

SO1 Mill Med, DMSD, LEVEL 7, ZONE E, MAIN BUILDING, MINISTRY OF DEFENCE, WHITEHALL, LONDON, SW1A 2HB


DMSD defence medical services department


SURGEON GENERAL'S POLICY LETTER

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MEDICAL SUPPORT TO PERSONS DETAINED BY UK FORCES WHILST ON OPERATIONS

POLICY SUMMARY

This SGPL provides direction on the standards of medical support that should be provided to persons detained by UK forces whilst on operations. It outlines the legal provisions and ethical principles that underpin this provision of medical care. It is impossible to cover every eventuality; however, these principles and those of good medical practice and clinical governance endure. Wherever possible, detailed guidance is provided. The contents of this SGPL should be understood by all medical personnel who may be liable for deployments and their planning staffs.

INTRODUCTION

1. British Forces are rapidly deployable and expeditionary. They will become involved in a variety of Operations from Peace Support through to War-Fighting. During War and other Armed Conflicts the provisions of the Geneva Conventions apply. These give detailed guidance regarding the medical support that is to be provided to Prisoners of War. In situations where troops are deployed on missions which do not amount to engaging in Armed Conflict, they may still be required to detain and imprison people. The status of these detainees will vary according to the specific operation; however, detainees will require medical assessment and treatment. For the purpose of this SGPL, all persons detained by UK Forces during Operations will be referred to as detainees, irrespective of their specific legal status.

MEDICAL SUPPORT TO DETAINEES

2. The provisions and principles that can be applied to the medical support of detainees are based upon medical ethics, UK law, United Nations declarations and international law, including the Geneva Conventions. The humanitarian principles that these instruments embody are to be applied on all military operations by UK forces. Medical support must be provided with impartiality. There shall be no discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. The medical care provided must be ethical and

d. Health personnel are not to:

(i) Apply their knowledge and skills in order to assist in the interrogation of prisoners and detainees in a manner that may adversely affect their physical or mental health; this includes certifying or stating that a detainee meets a specific mental or physical standard for interrogation.

(ii) Certify, or to participate in the certification of, the fitness of prisoners or detainees for any form of treatment or punishment that may adversely affect their physical or mental health, or to participate in any way in the infliction of any such treatment or punishment.

(iii) Question detainees about matters unless they are relevant to their medical care.⁷

e. Health personnel must not participate in any procedure for restraining a prisoner or detainee 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 prisoner or detainee himself, of his fellow prisoners or detainees, or of his guardians, and presents no hazard to his physical or mental health.

5. It is legal for the capturing power to interrogate detainees in order to obtain tactical or strategic information; however, no physical or mental torture or any other form of coercion may be used. The wounded and sick may also be questioned but not if it would adversely affect their health. Procedures will vary depending upon whether the detainee is a patient within a medical facility or not:

a. In-Patients. 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 detaining authority may seek permission from the officer in charge of the medical facility to question a detainee.⁸ The officer in charge, in consultation with the clinician directly responsible for the detainees treatment should make an assessment as to whether questioning will adversely affect their patients' treatment, physical and mental health.⁹ The assessment and any advice given, including time limitations, must be recorded in the clinical record. If the responsible officer decides to proceed with questioning, against medical advice, the medical officer must refer this matter through the medical chain of command.

b. Out-Patients. When a detainee is being treated on an out-patient basis or within a primary care setting, medical staff should issue the officer responsible for looking after the detainee with appropriate written instructions to ensure continuity of care. This may include instructions for the administration of medication or advice relating to a limitation in activity. It is the responsibility of the detaining officer to then ensure that this medical care is not compromised.

⁷ Joint Warfare Publication 1-10. (March 2001) 'Prisoners of War Handling'. Annex 3B, Para 3B2.c.

⁸ UK Ministry of Defence (2004). 'The Manual of the Law of Armed Conflict'. Paras 8.34-8.34.1.

⁹ British Medical Association (July 2004). 'Healthcare of Detainees in Police Stations'. 2nd Edn. Para 3.4.