

CHAPTER 4

ENEMY DETAINED PERSONNEL

IN INTERNAL DEFENSE AND DEVELOPMENT OPERATIONS

4-1. General

a. US Army forces may be required to assist a host country (HC) in certain internal defense and development (IDAD) operations. Initially, advisory, combat support, and combat service support forces are normally introduced in training, advisory and support roles. If tactical operations against the insurgent are required, US Army participation may be expanded to include combat, combat support, and combat service support. When an insurgency reaches the stage where the HC forces cannot contain or defeat the insurgent forces, US Army tactical units may be committed at the request of the HC government.

b. Conventional PW guidance and doctrine as presented elsewhere in this manual and in AR 633-50 are, in very large part, fully applicable to the handling of those categories of detained enemy personnel who are taken into the custody of an interned by United States Forces during the course of IDAD operations. There are, however, certain characteristics and aspects which are or may be generally peculiar to internal defense operations, and which establish a requirement for some doctrinal clarification and additional guidance.

4-2. Characteristics of IDAD Type PW Operations

The following are among the aspects of PW operations which are generally peculiar to IDAD operations:

a. *Difficulty of Identification.* The insurgent, by disposing of his weapon, becomes, to all outward appearances, an innocent and uninvolved civilian. Accordingly in the course of military combat and screening operation, innocent civilians together with actual insurgents are taken into custody. The problem presented then is one of identifying the true civilian and the true insurgent together with other categories for appropriate classification and disposition. Included among the detainees may be individuals who, while being true civilians, have committed acts of espionage, sabotage, terrorism,

or other serious offenses and, as such, should be released or delivered to host country jurisdiction. Additionally, there may be those insurgents who voluntarily surrender in response to HC promises of amnesty. While the initial problem posed is one of identifying each detainee according to his appropriate status, the next and immediate problem is one of maintaining that individual identity status pending their disposition. A particular requirement is thus generated for appropriate terminology, together with specific criteria, by which determinations may be made of individual detainee status and appropriate classification.

b. *International Law.* International law, with the exception of Article 3 which is common to each of the four Geneva Conventions of 1949, is lacking with respect to the treatment, care, and disposition of enemy personnel, other than bona fide PW, who are captured or otherwise taken into custody during the course of IDAD operations. This problem is of particular significance in IDAD operations because of the captured insurgent who generally does not qualify for PW status but will constitute a large number, if not a majority, of the interned enemy. However, every person in enemy hands must have some status. Doctrine for the protection to be accorded and for the treatment and care of such personnel must be as fully definitive as is that for the bona fide PW.

4-3. Terminology

The responsibility for determining the status of individuals captured or otherwise taken into custody by US forces rests with the United States. Before a detainee is released or transferred from United States custody, his proper status must be determined. Terminology and criteria for a number of categories within which a detainee may fall are provided below. For any given IDAD type conflict, certain modifications to this terminology and criteria may, and quite probably will, be required. Other categories, such as PW, CI, refugee, displaced person, and evacuee, are defined in AR 310-25. Protected persons are discussed in

FM 27-10. Terminology and criteria for still other categories, as appropriate and required, may be provided for by the responsible major commander.

4-4. United States Policy Governing the Treatment of Detained Personnel.

a. Basic policy.

(1) United States policy underlying the treatment accorded all personnel detained or otherwise held in United States Army custody during the course of an armed conflict requires and directs that all such personnel be accorded humanitarian care and treatment from the moment of custody until final release or repatriation. The observance of this policy is fully and equally binding upon United States personnel whether capturing troops, custodial personnel, or in whatever other capacity they may be serving. This policy is equally applicable for the protection of all detained or interned personnel whether their status is that of enemy PW, CI, or any others of appropriate status. It is applicable whether they are known to have, or are suspected of having, committed acts of espionage, sabotage, or terrorism or other serious offenses of a war crimes nature. The punishment of such persons is administered by due process of law and under legally constituted authority. The administration of inhumane treatment, even if committed under stress of combat and with deep provocation, is a serious and punishable violation under national law, international law, and the US Uniform Code of Military Justice.

(2) Commanders at all echelons are responsible for the humane treatment and welfare of all detained personnel in their custody. Special consideration should be given to detainees classified as innocent civilians. This may take the form of medical care, food, clothing, shelter, or other assistance.

(3) Emphasis should be placed upon early accountability, by name, for all personnel detained or otherwise held by US Forces or host country forces.

b. US Responsibility Following Transfer to Host Country Custody. Under certain circumstances, and in accordance with United States-host country agreement and the provisions of Article 12 of the GPW, PW/captive enemy persons in the custody of United States Forces may be transferred to the host country for internment. US responsibility for the welfare and accountability of US captured PW/CEP does not cease upon transfer to a HC, but remains a continuing responsibility of the US for the duration of in-

ternment of such personnel in HC custody, to include accountability for each individual by final disposition such as release, repatriation, return to US custody, or by escape or death.

4-5. Applicability of Current PW Policy and Guidance

a. Humanitarian Provisions. So far as humanitarian considerations are concerned, the requirements for the humane treatment and care of enemy personnel interned in IDAD operations are identical with those prescribed for PW as set forth in the 1949 Geneva Convention and AR 633-50. As further and more specific guidance, the following provisions of the aforementioned documents, which relate to the treatment of PW, are also equally and fully binding with respect to other enemy personnel interned during the course of IDAD operations:

(1) Firm but humane treatment from the moment of capture and throughout the period of internment.

(2) Food, clothing, shelter, and medical care.

(3) Recreational, educational, intellectual, and religious activities.

(4) Disciplinary sanctions and appropriate judicial proceedings.

(5) Correspondence and communication with next of kin.

b. Administrative Provisions. In addition to those provisions relating to the physical and mental welfare of PW, it is essential that certain records and reports, as prescribed in AR 633-50, be prepared and maintained. Not all of the forms prescribed in AR 633-50 will be applicable and, most, if not all, will require some minor modifications when used for other than true PW. The issuance of appropriate modifying directives and instructions regarding the establishment and maintenance of records and the preparation and submission of reports for any particular conflict will be a responsibility of Headquarters, Department of the Army and the Theater Army Headquarters. As a minimum, however, preparation of the following records and reports to permit and assure the positive identification of and the continuing accountability for each internee is an initial and continuing requirement.

(1) DR Form 4237 (Prisoner of War Personnel Record).

(2) DA Form 2663-R (Fingerprint Card).

(3) DA Form 2669-R (Certificate of Death).

(4) DA Form 2674-R (Internee Strength Report).

c. *Operation of US PW/CEP Information Center.* An essential and vital prerequisite for internee recordkeeping, accountability, and reporting is the establishment of a central and designated facility for that specific purpose. For larger conflicts involving up to 500,000 PW, the performance of this mission is charged to the Headquarters and Headquarters Detachment, Branch United States Prisoner of War/Civilian Internee Information Center (TOE 19-503). Until such time, however, as the internee population approaches 15,000 to 20,000 in number, the performance of this function may be more economically discharged by a small staff element operating under the control and supervision of the senior army command provost marshal. Detailed guidance for the discharge of this function is contained elsewhere in this manual and in AR 633-50 and 633-51.

4-6. General Principles and Guidance Governing Detainee Classification, Processing, and Evacuation

The circumstances under which detainees may come into US custody in IDAD operations are so varied as to preclude completely definitive guidance with respect to all aspects of their handling. The following, therefore, together with other applicable provisions in AR 633-50 and AR 633-51, are presented as being among the more basic principles which generally will be found applicable.

a. Detainee category classification should be accomplished as soon after capture and as early in the evacuation chain as practicable to permit the earliest release, to include return to point of capture, of appropriate categories. Responsibility for detainee category classification below brigade level, to include release of appropriate categories, will normally rest with the capturing troops in the absence of assigned or attached military intelligence personnel. At brigade and division or higher levels, detainee category classification is a responsibility of assigned military intelligence personnel.

b. Responsibility for detainee security, administration, and further evacuation normally is assumed by the military police at the brigade level.

c. Following detainee classification by military intelligence personnel, the preparation of a fingerprint card and the attachment of a PW wrist identification band, to provide for the continuing classification identity of each detainee (other than innocent civilians, unless required) is a military police responsibility.

d. In accordance with Article 5, GPW, detainees whose status cannot readily be identified are referred to a competent tribunal for determination of their status. Upon determination of status, and subject to HC-US agreement, confirmed civilian offenders may be released to HC custody. A determination of status as a civil suspect by a competent tribunal does not authorize punishment without further judicial proceedings.

e. Escort guards for the evacuation of detainees from brigade are provided by division. For evacuation from divisions for further processing and internment as PW/captive enemy persons or other disposition, escort guards normally are provided from resources external to the division. Returning empty air or ground transportation is utilized for detainee evacuation to the fullest practicable extent.

f. Complete individual processing of each US captured PW, captive enemy person, and such other internee categories as may be designated by the theater commander is a responsibility of the military police prisoner of war processing company (TOE 19-237), or elements thereof. This processing is accomplished at a designated US processing facility(s) and is completed prior to further transfer to a US operated internment facility or, under the provisions of Article 12 of the GPW, to host country custody.

4-7. Capturing Troops

The circumstances under which the detainee is taken into custody will usually constitute the most valid basis for determining status as an innocent civilian, civilian offender, PW, CEP, or SEP. Only the capturing troops will have such personal knowledge. It is particularly important, therefore, that a detainee tag be completed and attached to each detainee by the capturing troops.

a. *Detainee Tag.* Detainee tags are issued, prior to engagement in military operations, to at least the squad leader level with a backup supply of tags at platoon, company, and battalion levels. The squad leader assures that, so far as is possible, each detainee is properly tagged before further evacuation to platoon or company.

b. *Segregation.* The segregation of identified categories of detainees, as listed in paragraph 4-3 or as otherwise appropriate, is always maintained so far as is possible whether the detainees are or are not tagged. When the number of detainees is so large or the tactical situation is such that individual tagging is not possible, however, it is particularly important that segregation of identified categories be rigidly maintained

pending the accomplishment of individual tagging at the earliest opportunity in the evacuation channel.

4-8. Brigade

The brigade headquarters, in internal defense type operations, will usually be removed from the area of actual combat and will be located in a relatively secure and fixed base. This condition of semipermanency is conducive to the establishment of the more extensive facilities required for detainee retention, processing, and segregation at the brigade level.

a. Detainee Collecting Point. Facilities provided are austere but, as a minimum, must be sufficient and must take into account the additional sanitary, messing, and shelter requirements which are attendant upon the retention of numbers of individual detainees for up to several days. Additionally, much of the detainee processing at the brigade level will be a responsibility of intelligence interrogation personnel and will be concerned with eliciting timely tactical information and the verifying or determining the true status of the individual detainees. Sufficient space should be provided within the collecting point for the establishment of intelligence interrogation facilities.

b. Military Police Operations. Military police operations in the handling of detainees at the brigade include responsibility for establishment of the detainee collecting point, for the providing of perimeter security, and for the internal administration of the collecting point, to include food, clothing, shelter, necessary sanitary facilities, and medical care. Detainees requiring hospitalization are reported to the brigade medical officer for evacuation through medical channels. Because of the sustained nature of the detainee collecting point operations and accompanying increases in administration and security, up to a full military police platoon may be required for these operations. Escort guard requirements for the evacuation of detainees from brigade are provided by division.

4-9. Division

The division headquarters, will usually be located at a semipermanent base. It may or may not be collected with an assigned brigade.

a. Detainee Collecting Point. The operation of the division detainee collecting point closely parallels and approximates that of the brigade detainee collecting point, except that a somewhat larger facility may be required.

b. Escort Guards. The providing of military police escort guard personnel for the evacuation of detainees from brigade to division is a division responsibility. Attachment or assignment of additional military police support to division for this mission will usually be required. Military police escort guard personnel, for the evacuation of detainees from division, are provided from resources external to the division in accordance with command directives.

c. Detainee Composition. Evacuees to division, under favorable circumstances, will largely be composed of identified PW together with those remaining detainees whose status has not yet been determined. Innocent civilian persons, as identified, will have been released or returned to their homes earlier in the evacuation channel unless an intelligence requirement overrides this procedure for selected personnel.

d. Status Determination. The division, in internal defense operations, may represent the last stop prior to further evacuation to a designated PW reception and processing camp. Under these circumstances, it is necessary that remaining detainee status determinations be accomplished in order that their appropriate disposition may be provided for. In those individual cases in which intelligence interrogation personnel or other designated authority has been unable to make a status determination, referral to a properly constituted military tribunal may be necessary. When possible, such a tribunal should conduct its hearings at the reception and processing camp(s) either on an "as required" basis or as a permanent activity, dependent upon the particular requirements.

e. Military Police Processing. Military police processing to provide for the positive individual identification and status of each PW prior to evacuation from division may be desirable. The essential requirement for such identification is the preparation of DA Form 2663-R (Fingerprint Card) (AR 633-50), for each PW. If time permits, the Fingerprint Card may be completed in full, subject to appropriate modifications. The two essential requirements, however, are for a clear set of fingerprints and a recording of status as PW. Additionally, if documents or equipment of intelligence value have been taken from the PW, and it is desired to retain the identity of the PW with such items, a temporary control number may be listed on the card. This control number should also be recorded on the related documents or equipment. A subsequent requirement to relate confiscated or impounded documents or equipment to their original PW possessors may then

be readily accomplished. The detainee tag, because it may readily be destroyed, exchanged, or lost, must be considered as only a temporary means of PW identification. To the extent practicable, as determined by the appropriate commander, preparation of the fingerprint card may be required at the brigade level. Accomplishment of this form below the brigade level will probably seldom be practicable, except possibly on a highly selective basis in which the intelligence potential of a particular detainee is such as to warrant the charging of combat units with this responsibility.

f. Disposition of Detainees. Disposition of detainees, following completion of their processing at division, may provide, as appropriate, for:

(1) Evacuation of PW civilian offenders to a designated US operated reception and processing camp or facility for complete administrative processing prior to further transfer to a US/CEP camp or to HC custody for extended internment or other disposition as appropriate.

(2) Return of innocent civilian persons to the point of capture or to their respective homes. In those situations in which the civilian population of a given area is being resettled in another area, provisions for their evacuation thereto are accomplished in accordance with US-HC agreements.

(3) Evacuation of selected PW, as directed, for intelligence interrogation.

4-10. PW Reception and Processing Camp

a. Centralized Operations. US operated PW reception and processing camp or camps are established as required to provide for the complete administrative processing of PW prior to transfer to other US or HC operated camp for extended internment. The establishing of a single PW reception and processing camp to which all PW are evacuated for processing prior to assignment to a permanent camp or international transfer to HC custody will usually prove to be most economical and efficient. Guidance provided in AR 633-50, is fully applicable to the reception and processing of PW in internal defense operations.

b. Decentralized Operations. Under circumstances in which internment camps are established on a decentralized or widely dispersed basis, such as to essentially preclude prior processing at a centrally located facility, the establishment of a US reception and processing capability at each of the several camps may be required. As a minimum, such a facility must be capable of providing for the temporary retention, segregation, physical processing, and administra-

tive processing of PW evacuated thereto prior to further assignment to a US operated PW camp for permanent internment or international transfer to HC custody. Organizations specifically tailored to the requirements of each such reception and processing facility may be provided by utilizing conventional type military police units or elements thereof and, as required, TOE 19-500/550 teams.

c. Processing Requirements. Upon arrival of PW at a US reception and processing facility, the facility commander is responsible for their reception, care, and treatment, including segregation in separate compounds. Physical, medical, and administrative processing is accomplished at this time.

d. Establishment of P W Accountability. Following completion of administrative processing, to include preparation of a DA Form 4237, Personnel Record, and a DA Form 2663-R (Fingerprint Card) each PW is picked up on the Internee Strength Report by the PW reception and processing facility commander. Guidance for the preparation of initial and subsequent internee strength report entries is contained in chapter 3, AR 633-50.

4-11. Transfer to Host Country Custody

a. Administrative Requirements. When US-host country agreements provide for HC operation of all PW internment facilities, the transfer of US captured PW to the HC is effected as an international transfer by the responsible PW reception and processing facility commander.

b. Continued Accountability. The United States continues to maintain internee strength report accountability for PW following their transfer to HC custody and throughout the duration of their internment. Responsibility for the preparation and submission of such reports is charged to the commander of the US PW advisory team assigned for duty with each HC PW camp in which US captured PW are interned.

4-12. Prisoner of War Advisory Assistance

A US capability to give PW advisory assistance is provided for in TOE 19-550. Figure 4-1 shows a type PW advisory organization. A brief discussion of the mission of each of these teams is presented below.

a. Prisoner of War Command Control and Advisory Detachment Headquarters.

(1) Communal and Control. In the discharge of its command and control mission, this detach-

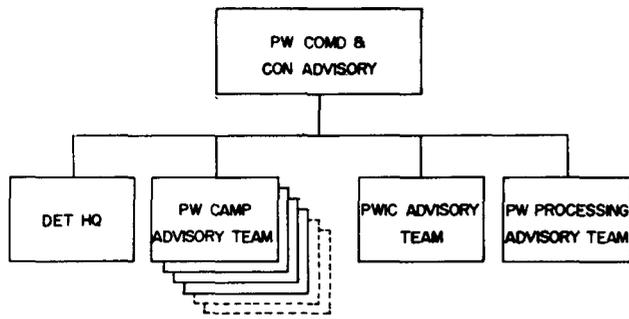


Figure 4-1. Type organization, military police prisoner of war advisory detachment.

ment provides a command, control, and supervisory headquarters for up to 12 or more operating military police prisoner of war advisory teams. By publication of appropriate directives and through liaison visits, it provides policy and administrative assistance and guidance to all subordinate elements.

(2) *Advisory Assistance.* In its advisory role, this detachment provides assistance and advice to an indigenous prisoner of war commander and his staff in the organization and operation of a prisoner of war command and in the execution of its mission of providing command, control, and supervision over, and administrative and logistical assistance to, assigned prisoner of war camps. In the discharge of this mission, the detachment commander and his staff are guided by applicable US Army prisoner of war regulations and doctrine and by such regulations and guidance as may be prescribed by the theater commander.

b. Prisoner of War Camp Advisory Team.

(1) *Advisory Assistance.* Advisory teams of this type are designed to provide advisory support to allied or indigenous PW or other internee camp authorities. In the discharge of their advisory functions, these teams advise the camp commander and his staff in the administration, employment, security, and control of PW or of other internees and in the maintenance and submission of appropriate records and reports. In the discharge of this function, the team personnel are guided by applicable US Army regulations and doctrine and by such other regulations and guidance as may be prescribed by the theater commander.

(2) *PW Accountability.* In those HC camps in which PW captured by US forces are interned, the commander of the assigned advisory team, in addition to his advisory responsibilities, also functions as the US force commander's representative for maintaining continuing US accountability of those PW and for personally observing the care and treatment accorded to them while in HC custody. In the discharge of this responsibility, the commander of the advisory team is responsible for the preparation and submission of a daily Internee Strength Report accounting for all these PW, for the daily observation of their treatment, and for the submission of appropriate reports concerning serious violations of US standards of treatment for PW and/or such other matters as may be prescribed by the US forces commander. Specific guidance for the preparation and submission of the Internee Strength Report is contained in chapter 3, AR 633-50.

c. Prisoner of War Information Center Advisory Team. This team assists and advises the host country in the establishment and organization of a national PW information center. to include the reception, processing, maintenance, dissemination and transmittal of PW information, records, and reports in accordance with the applicable provisions of the Geneva Conventions. Assistance is provided in the establishment and operation of a central internee fingerprint file to facilitate and assure individual internee identification. Advisory personnel should be thoroughly familiar with PW administrative and reporting procedures as outlined in AR 633-50 and with the organization and operation of the Branch United States Prisoner of War Information Center (USPWIC (BR)) as described elsewhere in this manual.

d. Prisoner of War Processing Advisory Team. The PW processing advisory personnel provide assistance and advice in the establishment, organization, and operation of a HC facility or facilities for the initial reception and processing of captured enemy personnel, to include the preparation of individual personnel records, fingerprint cards, and photographs; the assignment of internment serial numbers, and the handling and disposition of personal property and effects in accordance with the applicable provisions of the Geneva Conventions. Guidance relating to PW processing procedures is presented in chapter 3 of this manual and in AR 633-50.