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		Author: Int Offr

**GENERAL**

1. The arrest and detention of Iraqi civilians has proven to be a controversial subject. It is essential that all troops understand the difference between an internee and a detainee in order to ensure that soldiers' time is not wasted and dissatisfaction not created amongst the population.

**AIM**

2. The aim of this Tac Note is to explain the relevant procedures that should be followed in the event of an Iraqi civilian being arrested in order to maintain security in the Southern Basrah AO.

**INFORMATION / PROCEDURE**

3. **Battle Group Internment Review Officer (BGIRO)**. Each BG within the Bde must appoint a BGIRO. The BGIRO is responsible to the CO for reviewing each application for internment. He is the POC within the BG for all issues concerning internment and can liaise with both the Bde SO2 Legal and Div SO2 Legal for advice.

4. **Definitions**. An internee is a person whose liberty is restricted for imperative reasons of security. A detainee is a person who is apprehended on suspicion of committing a criminal offence. All internees and detainees can be placed in one of five categories. These categories are defined at Annex A to this Tac Note. The arresting sub unit is responsible for deciding which category the suspect falls into. If there is any doubt that responsibility passes to the BGIRO.

5. **Post Arrest Procedure**. In all cases the C/S on the ground should gather as much evidence as possible. Where possible this should include digital photography but as a minimum should include written statements and a completed complaint form, an example of which is shown at Annex B to this Tac Note. A suspect who is either category one or two will be handed over to the Iraqi judicial system. Category one prisoners are handed direct to the police with all the relevant evidence. Category two prisoners who have committed a serious crime are handed to the local Investigating Magistrate.

6. Suspects graded as category three, four or five are deemed to pose a threat to the CF or the mission and will become internees. The requirement for evidence remains the same, irrespective of their status. Internees should be brought to BGHQ for review by the BGIRO. Once their status is confirmed the relevant paperwork is completed and he is moved to the Theatre Internment Facility (TIF). A flow chart summarising this process is shown at Annex C.

7. **Release from Internment**. Div will review each internee case after 48hrs, 21 days and 28 days of the individual being interned. Release will be ordered by Div Legal and will be communicated to BG by a Bde FRAGO. 24hrs notice must be given to the internment facility and released internees are released either into society or to an Investigating Magistrate.

8. **Custody Responsibility**. At all times of a detainee being held in the custody of the CF, that detainee is the personal responsibility of the Commanding Officer. This is applicable during every phase of detention including Tactical Questioning, if employed.

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