information to be recorded should include:

- a. **Information about a CPERS Identity.** Surname, first names, rank, service, personnel or serial number (for example, National Insurance Number or equivalent for civilians), address (civilians), place and full date of birth, nationality, gender, date and place of capture, status, last place of detention, authority of capture, the name and address of the person to be notified of capture, relationship of that person, the address to which mail for the CPERS may be sent, and (for

a prisoner of war or internee) an indication whether they consent to having their details released to the state on which they depend.²⁶

b. **Information about Transfers.** Date of last transfer, destination of last transfer and authority in charge at place of last transfer.²⁷

c. **Information about Release or Escape.** Date of release or escape and last place of detention before release or escape.

d. **Information about Death.** Date, place and circumstances of death, place of burial and location of grave.

1045. As stated in Chapter 7 Section III, the administrative staff will give CPERS a unique serial number. If the capturing unit allocate a temporary CPERS internment serial number, upon arrival at the CPERS holding facility, the registration unit will allocate a permanent internment serial number to each CPERS. Full details of the CPERS internment serial number process is at Annex 10B.

1046. The administrative staff should photograph CPERS and produce a digital identification to accompany the CPERS' personnel file; where possible, this should be linked to a bar coded wristlet. The *record of captivity* as shown in Annex 9B, should have been handed to the registration unit by the previous facility staff. The capturing unit and the unit holding facility staff should have completed their relevant sections of the record and the registration unit must ensure its completion. In addition, the CPERS Registration Unit is to populate the prisoner of war personnel record (Annex 10C) for CPERS classified as prisoners of war and pass both forms to the CPERS holding facility staff for their use.

1047. One set of consolidated data will be retained in the Joint Operations Area by the registration staff for the purpose of administering the CPERS and a further set will be passed to the Prisoner of War Information Bureau in the UK for onward transmission to the CPERS' parent nation.²⁸ It is essential that copies of all CPERS records are retained in the MOD Central Archive and this must be reflected in theatre information-management instructions.

1048. **Other Functions.** In addition to the documentation of the CPERS, the CPERS registration unit also carries out a number of other functions connected with the induction of the CPERS into the system. These are:

²⁶ In some societies, becoming a prisoner of war or an internee may lead to the punishment of one's family at the hands of the state.

²⁷ See Chapter 12.

²⁸ See Chapter 4 Section V. This is mandatory for prisoners of war and internees.

- a. Ascertaining, on arrival and exit of the facility, whether the individual CPERS has any complaint regarding his treatment while held in captivity by UK Armed Forces.
- b. Medical examination.
- c. Issue of clothing and equipment.
- d. Impounding of CPERS property.²⁹ Staff are to document property and prepare a receipt in triplicate; they will give the original to the CPERS, store a copy with the property and place another with the CPERS documents.
- e. Establishment of CPERS pay account (an AFW 3488). This normally only applies to prisoners of war and internees.

SECTION VI – RATIONS, MESSING AND CANTEEN³⁰

1049. Whenever possible, the commandant should employ CPERS in the preparation and cooking of their own food in the facility kitchens. In addition, he should allow them to prepare any other food which they may have purchased from the canteen, grown themselves or have received in relief parcels. He should encourage them to participate in the management of their own messing facilities.

1050. Whenever possible the commandant is to arrange for a contract for the sale of the combined messing by-products from the CPERS and the UK kitchens. He is to ensure that income from the contract is split on a *per capita* basis and is credited to the CPERS canteen fund.³¹

1051. The commandant is responsible in each CPERS facility for the establishment of a canteen where CPERS can buy food, soap, tobacco and other ordinary items for everyday use.³² A canteen credits system should be used wherever possible. Experience has shown that a system which automatically supplies all items, including cigarettes and sweets to CPERS, while convenient and easy to administer, does not allow the commandant to remove them as a result of disciplinary action and nor does it allow CPERS to engage in the management of a small aspect of their daily lives. A system issuing basic hygiene commodities, such as soap and toothpaste, is recommended, with a system of credits being paid to each CPERS' canteen account with which they may purchase other items (such as cigarettes, sweets

²⁹ GC III: 18, GC IV: 97.

³⁰ GC III: 26 and 28.

³¹ GC III: 28; GC IV: 87.

³² GC III: 28, GC IV: 87.

and writing materials). In this way, the commandant can forfeit credits as a disciplinary sanction. It is not recommended that cash is used as this can lead to bullying, trafficking and, in extreme cases, a skewing of the local economy. CPERS may have the opportunity to earn additional credits through work. It may be prudent for the commandant to consider rewarding good behaviour.

1052. The commandant is to ensure that canteen prices do not exceed local market or UK prices, whichever is appropriate. In order to keep selling prices down to this level, canteen stocks are to be bought from wherever the wholesale prices are cheapest. In the case of tobacco products which are bonded goods, the Expeditionary Forces Institute will normally be the sole supplier which will require a purchase order signed by a UK officer and specifying the number of CPERS using the canteen. The commandant is to approve price lists, which are to be displayed in the canteen. Spirits are not to be sold in canteens, and the commandant is to prohibit CPERS from producing their own supplies of spirits. Beer and cider may be sold at the discretion of the commandant.

1053. Holding facility staff are to make arrangements for CPERS in hospital to buy goods from their parent facility's canteen and for these to be delivered to them.

SECTION VII – CPERS PROPERTY

1054. As a rule, staff may allow CPERS to retain personal items having no value as an aid to escape or as a weapon.³³ If a CPERS on arrival at a CPERS holding facility has large amounts of money or valuables in his possession (or in his property), staff may remove these from him, prepare them for storage as shown opposite, document them, as detailed earlier, and put them into safe custody to ensure their security.³⁴ In such cases, an officer must authorise such removal of property and staff are to ensure that all such property is returned to the CPERS at the end of their captivity.



1055. Staff are to record details of the property and of its owner in a property register. They are to store such property in a secure store fitted with 2 locks. The commandant will hold the key for one lock and the CPERS representative

³³ See Chapter 7, Section II.

³⁴ GC III; 58-59.

will hold the key to the other. The property register is also to be kept in this store. Staff are to record all movements of property in the register, which is to be signed by a member of the staff and by the CPERS representative.

1056. If a CPERS reports that property has been taken from him illegally or that property is missing, the commandant is to institute an investigation. If it is a serious matter or suggests corruption on the part of CPERS holding facility staff, the commandant should request the assistance of the Service police. If this fails to reveal the whereabouts of the property, J1 staff are to convene a Service inquiry. J1 should send the proceedings of the inquiry together with 2 copies of a summary of the findings of the board to the MOD through the normal chain of command and give one copy of the summary to the CPERS. If the articles are valuables and are found to be missing, the CPERS claim for restitution is against his state of origin. If the CPERS can show that items of property have been wrongly taken from him, or have otherwise become lost through no fault of his own, they will be replaced at public expense.³⁵

1057. If a CPERS dies or makes a successful escape, staff are to ensure that his property is to be disposed of in the following manner:

- a. Staff are to send small items of intrinsic or sentimental value to the Prisoner of War Information Bureau together with an inventory.
- b. The CPERS representative will credit the deceased CPERS account with the proceeds from articles sold on his behalf.
- c. Staff are to destroy, or launder and distribute, issue clothing.
- d. Staff are to destroy toiletries.

SECTION VIII – MAIL

1058. CPERS are allowed to send and receive letters as well as receive parcels. UK Armed Forces are to ensure that all mail is conveyed as quickly as possible. Therefore, regulation of the mail system is necessary.³⁶

1059. **Notification Cards.** Immediately on capture or within one week of arriving at a CPERS holding facility, UK Armed Forces are to allow each CPERS to write one card to his family and one card to the Central Tracing Agency of the ICRC or the protecting power telling them of his capture, address and state of health.

³⁵ GC III: 68, GC IV: 8.9.

³⁶ GC III: 70-71, GC IV: 107.

1060. **Camp Postal Officer.** The commandant is to appoint a regular officer or warrant officer as the camp postal officer who will be responsible for:

- a. Establishing and operating a CPERS mail room under the guidance of the Senior Force Postal and Courier Service Officer.
- b. Opening and examining all incoming parcels in the presence of an interpreter, the intended recipient, a fellow CPERS or the CPERS representative.
- c. Ensuring that no letter is delivered to a CPERS unless it has been subjected to the CPERS censorship process.
- d. Scrutinising all outgoing mail to ensure that the instructions concerning outgoing mail have been complied with.
- e. Dispatching all outgoing mail to the appropriate censorship authority.
- f. Controlling and issuing special CPERS stationery.

1061. **Incoming Mail.** There are no limitations on the amount of correspondence which a CPERS may receive. CPERS will be allowed to receive all letters and cards which are addressed to them, unless they have been withheld due to censorship and security concerns. Holding facility staff must not delay or detain mail as a punishment; neither must they delay mail under the pretext of censorship difficulties. Incoming mail is likely to be subjected to a censorship process both in the CPERS' own country and by the UK system. If the censor judges the content of an incoming letter to be objectionable on security grounds he may retain the letter. In this case, he will inform the CPERS of the letter's retention and the letter will be retained by the censoring authorities for 12 months in case inquiries about the whereabouts of the letter are made by the ICRC or the protecting power.

1062. **Outgoing Mail.** There are no postal charges on CPERS mail which may only be written on special stationery (AFW 3058 and 3494). The normal allowance of outgoing mail is 2 letter forms and 4 post cards per month, although an application for an increase in this quota may be made to the commandant. UK Armed Forces, and possibly the authorities in the country to which the mail is addressed, will subject outgoing mail, with certain exceptions, to censorship.

1063. **Mail for CPERS in Hospital.** Holding facility staff are to make arrangements for CPERS in hospital, to receive their mail without undue delay and to ensure that a supply of special stationery is delivered to enable them to

write their quota of cards and letters. Hospital staff are to make arrangements for outgoing mail to be taken to the CPERS facility for processing.

1064. **Privileged Correspondence.** Certain types of correspondence fall outside the regulations for CPERS mail:³⁷

- a. The senior retained medical officer and the senior retained chaplain may correspond with the appropriate UK authorities on matters relating to their duties. Such correspondence is not limited in quantity and is not subject to censorship.
- b. Chaplains may also correspond with local church authorities and international religious organisations. This correspondence is not limited in quantity but will be subject to censorship.
- c. The CPERS representative may correspond with the protecting power, the ICRC delegation, MOD, the mixed medical commission and any approved international aid organisation.

1065. **The Language of Correspondence.** Holding facility staff are to inform CPERS of the language in which they may correspond. As a rule, this is to be the native language of the CPERS. Where there are shortages of translators to conduct the censorship process, the UK may request the protecting power to ask the nation on which the CPERS depend, to impose restrictions on the number of letters which CPERS can receive and send.

1066. **Redirection of Mail.** Before they are transferred to another CPERS holding facility, staff are to notify CPERS of their new postal address in sufficient time before their departure, so they can inform their next of kin. This is to be done by the dispatch of a new notification card.

1067. **Censorship.** All incoming and outgoing CPERS letters, apart from those items of privileged correspondence identified in previous paragraphs, will be subject to censorship. The camp postal officer will scrutinise outgoing mail to ensure that it complies with the regulations for correspondence. Incoming mail will not be passed to CPERS unless it bears the censors mark confirming that it has been subject to the censorship process. The Directorate of Operations will arrange for the actual censoring of mail to be carried out at a central location either in the Joint Operations Area or in the UK.

³⁷ GC III: 33, 35 and 81.

SECTION IX – RELIEF SUPPLIES

1068. **Examination of Parcels.** The commandant is to allow CPERS to receive individual parcels or collective relief shipments containing articles such as food, clothing, medical supplies and religious, educational, cultural or recreational articles.³⁸ He will determine the admissibility of other items. Parcels are to be examined as follows:³⁹

- a. **Individual Parcels.** The postal officer is to open parcels addressed to individuals in the presence of the individual and the interpreter. He is to send any letters included in parcels for examination by the censor.
- b. **Collective Consignments.** Holding facility staff are to examine collective consignments as soon as possible in the presence of the CPERS representative or an assistant. If they consider any item to be inadmissible on security grounds, they are to impound it and submit a report to J1 at JTFHQ, who will forward the information to the MOD through the normal chain of command. The commandant is to allow inspection of the impounded items by the ICRC or the protecting power but is not to divulge the reason for the impounding of the item.

1069. **Local Donations.** In the event of a local relief organisation wishing to donate relief supplies to a CPERS holding facility, the commandant will seek guidance from J1 at JTFHQ. If J1 permit the acceptance of a donation, the rules applying to collective consignments of relief supplies will apply.

1070. **Distribution of Collective Relief Consignments.** To ensure that collective relief is distributed in an equitable manner, Geneva Conventions III and IV set down a number of provisions covering the distribution process:⁴⁰

- a. The ICRC, protecting power or any other recognised organisation providing aid to CPERS may oversee the distribution of relief consignments. They may also organise the distribution of relief consignments in any manner which they consider to be helpful in ensuring that consignments reach their intended destination.
- b. The CPERS representatives are allowed to distribute relief consignments for which they are responsible, to all CPERS administered by the facility irrespective of whether they are present in the facility at the time or elsewhere, such as in hospital or in prison.

³⁸ GC III: 72, GC IV: 108.

³⁹ GC III: 76, GC IV: 112.

⁴⁰ GC III: 73, GC IV: 109.

- c. The representatives will plan and distribute the items in accordance with the wishes of the donors of the relief. In the case of medical supplies, the distribution plan is to be agreed with the senior medical officers who will suggest a distribution based on the needs of their patients.

1071. CPERS representatives are to be allowed to:

- a. Check the quantity and quality of relief goods on arrival.
- b. Check whether the distribution of relief to all parts of the facility has taken place in accordance with their instructions.
- c. Complete, and have completed by others, forms and questionnaires relating to the requirements, distribution and supply of relief consignments by the donor organisations. The CPERS representatives are to forward these forms and questionnaires to the relief organisations without delay.

1072. The commandant is to provide the CPERS representatives with storage facilities so that they can build up a stockpile of relief stores to enable regular issues of supplies and to cope with the arrival of new CPERS in the facility. Each store will have 2 locks, the commandant will hold the keys to one and the CPERS representative will hold the other.

1073. Where collective consignments of clothing are available, staff are to ensure that each CPERS has at least one complete set of clothing. Where shortages exist, the CPERS representative is permitted to withdraw items from those with the most clothing to provide for CPERS who are less well equipped. Staff are to ensure that second sets of underclothing, socks and footwear are only to be withdrawn to provide for CPERS who have none of these items. CPERS may also receive collective relief before their arrival in a CPERS holding facility or while they are being transferred to or from another facility.

SECTION X – SPIRITUAL, INTELLECTUAL AND PHYSICAL ACTIVITIES

1074. The promotion and maintenance of spiritual, mental and physical well-being of CPERS is required by the Geneva Conventions. To a certain extent, the employment of CPERS on work projects fulfils part of this remit but there are other requirements.⁴¹

⁴¹ GC III: 34 and 38; GC IV: 93-94.

1075. **Religious Activity.** The commandant is to permit CPERS to practice their religion or exercise their beliefs provided that this is carried out within the rules of holding facility discipline. Where possible, he is to provide a place of worship and allow chaplains and other spiritual leaders to minister to CPERS of the same religion or belief. Where there is no minister or religious leader, a lay CPERS may be appointed by the commandant to lead worship.⁴²

1076. **Intellectual and Physical Activities.** The commandant is to encourage intellectual, educational and recreational activities, including sports and games among CPERS. Therefore, he should ensure that suitable facilities and equipment are provided to allow these activities to take place.⁴³

SECTION XI – CIVIL LEGAL MATTERS

1077. **Civil Legal Status of CPERS.** CPERS retain their legal status as citizens of their country. This may not be restricted except where it is an inevitable consequence of captivity. The CPERS retains the right to exercise his legal rights in his own country in such matters as disposing of property, making wills, giving consent to marriage or to voting.⁴⁴ This will normally be conducted using a lawyer or a proxy.

1078. **Legal Documents.** The commandant must ensure that CPERS are given facilities for the preparation and execution of legal documents, especially powers of attorney and wills, and for the sending of these to the CPERS parent nation through the protecting power or the ICRC. CPERS are entitled to seek legal advice to assist them in the drafting, execution and authentication of legal documents.

SECTION XII – CPERS REPRESENTATION

1079. This section deals with CPERS representation for internees and prisoners of war. Consideration should be given to affording other CPERS the rights set out in this section as best practice where it would become appropriate owing to the length of time in captivity.

The Internee Committee⁴⁵

1080. In every place of internment, internees must be able to elect members of an internee committee by secret ballot every 6 months. Members of the committee are eligible for re-election. Membership is subject to the approval of the UK authorities, but if that is withheld or a member is dismissed, the

⁴² GC III: 34-37, GC IV: 93.

⁴³ GC III: 38, GC IV: 94.

⁴⁴ GC III: 77.

⁴⁵ GC IV: 101-103.

protecting power must be informed of the reasons. Internees so elected can only take up their duties after such approval.

1081. Internees have the right to present petitions to the UK authorities about the conditions of their internment. Further, they may complain about their conditions of internment, without restriction, either through their own internee committee or directly to the representatives of the protecting power. All petitions and complaints must be forwarded forthwith and unaltered. Even if they are unfounded, no punishment may be imposed on the complainants. It is open to the internee committee to send periodic reports on internment conditions and the needs of the internees to the representatives of the protecting power.

1082. **Duties of the Internee Committee.** The general duty of the *internee committee* is to further the physical, spiritual and intellectual welfare of the internees. It represents internees in dealings with the UK and the protecting power, the ICRC and any other organisation helping internees. In the event of a decision by internees to organise a mutual assistance welfare system amongst themselves, implementation thereof would be within the competence of the internee committee. The specific tasks of the internee committee include:

- a. The running of canteens.
- b. The transmission of complaints, petitions and reports.
- c. The collection, holding and distribution of collective relief.
- d. The transportation of internees' community property and baggage.

1083. **Commandant's Responsibilities.** The commandant must inform the internee committee of all judicial proceedings instituted against internees whom they represent and the result of such proceedings. The commandant must announce any decision on disciplinary punishment against an internee in the presence of the accused and a member of the internee committee.

1084. **Rights of Members of the Internee Committee.** Members of the internee committee have the following rights:

- a. Not to do other work if this would interfere with their duties.
- b. To appoint as assistants such fellow internees as required.

- c. To have the necessary facilities to perform their duties, for example, inspection of labour detachments and the receipt of relief supplies.
- d. To correspond by post with the detaining authorities, the protecting power, the ICRC and any other organisation assisting internees.
- e. If at a labour detachment, to conduct correspondence with the internee committee at the main facility.
- f. In the event of transfer, to effect a proper handover to their successors.

The Prisoners of War Representative

1085. The *prisoners' of war representative* serves as an intermediary between prisoners of war and the representatives of the capturing power. His position is guaranteed by Geneva Convention III, which also documents his rights and duties.⁴⁶

1086. **Appointment of the Prisoners of War Representative.** Wherever there are prisoners of war, regardless of their number, there is to be a prisoners of war representative with whom prisoners of war may freely consult. The prisoners of war representative must have the same nationality, language and customs as the prisoners of war whom he represents. If there is more than one national group in a facility, each group must have its own prisoners representative. The procedure for the selection of prisoners of war representatives for various grades of prisoners of war is as follows:

- a. **Officers Holding Facilities.** In officers' holding facilities, the senior officer prisoner of war acts as prisoners of war representative, assisted by advisers chosen by the prisoners of war representative.
- b. **Hospitals and Mixed Rank Holding Facilities.** In a hospital or in a holding facility where there is a mixture of officer and other rank prisoners of war, the senior officer will be the prisoners of war representative and his assistants will be elected by the other rank prisoners of war from amongst their number.
- c. **Subsidiary Holding Facilities.** In subsidiary holding facilities such as labour camps where an officer prisoner of war has been appointed to carry out administrative duties, he may be appointed as

⁴⁶ GC III: 79.

the prisoners of war representative. In this case, his assistants will be elected by the other rank prisoners of war from amongst their number.

d. **Other Rank Holding Facilities.** A prisoners of war representative and his assistants are elected by secret ballot held every 6 months. All are eligible for re-election at the end of each 6-month period of office.

1087. **Approval of the Elected Prisoners of War Representative.** The UK (usually the Commander Joint Task Force) must approve each elected prisoners' of war representative before they have the right to commence their duties. If the choice of an elected representative is not approved, the commandant must seek advice from the MOD, and the protecting power must be informed of the reasons for this decision.⁴⁷ If the prisoners of war representative is not approved, prisoners of war have the right to elect a replacement immediately.

1088. **Duties of the Prisoners of War Representative.** The prisoners' of war representative is to act as an intermediary or spokesman on behalf of the prisoners of war in dealings with UK Armed Forces. Geneva Convention III requires him to promote the physical, spiritual and intellectual welfare of his fellow prisoners of war. In fulfilling his role, the prisoners representative cannot be held responsible, by virtue of his position, for offences committed by prisoners of war. The duties of the prisoners representative may include:⁴⁸

- a. Ensuring that the UK Armed Forces comply with the provisions of the Geneva Conventions, and taking remedial action where breaches have occurred.
- b. Attending interviews with visiting agents of the protecting power, the ICRC and other recognised aid organisations.
- c. Receiving communications concerning judicial proceedings against prisoners of war and arranging for the provision of legal advice to prisoners of war on these and other matters.
- d. Dealing with requests, complaints and periodic reports.
- e. Monitoring disciplinary sanctions imposed on prisoners of war and, specifically, visiting prisoners of war serving sanctions and ensuring that they are receiving proper treatment as laid down in Geneva Convention III.

⁴⁷ See Chapter 1 Section IV.

⁴⁸ GC III: 28, 48, 57, 65, 73, 78, 79, 80, 81, 96, 98, 104 and 113.

- f. Proposing prisoners of war for repatriation and attending proceedings of the mixed medical commission as well as monitoring inquiries into deaths and serious injuries of prisoners of war.⁴⁹
- g. Receiving and distributing collective relief consignments, operating a relief stockpile, holding in trust parcels and remittances for prisoners of war serving sanctions and returning receipts for relief consignments to the dispatching agency.
- h. Assisting in the management of canteens and countersigning entries on prisoner of war accounts (Annex 10D).
- i. Arranging with the CPERS holding facility commandant for the movement of the personal belongings and communal property of prisoners of war transferred to another location.
- j. Maintaining liaison with the prisoners' representative in subsidiary holding facilities and with prisoners of war working for private employers.

1089. **Female Prisoners of War Representative.**⁵⁰ Should the number of female prisoners of war in the camp warrant it, a female prisoners of war representative may be elected from among the female prisoners of war (unless the senior prisoners' representative is female). She is to be allowed to approach the senior female officer on the holding facility staff but otherwise will be subordinate to the senior prisoners' of war representative.

1090. **Rights of Prisoners of War Representatives.** Prisoners' of war representatives have certain rights to assist them in carrying out their duties.⁵¹ They have a right:

- a. Not to work if to do so would interfere with representational duties.
- b. To appoint fellow prisoners of war as assistants in the performance of their duties as may be required.
- c. To be allowed access to sufficient facilities to allow them to carry out their duties. This could extend to the provision of transport to enable visits to prisoners of war working out of subsidiary holding facilities.

⁴⁹ See Chapter 3 for details on the mixed medical commission.

⁵⁰ GC III makes no reference to female prisoners' of war representative, but this section should be taken as mandatory.

⁵¹ GC III: 62, 81 & 98.

- d. To be allowed to communicate freely with the UK MOD (usually via the Commander Joint Task Force), the protecting power, the ICRC and its delegates, the mixed medical commissions and other recognised relief organisations. If they are the prisoners' representative in a subsidiary holding facility, they have the right to communicate freely with the prisoners' representative at the main holding facility.
- e. To be allowed to effect a proper handover of duties to their successor should they be transferred or repatriated.
- f. To visit and communicate with prisoners of war in detention.
- g. To be paid.

1091. **Dismissal of Prisoners' Representatives.** Prisoners' representatives (including elected senior officers) can only be dismissed by the UK (usually by the Commander Joint Task Force). Senior officers who are *ex-officio* prisoners' representatives can only be removed from office through a transfer to another facility.

1092. **Prisoners' Requests and Complaints.** Prisoners of war have the right to make requests concerning the conditions of their captivity to the Commander Joint Task Force (usually via the commandant).⁵² They also have the right to apply to the protecting power, either through their prisoners' representative, or, if they consider it necessary, direct, to draw attention to such matters. No restriction may be placed on the making of requests and complaints; complaints must be passed on without delay and they do not count towards the monthly quota of cards and letters which a prisoner of war is permitted to send. A prisoner of war is not to be punished for making a request or complaint, even if it is unfounded.

1093. Although the provisions at paragraphs 1085 to 1092 are mandatory for prisoners of war, as best practice, commanders should consider applying the same provisions for other CPERS such as detainees.

Additional Rights and Provisions

1094. Details of the different categories of CPERS are covered in Chapter 1 Section V and Annex 1C. While JDP 1-10 (2nd Edition) *Captured Persons* (CPERS) cannot cover in detail the additional rights and entitlements for all categories of CPERS, Annex 10D includes some of the additional rights and entitlements applicable to prisoners of war as contained in Geneva Convention III. Annex 10E includes some of the additional rights and entitlements

⁵² GC III: 78.

applicable to internees as contained in Geneva Convention IV. These Annexes do not cover every right and entitlement for prisoners of war and internees. Commanders must also refer to Geneva Conventions III and IV for full details where these 2 categories of CPERS are held in captivity. While it may not always be possible to provide these rights and entitlements at every stage of the CPERS handling process, they are to be provided at the CPERS holding facility.

ANNEX 10A – DETAILED FUNCTIONS OF THE CPERS REGISTRATION UNIT

Location	Staffing	Actions
Holding Compound	Guard Force	<ul style="list-style-type: none"> Supervise Captured Persons (CPERS) waiting in compound. Observe CPERS behaviour, identify leaders, make a note for interrogation teams. Issue notification card.¹ Marshal CPERS into first functional area.
Search	Guard Force	<ul style="list-style-type: none"> Search CPERS (same sex searcher). Link property to Internment Serial Number (ISN) or Capture Serial Number (CSN). Take property to temporary storage area. Supervise movement of CPERS to next area.
Shower	Guard Force	<ul style="list-style-type: none"> Supervise CPERS showering (same sex supervision). Supervise movement of CPERS to next area.
Medical	Medical Personnel	<ul style="list-style-type: none"> Inspect CPERS for injury or illness beyond capabilities of holding area medical staff. Immunise and vaccinate as appropriate. Initiate medical records and enter ISN or CSN. Complete medical record (FMed 1026). Supervise movement of CPERS to next area.
Clothing and Equipment	Guard Force	<ul style="list-style-type: none"> Issue personal items: soap, toothbrush, toothpaste, toilet paper. Issue clothing as appropriate.² Supervise movement of CPERS to buffer area.

¹ Production of these cards is the responsibility of the capturing power and should be in both the language of the capturing power and that of the CPERS. The ICRC can often produce such cards where they are not otherwise available. Such cards, when completed, will be sent to the ICRC and from there, unless the CPERS specifically requests otherwise, to the CPERS's parent state.

² Clothing issue will depend on: the state of CPERS' clothing, availability of fresh clothing, and the policy on CPERS' uniform and markings.

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Buffer Area	Guard Force	<ul style="list-style-type: none"> • Maintain CPERS discipline in buffer area. • Supervise CPERS movement to next area.
Form Preparation	Field Records Section	<ul style="list-style-type: none"> • Read CPERS cards into Joint Personnel Administration (JPA), or manual system, or allocate ISN to CPERS with CSN. • Interview CPERS using interpreter as necessary, prepare F/PW 128 (IT). • Read data back to CPERS card.
Photo and Fingerprint	Field Records Section	<ul style="list-style-type: none"> • Weigh and fingerprint CPERS, record data on weight record card/input to JPA or manual system. • Photograph CPERS' full face holding board with ISN under chin. • Attach one photo to F/PW 128 and laminate other on to CPERS ID card. Issue card. • Supervise movement of CPERS to next area.
Property	Field Records Section	<ul style="list-style-type: none"> • List and record in the presence of the CPERS property brought from temporary storage area (see search area details). • Itemise under headings of Returned, Stored, Impounded and Confiscated. Input to JPA or manual system, attach one copy of agreed lists signed by CPERS to F/PW 128. • Supervise movement of CPERS to next area.
Pay	Field Records Section	<ul style="list-style-type: none"> • Initiate AFW 3488, complete as appropriate and attach to F/PW 128. • Supervise movement of CPERS out of area.
CPERS Registration Unit Exit	Guard Force	<ul style="list-style-type: none"> • Collect completed notification cards. • Supervise movement of CPERS to interrogation centre or holding area as directed.

ANNEX 10B – INTERNMENT SERIAL NUMBER

General

10B1. This Annex outlines the recommended format for composing the Internment Serial Number (ISN).¹ The ISN is a unique serial number allocated to a CPERS to enable identification and tracking by the prisoner handling organisation and registration by the International Committee of the Red Cross (ICRC). Depending on developments in the course of an operation, it is possible that a CPERS may be re-categorised, for example, from detainee to internee, or *vice versa*.

10B2. The ISN is a numerical cataloguing of certain data relating to CPERS. An explanation of the content of the ISN is outlined below. ISNs can be read and, if necessary, generated without recourse to IT systems.

The ISN is not a substitute for, but an addition to, completion of capture cards and records

The Internment Serial Number

10B3. The ISN consists of 14 alphanumeric characters:

- a. **Positions 1 and 2 – Country Codes.** The country code of the capturing nation. STANAG 1059 contains a listing of 2-character alphabetic codes representing every country in the world.² The STANAG cross refers to the 2 and 3-letter International Standards Organisation codes used by the ICRC.
- b. **Positions 3 and 4 – Superior Unit or Formation Identifying Codes.** A 2-character alphanumeric code representing the unit or formation to which the capturing unit is subordinate. These codes will be promulgated by the relevant higher command or the Commander Joint Task Force for the particular operation.
- c. **Positions 5 to 10 – Number.** A 6-digit sequential number unique to the individual CPERS generated by the unit CPERS registration unit.

¹ The ISN was not developed in order to categorise CPERS and applies to all types of CPERS, not merely internees.

² At time of publication, NATO is yet to ratify STANAG 1059 Edition 9 which introduces a 3-character geographical code.

d. **Positions 11 and 12 – Identifying Nation.** A 2-character alphabetical code from STANAG 1059 identifying the nation to which the captured person owes allegiance.

e. **Position 13 – Status.** A single character indicating the status of the CPERS:

Character	Meaning
O	Officer
S	Other Rank
M	Retained Medical Personnel
R	Retained Religious Personnel
C	Civilian (Internee or Detainee)

f. **Position 14 – Gender Code.** A single character indicating the sex of the CPERS:

(1) F – Female.

(2) M – Male.

10B4. **Example of an Internment Serial Number.** An ISN of UK-1U-100864-IZ-S-M translates as:

- UK – UK is the capturing nation.
- 1U – The Capturing Unit was under full command of 1 (UK) Armoured division.
- 100864 – A unique number from a block allocated to the unit.
- IZ – The nation to which the CPERS owes his allegiance (Iraq).
- S – The CPERS is an Other Rank.
- M – The CPERS is male.

ANNEX 10C – THE PRISONER OF WAR PERSONNEL RECORD

Completion and Disposal of the Prisoner of War Personnel Record¹

10C1. This form must be completed for prisoners of war, and is printed in duplicate on white and green paper, and consists of 3 parts.

10C2. The form is to be completed in BLOCK LETTERS using carbon paper and a ballpoint pen.

10C3. The form is to be used at Temporary Registration Units, such as Regimental Aid Posts and Dressing Stations, and at permanent CPERS Registration Units, such as Holding Areas and CPERS Holding Facilities.

10C4. If a CPERS refuses to give information or is so badly incapacitated as to be unable to do so, a note is to be made in the 'Remarks' part of the form.

10C5. The GREEN Duplicate part of the form is to be sent to the UK Prisoners of War Information Bureau. Parts I and II of the WHITE original copy will accompany the CPERS throughout his captivity, and Part II is to be kept up-to-date at all times. Part III of the WHITE original is to be retained temporarily by the CPERS Registration Unit processing the CPERS. When all 25 forms in the pad have been used, the 25 WHITE Part IIIs are to be sent to the UK Prisoners of War Information Bureau.

10C6. Notwithstanding that Form F/PW 128 is entitled Prisoners of War Personnel Record, the basis of its contents can be adapted and used for all CPERS.

10C7. Any information given by a CPERS to a Health Care Professional is given on the understanding of Duty of Confidence. Therefore, consent must be obtained before releasing this information. Advice in situations of doubt concerning potential disclosure of medical information should always be obtained from higher medical authority through the medical chain of command.

10C8. Defence Medical Services staff may wish to insert the words: 'Refer to F Med 1026 Part 2 for medical care instructions. Detailed information held in F Med 1026: part 1 and other Defence Medical Services CPERS Medical Records' in areas of this form where medical information is required.

10C9. Further advice concerning medical confidentiality can be found in Chapter 3.

¹An example of the F/PW 128 CPERS Personnel Record is at the following pages.

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PRISONERS OF WAR PERSONNEL RECORD						1. INTERNMENT SERIAL NUMBER					
PART I - TO BE COMPLETED AT TIME OF PROCESSING											
2a. LAST NAME			2b. FIRST NAMES			3. GRADE/RANK			4. ENEMY SERVICE NUMBER		
5. POWER SERVED		6. PLACE OF CAPTURE						7. DATE OF CAPTURE			
8. PLACE OF BIRTH									9. DATE OF BIRTH		
10. FATHER/STEPFATHER (Last Name-First Name)									11. MOTHER'S MAIDEN NAME		
12. NAME, ADDRESS AND RELATIONSHIP OF PERSON TO BE INFORMED OF CAPTURE PRISONERS OF WAR PERSONNEL RECORD						1. INTERNMENT SERIAL NUMBER					
13. ADDRESS TO WHICH MAIL FOR PRISONERS MAY BE SENT						14. PRISONER'S PERMANENT HOME ADDRESS					
PART III - TO BE COMPLETED AT TIME OF PROCESSING											
2a. LAST NAME			2b. FIRST NAMES			3. GRADE/RANK			4. ENEMY SERVICE NUMBER		
15. PHYSICAL CONDITION WHEN CAPTURED (List wounds or illnesses, if any)						16. OTHER PARTICULARS FROM IDENTITY CARD OR TAG (if required for identification)					
5. POWER SERVED		6. PLACE OF CAPTURE						7. DATE OF CAPTURE			
8. PLACE OF BIRTH									9. DATE OF BIRTH		
17. MARRIED OR SINGLE			18. RELIGION								
10. FATHER/STEPFATHER (Last Name-First Name)						11. MOTHER'S MAIDEN NAME					
19. NATIONALITY			20. ARM OR SERVICE								
12. NAME, ADDRESS AND RELATIONSHIP OF PERSON TO BE INFORMED OF CAPTURE						PHOTOGRAPH (front view)			PHOTOGRAPH (right profile)		
21. ENEMY UNIT OR VESSEL											
13. ADDRESS TO WHICH MAIL FOR PRISONERS IS TO BE SENT						14. PRISONERS PERMANENT HOME ADDRESS					
22. OCCUPATIONS											
a. CIVILIAN			b. MILITARY								
15. PHYSICAL CONDITION WHEN CAPTURED (List wounds or illnesses, if any)						16. OTHER PARTICULARS FROM IDENTITY CARD OR TAG (if required for identification)					
23. KNOWLEDGE OF LANGUAGES											
24. DESCRIPTION											
SEX		AGE		HEIGHT		WEIGHT		DISTINGUISHING MARKS			
EYES		SKIN		HAIR							
25. IMPOUNDED PROPERTY AND MONEY											
THE ABOVE IS CORRECT.....(SIGNATURE OF PRISONER)											
26. PREPARED BY (UNIT)									27. SIGNATURE		
28. DATE PREPARED				29. PLACE							
30. REMARKS											
31. FINGERPRINTS for identification purposes only (if finger is missing write none in appropriate box)											
1. THUMB		2. INDEX FINGER		3. MIDDLE FINGER		4. RING FINGER		5. LITTLE FINGER			
a. Right Hand											
1. THUMB		2. INDEX FINGER		3. MIDDLE FINGER		4. RING FINGER		5. LITTLE FINGER			
b. Left Hand											

PART II TO BE MAINTAINED BY UNIT HAVING CUSTODY		
32a. LAST NAME	33. INTERNMENT SERIAL NUMBER	
32b. FIRST NAMES		
34. <div style="text-align: center;">MEDICAL RECORDS</div>		
a. IMMUNISATION(Vaccinations and Innoculations) - WITH DATES		
b. MAJOR ILLNESSES AND PHYSICAL DEFECTS - WITH DATES		
c. BLOOD GROUP		
35. INTERNMENT EMPLOYMENT QUALIFICATIONS		
36. SERIOUS OFFENCES, PUNISHMENTS AND ESCAPES, WITH DATES		
37. <div style="text-align: center;">TRANSFERS</div>		
FROM (location)	TO (location)	DATE
38. REMARKS		
39. <div style="text-align: center;">FINANCIAL STATUS AT TIME OF FIRST INTERNATIONAL TRANSFER</div>		
a. CERTIFICATE OF CREDIT BALANCE ISSUED TO PW (amount in words)	b. AMOUNT IN FIGURES	
c. LOCATION	c. DATE	
40. <div style="text-align: center;">FINANCIAL STATUS AT TIME OF SECOND INTERNATIONAL TRANSFER</div>		
a. CERTIFICATE OF CREDIT BALANCE ISSUED TO PW (amount in words)	b. AMOUNT IN FIGURES	
c. LOCATION	c. DATE	
41. <div style="text-align: center;">REPATRIATION</div>		
a. REASON		
b. MODE		
42. <div style="text-align: center;">FINANCIAL STATUS AT TIME OF REPATRIATION</div>		
a. CERTIFICATE OF CREDIT BALANCE ISSUED TO PW (amount in words)	b. AMOUNT IN FIGURES	
c. LOCATION	c. DATE	

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PRISONERS OF WAR PERSONNEL RECORD		1. INTERNMENT SERIAL NUMBER	
PART III - TO BE COMPLETED AT TIME OF PROCESSING			
2a. LAST NAME	2b. FIRST NAMES	3. GRADE/RANK	4. ENEMY SERVICE NUMBER
5. POWER SERVED	6. PLACE OF CAPTURE		7. DATE OF CAPTURE
8. PLACE OF BIRTH			9. DATE OF BIRTH
10. FATHER/STEPFATHER (Last Name-First Name)			11. MOTHER'S MAIDEN NAME
12. NAME, ADDRESS AND RELATIONSHIP OF PERSON TO BE INFORMED OF CAPTURE			
13. ADDRESS TO WHICH MAIL FOR PRISONERS IS TO BE SENT		14. PRISONER'S PERMANENT HOME ADDRESS	
15. PHYSICAL CONDITION WHEN CAPTURED (List wounds or illnesses, if any)		16. OTHER PARTICULARS FROM IDENTITY CARD OR TAG (if required for identification)	

ANNEX 10D – ADDITIONAL RIGHTS AND PROVISIONS OF PRISONERS OF WAR

ADMINISTRATION

10D1. **Badges of Rank.** The commandant is to allow prisoners of war to wear badges denoting rank and nationality as well as decorations.¹

10D2. **Saluting.** All other rank prisoners of war must salute or otherwise show respect to all officers of the capturing power. Officer prisoners of war must salute officers of the capturing power of a higher rank than themselves and must salute the commandant, regardless of his rank.

PRISONERS OF WAR FINANCES

10D3. To reduce the ability of prisoners of war to finance an escape and to prevent theft, prisoners of war are not to be allowed to retain large sums of cash in their possession. Prisoners of war finances in a permanent or semi-permanent CPERS holding facility are therefore principally based on a cashless transaction system, which places a considerable additional burden on accounting procedures and which will require the services of a dedicated pay staff for its proper operation.

10D4. **Prisoner of War Accounts.** The commandant is to arrange for an account to be maintained for each prisoner of war showing the following:²

- a. Money due to the prisoners of war or money which has been received by him as advances of pay, as work pay or any other source of income.
- b. Money taken from the prisoners of war on capture.
- c. Payments made at the prisoners of war's request and on his behalf.
- d. Money transferred to the prisoners of war's home state.

10D5. **Management of Accounts.** Geneva Convention III requires prisoners of war accounts to be managed as follows:³

¹ Geneva Convention (GC) III: 40. Detailed instructions are contained in the *Manual of Army Pay Duties*.

² GC III: 64.

³ GC III: 65.

The CPERS Holding Facility

- a. Each entry in a prisoners of war account must be validated by the prisoner of war or by the prisoner of war representative on his behalf.
- b. Prisoners of war are to be allowed reasonable opportunity to inspect their accounts.
- c. Accounts must be available for inspection by the protecting power when its representatives visit the CPERS holding facility.
- d. Statements of prisoner of war accounts may be exchanged by the belligerents through the protecting power.
- e. A prisoner of war's account is to accompany him on transfer.

Prisoners of War Income and Pay

10D6. Cash taken from prisoners of war on capture:⁴

- a. Foreign currency is treated as an article of value, stored and returned to the prisoner of war on repatriation.
- b. UK Sterling (which may include foreign currency converted at the prisoner of war's request) is credited to the prisoner of war's account.

10D7. **Advances of Pay.** The commandant is to ensure that all prisoners of war are granted a monthly advance of pay. Geneva Convention III lays down a scale of pay which is to be used until the belligerents agree a scale for advances of pay.⁵

10D8. **Supplementary Pay.** The prisoner of war's parent nation may arrange for prisoners of war to have supplementary pay. If this is the case, the commandant must ensure that the sum forwarded is shared equally between all categories of prisoner of war belonging to that nation and credited to their accounts.⁶

10D9. **Other Remittances.** The commandant must ensure that any other money addressed to prisoners of war, either individually or collectively, is accepted and credited to prisoner of war accounts.⁷

10D10. **Working Pay.** Prisoners of war who work both outside and inside the

⁴ GC III: 18.

⁵ GC III: 60. These figures are based on 1949 rates of pay and would have to be revised for any particular operation.

⁶ GC III: 61

⁷ GC III: 63.

CPERS holding facility and those engaged on medical and chaplaincy duties are paid by the UK Government.⁸ Those who work as prisoner of war representatives are paid out of canteen profits. All pay is credited to prisoner of war accounts.

Prisoner of War Expenditure

10D11. **Held Money.** Prisoners of war are allowed to hold small sums of money to a maximum set initially by the capturing power and subsequently agreed with the protecting power.⁹ Any money due to a prisoner of war which exceeds this limit is to be credited to his account.

10D12. **Expenditure.** Geneva Convention III dictates that prisoners of war must be able to spend the credit balance existing on their account up to a figure set by the UK Government.¹⁰ Prisoners of war may elect to have the credit balance on their account remitted back to their home nations as a payment to their dependants and procedures are set out in Geneva Convention III for payments to be made to next of kin of a prisoner of war in their own country.

The Canteen Fund

10D13. The commandant is to ensure that profits from the CPERS holding facility canteen and from the sale of any messing by-products are credited to the prisoner of war canteen fund. This will be used to purchase stock for the canteen, meet expenses incurred for the general benefit of prisoners of war and also to pay the prisoner of war representative and his assistants.¹¹

10D14. The fund is to be operated as a Service non-public fund and audited at 6-monthly intervals. The prisoner of war representative is to be allowed reasonable access to the books of the fund, as are the delegates of the ICRC and the protecting power. The prisoner of war representative is to be permitted to attend the audit proceedings and any observations which he may wish to make are to be attached to the audit board's report.

⁸ GC III: 62. These figures are based on 1949 rates of pay and would have to be revised for any particular operation.

⁹ GC III: 58.

¹⁰ GC III: 63.

¹¹ GC III: 28.

EMPLOYMENT OF PRISONERS OF WAR

10D15. Geneva Convention III allows the employment of prisoners of war in physical labour.¹² The objective is, by providing physical and mental stimuli, to keep them in a sound state of physical and mental health. The commandant will ensure that prisoners of war engaged in work will be issued with whatever special or protective clothing is appropriate to the particular task for which they are employed.¹³ The commander must plan for the provision of these items, separate from the supply chain to non-CPERS handling organisation units, at the start of the operation. The employment of prisoners of war may also contribute to the UK economy.

10D16. The Directorate of Operations will provide the requisite policy where the employment of prisoners of war is envisaged. It is unlikely that there will be wide opportunities for the employment of prisoners of war who are held in a CPERS holding facility located in theatre. Prisoners of war will be required to carry out work, however, where there is an opportunity for employment. Such employment must take into account their rank, sex, age and physical aptitude, as follows:¹⁴

- a. **Officers.** Officers cannot be compelled to work but they may volunteer. The commandant will provide work of a suitable nature, if it is available.
- b. **Warrant and Non-Commissioned Officers.** Warrant officers and non-commissioned officers will only be required to carry out work of a supervisory nature. They may volunteer for other types of work which they will be allowed to perform, if it is of a suitable nature.
- c. **Other Ranks Prisoners of War.** Other ranks will be required to carry out any work that is consistent with Geneva Convention III.
- d. **Female Prisoners of War.** Female prisoners of war are to be considered for work in the same manner as male prisoners of war with the exception that:
 - (1) They are only to be employed in supervising male prisoners of war who, prior to their capture, they could have commanded in the field. Due attention is to be paid, however, to religious and cultural sensitivities concerning the subordination of males.

¹² GC III: 49.

¹³ GC III: 27.

¹⁴ GC III: 49.

(2) Pregnant female prisoners of war are not to be employed on any work that might, directly or indirectly, endanger their health or that of their unborn child.

e. **Juveniles.** May be employed in light work only.

10D17. Medical Examinations. Medical staff are to examine all ranks of prisoners of war before they commence work and thereafter at least once a month.¹⁵ Medical staff are to grade prisoners of war as a result of these inspections as either: fit for heavy work; fit for light work; or not permitted to work. In accordance with good medical practice, documentation of this examination is to be regarded as medical records and treated accordingly in terms of storage and confidentiality. Clearly, if there is a change in the medical condition of the CPERS, a further examination should be conducted to determine fitness for employability and the medical records updated accordingly.

Work Categories

10D18. Suitable Work. In addition to work involved in the construction, administration, management and maintenance of a CPERS holding facility, the commandant can compel prisoners of war to carry out the following work:¹⁶

- a. Agriculture.
- b. Production or extraction of raw materials except those involved in metallurgical or chemical processes.
- c. Manufacturing industries, with the exception of those engaged in the manufacture of machinery or in metallurgical or chemical processes.
- d. Public works and building operations that have no military character or purpose.
- e. Transport and handling of stores, although prisoners of war are not to be employed in transporting or handling stores specifically consigned to units engaged in military operations.
- f. Commercial business and arts and crafts.
- g. Domestic service including work in a clothing repair shop, laundry, bakery or on food preparation and cooking.

¹⁵ GC III: 55.

¹⁶ GC III: 50.

- h. Public utility services that have no military character or purpose.

10D19. Unhealthy or Dangerous Work. Prisoners of war are not to be employed in work which is dangerous or presents a risk to health.¹⁷ Each specific task, rather than the industry as a whole, should be considered when making an assessment of the danger inherent in the work. Application of Health and Safety at Work Risk Assessments and the provision of appropriate training, safety equipment or protective clothing, can render an otherwise potentially dangerous task safe. Prisoners of war are not to be employed in the following circumstances unless they are volunteers:

- (1) Tasks requiring physical exertion beyond the normal capabilities of the average person.
- (2) Involvement in dealing with explosives (for example, mine clearance).
- (3) Use of machinery which, without appropriate training or necessary skills or knowledge, is dangerous.
- (4) Work at dangerous heights.

10D20. Voluntary Work. Prisoners of war who are volunteers and demonstrate that they have training in a specific area, may be considered for employment in the above areas. The risks to which prisoners of war would be exposed in such work are not to be greater than that which would be accepted for UK Armed Forces engaged in the same task. The MOD must lay down the employment policy for mine clearance or other explosive ordnance disposal duties prior to prisoners of war commencing such work.

10D21. Humiliating Work. Prisoners of war may not be engaged in work that would be regarded as being humiliating for a member of the UK Armed Forces.¹⁸ This does not include tasks such as the cleaning of latrines or the operating of sewage facilities, which, while unpleasant, are not in themselves humiliating.

Payment for Work

10D22. The commandant is to ensure that:

- a. Prisoners of war who work are paid a fair working wage.
Prisoners of war and their governments must be informed, through the

¹⁷ GC III: 52.

¹⁸ GC III: 52.

protecting power, of the rate that has been set.¹⁹ This wage is to be remitted directly to the prisoner of war in UK currency.

b. Prisoners of war who are permanently engaged in work connected with the administration and running of the CPERS holding facility, and those retained personnel involved in chaplaincy and medical duties, are paid.²⁰ Prisoners of war involved in occasional fatigue duties are not eligible for payment.

c. The prisoners' representative and his staff are paid at a rate agreed between the prisoner of war representative and the CPERS holding facility commandant. These payments are to be made out of the canteen profits fund. Where such a fund does not exist, the UK is to pay a fair rate for the duties carried out by the prisoner of war representative. Payment in all cases is to be made on a weekly basis.

Working Conditions

10D23. Within the constraints of operations, and as far as possible, the provisions of the UK Health and Safety at Work legislation will guide prisoners' of war working conditions. Conditions must not be of a lesser standard than those enjoyed by members of the UK Armed Forces or of UK civilians engaged in similar work.²¹

10D24. **Hours of Work and Rest Periods.** The commandant is to ensure that the length of the prisoners' of war working day, including travelling time, is not to exceed that which would be permitted for civilians employed on the same task and is to take into account local climatic conditions.²² In setting the length of the prisoners' of war working period, the following general guidelines are to be observed:

- a. Prisoners of war are not to work in excess of permitted hours for local civilian workers.
- b. A rest period of one hour is to be allowed in the middle of the working day.
- c. Prisoners of war are to be allowed a period of 24 hours rest once a week. This rest period may be taken on a Sunday or on a day of rest usual in the prisoner of war's country of origin or dictated by his religion.

¹⁹ GC III: 62. The rates of pay relate to 1949 wages and would need to be revised for any particular operation.

²⁰ See Chapter 1 Section V.

²¹ GC III: 51.

²² GC III: 53.

- d. Each prisoner of war who has worked for a full year is to be allowed a rest period of 8 consecutive days. He is to be paid for this 8 day period at his normal working rate.
- e. If methods of labour such as piece work are employed, prisoners of war are not to be allowed to work excessively long hours.²³
- f. Prisoners of war should not be away from the CPERS holding facility, or labour camp if this is established, for a period greater than 12 hours, including travelling time.

Labour Camps

10D25. There may be occasions when, for reasons of convenience, prisoners of war may be located at a subsidiary facility nearer to their place of work and separate from the CPERS holding facility to which they belong. In such cases the following instructions apply:²⁴

- a. In general, the organisation and administration of subsidiary facilities is to conform to that of the parent CPERS holding facility. This includes (but is not limited to) the rules on accommodation, hygiene, food, medical care, correspondence and parcels.
- b. Subsidiary facilities may be commanded by a warrant officer of the regular forces but they remain under the control and administration of the main CPERS holding facility.
- c. The commandant of the main CPERS holding facility retains disciplinary control of prisoners of war in a subsidiary facility. He also remains responsible for the correct application of the Geneva Conventions to those prisoners of war. He may not delegate these powers and responsibilities to the commander of the subsidiary facility.
- d. The commandant is to maintain records of all prisoners of war who have been detached to subsidiary facilities.
- e. Subsidiary facilities may be visited by representatives of the protecting power, ICRC delegates and other relief organisations as well as retained medical personnel and chaplains.
- f. Prisoner of war officers will be stationed in labour camps to carry out administration and may be elected as prisoners' representatives.²⁵

²³ GC III: 53.

²⁴ GC III: 56.

²⁵ GC III: 79.

Accidents at Work

10D26. If a CPERS has an accident at work, medical assistance should be requested immediately with the aim of providing immediate treatment as required. In addition, when a CPERS has incurred illness or injury caused by work in which he is employed, the medical staff are to provide him with a certificate stating the nature of the injury, how it was sustained and the treatment given for it. The commandant must sign the certificate and a medical officer must authenticate the record of treatment. Facility staff must give one copy of the certificate to the CPERS, retain another copy within the CPERS medical documents and forward the other to the Prisoner of War Information Bureau after obtaining appropriate consent. Medical staff should be careful to consider confidentiality issues surrounding the information provided in the certificate. In cases of doubt, advice should be sought from higher medical authority. Medical consent should be obtained in accordance with the advice in Chapter 3. The facility staff are to advise the CPERS that any claim for disability is to be pursued through the power in whose forces he was serving at the time of capture.²⁶

10D27. If a prisoner of war makes a claim for compensation for a work-related disability, facility staff must forward it to the Prisoners of War Information Bureau, who will forward it to the prisoner of war's parent nation for settlement. If the Senior British Medical Officer opines that a prisoner of war has sustained a disability which is directly attributable to the prisoner of war's work, the prisoner of war may be entitled to whatever benefits are available under UK legislation for occupational accidents or diseases.²⁷

Private Employment

10D28. The UK may contract out prisoners of war to work for private employers.²⁸ The MOD will enable such arrangements to be put in place. When prisoners of war work for private employers, their position is safeguarded by the following instructions:

- a. The treatment of prisoners of war working for private employers must not be any less favourable than that specified in Geneva Convention III.
- b. Prisoners of war continue to be under the direct authority of the commandant who retains responsibility for all aspects of their support, care, treatment and pay.

²⁶ GC III: 54.

²⁷ GC III: 54.

²⁸ GC III: 57.

- c. Prisoners of war have the right to deal with the prisoners' representative of the CPERS holding facility to which they belong.
- d. A private employer has no disciplinary powers over prisoners of war and may not use arms against them if they try to escape, except in his inherent right of self-defence.
- e. Prisoners of war working for a private employer must either be given their parole or must be guarded.
- f. Although the commandant retains the ultimate responsibility for the employed prisoners of war, he may delegate aspects of this, such as the provision of food and accommodation, to the private employer. This does not absolve him from ensuring that the delegated arrangements satisfy the provisions of Geneva Convention III. The commandant and the private employer are to set out the precise details of such delegation in an agreement, which is to be agreed by J1 at the Joint Task Force Headquarters.

FORMS

10D29. In addition to the standard CPERS documentation, the following forms **must** be completed for all prisoners of war:

- a. The CPERS Casualty Report (CPERSCASREP). (Annex 3B)
- b. The Property Receipt. (Annex 7A)
- c. Prisoner of War Capture Card. (Annex 7B)
- d. F/PW 779 - Capture Report. (Annex 7C)
- e. F/PW 128 - Prisoner of War Personnel Record. (Annex 10C)
- f. CPERS Report (CPERSREP). (Annex 13A)
- g. CPERS NOTICAS. (Annex 13C)
- h. CPERS Death Certificate. (Annex 13E)

ANNEX 10E – ADDITIONAL RIGHTS AND PROVISIONS OF INTERNEES

10E1. During an international armed conflict, in accordance with Geneva Conventions (GC) IV, additional rights and provisions must be granted to internees.

Financial Matters

10E2. **Allowances.** The UK is required to pay internees maintenance and regular allowances to enable them to purchase items such as tobacco and toilet requisites. MOD Service Policy is responsible for the payment of allowances. Additionally, internees may also receive allowances from the power on which they depend, the protecting power, relief organisations and their families, as well as any income from property due to them under UK law. Allowances from the state to which they owe allegiance may vary in accordance with different categories of internees (such as the infirm, the sick and pregnant women) but no other discrimination in allocation is permissible.

10E3. **Internees' Accounts.** The UK must keep an account for each internee, which is to be credited with the following:

- a. Allowances paid.
- b. Wages earned.
- c. Remittances received.
- d. Sums taken from internees.

10E4. **Management of Internees' Accounts.** Facility staff must provide internees with reasonable facilities for consulting, and obtaining copies of, their accounts. They must also provide a statement of accounts to the protecting power on demand which must also accompany any transferred internee.

10E5. **Disposal of Funds.** Subject to any UK legislation in force, staff are to provide internees with facilities to enable them to remit money to their families and other dependants. The staff should also allow them to withdraw amounts necessary for their personal expenses, subject to any limits fixed by the UK.

10E6. **Welfare Fund.** Profits from canteens go into a welfare fund for each facility for the benefit of internees. The internee committee has the right to check the management of the fund. On the closure of a CPERS holding facility, the balance of the fund is to be transferred to the welfare fund of another facility for internees of the same nationality. If there is no such facility,

it is to be transferred to a central welfare fund for the benefit of all internees remaining in UK captivity. In the event of a general release of internees, the balance of the fund may be retained by the UK unless the states concerned otherwise agree.

Employment of Internees

10E7. **Labour.** Internees may not be set to work, unless they volunteer. Work which is of a degrading or humiliating character is forbidden, as is work connected with military operations.¹ The UK has the right to employ interned doctors, dentists and other medical personnel in their professional capacity on behalf of fellow internees, and to employ internees for administrative and maintenance work in internment CPERS holding facilities.

Forms

10E8. In addition to the standard CPERS documentation, the following forms **must** be completed for all internees:

- a. Property Receipt. (Annex 7A)
- b. CPERS Capture Card. (Annex 7B)
- c. Detail of Capture Record. (Annex 7D)
- d. CPERS Record of Captivity. (Annex 9B)

¹ GC IV: 51, 95 and 96.

CHAPTER 11 – MATERIEL AND PERSONNEL EXPLOITATION OF CPERS

SECTION I – DISTINCTIONS

1101. Captured Persons (CPERS) provide an opportunity to obtain intelligence on enemy structures, capabilities and intentions. No physical or mental torture, nor any other form of coercion, however, may be inflicted on CPERS to secure information from them. The minimum standards of humane treatment and the prohibited acts as set out in Chapter 2 will apply throughout the exploitation of CPERS. Additionally, Geneva Convention III Article 17 states that prisoners of war who refuse to answer questions may not be threatened, insulted or exposed to any unpleasant or disadvantageous treatment of any kind. This Chapter provides an overview of this activity so that capturing personnel, escorts and CPERS holding facility staff can clearly differentiate their work from that of the exploitation specialists, and also understand and safely manage the co-existence of the CPERS holding and intelligence exploitation facilities.

Intelligence exploitation of CPERS by tactical questioning and interrogation is a specialist skill that is only to be exercised by trained and competent staff

1102. There is a fundamental difference between CPERS in captivity and the exploitation of CPERS through questioning and interrogation.¹ To maximise the chances of successful intelligence exploitation the CPERS holding facility staff and exploitation personnel must have an understanding of the roles and aims of each other, while avoiding a conflict of interest. Clear demarcation of roles and responsibilities as well as separate chains of command are the key to getting the balance right.

1103. Exploitation involves the thorough assessment of both CPERS and all associated materiel including, weapons, electronic and communication devices, documents and clothing or uniform, commonly known as *materiel and personnel exploitation*. Exploitation is a process, not an individual event and is doctrinally divided into 3 levels, spanning activity from the target location to the UK home base:

- a. **Level 1.** Level 1 is the collection, processing, speedy dissemination and dynamic re-tasking of intelligence capability close to the point of capture, which includes site exploitation. Conventional or specialist units conduct exploitation by providing tactical commanders

¹ Joint Doctrine Note (JDN) 3/06 *Human Intelligence* covers tactical questioning and interrogation.

with immediate actionable intelligence. They process materiel and personnel for further intelligence exploitation.

b. **Level 2.** Level 2 is the collection, processing, speedy dissemination and dynamic re-tasking of intelligence capability away from the immediate point of capture, but still within the planning and operations cycle of the supported formation. It is delivered by the intelligence exploitation facility which enables exploitation of personnel and materiel to provide actionable operational intelligence. Materiel can then be sent to Level 3 for further exploitation.

c. **Level 3.** Level 3 is delivered by a strategic multi-source fusion and single source processing capability which allows further scientific and technical exploitation of materiel by staff with access to a range of capability, including emergent scientific data-collection techniques. It provides information of greater depth.²

1104. Tactical questioners and interrogators must treat all CPERS humanely during all stages of capture, including during tactical questioning and interrogation.

The basic principles of humane treatment and the prohibited acts as set out in Chapter 2 will apply at all stages of exploitation

SECTION II – QUESTIONING

1105. As stated in Chapter 2 Section I, CPERS are likely to be feeling certain pressures, either self-induced or arising out of the circumstances of capture. These self-induced pressures may be extremely useful levers for tactical questioners and interrogators, particularly when combined with thorough exploitation of the circumstances of their capture and any materiel taken during capture. Provided UK Armed Forces treat CPERS in accordance with all domestic and international law, there is no requirement to reduce these self-induced pressures. Only the dedicated tactical questioner or interrogator should provide re-assurance to mitigate such pressures.

1106. All Service persons may question a *willing* individual, to establish identity, status, age and any information directly and immediately pertaining to force protection. This questioning of an individual during, for example, stop and search procedures, may then lead to a decision to deprive the individual of his liberty and him therefore becoming a CPERS. If the CPERS is unwilling to speak they should be passed on to the tactical questioners or interrogators.

² JDN 2/09 *Materiel and Personnel Exploitation*, 9 December 2009, Chapter 1 Section II.

1107. Tactical questioning and interrogation do have similarities but are governed by separate policies and are enacted at different points during the CPERS handling process.³ Tactical questioners and interrogators are to operate in accordance with the relevant policies, which must be authorised and periodically reviewed for any theatre of operations at Chief of Defence Staff level.

1108. **Tactical Questioning.** Only **qualified** and **current** tactical questioners can conduct the tactical questioning of CPERS, who may be willing or unwilling to speak.⁴ Thus, for pre-planned detention operations, tactical questioners must be included in the deployed forces. Tactical questioning is defined as *the obtaining of information of a tactical nature from CPERS, the value of which would deteriorate or be lost altogether if the questioning was delayed.*⁵ Tactical questioning also facilitates the screening and selection of CPERS for further interrogation, detention or immediate release. Importantly, tactical questioning forms the foundations upon which further personnel exploitation is built. Tactical questioning is conducted by non-intelligence specialists who have received specialist training at the Defence School of Intelligence (and remain in date for 2 years thereafter), but who are integral to the units they support and who are able to deploy on patrols or pre-planned detention operations. Tactical questioning is most effective and efficient when conducted at, or as close as operationally possible, to the point of capture; both physically and in time.⁶ The tactical questioner may make use of materiel obtained at the point of CPERS capture to question the CPERS to gain valuable short term intelligence for immediate use and to select individuals for longer-term interrogation. The tactical questioner may use eye witnesses and the results of any on-site materiel exploitation to quickly assess the veracity of any alibi provided by CPERS. On deployment, all field force units are to have qualified tactical questioning personnel at a level pre-determined by Permanent Joint Headquarters (PJHQ).

1109. **Interrogation.** Interrogation is defined as *the systematic longer-term questioning of a selected individual by a trained and qualified interrogator.*⁷ Interrogation must only be undertaken by **trained, qualified** and **authorised** operators who are qualified for a period of 5 years on successful completion of the Defence Interrogation Course. Interrogation must be conducted in accordance with UK policy and guidance reflecting UK domestic and international law. Such interrogators will have received specific intelligence and exploitation training to ensure coherence within the intelligence collection

³ MOD Tactical Questioning Policy and MOD Interrogation Policy, both dated 4 October 2010.

⁴ Defined as personnel trained in tactical questioning by the Defence School of Intelligence.

⁵ New definition, derived from JDN 2/09, Materiel and Personnel Exploitation.

⁶ See Chapter 7 for guidance on point of capture.

⁷ Defined as personnel trained in Interrogation by the Defence School of Intelligence.

framework. MOD is responsible for the provision of formed teams to deliver an interrogation capability and will normally deploy interrogators to operate as the specialist Human Intelligence (HUMINT) interrogation unit as part of a single Service, joint or combined force. All CPERS are to be medically examined prior to interrogation

1110. **Juveniles.** Tactical questioning and interrogation of juveniles (15, 16 and 17 years of age) is not prohibited in law. The MOD will issue operation specific policy and guidance, however, on whether this is permitted for any operation. Such policy will have due regard to the juvenile's age, any special condition and vulnerability, as well as the military benefit to be derived.

1111. **Children.** It is prohibited to tactically question or interrogate children under 15 years of age. Where UK Armed Forces are unsure whether the individual is a juvenile or a child they should treat the individual as a child and should not subject him to tactical questioning or interrogation.

SECTION III – INTELLIGENCE EXPLOITATION FACILITY

1112. An *intelligence exploitation facility* is designed to be modular and deployable in support of expeditionary operations. It can be scaled for small-scale focused intervention or medium-scale enduring operations. Deployable capabilities include interrogation, J2 fusion, document exploitation, seized media analysis, forensic and biometric intelligence, chemical exploitation and technical intelligence. Each capability can be deployed individually or collectively. The desired output of an intelligence exploitation facility is actionable intelligence; such intelligence may bring tactical or operational benefits for the force.

1113. The desire to exploit CPERS for military gain can create tension between tactical imperatives and legal constraints. The consequences of getting this balance wrong can be serious; allegations of the abuse or mistreatment of CPERS may form the basis of hostile propaganda, undermine the credibility of UK Armed Forces, reduce domestic support and invite international condemnation. As such, it is recognised that an intelligence exploitation facility represents tactical and operational opportunities while also constituting a potential source of operational, reputational and strategic risk. It is essential that commanders understand this and that all staff who work within an intelligence exploitation facility are properly trained to understand the nature of their own, as well as all stakeholders' tasks within the intelligence exploitation facility and the nature of the associated risks.

1114. The intelligence exploitation facility will be separate from the CPERS holding facility. The 2 facilities may be collocated but they have very separate

functions and separate staff, as detailed in Chapter 10 Section I. Due to the difference in role and function between the facilities, there may be tensions between the J2 staff from the intelligence exploitation facility and the staff from the CPERS holding facility. These tensions will arise particularly when the 2 facilities are collocated. It is important therefore that both disciplines understand the unique environment within which they work and that, irrespective of role, all persons employed in CPERS activities, whether in the exploitation facility or the CPERS holding facility, are to operate within the law and UK doctrine and policy at all times.

All intelligence exploitation activities relating to CPERS must be lawful and comply with UK doctrine

1115. Interrogation may extend over hours, days or even weeks should the subject warrant it; interrogation operations therefore require a significant level of support. The commander of the intelligence exploitation facility must ensure that there is suitable accommodation available for exploitation. He must take into account cultural sensitivities especially regarding feeding, sanitary and religious practice. He must also ensure that adequate provision is made for females and, if required, accompanying children. The questioning area should contain observation and recording equipment. A guard and escort force is also required, and although they do not take part in any interrogation, they must be briefed on their specific role and task.⁸ The commander of the intelligence exploitation facility must also ensure that he has the ability to conduct intelligence exploitation of all materiel including captured documents, information and computer technology, and communication equipment, (including mobile phones) as necessary in parallel with interrogation.⁹

SECTION IV – DIVISION OF RESPONSIBILITIES AND ROLES

1116. It is essential that battlegroups understand the requirements of the exploitation staff and appreciate what the intelligence exploitation facility is and does. In particular, they need to understand that CPERS need to be accompanied to the facility by the individual present at the point of capture, who understands and can explain the circumstances involved. They also need to be aware of the information required by the exploitation staff and to appreciate the time constraints and the urgency this entails. Any activities conducted by battlegroup personnel should be compliant with relevant

⁸ These will normally belong to the collocated CPERS holding facility.

⁹ Further information on the exploitation of captured documents is contained in AJP-2.5 *Captured Persons, Material and Documents*. Guidance should be sought from J2 on accessing captured information systems hardware, software and data to prevent loss of, or damage to, information.

evidence handling procedures, as laid down in theatre directives issued by PJHQ.

1117. CPERS holding facility staff will escort CPERS to the interrogation room, which is usually located within the intelligence exploitation facility. Depending on local standard operating procedures, security concerns and force manning levels, interrogators may request that escorts remain in the vicinity of the CPERS, or they may release the escorts until CPERS need to be returned to their accommodation. Transfer of CPERS between interrogators and CPERS holding facility staff must be officially documented. The only authorised purpose for escorts to remain in the vicinity of the interrogation room is to provide control of the CPERS. CPERS holding facility staff are not to be in the interrogation room during CPERS interrogation, or in any way set conditions for interrogations.

1118. When a CPERS is handed over to the staff in the intelligence exploitation facility, he should where possible be accompanied by the individual who captured him, or another Service person who is aware of the circumstances of the capture. This individual will be debriefed by an interrogator and J2 Fusion, and will be asked to provide details of the capture. Guidance on this Battlefield Interrogation Debrief is in Annex 11A.

1119. CPERS holding facility staff should present to CPERS a calm, professional and neutral demeanour to permit the interrogator to establish himself as the sole potential point of contact, thus reinforcing the rapport-building process. To be most effective the interrogator must be the only individual, apart from medical staff, who engages in rapport building with the CPERS. The ability of the interrogator to relax the routine governing each CPERS, within relevant legal obligations, is an essential lever in building a rapport with the CPERS and forms the basis for the interrogation strategy. CPERS holding facility staff should not build a rapport with CPERS other than to issue orders and instructions but, they must also ensure that they maintain a demeanour that will not discourage CPERS from bringing a complaint to them. Attempts by CPERS to engage in conversation with holding facility staff are to be reported to the interrogators. Holding facility staff should pass on to the interrogators information on CPERS obtained by passive observation, but holding facility staff are prohibited from helping interrogators with preparing CPERS prior to questioning regardless of how light or innocent the actions may seem. This *firewall* between holding facility staff and the interrogators serves to preserve the UK's military, legal and humanitarian standards. When CPERS are held in conditions that only allow the interrogator to be the sole point of contact (for rapport), the CPERS must be kept under constant routine and medical review (by suitably qualified medical professionals). A CPERS should not be kept in such conditions for prolonged or repeated periods as this

is a measure that may affect both the physical and psychological integrity of the individual. Excessive application of these conditions could amount to mistreatment. The review procedure is paramount to ensure that there is no adverse effect on the mental or physical health of the CPERS.¹⁰

1120. The CPERS holding facility commandant may impose a routine for each CPERS once it has been agreed by the Force Provost Marshal, the officer commanding the interrogators and the officer commanding the intelligence exploitation facility.¹¹ The routine must adhere to all international and domestic law while not taking any active measures to reduce the self-induced pressures naturally present in each CPERS.¹²

1121. All staff who work within an intelligence exploitation facility must understand that individual constraints on a CPERS that may not generally seem unreasonable in isolation may become such when evaluated in the totality of the circumstances or when an accumulation occurs. For example, it is reasonable to wake a CPERS to exploit the arrival of new intelligence but this should neither become the norm, nor impact upon the irreducible minimum for sleep as detailed in Chapter 2 Section I.

1122. During exploitation of CPERS and while a CPERS is held in the intelligence exploitation facility, it is the responsibility of the interrogators to monitor the minimum standards of treatment applicable to CPERS and as set out in Chapter 2.

SECTION V – COMMAND AND GOVERNANCE

1123. Although the intelligence exploitation facility may comprise various competent authorities connected to exploitation (with their own specific reporting chains), the commanding officer of the intelligence exploitation facility is responsible for the facility. The chain of command for the CPERS holding facility and the chain of command for the intelligence exploitation facility are to be separate. There must be, however, close liaison and understanding between them; a good working relationship between the 2 chains of command is essential to successful CPERS activities. In the event of a difference of opinion as what is permissible within legal obligations, advice should be sought from the detention authority who will consult the legal adviser, Force

¹⁰ See Chapter 3 for guidance on a medical practitioner's role.

¹¹ The officer commanding the interrogators is also responsible for all matters relating to intelligence collection, exploitation and liaison with other intelligence agencies unless another officer has been appointed to that role.

¹² The exception to this is when operational, logistical or technical reasons prevail that will not allow the minimum standards to be met in full, in which case the commandant is to state in the daily occurrence book for the CPERS holding facility what measures he is taking to meet the minimum standards.

Provost Marshal, Provost Marshal (Army) and the commanding officer of the intelligence exploitation facility for advice before resolving the issue.

The CPERS holding facility and the intelligence exploitation facility must have separate and distinct command structures

1124. The In-theatre Management Board will exercise oversight of HUMINT operations (both tactical questioning and interrogation).¹³ The commanding officer of the intelligence exploitation facility can refer interrogation issues which have not been resolved at staff officer level to this body, or, if they remain unresolved, to PJHQ for a decision.

SECTION VI – INTEGRITY OF EVIDENCE WITHIN MATERIEL AND PERSONNEL EXPLOITATION

1125. Materiel and personnel exploitation is an intelligence collection activity to support the conduct of military operations. UK Armed Forces who capture CPERS may seize materiel which may be of use as evidence in legal proceedings; for example, against those suspected of terrorism, war crimes and other crimes within the jurisdiction of the UK Armed Forces. Similarly, CPERS may reveal to interrogators their involvement in serious crimes.

1126. In principle, materiel and personnel exploitation should be conducted in such a manner so as to not prejudice subsequent criminal prosecution of CPERS. Within security and policy constraints, tactical questioners and interrogators should make available any reports from materiel and personnel exploitation to relevant law enforcement agencies to assist in the investigation of serious crime. These reports, while not designed to constitute evidence *per se*, will shape and inform police investigations leading to the construction of solid prosecution cases. The detailed procedures for identifying, handling, storing, transferring, releasing and disposing of recovered evidence should be set out in directives, policy and regulations, or in standing operating procedures, as detailed in Chapter 7 Section II.

¹³ For further details on the In-theatre Management Board see Chapter 4 Section III.

ANNEX 11A – BATTLEFIELD INTERROGATION TEAM DEBRIEF

The capturing Service person will be debriefed by an interrogator and/or J2 Fusion. He will be asked to go through the details of the events of the operation, before, during and after the capture

Information Required from Capturing Unit		
Basic Information ¹		Further Information ²
Operation name		Operation background
Date Time Group (DTG) of capture		Storyboard
Service-person/unit handling CPERS		Imagery
Grid of capture		Witness Statements
Site sensitive exploitation collected		CPERS background
		Target photos
Information Required from Capturing Service Person		
Pre-Capture	Capture	Post Capture
<ul style="list-style-type: none">• Area atmospherics• Actions by formation• Actions by local nationals/insurgents/other (sightings/intercepts, etc)	<ul style="list-style-type: none">• Reason for capture• Conduct/attitude of CPERS• Conduct of other persons (family/locals)• The results of any tactical questioning session	<ul style="list-style-type: none">• Runners• Mobile phones• SIM cards• Biometrics• Improvised explosive devices/components• Weapons/ammunition• Narcotics• Photo (area, CPERS)• Enemy wounded in action/enemy killed in action

¹ The capturing unit will be asked to provide basic information as listed.

² The capturing unit will be asked to provide information listed where possible.

Information Required from the Site Exploitation	
Location	There must be a clear understanding of the location where site sensitive exploitation was retrieved. Attribute site sensitive exploitation to people and compounds
Sketch Map	Sketch map showing where people and Sensitive Site Exploitation was located
Photography	Photos on target to associate people to rooms and compounds. Also to give an understanding of the target location to interrogators. Also photos of site sensitive exploitation <i>in situ</i> and of all persons present so that family groupings can be established
Sensitive Site Exploitation. <i>The case to prove a CPERS involvement in the insurgency is dependent on the way in which site exploitation is conducted.</i>	
Sensitive Site Exploitation Handling	
Handle with gloves at the earliest stage Keep handlers of each item to a minimum Where possible keep items separate to avoid cross contamination Bag items with military grid reference system/compound number/detainee name	
Technical	
Do not tamper with any electronic media (phone, camera, etc) Leave it in its current state. If it is on, leave it on. If it is off, leave it off	

CHAPTER 12 – TRANSFER OR RELEASE

1201. This Chapter covers the final stages in the Captured Persons (CPERS) handling process, providing guidance on transfer, release and repatriation. In accordance with the Geneva Conventions, specific rules apply to the release of prisoners of war and internees, as set out later. The standards and requirements of treatment, however, set out in Chapter 2 are applicable during the transfer or release of all CPERS regardless of categorisation.

SECTION I – PRINCIPLES OF TRANSFER

1202. Factors to be considered for transfers will vary depending upon the categories of CPERS involved and the reasons behind the transfer. Legal and policy advice will invariably be required before any transfer, and commanders should bear in mind the potential legal, policy and practical complexities of transfer arrangements.

1203. The transfer of CPERS will often be necessary in the course of operations, for example, for administrative reasons, or because a CPERS holding facility is reaching capacity. Generally, there may be 4 types of transfer:

- a. Transfer from one UK CPERS holding facility to another.
- b. Transfer from a UK CPERS holding facility to a holding facility run by another state, or officials of another state.
- c. Transfer to the host nation.
- d. Transfer from a frontline UK medical facility to a neutral state's medical facility. There is no legal obligation on the UK to transfer injured or sick persons to the UK for treatment. If the medical staff contemplate transfer, this would have to be a policy decision and they should seek legal advice as soon as possible.¹

Liaison with Other States

1204. The transfer of CPERS from UK facilities to facilities run by other states' military forces (including allies and coalition partners), law enforcement agencies or the host nation requires close liaison between the UK and the receiving state. This is essential to ensure that the UK abides by any legal obligations to protect the rights of those CPERS for which it remains responsible. While the international legal framework regulating CPERS is

¹ See Chapter 3 for guidance on medical support to CPERS.

likely to be broadly agreed by coalition partners and allies, the UK must take into account that there may be some legal and policy differences.

1205. Under the MOD Strategic Detention Policy, the UK will refrain from the transfer of any CPERS to any state (including the host nation authorities of the CPERS) where there is a real risk at the time of transfer that the CPERS will suffer torture, serious mistreatment or be subjected to unlawful rendition.² Additionally, where the European Convention on Human Rights applies to those CPERS held in UK holding facilities, additional restrictions on their transfer may be imposed, especially if they are likely to be tried subsequently for an offence which carries the death penalty.

The UK will not transfer any CPERS to any state where there is a real risk at the time of transfer that the CPERS will suffer torture, serious mistreatment or be subjected to unlawful rendition

1206. The conditions surrounding the transfer and movement of CPERS should, where compatible with necessary security requirements, be of the same standards as those relating to the movement of UK Armed Forces as detailed in Chapter 8.³ Similarly, the conditions under which CPERS (who have been transferred) are held by another state should be comparable with the conditions under which such individuals were being held by the UK.

1207. Depending on the legal framework, the UK as the capturing power, may remain responsible for the standards under which those captured by UK Armed Forces are held captive by other states. The UK Armed Forces may remain responsible for standards in which CPERS are held after CPERS are transferred to other state authorities or CPERS holding facilities operated by other states. The UK must ensure close liaison with other states' holding facility staff and must be prepared to take remedial action where standards are not upheld.

Transfers between UK CPERS Facilities

1208. The commander should ensure that the following principles apply to all transfers between CPERS facilities belonging to the UK:

- a. Every CPERS is entitled to the basic standards of treatment as set out in Chapter 2, at all times, including during transfer.

² See the Chapter 1 Section II.

³ Additionally, the following publications are concerned specifically with the reporting and movement of CPERS: Joint Service Publication (JSP) 751 *Casualty and Compassionate Policy*, Joint Service Publication (JSP) 756 *Tri-Service Personnel Tracking and Operational Location Policy* and *Reception Arrangements for Military Patients*.

b. UK Armed Forces must:

- (1) Take adequate precautions to ensure the safety of CPERS throughout the journey, especially if this involves travel by sea or air.
- (2) Hand over copies of all documentation and evidence with the CPERS.
- (3) Take into account the climatic conditions to which CPERS have become accustomed and take steps to ensure that the transfer is not prejudicial to their health.
- (4) Only transfer sick or wounded CPERS where it is necessary to ensure their personal safety or to enable them to receive better medical treatment.
- (5) Retain one set of consolidated data for all CPERS.
- (6) Notify CPERS of their new postal address before they are transferred to another facility and in sufficient time to inform their next of kin before their departure.
- (7) Ensure that CPERS' accounts move with them on or very closely after transfer.
- (8) Give CPERS sufficient notice of transfer to enable them to pack their belongings. CPERS may only take personal effects that do not constitute evidence and which they may reasonably carry. Personal effects are not to weigh more than 25 kilograms, but this may be further limited by the conditions of transfer.⁴
- (9) Make a list of all CPERS who are to be transferred before the transfer takes place and send a copy to the Prisoner of War Information Bureau, as contained in Annex 13A.⁵ This is mandatory for prisoners of war and internees.
- (10) If combat threatens a CPERS holding facility, UK Armed Forces are not to transfer CPERS from the facility unless they can be transferred in reasonable safety or unless they are at greater risk by remaining in the facility than by being transferred.

⁴ Geneva Convention (GC) III: 48.

⁵ GC III: 122.

(11) The CPERS holding facility commandant and the CPERS representative are to arrange for the subsequent forwarding of any personal or community property which the CPERS have been unable to take with them to their new location.

c. UK Armed Forces must **not**:

(1) Handover CPERS without the proper documentation and receipts.

(2) Carry out transfers with the intention of hindering or delaying the repatriation or release of CPERS.

(3) Transfer sick or wounded CPERS if to do so would endanger their health, unless their safety imperatively demands it.

International Transfers

1209. As a general rule, while the UK may transfer prisoners of war to locations outside the territory where they were first captured, the UK is not permitted to transfer civilian internees or detainees to locations outside the territory where they were first captured. In the case of CPERS captured on the high seas, the commanding officer of the unit must seek further advice from the UK Maritime Component Command legal adviser. Except for their repatriation or return to their country of residence during or after hostilities, UK Armed Forces must not transfer detainees to another state without specific MOD approval. If there are compelling medical reasons for a proposed transfer outside this territory, commanders must seek further legal advice.

1210. Should the receiving state fail to carry out its obligations in any important respect, UK Armed Forces may need to take effective measures to correct the situation or to request the return of the CPERS affected.

1211. The transfer of CPERS between the UK and another state will be subject to the principles set out above and the following additional constraints:⁶

- a. The UK Armed Forces must not transfer CPERS captured by the UK to another state without specific authority from the MOD. Commanders are to seek authorisation, even in the case of a temporary transfer of CPERS, for example, to alleviate overcrowding in a UK CPERS holding facility.

⁶ GC III: 12.

- b. Specific authority of the MOD is required before UK Armed Forces can receive into their captivity CPERS captured by another state.⁷
- c. The UK will refrain from the transfer of any CPERS to any state where there is a real risk at the time of transfer that the CPERS will suffer torture, serious mistreatment or be subjected to unlawful rendition. The test is whether the risk to the CPERS is evident at the time of transfer.⁸
- d. If there is any concern that the CPERS might be abused by the authorities to whom handover is planned, the UK Armed Forces should delay the handover and seek legal advice.⁹ If UK Armed Forces witness any abuse of a CPERS who they have handed over, they should try to stop the abuse (unless to do so would endanger their lives) and report it as soon as possible through the UK Armed Forces' chain of command. In no circumstances should UK Armed Forces simply ignore abuse. Specific arrangements for the reporting, recording and follow-up of allegations of abuse by other states' authorities should be promulgated by Permanent Joint Headquarters (PJHQ) for each operation.
- e. UK Armed Forces are to treat CPERS transferred from the captivity of another state into UK captivity in the same way as CPERS initially captured by the UK Armed Forces.
- f. In circumstances where the Geneva Conventions do not apply, such as during counter-piracy operations, the UK Armed Forces must give consideration to the international instruments to which the receiving state may be party. An example is the UN Convention against Torture and International Covenant on Civil and Political Rights.

SECTION II – TRANSFER OF DETAINEES

1212. During operations other than international armed conflict, the provisions for the handling of detainees will vary according to the national laws of the territory in which UK Armed Forces are operating, or the specific laws in a maritime operation, or the nature of the operation and the legal framework under which UK Armed Forces are operating. The provisions below are intended to be illustrative of suggested best practice for the UK Armed Forces for the transfer of detainees. The provisions will be subject to theatre standing

⁷ Specific memoranda of understanding to enable this may be in place in certain operations, especially where the UK is operating as part of a coalition.

⁸ MOD Strategic Detention Policy dated March 2010.

⁹ MOD Strategic Detention Policy dated March 2010.

operating procedures. This is a complex area and commanders should seek specialist staff and policy advice at the earliest stages of planning.

1213. It should be noted that detainees who are accused of offences against the ordinary criminal law remain liable to extradition in pursuance of extradition treaties in force.

Handover to the Host Nation Authorities¹⁰

1214. UK Armed Forces should hand detainees over to the host nation authorities as soon as practicable so that they can be dealt with according to the local judicial system. Detainees initially classified as internees and held within a CPERS holding facility for a period of time may have been reclassified as detainees following a review of their status.¹¹

1215. UK Armed Forces must understand and respect the requirements of the host nation law (so far as possible). Failure to comply with the requirements of the host nation legal process may result in the detainee being released by the host nation. The UK Armed Forces should avoid any such release of detainees as it undermines respect for host nation rule of law and defeats the object of detention, which is generally to see the detainee prosecuted under host nation law.

1216. UK Armed Forces must take care to ensure that detainees are transferred to the appropriate host nation authority. Handover should only take place as directed by the chain of command, subject to any agreement or arrangement such as a memorandum of understanding.

UK Armed Forces should hand detainees over to the local authorities at the earliest opportunity, provided that there is not a real risk at the time of transfer that the detainees will suffer torture, serious mistreatment or unlawful rendition

1217. Handover may take place at any point within the CPERS handling chain, from the point of capture to the CPERS holding facility. Handover at the point of capture will only normally be appropriate for those who have committed minor offences; handover to local police may be appropriate for a low level criminal detainee but not for a major criminal (for example, a drugs trafficker or warlord) or an internee. UK Armed Forces may hand over a detainee at the point of capture if the detainee was captured by a joint military and local police patrol or where to transport the detainee to another facility

¹⁰ This will invariably be subject to the legal basis for the operation, host nation law and an agreement or arrangement (e.g. a memorandum of understanding) with the host nation, which may alter the provisions set out.

¹¹ See Chapter I Section V.

would cause unnecessary delay. For example, if the detainee was captured in close proximity to a host nation police facility.

1218. The most likely and preferred scenario is that UK Armed Forces will transport the detainee back to the unit holding area where the proper documentation can be completed before handover to the host nation authorities. Unit holding area staff should process and transfer detainees held at the unit holding area to the host nation authorities as soon as practicable and within the guidance time lines of the CPERS handling chain.¹²

1219. In some circumstances UK Armed Forces may transfer detainees after arrival in the CPERS holding facility, perhaps for tactical or intelligence gathering reasons. There may also be cases where handover to the host nation cannot take place immediately, including:

- a. If the host nation lacks sufficient criminal justice infrastructure to take custody of the detainee, for example, courts, police, custodial facilities and lawyers.
- b. If there are reasonable grounds to suspect the handover would compromise the safety of the detainee.

Documentation

1220. When UK Armed Forces hand detainees over to the host nation authorities, they must record details of the handover. An example of a record can be found in Annex 12A. This must be retained within the unit and filed with the detainees' records. This is critical to ensure the correct continuity of evidence that will be required for subsequent investigations or prosecution. UK Armed Forces may be required to attend host nation court proceedings as prosecution witnesses.

1221. UK Armed Forces must also provide to the host nation authorities, detailed documentation on the circumstances surrounding the capture and any available evidence of criminal behaviour. A copy of the Record of Captivity at Annex 9B should also be handed over. UK Armed Forces are not to hand over a detainee without the proper documentation and receipts.

UK Armed Forces must record and document the details of transfer of detainees

1222. Where detainees are transferred from the point of capture to the host nation authorities, the capturing serviceman must hand over all documentation

¹² See Chapter 6 Section III.

and evidence, including the capture report, any written or transcribed witness statements, and physical evidence, where practicable.¹³ Where this cannot be handed over (for example, due to size or because it constitutes contraband goods) the capturing unit must provide photographic evidence.

1223. Where transfer occurs at the unit holding area, the unit holding staff should hand over the detainees together with the documentation and evidence as detailed above, **and** with copies of records of medical checks, physical state, feeding and watering, and copies of any detention records.

Post Transfer Monitoring Arrangements

1224. There is no legal obligation upon the UK to track and monitor detainees once transferred to another state, as long as the transfer test (whether there is a risk the detainee will suffer torture, serious mistreatment or be subjected to unlawful rendition evident at the time of transfer) is satisfied. Nevertheless, the UK Government has stated that as a matter of policy, UK Armed Forces should track and monitor all detainees who have been transferred for a reasonable period of time, depending on the circumstances as detailed at paragraph 1230.

1225. Before transfer of any detainee to another nation, it is essential that the UK put into place some arrangements for assurance regarding the treatment of the detainee after transfer. The degree of assurance will depend on the circumstances of any particular case. The assurance should be in writing, such as a memorandum of understanding, but assurance may also be provided by other means, such as by visits or presence of a liaison officer. What is appropriate will depend on the circumstances. While each arrangement will be the result of negotiation, consideration will need to be given to the key points listed in Annex 12B.

The UK must put into place appropriate arrangements governing the terms of transfer and standards of treatment prior to the transfer of detainees taking place

1226. In addition, or alternatively, it may be necessary for the UK to provide some measure of oversight as to the subsequent treatment of the detainees. Depending on the operational circumstances this could be achieved by a dedicated visits regime, such as a detention oversight team, or through use of appropriate third party organisations, such as the United Nations or appropriate non governmental organisations. Guidance on the composition and role of a detention oversight team is in Annex 12C.

¹³ See Chapter 7 for various capture forms.

1227. The purpose of such oversight is for the UK to garner information about the treatment of detainees at that facility and to inform the risk assessments for future transfers. Experience has shown that a system of post-transfer monitoring is likely to increase the protection of the detainee. By speaking to individual detainees, monitoring their well-being and engaging with the authorities should the detainee raise any complaints, the UK Armed Forces can continuously assess detainee treatment and judge whether further transfers to those facilities are acceptable, or whether the UK should suspend transfers to any specific location.

1228. In order to ensure that UK Armed Forces comply with Government policy, they should consider seeking assurances from the receiving state that they will agree to the following conditions:

- a. Allow the UK Armed Forces, a detention oversight team or other appropriate third party organisation access to each detainee on a regular basis (for example, once a month); and
- b. Allow the UK Armed Forces, a detention oversight team or other appropriate third party organisation to visit each detainee in private.

1229. The UK will consider immediate suspension of further transfers if access to detainees is denied, or if a detainee makes allegations of torture or serious mistreatment or unlawful rendition, which cannot reasonably and rapidly be dismissed as unfounded.

1230. As a matter of UK policy, UK Armed Forces will only need to exercise oversight until the point of a possible criminal trial, after which oversight measures may cease. This policy is partly predicated on the assessment that the risk of mistreatment is greater during the investigation stage than post-trial.¹⁴ In addition, it may be extremely difficult for UK Armed Forces to continue with the oversight arrangements throughout a prison sentence at a facility with limited access, for example, logistic or operational reasons, or that UK Armed Forces may no longer be present in the country where the detainee is held. If any detainee makes an allegation of abuse, however, UK Armed Forces may be required to conduct post-trial oversight.

1231. The UK detention oversight team must report any allegations of mistreatment (or of deaths in custody) made by the detainee during visits to the Force Provost Marshal. The Force Provost Marshal is to inform PJHQ and the theatre political adviser for onward engagement with the British Embassy.

¹⁴ This assessment is based on experience in Afghanistan and is supported by the incidence of allegations of abuse that have been reported to UK Armed Forces and staff at the British Embassy Kabul, gathered over pre and post-trial visits.

An example of a record of interview to monitor post transfer detainees can be found at Annex 12D, which also has a CPERS Abuse First Impressions Report at Appendix 1 to 12D. An *aide memoire* to assist the detention oversight team in recording allegations of abuse can be found at Annex 12E.

1232. PJHQ, the MOD and the Operations Directorate will decide on the duration of oversight. UK Armed Forces should complete a submission regarding cessation of visits to PJHQ as shown in Annex 12F. Oversight will not cease, however, if there is a continuing risk of abuse to the individual. UK Armed Forces should note and report any evidence of abuse to PJHQ and the responsible state. UK Armed Forces will need to manage allegations carefully and will need to ensure cross-government involvement. Guidance for handling procedures regarding allegations of mistreatment by another nation is at Annex 12G.

SECTION III – PREPARATION FOR RELEASE OF CPERS

1233. CPERS are often released into the society in which UK Armed Forces are operating. CPERS may perceive their time spent in captivity as a humiliation or an injustice. The time in captivity could, however, be used constructively to reconcile, rehabilitate and retrain the CPERS to better enable them to contribute productively to their society upon release. Experience has shown that CPERS released without being able to reintegrate into society are at greater risk of (re)joining an insurgency or engaging in criminal activity that may have links to an insurgency.

1234. Where operationally possible, and depending on the length of time the CPERS remains in UK captivity, UK Armed Forces should place CPERS into programmes that suit their needs and that fit the society and employment market. This will provide for the best possible chance of reintegration. Not all CPERS, however, will be suitable for such programmes. An accurate assessment of CPERS is an essential first step to success. UK Armed Forces should take into consideration factors such as literacy levels, education, vocational and professional skills. Academic lessons, vocational or life skills (such as first aid and money management) can all aid job prospects for CPERS. UK Armed Forces should also engage other government departments and non-governmental organisations, to support sponsorship programmes within the community (a system of vouching for CPERS and offering mentoring and support advice to them).

SECTION IV – RELEASE AND REPATRIATION OF PRISONERS OF WAR

1235. Prisoners of war must be released and repatriated as soon as possible after the cessation of active hostilities.¹⁵ It is current UK policy that prisoners of war should not be repatriated against their will.¹⁶ Prisoners of war are protected against transfer, repatriation or release if they face a real risk at the time of transfer of being subjected to torture, mistreatment or the death penalty.¹⁷

1236. Even after prisoners of war captured by the UK Armed Forces have been transferred to the captivity of another state, the UK remains responsible for those prisoners of war. The UK must be satisfied that the receiving state is able and willing to apply the provisions of the Geneva Conventions. If the receiving state fails to apply the provisions of the Geneva Conventions, the UK must either take back the prisoners of war or take steps to rectify the failure and ensure compliance.¹⁸

UK Armed Forces remain responsible for prisoners of war after transfer to another state

1237. UK Armed Forces can only transfer prisoners of war from UK captivity to that of a state which is a signatory to the Geneva Conventions. As a matter of good practice, a representative of the Force Provost Marshal staff will visit the location to which the prisoners of war are to be transferred. This will ensure that the location meets the relevant UK standards for prisoners of war handling and that the receiving state intends to abide by the applicable provisions and general intent of the Geneva Conventions and other international law, and has the necessary facilities to do so.¹⁹

Repatriation of Sick and Wounded Prisoners of War

1238. Geneva Convention III places a duty on the UK to:²⁰

- a. Repatriate prisoners of war who are seriously wounded or ill, back to their own countries, after first having afforded them sufficient medical treatment to enable them to travel. Prisoners of war who are wounded in accidents benefit from the same provisions of Geneva Convention III

¹⁵ GC III: 118

¹⁶ JSP 383 *The Joint Service Manual of the Law of Armed Conflict*: 8.170.

¹⁷ MOD Strategic Detention Policy dated March 2010.

¹⁸ GC III: 12.

¹⁹ GC III: 12.

²⁰ GC III: 109.

as those who are wounded, unless the injuries are self-inflicted. No prisoner of war who is eligible for repatriation, however, may be repatriated against his wishes.²¹

b. Make arrangements with neutral nations for sick and wounded prisoners of war to be accommodated in those neutral countries for the duration of hostilities.

1239. *Mixed medical commissions* will normally carry out the assessment of prisoners of war to determine their eligibility for repatriation.²² Prisoners of war who, in the opinion of a medical officer of the UK Armed Forces, are seriously injured or sick, however, may be repatriated without having to be examined by a mixed medical commission. Regulations for mixed medical commissions, covering their composition and method of work, and details of the medical conditions forming the criteria for the different types of repatriation are set out in Geneva Convention III.²³ The most important regulations relating to the mixed medical commissions are as follows:

a. Each mixed medical commission is to consist of 3 members. Two of these, of whom one should be a physician and the other a surgeon, are, wherever possible, to be from a neutral country, appointed by the International Committee of the Red Cross (ICRC) and approved by the belligerents. The third member is to be a medical officer of the UK Armed Forces who is also to be responsible for the administration of the mixed medical commission. One of the neutral members is to be the chairman of the mixed medical commission.

b. The mixed medical commission will:

(1) Examine prisoners of war who have applied for, or been recommended, for repatriation.

(2) Inspect the medical records of those prisoners of war.

(3) Determine which cases are eligible for repatriation or for transfer to a neutral country.

c. Mixed medical commission decisions are to be based on a majority vote by the members of the mixed medical commission.

d. Each CPERS holding facility is to be visited by a mixed medical commission at an interval of not more than 6 months.

²¹ GC III: 109.

²² GC III: 112 and Chapter 3.

²³ GC III: Annexes I and II.

e. The decisions of the mixed medical commission on each specific case are to be passed to the prisoners of war, the UK, the protecting power (if appointed) and the ICRC within a month of their visit. The UK is required to implement the decision of the mixed medical commission within 3 months of the date of receiving its decision.

f. A medical officer of the same nationality as the prisoners of war employed as retained personnel and the prisoners of war representative are both entitled to be present at the examination of prisoners of war by the mixed medical commission.²⁴

1240. The following guidance is used to determine eligibility for repatriation:²⁵

a. The following categories of prisoners of war are to be repatriated to their own country:

(1) Incurably wounded and sick prisoners of war whose mental or physical fitness appears to have been gravely diminished.

(2) Wounded and sick prisoners of war who, according to medical opinion, are not likely to recover within one year or whose condition requires treatment and whose mental or physical fitness appears to have been gravely diminished.

(3) Wounded and sick prisoners of war who have recovered from their wounds or illnesses but whose mental and physical fitness appears to have been gravely and permanently diminished.

b. The following categories of prisoners of war may be transferred to, and accommodated, in a neutral country:

(1) Wounded and sick prisoners of war whose recovery may be expected within one year of the date of a wound being inflicted or the beginning of an illness, if treatment in a neutral country might increase the prospects of a more certain and speedy recovery.

(2) Prisoners of war whose mental or physical health, according to medical opinion, is seriously threatened by continued captivity, but whose transfer and accommodation might remove such a threat.

²⁴ GC III: 113.

²⁵ GC III: 110.

c. The belligerents, through the offices of the neutral country, the protecting power or the ICRC, will agree the exact criteria for the further repatriation of prisoners of war. In general, however, prisoners of war whose state of health has deteriorated so as to fulfil the conditions laid down for direct repatriation or whose mental or physical powers remain, even after treatment, considerably impaired, should be repatriated.

1241. The costs involved in repatriating sick or wounded prisoners of war, or of transporting them to the territory of a neutral power, will be met as follows:²⁶

a. The UK will meet the costs of transfer from the UK facility to the national border, including seaports and airports, of the country of destination.

b. The nation on which the prisoner of war depends will meet the costs of transfer from the national border of the country to either the neutral country or the prisoners of war own country.²⁷

1242. No repatriated person may be further employed on active military service.²⁸ This does not preclude a repatriated person from engaging in medical or purely administrative duties in the service of his armed forces.

Prisoners of War Exchange

1243. Prisoners of war exchange is outside the provisions of Geneva Convention III. Although historically there have been exchanges of prisoners of war, man for man, in the course of truces or temporary cessations in hostilities, such instances are likely to be the exception.²⁹

1244. UK Armed Forces will not engage in prisoners of war exchange without the specific authority of the MOD. When authority is granted, the exchange is to take place under the supervision of the protecting power and the ICRC.

Release and Repatriation at the End of Hostilities

1245. The overriding principles governing the release and repatriation of prisoners of war at the end of hostilities are:

a. The repatriation process must take place with the minimum of delay as soon as possible after the end of active hostilities.³⁰

²⁶ GC III: 116.

²⁷ GC III: 118.

²⁸ GC III: 117.

²⁹ Exchanges of other CPERS, while theoretically possible, are highly unlikely to take place.

³⁰ GC III: 118.

b. Repatriation should be carried out in accordance with a properly constituted repatriation plan. This is to cover such matters as the administration and documentation of the ex-prisoner of war, their feeding and accommodation and their onward movement to their home country. This will involve J1, J3, J4 and J5 at Joint Task Force Headquarters and PJHQ.

1246. The release and repatriation of prisoners of war is to be conducted in accordance with the following guidelines:³¹

a. Prisoners of war are to be notified of the arrangements for release and repatriation as soon as they are finalised.

b. Repatriation is to be carried out in accordance with the same principles which determine the transfer of prisoners of war.

c. UK Armed Forces are to return any items of value impounded on capture and any foreign currency belonging to prisoners of war or, if this is not possible, despatch such items to the Prisoner of War Information Bureau.

d. Prisoners of war are to be allowed to take their personal belongings and any other items which may have been sent to them during their period of captivity. Depending on transport constraints, the UK Armed Forces may impose an upper limit on the amount of baggage a prisoner of war may take with him on repatriation, but prisoners of war may travel with 25 kilograms of personal belongings.³²

e. The MOD must make a ruling on the disposal of a case where either a prisoner of war faces criminal proceedings for an indictable offence, or where a prisoner of war has already been convicted for an indictable offence and is undergoing punishment at the time of the cessation of hostilities. Where the MOD rules that a prisoner of war is to complete a sentence of punishment before release and repatriation, details of the prisoners of war are to be forwarded to his national authorities through the Prisoner of War Information Bureau.

1247. The costs of repatriation of prisoners of war at the end of hostilities are to be apportioned equitably between the UK and the nations on which the prisoners of war depend.³³ The basis for the apportionment is that the UK will bear the costs of transport of prisoners of war between the CPERS holding facility and either the port or airport of embarkation of the prisoners of war, or

³¹ GC III: 118-119.

³² GC III: 119.

³³ GC III: 118.

the point on the national border of the country nearest to the territory of the nation on which the prisoners of war depend. The repatriation process is not to be delayed by negotiations to determine the apportionment of the costs.

1248. It is UK policy that prisoners of war should not be repatriated against their will. Arrangements for prisoners of war who do not wish to return to their state of origin will depend on the circumstances at the time but may include applications for asylum under normal procedures. Commanders should seek guidance in such cases from the MOD through PJHQ.

SECTION V – TRANSFER OR RELEASE OF INTERNEES IN AN INTERNATIONAL ARMED CONFLICT

As soon as the reasons for internment have ceased, an internee **MUST** be released

1249. In an international armed conflict, Geneva Convention IV sets out specific rules relating to the transfer and release of internees. The parties to the conflict must, during hostilities, seek to conclude agreements for the release, repatriation, return to places of residence or accommodation in a neutral country of certain classes of internees, particularly children, pregnant women, mothers of infants and young children, the wounded and sick, and those who have been interned for a long time.

1250. In addition to the principles of transfer outlined in Section I of this Chapter, internees may not be transferred to a state which is not a party to the Geneva Conventions and may only be transferred after the UK Armed Forces have satisfied themselves of the willingness and ability of the receiving state to apply Geneva Convention IV. If the receiving state fails to apply the provisions of Geneva Convention IV, the UK must either take back the internees or take steps to rectify the failure and ensure compliance. No internee shall be transferred to a state where he may have reason to fear persecution for his political opinions or religious beliefs.³⁴ Internees are further protected against transfer, repatriation or release if they face a real risk at the time of transfer of being subjected to torture, mistreatment or the death penalty.

1251. Internment must cease as soon as possible after the close of hostilities or the end of occupation. In addition, an internee must be released as soon as he no longer represents an imperative threat to security.³⁵ The parties must endeavour to ensure the return of internees to their last place of residence, or facilitate their repatriation. UK Armed Forces may detain internees against

³⁴ GC IV: 45.

³⁵ GC IV: 132(1)

whom judicial proceedings are pending until the conclusion of the proceedings and any custodial sentence. Disciplinary penalties do not affect release.

1252. In the absence of a special agreement, the expenses of dealing with released internees are borne as follows:

- a. The UK bears the cost of:
 - (1) Returning CPERS to their places of residence before internment.
 - (2) In respect of those interned while in transit, either completion of their journey or return to their point of departure.
 - (3) Repatriating those previously permanently domiciled in its territory but now refused permission to continue to reside there.
- b. The UK does not bear the cost of:
 - (1) Moving beyond its own frontiers of those who elect to return to their own states on their own responsibility or in obedience to orders from the state on which they depend.
 - (2) Repatriating of those interned at their own request.

1253. UK Armed Forces are to return all money and property taken from internees during internment on release or repatriation together with any credit balances in their accounts. They are also to provide internees with a detailed receipt in respect of any property withheld in accordance with local legislation.

1254. UK Armed Forces are to retain one set of documentation (including, for example, the capture report, the property receipt, the record of captivity, and the personal record) relating to each internee in the Joint Operations Area for the purpose of administering the internee, and pass a further set to the Prisoner of War Information Bureau.

ANNEX 12A – CPERS HANDOVER RECORD

CPERS Handover to Host Nation Authorities		
Authority for handover:		
The following is handed over to the host nation authorities		
Name	Alleged Offence	
Address	DTG of Capture	
DOB	Place of Capture	
Nationality	Capture Report Complete: Yes/No (Attach Report)	
Remarks:		
Summary of CPERS Medical Records attached (if required): Yes/No		
Property		
The following property is handed over with the above		
Serial	Description	Remarks
The following property has been retained by UK forces/Service police		
Serial	Description	Remarks

Evidence						
The following evidence is handed over with the above						
Serial	Description				Remarks	
The following evidence is retained by the Service police						
Serial	Description				Remarks	
UK Serviceman Effecting Handover						
The above is handed over to the undersigned						
Number	Rank	Name	Unit	DTG	Location	Signature
Host Nation Representative Accepting Handover						
I accept the above in the condition described on behalf of the host nation authorities						
Number	Rank	Name	Unit/Appt	DTG	Location	Signature

ANNEX 12B – KEY ISSUES TO CONSIDER WHEN NEGOTIATING A MEMORANDUM OF UNDERSTANDING REGARDING TRANSFER OF CPERS

12B1. When negotiating a Memorandum of Understanding (MOU) on the transfer of Captured Persons (CPERS) to another state, the following issues should be considered:

Factors to Consider When Negotiating a MOU Regarding Transfer of CPERS	
Signatories	Who the arrangement will be between (e.g. states' governments or military commanders)
Purpose	A statement setting out the scope and purpose of the arrangement (e.g. to establish the procedures for the transfer of CPERS from the UK Armed Forces and to set standards for treatment)
Compliance with UK Strategic Guidance	What minimum standards of treatment will be applicable and what will be necessary to ensure that UK Armed Forces do not act in contravention of the MOD's Strategic Detention policy
Compliance with the Law	A statement that the receiving state will treat all transferred CPERS in accordance with national law, international humanitarian law and international human rights law
Humane Treatment	An assurance or undertaking that the receiving state will treat all transferred CPERS humanely at all times
Provision of Documentation/ Evidence	What documentation the UK will provide to the receiving state, including details of the grounds on which the CPERS was captured, medical documentation (allowing for medical confidentiality and with the informed consent of the CPERS) and any other information considered relevant
Management of Information	The basis on which documentation provided will be held, for example, 'not be communicated to other parties by the receiving state without the prior consent of the UK'

Factors to Consider When Negotiating a MOU Regarding Transfer of CPERS	
Inspection of Documentation	A provision enabling UK officials or their nominated representative to have sight of any documentation relating to CPERS, their location and treatment
Access to, and Monitoring of, CPERS	Permission for UK officials or their nominated representatives to have access to, and conduct private interviews with transferred CPERS on request and to participate in the intelligence exploitation of transferred CPERS
International Committee of the Red Cross Access	Before including any reference to the International Committee of the Red Cross (ICRC) in a memorandum of understanding, the ICRC must give its consent
Notification of Onward Transfer	Terms of any subsequent transfer of CPERS, whether within the receiving state or to another state
Notification of Release or Death in Captivity	A mechanism to notify the UK of the death of a CPERS in captivity, or of any planned release of CPERS captured by UK Armed Forces who are yet to be sentenced for criminal offences
Prohibition of the Death Penalty	Assurance that the receiving state will not apply the death penalty to any transferred CPERS
Consultation	A provision for consultation in the event of either signatory wishing to change the terms of, or terminate, the memorandum of understanding

12B2. The MOD must be consulted in the drafting and approval of any arrangement or agreement governing the transfer of CPERS.

ANNEX 12C – GUIDANCE FOR UK DETENTION OVERSIGHT TEAM

Composition of a Detention Oversight Team
If a <i>detention oversight team</i> is considered necessary and practicable it should aim to comprise a minimum of 2 military officers not below the rank of major.
If possible, the team should be drawn from Provost Branch and military legal advisers.
If the decision is taken to use a third party monitoring team <i>in lieu</i> of a detention oversight team, advice on its composition should be sought from Permanent Joint Headquarters (PJHQ) and the Operations Directorate.
Frequency and Cessation of Visits
Pre-trial
<p>After transfer and pre-trial, operational and security circumstances permitting, the detention oversight team should:</p> <ul style="list-style-type: none"> • Visit Captured Persons (CPERS) at least once a month, regardless of whether or not they make allegations of abuse. • Interview each CPERS in private. • Use the suggested interview proforma at Annex 12D.
If no allegation of abuse is made, the detention oversight team can stop visits when the CPERS has been convicted or acquitted, whether or not that decision may be subject to appeal.
Unless there are specific concerns about the well-being of a CPERS, the detention oversight team is not required to conduct visits pending the appeal court decision but they should make enquiries about the progress of the appeal to ensure that they maintain accurate records of the CPERS' eventual whereabouts.
If an allegation of abuse is made, the detention oversight team should consider increasing the frequency of visits, particularly if the CPERS remains in the facility about which he has complained. They should use the suggested first impressions report and the <i>aide memoire</i> at Annexes 12D1 and 12E.

Frequency and Cessation of Visits
Pre-trial
<p>Should a CPERS request that visits cease, the detention oversight team should make a recommendation through PJHQ to MOD using the suggested proforma at Annex 12F. The default position is that his request should be complied with, unless some or all of the following factors suggest otherwise (this is not an exhaustive list):</p> <ul style="list-style-type: none"> • He has previously made an allegation of abuse. • A serious allegation of abuse has been made by any other UK CPERS in respect of that facility. • His reasoning to explain why visits should cease gives cause to suspect that he has been coerced into making that request. • His demeanour gives cause to suspect that he has been coerced into making that request. • There are no other CPERS at that facility.
Post-trial
<p>If a CPERS has not raised any allegations of abuse prior to trial, the detention oversight team should conduct a single post-trial visit. Assuming that no allegations of mistreatment are made at this stage, visits can cease. The detention oversight team should make a recommendation through PJHQ to MOD using the suggested proforma at Annex 12F.</p>
<p>If the CPERS has made allegations of abuse about his pre-trial treatment, then post-trial visits should continue.</p>
<p>The MOD, on advice from UK Armed Forces and British Embassy staff (where appropriate), will determine on a case-by-case basis, the requirement to continue visits.</p>
<p>The MOD will consider whether it continues to be practicable, proportionate and reasonable to continue visits and the purpose to be served by such visits.</p>

Frequency and Cessation of Visits
Post-trial
<p>Should a CPERS request that post-trial visits cease, the detention oversight team should consider the pre-trial factors listed above as well as the following:</p> <ul style="list-style-type: none"> • Is there any information (from the CPERS or elsewhere) that would suggest that he may be at risk of abuse? • Has the CPERS given permission to raise the original abuse allegation with the host state authorities? • Can the allegations be actively or meaningfully pursued with the host nation authorities? • If reported to the host nation authorities, has any investigation into the allegation concluded? • Is the CPERS still in the facility about which he complained? • Is the detention oversight team being given unfettered access to the CPERS? • If not, is the CPERS likely to be transferred back to where he was abused? • If not (to question above), what purpose is served by continuing to visit the facility post trial? • What is the prevailing force protection risk to UK Armed Forces undertaking the monitoring?
<p>Based on the responses to these questions, PJHQ will make a recommendation to the Operations Directorate who in consultation with MOD legal advisers and FCO will decide whether to cease visits.</p>

ANNEX 12D – UK DETENTION OVERSIGHT TEAM: RECORD OF INTERVIEW

CPERS Name	Other Known Names:		CPERS Picture
Father's Name			
Grandfather's Name			
UK CPERS Number			
Place of Interview			
Date of Interview			Previous Visit Dates
Time of Interview			Initial Visit – Y/N
Conducted by	Number	Rank	Name

Chronology

Date of Capture	Date of Transfer	Agency Transferred to	Location
Subsequent Transfer	Date of Transfer	Agency Transferred To	Location

Issues From Previous Visits

Update on Sentence

Prelims

1. Confirm identity of the CPERS.
2. I am interviewing you because you were captured by UK Armed Forces and have now been transferred to the XXXXX authorities.
3. I am going to ask you some questions about your welfare and the conditions in this detention facility. I cannot discuss any of the details concerning your case.
4. If you say something which I feel should be raised with the XXXXX detention authority, other XXXXX authorities or human rights organisations, I will ask for your consent first. Otherwise nothing that you say will be reported to this detention authority other XXXXX authorities or human rights organisations.
5. At the end of the interview your photograph will be taken for our records.

Questions Set

Ser	Question	Response	Previous Response
1	Can you confirm which block you are in?*		
2	Do you understand why you are in this facility?*		
3	Are you being treated respectfully and fairly?		
4	Have you been moved from this facility since we last visited you? If so, where and when?*		
5	Are you aware of the progress of your case?		
6	Have you received notification of your sentence?*		
7	Have you been visited by the ICRC or any other Human Rights Organisation since our last visit? If so when and where?		
8	Are your family aware of your whereabouts and why you are here?		
9	Are you able to contact your family?		
10	Have you received visitors? If so who and when?		
11	Do you have access to medical treatment?		
12	Do you have any medical conditions or injuries?		
13	How often do you receive food?		
14	Do you receive enough food?		
15	Do you have access to sufficient drinking water?		
16	Can you exercise regularly?		
17	Do you have sufficient bedding?		
18	Do you have access to washing facilities?		

*Discretionary question

19	Are there facilities to wash your clothes?		
20	Do you have any complaints about your treatment here or in any other facility?		
21	Is there anything else you would like me to know before the interview is concluded?		

The interview is now concluded and as previously stated, I am now required to take your photograph.

Remarks

Ser	Question	Response	Previous Response
22	Did the CPERS generally appear well?		
23	Describe the CPERS' clothing		
24	Any other comments?		

Declaration by the Interviewing Officer

I confirm that on at..... I interviewed UK CPERS..... The information recorded above is a true and accurate record of the interview. My additional observations, including details of any complaints made or abuse suspected are recorded below.

Signed..... Name.....

Rank.....

Observations/Remarks/Details of Complaints/Alleged Abuse

Transfer or Release

APPENDIX 12D1 – EXAMPLE ALLEGED CPERS ABUSE FIRST IMPRESSIONS REPORT

Ser	Heading	Response
1	Date allegation made	
2	Date(s) on which alleged mistreatment took place	
3	Details of Individuals involved in allegation including any names, units of [insert] forces etc. if known	
4	UK Detention Number	
5	Name of Detainee: Detainee: Son of: Grandfather:	
6	Current Location of Detainee	
7	Outline of Allegation (include times, dates, locations etc)	
8	Alleged Injuries	
9	Assessed Veracity	
10	Additional Factors (may include changes to complaint during visit, previous opportunity to report or complain)	

Transfer or Release

ANNEX 12E – AN AIDE MEMOIRE TO RECORDING ALLEGATIONS OF ABUSE

Once an allegation of abuse has been made by a CPERS the following can be used by the detention oversight team to assist in establishing both the facts and veracity of any complaint:

Details of Abuse
<ul style="list-style-type: none"> • Date and time of <i>each</i> incident of abuse? • Location of incident (include details of any transfer) • Description of alleged perpetrators (number involved, known to or recognised by complainant, name, rank, clothing, identifying marks, ethnic background, height, weight, build, distinguishing features, accent, right or left handed). • Were restraints or a blindfold used? • Description of abuse (allow complainant to tell full story, then break it down for clarification/inconsistencies). • What was asked of the complainant during the abuse (duration/frequency, weapon or object used, what injuries were sustained, were these reported or treated? Take photographs where possible/applicable. • Witnesses? • Have other CPERS complained of abuse (against this person/facility)? • Has the complainant told anyone else about this mistreatment (other CPERS, ICRC, HR organisations etc.)?
Consent to Disclose
<ul style="list-style-type: none"> • Does the complainant give consent for UK Armed Forces to notify other authorities of the allegation, for example; host nation, parent state, ICRC, local human rights organisation? • If so does the complainant consent to his details (name, and details of abuse) being given to any of the above?
Possible Factors Regarding the Assessment of Veracity
<ul style="list-style-type: none"> • There are many factors which could affect opinion as to whether the complainant is telling the truth. • The interviewer must maintain objectivity and impartiality as much as possible in order to maintain the integrity of the oversight system. • Obtaining intelligence details regarding CPERS is likely to affect objectivity when assessing complaints and therefore should be avoided. • It may be difficult to unequivocally arrive at a conclusion.

Possible Factors Regarding the Assessment of Veracity (continued)

- There is normally only one side of the story available and a limited amount of time to ascertain the facts (through an interpreter), the following (non-exhaustive) list of factors may be useful when assessing veracity:
 - Were there any logical inconsistencies in the story?
 - Can these be explained?
 - Have his injuries healed, how long was any pain experienced for, and is this logical/consistent?
 - If the CPERS did not raise a complaint immediately, why not? Is this reasonable?
 - Did the complainant show signs of nervousness, non-verbal communication? (Consider placing the interpreter behind or at the side of the interviewee so eye contact can be maintained)
 - Has the complainant changed his story (either at the same interview or since the initial complaint)? Is his story consistent with earlier accounts? Is he embellishing the account from his original story? If so why?
 - Is the complainant fearful? (This could be due to a fear of retribution)?
 - Has the interpreter picked up any inconsistencies through translation?
 - Consider the impressions of others present during the interview.
 - The background of the complainant. If believed to be a member of an organised group or network, he may have received training or counselling regarding making allegations to frustrate UK Armed Forces' ability to conduct operations.

ANNEX 12F – EXAMPLE SUBMISSION TO PJHQ REGARDING CESSATION OF VISITS

1.	Background to allegation.
2.	Has the detainee given UK Armed Forces permission to raise the original abuse allegation with the relevant authorities?
3.	Can UK Armed Forces actively/meaningfully raise the issue and pursue with the [insert nation] authorities?
4.	If reported to the [insert nation] authorities, has any investigation into the allegation been concluded? [NB an incomplete or cursory investigation is not by itself a reason to continue visits post trial]
5.	Is the CPERS still in the facility about which they complained?
6.	Is the Detention Oversight Team being given unfettered access to these individuals? ¹

¹If not, are they likely to be transferred back to where they were abused?

- | | |
|----|---|
| 7. | If there is no risk that the CPERS will be transferred to the site of alleged abuse, what purpose is served by continuing to visit the facility post trial? |
| 8. | What is the prevailing force protection risk to Detention Oversight Team personnel undertaking the monitoring? |

ANNEX 12G – HANDLING PROCEDURES FOR ALLEGATIONS OF MISTREATMENT BY ANOTHER NATION

Guidance for all Allegations of Mistreatment

12G1. This guidance sets out the procedures to be followed by UK Armed Forces in the event that a Captured Person (CPERS) makes an allegation of abuse to UK Armed Forces against another nation's authorities. UK Armed Forces will ask the CPERS for consent to raise the complaint with: the organisation where the alleged mistreatment occurred; other authorities who take an interest; the International Committee of the Red Cross (ICRC); and any human rights organisations.

12G2. UK Armed Forces will give the CPERS the following options: to give consent for his name and details of the allegation of mistreatment to be released; to give consent for general details of the allegation to be released, but his name to be withheld; or to decline consent for his name or any details of the allegation to be released.

12G3. UK Armed Forces and the CPERS will jointly decide what detail may be released: they should advise the CPERS about the ease in which he could be identified. The UK Armed Forces must warn the CPERS that if he only permits a limited level of detail to be released, it may be insufficient to allow an adequate investigation and they should ask the CPERS to reconsider.

12G4. The MOD in consultation with Permanent Joint Headquarters should consider whether the allegations warrant temporary suspension of the transfer of CPERS to the organisation.

Notification of Allegations to the Organisation

12G5. **With CPERS consent**, UK Armed Forces will as soon as practically possible: refer details of the allegation of mistreatment to the organisation; ask for an internal investigation to be conducted; and notify the ICRC of the allegation of mistreatment. Should a CPERS withdraw consent once the UK Armed Forces has passed on details of the allegation, it will be up to the CPERS to notify the investigating authorities.

12G6. **Without CPERS consent**, UK Armed Forces will as soon as practically possible: share details (which do not identify the CPERS but provide sufficient information to enable some investigations to be undertaken) with the organisation so that they can then review practices and procedures and take any remedial, punitive or corrective action; and share the same

details with ICRC so that they can link the case with any other allegations they have received.

12G7. In the longer term, UK Armed Forces will, on a confidential basis, share general information with the ICRC (for example numbers of allegations made each year). This is to inform wider work on detention issues and to allow any emerging trends to be raised with the organisation in question.

Investigating the Allegations

12G8. Responsibility for investigation of any allegations lies with the organisation's own authorities. To facilitate any investigation UK Armed Forces will: nominate a liaison officer at the British Embassy and in the detention oversight team (to lead at local level); provide the organisation with written details of the allegation, including any additional detail given at a later date by the CPERS; and provide the organisation with a template for carrying out an investigation.

12G9. If the allegation is deemed unfounded or there is insufficient evidence to substantiate the allegation, then, upon notification of the outcome of the investigation by the investigating authority, UK Armed Forces will: request a written copy of the investigation report from the organisation; inform the CPERS and the ICRC of the outcome; and submit advice to Ministers on whether it is appropriate to resume CPERS transfers to the location (if transfers have been suspended).

12G10. If the allegation is proven, UK Armed Forces will upon notification: request a written copy of the investigation report from the organisation; ask the organisation for details of remedial, punitive or corrective action taken or proposed; inform the CPERS and ICRC of the outcome of the investigation; and submit advice to Ministers on whether to resume CPERS transfers to the location (if transfers have been suspended).

12G11. If the organisation does not propose to take remedial action, UK Armed Forces will consider what further action should and could be taken in all the circumstances. This may include escalatory measures and whether to suspend CPERS transfers to the location (if not already done so). If permitted, UK Armed Forces will also inform the CPERS, and ICRC of the outcome of the investigation.

Refusal by the Organisation to Investigate

12G12. In the unlikely event that the organisation refuses to conduct an investigation, **or that the UK Armed Forces are not satisfied with the seriousness with which the investigation has been carried out**, UK Armed

Forces will: consider asking the local human rights organisation to conduct an independent investigation into the allegation of mistreatment; consider escalatory measures; and submit advice to Ministers on the suspension of CPERS transfers to the location immediately (if not already done).

Escalatory Measures

12G13. If UK Armed Forces continue to have concerns about an allegation based on all the information available to them, then they should consider whether any of the following measures are appropriate: suspend transfers to the location (if not already suspended); raise the issue at working level with contacts at the organisation; raise the issue in writing, or in person with the Head of the Organisation; raise the issue in writing, or in person with the Attorney General or Minister of Interior; make a demarche to the relevant senior government official; any other options relevant in the particular circumstances.

Guidance When Mistreatment is Witnessed First-hand by UK personnel

12G14. If UK personnel witness CPERS captured by other forces being mistreated, the guidelines above should be followed as far as possible. In these cases, the consent of the CPERS is not needed.

Information Sharing with International Partners

12G15. In all cases where an allegation has been made against another nation's authorities, UK Armed Forces will: notify key international partners of the general details of the allegation; ask international partners whether they have received any allegations in relation to that organisation; check whether the allegations will impact on the international partner's policy regarding CPERS transfers to the organisation; notify international partners of the outcome of the organisation's investigation (with the organisation's consent); or notify international partners of the outcome of the organisation's investigation (without the organisation's consent) providing PJHQ decide that the severity of the allegation, or number of allegations, warrants this decision.

12G16. When an international partner informs the UK of an allegation of mistreatment of a CPERS transferred by that nation, UK Armed Forces will ensure the information is taken into consideration, if relevant, when assessing future transfers of CPERS.

CHAPTER 13 – ADVERSE INCIDENTS AND ALLEGATIONS OF ABUSE INVOLVING CPERS

SECTION I – GENERAL

1301. This Chapter covers action to be taken following an adverse incident or an allegation of abuse involving Captured Persons (CPERS). These incidents may occur at any stage in the CPERS handling process. The forms referenced in this Chapter are in addition to the forms which apply at the various stages of the CPERS handling process and which appear in previous chapters.

1302. Commanders must ensure that formal procedures are in place to deal with any adverse incident (including death or injury) involving CPERS. Such procedures will not only ensure the protection of CPERS but also ensure the protection of the UK Armed Forces. They will also guarantee compliance with the Geneva Conventions. It is therefore, essential that planning encompasses procedures, orders and plans for UK Armed Forces to follow in the event of an adverse incident involving CPERS.¹

1303. UK Armed Forces should notify all interested parties such as the International Committee of the Red Cross (ICRC) and the Prisoner of War Information Bureau in the event of an adverse incident which involves a CPERS.² (This is mandatory for prisoners of war and internees). UK Armed Forces should complete and forward the CPERS Report found at Annex 13A to the Prisoner of War Information Bureau daily. A summary of immediate actions to follow whenever there is an adverse incident involving CPERS can be found at Annex 13B.

SECTION II – INJURY TO CPERS

Any CPERS who suffers an injury must be medically treated

1304. Whenever a CPERS is injured as a result of an adverse incident, medical staff must provide the CPERS with medical treatment in accordance with Chapter 3. Details on the procedures to follow in the event of the death of a CPERS is at Section IV. Additionally, the Service police must carry out an investigation as a matter of priority. The incident must be annotated on the F Med 1026 (see Annex 3A) as part of the CPERS medical record and on the

¹ See Chapter 6.

² See Chapter 1 Section V for details of Prisoner of War Information Bureau.

CPERS Casualty Report (see Annex B) for informing the Prisoner of War Information Bureau.³

1305. UK Armed Forces should also complete and forward the CPERS NOTICAS detailing the injury or death of a CPERS, found at Annex 13C, to the Prisoner of War Information Bureau who will forward the information to the ICRC and the protecting power, as necessary. UK Armed Forces should retain a copy of the form with the CPERS personal records.

SECTION III – PREVENTION AND REPORTING ABUSE OF CPERS

1306. All members of the UK Armed Forces must, to the utmost of their ability and authority, prevent and stop abuse and mistreatment of CPERS by others. In addition, UK Armed Forces are to report any allegations of abuse or mistreatment or instances of witnessed abuse or mistreatment, which may include unexplained injuries, to CPERS.

1307. Where other UK Armed Forces are involved, the Service person witnessing the incident should intervene to prevent the commission of a criminal act. Such intervention will depend upon the ability of the individual and the extent of their authority, but may include arguments to dissuade the offender, threatening to report the criminal act, repeating orders and asking the senior individual at the scene to intercede. Where the criminal act imminently threatens another, the Service person witnessing the incident may use force to the extent necessary to prevent the crime.⁴ Note that deadly force may only be used to protect life. If to intervene would put the life of UK personnel at risk, the Service person should distance themselves from the incident and report the matter to the Service police immediately. He must also complete a CPERS *incident form*, as shown at Annex 13D.

UK Armed Forces must report all allegations of abuse to the chain of command and the Service police.

1308. Where non-UK personnel are involved in an incident which is witnessed by a member of the UK Armed Forces, that member of the UK Armed Forces may intervene in the defence of others under the principle of self defence. In some circumstances, for example, where nationals of the host nation are carrying out the abuse or mistreatment, UK Armed Forces may consider it appropriate to take the CPERS to a UK facility for their protection. Commanders should, however, seek legal advice prior to the CPERS being

³ See Chapter 3.

⁴ Section 3, Criminal Law Act 1967.

removed to a UK facility unless the risk is such that transfer must take place immediately. In such cases legal and Service police advice should be sought as soon as possible. For further guidance on situations where the host nation is responsible for the abuse of CPERS after the CPERS has been transferred to the host nation see Chapter 12.

1309. All personnel who become aware of an instance of abuse or mistreatment must report the matter immediately both through the chain of command (not only to theatre headquarters but also to Permanent Joint Headquarters (PJHQ)) and, separately, to the Service police. This will ensure that the matter is investigated thoroughly. If there is any allegation of injury to a CPERS, the on-site senior medical officer is to conduct an immediate medical review of the CPERS concerned.

1310. Commanders must seek legal advice prior to any disciplinary action being taken against a member of the UK Armed Forces following an allegation of abuse or mistreatment of CPERS. Allegations of abuse or mistreatment of CPERS may constitute an offence contrary to Section 51 of the International Criminal Court Act 2001. In such circumstances a commanding officer must report the matter to the Service police for investigation.⁵

1311. Where an individual reports an alleged violation by another member of the UK Armed Forces, the chain of command is to ensure that every effort is made to protect the anonymity and well-being of the reporting individual. Any allegation is to be treated as confidential so far as is possible.⁶

SECTION IV – DEATH AND BURIAL OF CPERS

1312. The death of a CPERS is an emotive event capable of misinterpretation and exploitation for propaganda purposes by an adversary. It is therefore particularly important that commanders conduct contingency planning for the death of a CPERS. In addition, the circumstances surrounding the actual event of the death of a CPERS must be scrupulously investigated by the Service police Special Investigation Branch and recorded.

1313. While commanders should ensure that planning activities include the procedures to follow in the event of the death of a CPERS, they must also consider the identification or establishment of a coroner in the host nation.

1314. The instructions set out in this section and at Annex 13F cover the death of a CPERS at any time during the period during which they are

⁵ S113 Armed Forces Act 2006.

⁶ See Chapter 4 Section 1.

deprived of their liberty, from the point of capture to their eventual release.⁷ Should a CPERS die of wounds sustained on the battlefield (and despite medical treatment), UK Armed Forces must ensure that the circumstances surrounding the death are recorded accurately so as not to inadvertently give the impression that the death was a result of failure in the CPERS handling chain. The medical arrangements for the death of a CPERS are described in Chapter 3 Section II.

1315. Immediately following the death of a CPERS, the commander must ensure that a report is made to J1, the Force Provost Marshal (who must inform Provost Marshal (Army)), PJHQ and the Prisoner of War Information Bureau using the CPERS NOTICAS, which can be found at Annex 13C, together with the CPERS CASREP in Annex 3B.⁸ The commander must also ensure that the report is sent as a matter of urgency stipulating where, during the process of CPERS handling, the CPERS died; for example, at the point of capture, transfer, unit holding area and so on. The report should indicate the geographical location of the death and details of the believed cause of death, such as natural causes or battle wounds, although this will clearly be confirmed in the subsequent investigation.

1316. Following the above reporting, and after return or burial of the body and any subsequent investigation, the administrative staff at the unit where the death occurred are to send a *death certificate*, as illustrated at Annex 13E, to J1 at Joint Task Force Headquarters (JTFHQ) and the Prisoner of War Information Bureau. In the event of the unnatural death of a CPERS, the staff are to send a copy of the notification of death to JTFHQ for onward transmission to the protecting power. The commander should also ensure that the death of a CPERS in the UK is additionally to be notified to the appropriate registrar of births and deaths for the area in which death occurred.⁹ The commander must ensure that a copy of the death certificate is transmitted to the family, be it directly or via the host nation, in order to assist the family with accepting the fact that the CPERS is dead and to settle administrative issues.

A Service police investigation must be held into every death (or serious injury) of a CPERS

1317. As soon as the death of a CPERS has been discovered, UK Armed Forces must **immediately** report the incident to the Service police and follow the checklist of actions at Annex 13F. UK Armed Forces must take steps to secure the scene of the incident, prevent disposal of or tampering with

⁷ See Chapter 1 Section I for the definition of a CPERS.

⁸ See Chapter 1, Section V for details on the Prisoner of War Information Bureau.

⁹ Geneva Convention (GC) IV: 129, GC III: 121.

evidence, and collate details of possible witnesses. The Service police must conduct an independent investigation.

1318. In the event that an inquiry indicates that a person or persons are suspected of criminal involvement in the death, the Service police must directly send the file to the Director of Service Prosecutions in the normal way. The Geneva Conventions require the UK to take all possible measures for the prosecution of those responsible.¹⁰

1319. Disposal of the body of a CPERS will depend on the location and the nature of the operation. In general, subject to any religious or ethnic variations, once no longer required for any investigation, UK Armed Forces should make arrangements for the return of the body of a deceased CPERS to their family members, usually via the host nation authorities, or, if none can be traced, returned to host nation authorities.

1320. If it is impossible or impractical for UK Armed Forces to return the body of the deceased to the family or host nation authorities, funeral arrangements for CPERS are to be the same as those which would be made for a British serviceman dying in the Joint Operations Area. In particular, the disposal of the body of a CPERS is to be carried out in accordance with the following:

- a. Before burial or cremation takes place, there is to be a medical examination of the body to confirm death and, where necessary, to identify the individual. A Special Investigation Branch Investigator should, where possible, be present during this *post-mortem* investigation.
- b. A CPERS may only be cremated for imperative reasons of hygiene, on account of the CPERS religion or in accordance with the CPERS written instructions, or the CPERS family requesting a cremation on the behalf of the deceased. The fact that cremation has taken place and the reason it is to be stated in the death certificate.¹¹
- c. Commanders must ensure that:¹²
 - (1) CPERS who have died while in captivity are honourably buried; if possible according to the rites of their religion.
 - (2) CPERS graves are respected, suitably maintained and marked so that they may be found at any time.

¹⁰ GC III: 129; GC IV: 146.

¹¹ GC III: 120.

¹² GC III: 120 and 121, GC IV: 130.

(3) Wherever possible, deceased CPERS of the same nationality are buried in a national plot in the same location.

(4) Unless circumstances necessitate the use of collective graves, deceased CPERS are to be buried in individual graves.

(5) UK Armed Forces record and provide details of all burials and graves to the Prisoner of War Information Bureau. They are to ensure that the ashes of cremated CPERS are to be retained by the Graves Registration Service until they can be disposed of in accordance with the wishes of the deceased's family, or, failing that, host nation authorities.

1321. In case of death of a CPERS, the following information must be sent to the Prisoner of War Information Bureau:

- a. The date/place of capture and death.
- b. Particulars concerning wounds/illnesses or cause of death.
- c. The date and place of burial, with particulars to identify the grave.
- d. When applicable, half of the identity disc.¹³
- e. All personal effects.

1322. On the death of a CPERS, the commander must ensure that any will that the CPERS has made and given to the UK authorities for safe-keeping is sent to the person designated by the deceased. The administrative staff of the facility where the CPERS died are to forward the will, together with a certified copy, to J1 at JTFHQ, for onward transmission to the Prisoner of War Information Bureau. The original will must then be passed to the protecting power and a certified copy sent to the Prisoner of War Information Bureau. If the deceased was a host nation national, the administrative staff must make arrangements to forward the original via host nation authorities. Otherwise, transmission should take place through diplomatic channels.¹⁴

1323. **Death at Sea.** In general, many of the same instructions applying to the disposal of a CPERS who died on land will apply where CPERS die at sea. In particular, if burial at sea has to take place, the same procedure prescribed for the burial of a member of the UK Armed Forces at sea is to be followed.

¹³ The other half must remain with the body.

¹⁴ GC III: 120; GC IV: 129

ANNEX 13A – THE CPERS REPORT

This form is Mandatory for Prisoners of War

13A1. To fulfil the requirements placed upon it by Geneva Convention III, the Prisoners of War Information Bureau requires a daily update on the total numbers of Captured Persons (CPERS) held by the UK in CPERS holding facilities. This requirement is met through the use of the CPERS report.

13A2. **Format.** The CPERS report is a simple form, the layout of which is set out below.

13A3. **Submission of the CPERS Report.** A CPERS report for each nationality of CPERS is to be completed daily by all CPERS holding facilities. J1 staff at Joint Task Force Headquarters are to consolidate the figures into a theatre CPERS Report which is to be sent to the Prisoners of War Information Bureau.

CPERS REPORT FOR..... (UNIT) AS AT..... (DTG)									
Ser	Detail	Prisoner of War				Internee		Detainee	
		Male	Female	Civilian	Military	Male	Female	Male	Female
1	Totals since last report								
2	CPERS added since last report								
3	CPERS transferred since last report								
4	CPERS escaped since last report								
5	CPERS died since last report								
6	CPERS on strength at DTG of this report								

Notes:

13A4. Details of transfers are to be enclosed with the CPERS report. The internment serial number of CPERS transferred, escaped or who have died are to be enclosed with the prisoners' of war representative.

13A5. The internment serial number of CPERS transferred, escaped or who have died are to be enclosed with the CPERS report.

13A6. All CPERS on the strength of the reporting unit, including those in military or civil hospital are to be included.

ANNEX 13B – IMMEDIATE ACTIONS TO BE TAKEN WHEN AN ADVERSE INCIDENT OR AN ALLEGATION OF ABUSE OCCURS INVOLVING CPERS

General

13B1. Both the safety of UK Armed Forces personnel and that of the Captured Persons (CPERS) is important in the event of an adverse incident. The actions highlighted below are not exhaustive and, when contingency planning, commanders must take into account the standard operating procedures of individual locations and must ensure that Service police investigate any death or serious injury of a CPERS while in the CPERS facility.

The Incident – First on the Scene

13B2. The priority is to save life while not allowing others to become casualties. UK Armed Forces must remember that an incident amongst CPERS in a compound may be a *come on* tactic or a diversion to allow other activity by CPERS in another compound. The incident scene must be preserved as far as practicable to defend the lawful actions of those handling CPERS. Commanders may wish to seek further guidance from the Military Provost Staff. Commanders should ensure, however, that UK Armed Forces follow the guidelines below:

a. Initial Steps:

- (1) If possible use one path to the scene and do not move or touch anything.
- (2) Check for vital signs and consider first aid.
- (3) Call for immediate medical support.
- (4) Consider the need for the CPERS to be accompanied by a member of, Service police or Military Provost Staff.
- (5) Consider the need for an ambulance.
- (6) If considered appropriate, call an ambulance and allow the CPERS to be taken to hospital if required, accompanied by a member of the Service police or Military Provost Staff, if available.
- (7) Do not delay the CPERS departure to hospital if it is not immediately possible to find a suitable person to accompany them to hospital.

(8) Assess and take control/action in order to prevent the incident escalating.

b. **Immediate Next Steps:**

(1) Inform the commanding officer or commandant of the facility.

(2) Warn all staff and guards.

(3) Consider taking action in conjunction with the Service police, if available. These actions will be based on the seriousness of the actual harm and the intended or likely consequences of their actions.

(4) Identify all potential scenes and secure as appropriate. **NO ONE** is to be given access until the Special Investigation Branch have taken over the scene.

(5) Photograph the scene if possible.

(6) Ensure that the incident and any subsequent actions are noted on the captivity record. This should include providing the time of those actions and the time the record is made.

(7) Ensure an incident log/serial/report is created and commence a scene log.

c. **Next Steps:**

(1) Inform the Special Investigation Branch as soon as reasonably practicable, who must in turn inform Provost Marshal (Army).

(2) Service police are to compile paperwork in accordance with regulations.

13B3. For actions in relation to specific incidents:

a. **Actions on Fire:**

(1) In the event of fire:

- (a) Any person discovering a fire is to raise the alarm by shouting "FIRE, FIRE, FIRE"
- (b) Personnel are to be mustered without delay to fight the fire.
- (c) Should it be necessary to evacuate the CPERS they are to be relocated safely and securely to a pre-planned site on the base location.
- (d) On given the all clear the CPERS are to be returned to the CPERS facility and searched prior to being secured.

b. Actions on Escape:

- (1) All CPERS facility staff are to be familiar with the surrounding area of the CPERS facility and the actions to be carried out in the event of an escape. In the event of a CPERS escaping from the CPERS facility:
 - (a) The operations officer is to be notified immediately and, if tactically possible, the area and facility staff are to secure and account for all weapons until the CPERS is located.
 - (b) All routine activity should be suspended, and available troops detailed to search for the missing CPERS.
 - (c) All staff are to be reminded that use of firearms may only be used in accordance with Card A.
 - (d) Regardless of whether the missing CPERS is captured, facility staff must submit a report to the Force Provost Marshal. The officer commanding/warrant officer Military Provost Staff in conjunction with the Brigade Provost Officer are to conduct a thorough investigation into the circumstances of the escape. They must also submit a lessons-learned account to Provost Marshal (Army) via the Force Provost Marshal.

c. Actions on Indirect Fire Attack:

- (1) In the event of a rocket or mortar attack UK Armed Forces are to brief CPERS to put on helmets and combat body armour

(assisted if necessary) and instruct them to take cover and lie on the floor until the ALL CLEAR has sounded.

d. **Actions on Suspicion of Abuse:**

(1) If a Service person suspects that a CPERS has suffered some form of abuse or has been mistreated in anyway, he is to report it to the Service police and the chain of command immediately. The chain of command will confirm that the Service police have been notified and will also inform the on-site senior medical officer who is to conduct an immediate medical review of the CPERS concerned. The information in the report must include:

- (a) What has been seen or heard.
- (b) Who was involved.
- (c) The place, date and time of the incident
- (d) What the person who made the discovery did about it. Initially a verbal brief will suffice, however, a written statement will subsequently be required without delay.

(2) Reporting and follow-up procedures for all allegations of abuse must be captured in theatre standing operating instructions.

(3) If a CPERS complains that he has been abused or mistreated in any way, details of the alleged abuse or mistreatment should be recorded, using the interview template at Annex 2B.

ANNEX 13C – THE CPERS NOTICAS

This form is Mandatory for Prisoners of War

13C1. The CPERS NOTICAS informs the Prisoner of War Information Bureau and the chain of command of the circumstances surrounding the death or serious injury of a Captured Persons (CPERS) while held by UK Armed Forces. The CPERS NOTICAS enables the Prisoner of War Information Bureau to meet its obligation under the Geneva Convention III¹ of keeping the International Committee of the Red Cross (ICRC) and the protecting power informed of any significant occurrence involving a CPERS held in UK custody.

13C2. **Submission of the CPERS Notification of Casualty.** The CPERS NOTICAS is to be initiated by the CPERS holding facility in which the CPERS is held at the time of the occurrence. The NOTICAS is to be transmitted in signal format by the fastest possible means using an IMMEDIATE precedence.

13C3. **Format.** The format of the CPERS NOTICAS is shown:

Detail	Explanation	Note
Precedence – Action	Always IMMEDIATE	
Precedence – Information	Always IMMEDIATE	
Date/Time Group		
From	Title of holding unit	
To	MODUK	1
Info	MODUK (Army) PJHQ JTFHQ	1
Classification	RESTRICTED - STAFF	
SIC	ABA/W5C/BAA	1, 2
PW NOTICAS	Title of signal	

¹ GC III: 122.

Detail	Explanation	Note
One	Brief statement of occurrence to include: CPERS' Internment Serial Number CPERS' Rank CPERS' Initials CPERS' Name Occurrence DTG of occurrence	
Two	Brief statement of circumstances surrounding the occurrence	
Three	Type of occurrence	3
Four	CPERS' next of kin	
Five	When investigation into occurrence will be held	4

Notes:

1. The Signal Indicator Code will ensure that the message reaches the appropriate branches of the addressee headquarters.
2. Specific guidance is contained in Casualty Procedures (95) (Army Code 12974).
3. A brief categorisation of the cause of the occurrence.
4. If an inquiry has already been held, the date of the inquiry and its outcome should be inserted here.

ANNEX 13D – CPERS INCIDENT FORM

1. Details of Reporting Person

Service No: _____ Rank: _____

Name: _____ Unit: _____

2. Details of Witness 1 (If Applicable)

Service No: _____ Rank: _____

Name: _____ Unit: _____

3. Details of Witness 2 (If Applicable)

Service No: _____ Rank: _____

Name: _____ Unit: _____

4. Details of Incident

Date Time Group:		Location:	
		Grid Ref:	
Number of Victims Involved:		Number of Offenders Involved	
Nationality of Victims		Nationality of Offenders	
Description of Victims		Description of Offenders	
Name and Details of Victims (if Known)			
Action Taken on Incident, if Applicable			
Evidence Taken			

5. Description of Incident

6. Troops Involved

	Yes	No
Any other troops involved in inflicting injuries?	<input type="checkbox"/>	<input type="checkbox"/>
Any host nation authorities involved in inflicting injuries?	<input type="checkbox"/>	<input type="checkbox"/>

7. Signatures

Reporting Person
Date:

Witness 1
Date:

Witness 2
Date:

ANNEX 13E – CPERS DEATH CERTIFICATE

NOTIFICATION OF DEATH		
Ministry of Defence of the United Kingdom		
Power on which the CPERS depended:		
Name and first names:		
First name of father:		
Place and date of birth:		
Place and date of death:		
Rank and service number (as given on identity disc):		
Address of next of kin:		
Where and when taken prisoner:		
Place of burial:		
Is the grave marked and can it be found later by the relatives?		
Are the personal effects in the keeping of the Detaining Power or are they being forwarded together with this notification?		
If forwarded, through which agency?		
Short account of the circumstances of the death and burial. ¹		
Date, seal and signature of responsible authority		
	Signature of Witness 1	Signature of Witness 2
	Address of Witness 1	Address of Witness 2

Notes on the CPERS Death Certificate:

1. The form should be available in English and in the CPERS' own language. The form should be produced in A4 format.
2. It is accepted that not all the information may be available.

¹ The person who cared for the deceased during sickness or during his last moments (doctor, nurse, minister of religion, fellow prisoner) should write their account here or on an attached sheet.

ANNEX 13F – CHECKLIST IN THE EVENT OF THE DEATH OF A CPERS

Serial	Actions	Check
1	If a CPERS is believed to be dead, immediate medical assistance must be sought. Preservation of life is paramount.	
2	Concurrently, the Detention Officer must be notified.	
3	Concurrently, the Service police must be notified.	
4	Prompt checks must be made, and maintained, on the welfare of the other CPERS.	
5	An incident commander should be identified and made responsible for all subsequent action until the arrival of the Service police.	
6	The scene should be preserved and sealed, if practicable, pending arrival of the Service police.	
7	A contemporaneous record of events must be maintained. The record should detail those involved in preserving and sealing the scene and any other persons identified in the area.	
8	Access to the scene should be strictly limited to Service police and medical staff.	
9	Only a qualified medical practitioner can certify death. Death must be certified by the most senior supervisory medical practitioner available. The CPERS' death certificate must only be completed after consultation with the medical chain of command.	
10	If an immediate suspect has been identified and there is no Service policeman available at the location, then another Service person may effect an arrest. An initial search may then be carried out of the suspect, and relevant evidence seized.	
11	All potential witnesses should be identified and their details recorded for subsequent interview by the Service police.	
12	Other CPERS should be moved from the immediate area and, where possible, separated pending interview by the Service police. CPERS should be held as far away from the immediate scene as practicable.	
13	Immediate advice should be sought from the SIB in theatre, who will advise on all aspects of scene and evidence preservation.	
14	SIB commanders will make an assessment in respect of the expected arrival time of Service police and may request assistance in recording video or photographic imagery of the scene or other evidence gathering, if there is an imperative to do so, to preserve evidence.	
15	Secure all relevant documentation and electronic media relating to all CPERS in the vicinity, including the deceased, as advised by the Service police.	

LEXICON

This lexicon contains acronyms/abbreviations and terms/definitions used in this publication. Terms and their definitions detailed in Part 2 are either *new* or *modified*.

ACRONYMS AND ABBREVIATIONS

AP	Additional Protocol
CPERS	Captured Persons
CPERS CASREP	Captured Persons Casualty Report
CPERS NOTICAS	Captured Persons Notification of Casualty
DCDC	Development, Concepts and Doctrine Centre
DMS	Defence Medical Services
FCO	Foreign and Commonwealth Office
GC	Geneva Conventions
HUMINT	Human Intelligence
ICCA	International Criminal Court Act 2001
ICRC	International Committee of the Red Cross
IEF	Intelligence Exploitation Facility
ISN	Internment Serial Number
JDN	Joint Doctrine Note
JDP	Joint Doctrine Publication
JTFC	Joint Task Force Commander
JTFHQ	Joint Task Force Headquarters
LOAC	Law of Armed Conflict
PJHQ	Permanent Joint Headquarters
PW	Prisoners of War
ROE	Rules of Engagement
STANAG	Standard NATO Agreement
UN	United Nations
UNSCR	United Nations Security Council Resolution

TERMS AND DEFINITIONS

captured children

Captured persons (CPERS) under the age of 15. (JDP 1-10 2nd Edition)

captured juveniles

Captured persons (CPERS) aged 15, 16 or 17. (JDP 1-10 2nd Edition)

captured persons

Captured persons (CPERS) is the generic term given to all individuals who are captured and held by UK Armed Forces on operations overseas, whether they are prisoners of war, internees or detainees. (JDP 1-10 2nd Edition)

captured persons facilities

Unit holding areas, collecting points and CPERS holding facilities. (JDP 1-10 2nd Edition)

captured persons holding facility

A facility which is of an established nature and designed to hold larger numbers of CPERS for extended periods of time. (JDP 1-10 2nd Edition)

Note: It does not include unit holding areas, or collecting points.

combatant

A member of the armed forces of a party to the armed conflict (other than medical personnel and chaplains) who has the right to participate directly in hostilities. (JDP 1-10 2nd Edition)

Note: this category includes *irregular forces* who are under responsible command and subject to internal military discipline, carry their arms openly and otherwise distinguish themselves from the civilian population.

detainee

A civilian who has been detained because he has committed, or is suspected of committing, a criminal offence against the laws of the territory in which he has been captured or against UK Armed Forces, or an offence against the law applied in an occupied territory. (JDP 1-10 2nd Edition)

internee

A civilian who is interned for imperative reasons of security. (JDP 1-10 2nd Edition)

interrogation

The systematic longer-term questioning of a selected individual by a trained and qualified interrogator. (JDP 1-10 2nd Edition)

law of armed conflict

For UK Armed Forces, the law of armed conflict means those treaties, conventions, rules, regulations and customary international law that govern the conduct of hostilities during an armed conflict and/or during a military occupation. (JDP 1-10 2nd Edition)

Note: it is sometimes referred to as international humanitarian law.

prisoners of war

A combatant or a person who accompanies the armed forces without being a member thereof (provided that he is authorised by the armed force which he accompanies) who is captured by the armed forces of the enemy.¹ (JDP 1-10 2nd Edition)

tactical questioning

The obtaining of information of a tactical nature from CPERS, the value of which would deteriorate or be lost altogether if the questioning was delayed. (JDP 1-10 2nd Edition)

vulnerable captured person

An individual who by reason of mental or other disability, age or illness, is or may be, unable to take care of him/herself or unable to protect him/herself against significant harm or exploitation, and is dependent on others for assistance in the performance of basic physical functions. (JDP 1-10 2nd Edition)

¹ JSP 383: 8.3.

