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82 security or in order to fulfil its obligations, but in all circumstances Iraqi law must be respected and applied. Further guidance on Iraqi law and the promulgation of occupying power law can be obtained from HQ MND(SE) Legal Advisor.

10. Detainees and Internees Guidance on the apprehension and handling of detainees and internees is to be promulgated separately by HQ MND(SE). A copy of the policy is at Appendix 2.

- a. Detainees. Coalition Forces may detain individuals who are suspected of committing or having committed a criminal offence. This may include those suspected of committing crimes during the former regime, war crimes and crimes against humanity.
- b. Internees Individuals may be interned if it is considered necessary for imperative reasons of security. This may be based on the internees previous associations, activities or membership of an organisation or group.
- c. Apprehension. Once an individual is apprehended by Coalition Forces, he will be disarmed if necessary. At the discretion of the on-scene commander in accordance with his orders, they will either be released classified as an internee or a detainee in accordance with MND(SE) policy. In accordance with MND(SE) policy individuals apprehended solely on suspicion of criminal activity will be handed to the Iraqi authorities for dealing under the Iraqi Criminal Justice system. Internees are to be transferred to the Theatre Internment Facility (TIF). All persons apprehended by Coalition forces shall be treated as a minimum in accordance with the standards laid down under LOAC for PWs regardless of their classification.
- d. Prisoners of War. ("PWs") Despite the fact that the general warfighting part of the campaign is over, it is possible that some apprehended persons may qualify for status as PWs (for example members of organised armed groups resisting the occupation).

Should the status of an apprehended person be unclear then he should be treated as a PW until such time as his status is clearly established. The detention and onward movement of PWs is a national responsibility and national contingencies should publish guidance on their processing and treatment. UK guidance is contained in JWP 1-10. General guidance on the processing and treatment standards of PWs is as follows:

- (1) Treat humanely at all times.
- (2) Provide food (same standards as Coalition forces) taking into account religious or ethnic practices.
- (3) If necessary provide medical care.
- (4) If necessary provide clothes.
- (5) Provide adequate safe facilities (clean, dry etc.).
- (6) Issue a receipt for seized property.
- (7) Protect from physical and mental harm.

e. Criminals. Where possible, persons detained as criminals are to be handed over to the Iraqi authorities for investigation as soon as reasonably practicable. Guidance from MPs should be sought in relation to preserving evidence for eventual prosecution of such criminals.

f. War Criminals/Terrorists. Guidance should immediately be sought from HQ MND(SE) if any person apprehended by Coalition Forces is suspected of being a war criminal or terrorist. Guidance from MPs should be sought in relation to preserving evidence for eventual prosecution of such persons.

11. Riot Control Means. Riot Control Means may be authorised by appropriate commanders for public order control. The use of Incapacitating Chemical Weapons is prohibited in warfighting, but riot control means used in restoration of public order are not within this category. However, such weapons may be employed only in accordance with national law, as authorised by the ROE, or in self-defence.

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