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PRECEDENCE: ROUTINE

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**FRAGO 056 OP TELIC PHASE IV - NEW ANNEX R TO OPO 002/03
LAW, ORDER, DETENTION AND INTERNMENT****INTRODUCTION**

1. This Annex identifies 4 key law and order functions and suggests how 1 (UK) Armd Div should perform these functions when acting as an Occupying Power in Phase III b and IV in the event of a complete or partial breakdown of the Iraqi criminal justice system in our AO. It replaces the direction given in OpO 002/03. The key law and order functions identified are:

- a. Stop and search.
- b. Entry, search and seizure.
- c. Arrest.
- d. Detention.

2. This annex also identifies a requirement for powers to intern civilians who have been arrested on suspicion of posing a threat to the security of our own or coalition forces.

GENERAL

3. The UK as an Occupying Power will be required, if necessary, to maintain public order and safety (Hague Convention IV Article 43). This task is likely to fall to 1 (UK) Armd Div in its Divisional AO.

4. Much will depend on the state of the law and order when the UK is able to exercise authority over Iraqi territory. If law and order can be maintained by the Iraqi authorities then much policing can be left to the appropriate indigenous authorities. However, if law and order has broken down or the Occupying Powers has partial or total responsibility for law and order, the Occupying Power will be required to stop and search, enter premises, seize articles, arrest individuals and detain them pending trial. These powers will be required both for force security and for public law and safety.

STOP AND SEARCH

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- f. Arrest made (Yes/No).
- g. Injury/Damage caused (Yes/No).

10. Reasonable force may be used to effect the search. Depending on the nature of the objects found, a positive search may lead to an arrest (paragraph 19 refers).

11. If this power is executed in a public place² then the person searched may be required to remove no more than an outer coat, jacket and gloves.

12. Male personnel are not to physically search females or children under the age of 14 unless an immediate search is imperative for reasons of force security, in which case, authority should be obtained from an officer of at least field rank.

ENTRY, SEARCH AND SEIZURE

13. Powers to enter and search premises, and to seize property from those premises will also be a useful tool in the Coalition Forces efforts to ensure force security and to maintain public order and safety. Where practicable such searches should be conducted or supervised by service police personnel.

14. Pre-planned search – by warrant. If on an application by an appropriate officer³ a BG Comdr is satisfied that there are reasonable grounds⁴ for believing there is material on the premises specified in the application which is likely to be of value to the investigation of:

- a. a threat to force security; or
- b. an arrestable offence⁵; and
- c. the recovery of material likely to be relevant evidence.

he may grant written authority to enter and search the premises and to seize and retain anything for which the search was authorised.

15. Such a warrant will be valid for 28 days or some lesser period as specified in the warrant (Performa Warrant attached at Annex A).

16. Unplanned searches – upon arrest. Immediately after arrest for a serious arrestable offence⁶ or for posing a threat to force security, Provost personnel shall have the power to enter and search any premises⁷ without a warrant if they reasonably

² See footnote 1 above.

³ Appropriate Officer – means an officer in command of at least field rank.

⁴ Reasonable grounds – Objectively justifiable reasons supported by evidence and/or information/intelligence.

⁵ Arrestable offence – as proscribed by Schedule 1 'Arrestable Offences'.

⁶ Serious Arrestable Offence – as proscribed by Schedule 2 'Serious Arrestable Offence'.

⁷ Eg, if the commission of an offence is witnessed from outside the premises or the person to be arrested has entered immediately after the witnessed commission of the offence.

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believe that such a course of action is absolutely necessary to secure evidence in relation to the offence or for the purposes of force security.

17. Personnel may seize and retain anything for which they may search under this provision. Verbal authority for such a search should be obtained from a Provost officer of at least field rank before conducting the search. However, the search may be conducted without such prior authority if the arrested person has not yet been taken to a police station and if absolutely necessary for the investigation of the offence or to mitigate the threat to security.

18. Record of Search. A comprehensive record of the search must be made including, but not necessarily limited to:

- a. Identity of individual;
- b. Date, time group of search;
- c. Location of the search, including grid reference; and
- d. an inventory of all articles and objects seized.

ARREST

19. If 1 (UK) Armd Div is to maintain law and order then powers of arrest are essential. Powers of arrest should only be used when necessary. Personnel are encouraged to exercise discretion wherever possible.

20. Arrest without warrant. A member of the Coalition Forces deployed in Iraq may arrest any member of the local population whom he has reasonable grounds for suspecting is about to commit, is committing or has committed an arrestable offence, or who poses a threat to the security of the coalition.

21. A list of arrestable offences is contained in Schedule 1 'Arrestable Offences'.

22. Arrest by warrant. If a BG Comdr is satisfied, on application by an appropriate officer or otherwise, that there are reasonable grounds for believing:

- a. that a person presents a threat to force security, or
- b. that a person has committed an arrestable offence

the BG Comdr may issue a warrant to arrest that person. (If it is considered necessary to conduct a search, the provisions at paragraph 14 are to be followed.)

23. Such a warrant will be valid for 28 days or some lesser period as specified in the warrant (Performa Warrant attached at Annex B).

24. Actions on arrest. On arrest, the arrested person should be informed that he is under arrest and the ground for the arrest. If this information cannot be given at the

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37. Post-charge custody. Where a person is charged with an offence, the custody officer shall order his release from police detention except

- a. Where the person is suspected of posing a threat to force security
- b. Where the offence is a serious arrestable offence

38. Detention time limits. The custody officer may authorise detention for an initial period of up to 24 hours from the time of arrest. Reviews thereafter shall be carried out periodically by a Provost officer of at least field rank. The first review shall take place no later than 24 hours after the time of arrest, with each subsequent review taking place no later than 12 hours after the previous review up to a maximum of 48 hours. At the conclusion of the 48 hour period the arrested person must be transferred to the Detention and Internment Management Unit (DIMU) immediately. In the case of a person arrested as a threat to force security such person shall be transferred to the DIMU no later than 24 hours after arrest.

INTERNMENT

39. If a person is arrested on the grounds of posing a threat to force security and subsequently detained they are classified as an internee under International Law.

40. On arrest for posing a threat to Force Security, an immediate signal should be sent to G3 Ops HQ 1 (UK) Armd Div through the chain of command. The signal should include the following information:

- a. Personal details of individual;
- b. Grounds for suspecting that the person is a threat to the security of the Coalition forces
- c. Location of the individual; and
- d. Any other information that will assist in the determination of whether to issue an Internment Certificate.

41. As soon as practicable after detention, the detainee should be handed over to the Service Police or conveyed to a UK service police station. As soon as practicable, and within 24 hours, the arrested person shall be transferred to the DIMU.

DETENTION AND INTERNMENT MANAGEMENT UNIT (DIMU)

42. The DIMU is designed to receive both detainees and internees (referred to collectively as detainees). The responsibility for a detainee will be transferred to the DIMU no later than 48 hours (24 hours in respect of an internee) after arrest. On transfer of responsibility, a Prosecuting officer and Defending officer are to be nominated by the DIMU and the Prosecuting officer is to ensure that the detainee and

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