



Permanent Joint Headquarters

**SOI J3-9
(Amendment 6 Dated 17 Sep 12)**

**Stop, Search, Question and Detention
Operations**

In the HERRICK JOA

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AMENDMENT 6		
OP HERRICK Standard Operating Instruction J3-9 - Introduction		J3-9
STOP, SEARCH, QUESTION AND DETENTION PROCEDURES IN THE HERRICK JOA	Sponsor	PJHQ J3
	Last Updated	17 Sep 12

References:

- A. UNSCR 1806 (2007), UNSCR 1833 (2008), UNSCR 1890 (2009), UNSCR 1917 (2010), UNSCR 1943 (2010), UNSCR 2011 (2011).
- B. Letter of invitation (Government of Afghanistan to UN) dated 01 Sep 05.
- C. The Memorandum of Understanding between UK and the Government of the Islamic Republic of Afghanistan concerning UK forces deployed in Afghanistan – dated 01 Oct 05.
- D. MOD Strategic Detention Policy dated Apr 10.
- E. CDS Directive (Cat 1) on the Handling of Captured Persons on Operations dated 10 Feb 11.
- F. ISAF SOP 362 - Detention of Non-ISAF Personnel dated 03 Aug 09.
- G. JDP 1-10: Captured Persons (2nd Edition) dated Oct 11.
- H. CJO Directive Tactical Questioning - Op HERRICK (Afghanistan) Ver 3.0 dated 2 Aug 12.
- I. The Memorandum of Understanding between UK and the Government of the Islamic Republic of Afghanistan concerning the transfer by UK armed forces to Afghan authorities of persons detained in Afghanistan – dated 23 Apr 06.
- J. Afghanistan Detention: US/UK Memorandum of Understanding for Intelligence Exploitation Dated 4 Aug 10.
- K. ISAF Detention Operations and Notification Directive dated 13 Apr 10.
- L. PJHQ/CTHREAT/J3/ORDERS/FRAGO/013-11 dated 18 Feb 11.
- M. PJHQ SOI J3-14 Amdt 2 dated 26 Jun 12.

AIM

1. This SOI explicitly specifies the procedures for the correct exercise of powers of stop, search, questioning and detention by all UK troops operating in the HERRICK JOA. There should be no alteration or deviation from this instruction without prior consultation or authority from PJHQ. This 6th Amendment to SOI J3-9 supersedes Amendment 5 which was dated 16 Dec 11.

APPROVAL

2. This SOI has been approved by Operations Directorate, HQ Surgeon General, Central Legal Services, Operational Law Branch, the respective Service Police HQ, the key stakeholders deployed on Op HERRICK, and by the key stakeholders within PJHQ.

STRUCTURE

- 3. This SOI is divided into 3 parts.
 - a. **Introduction.** This introduction sets out the scope, background and principles for UK Detention, including the stopping, searching and questioning of individuals, in the HERRICK JOA. It also notes the command and control arrangements, the governance and assurance mechanisms and highlights the minimum standards of treatment.
 - b. **Part 1.** Part 1 is direction and guidance to all UK military personnel to enable them to correctly conduct operations to stop, search, question and detain individuals. It explains the different options available, the procedures to be followed in each case, the assistance available and the documentation required to ensure the successful conduct of detention

operations at the individual and Unit level. Compliance is both an individual and Command responsibility. Part 1 also contains a number of Aides-Memoire.

c. **Part 2.** Part 2 is direction and guidance for the processing of detainees through the Detention Facilities in the Op HERRICK Theatre¹. Part 2 also deals with the requirements for reporting, tracking and monitoring detainees and for applications for extended detention.

ISSUES OUTSIDE THE SCOPE OF THIS SOI

4. **Detention of UK and ISAF Military/Civilian personnel.** This SOI is designed to set out the procedures for the detention of Afghan and non-Afghan detainees. This SOI does not cover the detention of UK military personnel and civilians subject to Service discipline, ISAF personnel or a non-Afghan civilian contractor. The Service Justice System and Service Police Codes of Practice and ISAF instructions apply in such instances. In these cases, advice must be sought first from the FPM and JFSp(A) LEGAD to clarify issues such as jurisdiction and, second, from the POLAD to assess any policy and presentational issues.

BACKGROUND

5. UK Forces engaged on Op HERRICK are deployed in Afghanistan under a series of mandates from the United Nations Security Council (Reference A) and at the invitation of the Government of the Islamic Republic of Afghanistan (GIROA) (References B and C) to help create a stable and secure environment that is sustainable by Afghan National Security Forces (ANSF), under the control of the GIROA. For this to be achieved there must be respect for law and order. To this end the role of UK forces is two-fold; firstly to support the ANSF in order to ensure that they develop their capability to the extent that they can play a major part in the security of their own country; and secondly to provide direct support by conducting security operations against those who seek to undermine the authority of the GIROA, and attack UK forces and their allies.

6. As part of the Op HERRICK mission, it may be necessary for UK military personnel to stop, search, question and detain individuals. ANSF working alongside UK forces are, wherever possible, to take the lead in detention operations and the role of UK forces should be to ensure that there is a humane, safe and secure environment in which such operations can take place and to assist if necessary. Detention policy is bound by both legal and policy considerations, and is inter-related with intelligence exploitation, re-integration and biometrics policy areas. In conducting detention operations commanders and staff at all levels should be aware that detention is subject to continual external scrutiny, and that inappropriate actions today could result in legal challenges that undermine the UK's ability to conduct detention and exploitation operations not just in Afghanistan, but in future operations. Therefore detention and intelligence exploitation operations will be subject to PJHQ, MOD and FCO scrutiny in order to provide appropriate assurance of good governance and best practice. PM(A) has an important role as the Defence Subject Matter Expert (SME) on operational detention, as CJO's advisor on detention issues and through his appointment as the Army Competent Authority and Inspector (ACA&I).

DETENTION PRINCIPLES

7. **Initial detention Criteria.** ISAF policy (Reference F) authorises detention for up to a maximum of 96 hours following the point of detention on the grounds of Force Protection, Self-Defence or threat to Mission Accomplishment². UK Forces are authorised to conduct stop, search, detention and question procedures in accordance with Reference A. For the purpose of this SOI, the start point of detention is defined as the point at which a person is deprived of their liberty and is taken to mean the point at which an individual has been unwillingly moved by ISAF/ANSF

¹ There is one Unit Holding Area at FOB OUELETTE. There are 3 x Temporary Holding Facilities (THFs) in theatre (BSN THF, KAF THF and the UK THF). There are also 3 x Detainee Transfer Facilities (DTFs) at LASHKAR GAH, KANDAHAR Airfield (KAF) and KABUL. More information is in Part 2, para 2.

² This is replicated within Reference F, Para 4.

personnel from the location where they were initially stopped³. A person detained must be released at any time when they no longer satisfy the criterion for detention. Detention beyond 96 hours is detailed in Part 2 of this SOI.

8. **Post-detention Requirements.** Within 96 hours detainees will in most cases be either handed over to the Afghan Authorities in accordance with References F and G or released. Detention and evidence-gathering processes must be managed as a capability to ensure that they support the collection of intelligence and assist the Afghan criminal justice system in achieving lawful convictions. In the majority of cases, "Afghan Authorities" in this context refers to the National Directorate of Security (NDS) and it is to the NDS that transfers will normally be made. In the case of juveniles (15, 16 and 17 years of age) these are transferred to Afghan Central Prison Directorate Juvenile facilities after a 72 hour period of investigation by the NDS investigators. However, where drug evidence is directly linked to a detainee then the Counter Narcotics Police (Afghanistan) (CNPA) may be approached. In all circumstances where it is appropriate to transfer to another Afghan Authority other than the NDS or CNPA, formal authority to do so must be sought from PJHQ. This will require legal and policy advice within PJHQ and MOD, and may require a submission to Ministers, both within the MOD and the FCO. Such transfers are only to be made once authority has been given by PJHQ. While concurrent staffing along policy, legal and other functional routes may be necessary, it is imperative that all detention issues are staffed up the J3 route⁴. Detainees should only ever be detained beyond 96 hours in exceptional circumstances as follows:

- a. On medical or logistic grounds, with HQ ISAF authorisation (and Ministerial authority where appropriate) – see Part 1, para 35.b and Part 2, para 37.
- b. For intelligence exploitation purposes, with PJHQ and Ministerial authority - further detail is at Part 2, para 48.

9. **Minimum Standards of Treatment.** In accordance with References D and F UK forces are to operate in a manner that ensures respect for the local cultural and religious customs and heritage of the country and people of Afghanistan. All detainees must be treated humanely at all times. Detainees must not be subject to torture, intimidation, violence or inhumane or degrading treatment. All forms of cruel, inhumane or degrading treatment are expressly prohibited. The following 5 techniques must never be used as a form of punishment, discriminatory conduct, intimidation, coercion or as deliberate mistreatment, or as an aid to tactical questioning or interrogation: the use of stress positions; hooding; subjection to noise; deprivation of sleep; deprivation of food and drink (further clarification is provided in Pt 1, para 34). **Hooding is prohibited at any time, for whatever purpose.** The requirement to conduct effective detention and exploitation operations must always be balanced by a consideration of detainees' cultural and religious customs and must adhere to the absolute requirements for humane standards of treatment. This should include the need to plan to move detainees away from the point of detention and into specialist detainee facilities as early as possible in order to reduce the risk of inappropriate treatment. By showing courtesy and respect to the local population, UK forces will help to create a more favourable operating environment, thereby increasing the chances of operational success.

GOVERNANCE AND ASSURANCE IN THE UK

10. CDS has appointed (Reference E) CJO as responsible for ensuring compliance with UK policy on detention within the Joint Operational Areas. PM(A) is the Defence Subject Matter Expert (SME) for detention and is CJO's advisor on operational Prisoner Handling (PH). Within

³ When a detainee is transferred from the point of detention to a Role 3 Medical Treatment Facility (MTF), they are to be held on an ISAF Medical Extension. Because of this the 96 hr timeline is suspended until the moment when they are discharged from the Role 3 MTF to a THF. Medical treatment outside a Role 3 MTF is not sufficient cause to delay the start of the 96 hour timeline.

⁴ Within PJHQ, DACOS J3 A is the lead DACOS for detention, with J3 FP, supported by J2 (for interrogation and biometrics), J3 J9 Policy and J9 Legal staffs.

[REDACTED]

Afghanistan, responsibility for compliance has been delegated to Comd JFSp (A) who is provided with SME advice from CO IEF, Force Provost Marshal (FPM), JFSp(A) LEGAD and POLAD.

11. PM(A) acts as the Defence SME for operational detention within the Joint Operational Areas. He is responsible for the inspection and monitoring of all UK detention facilities within Afghanistan. His twice-yearly inspections provide second-party assurance to UK detention activities, focusing on custodial issues. His custodial inspections provide additional assurance to UK detention activity.

12. CJO is also responsible for compliance with UK policy on the conduct of Tactical Questioning (TQ) in accordance with Reference H. TQ Command and Control (C2), oversight and governance is a chain of command responsibility down to the tactical level. Further detail on intelligence collection aspects can be found at Reference H.

13. The responsibility for the governance of interrogation lies with the Chief of Defence Staff (CDS) and is supervised through the MOD Supervisory Authority (MOD SA). Interrogation takes place during detention and governance is provided via the IEF J2X(I), to CO IEF, the In-Theatre Management Board (chaired by Comd TFH) and PJHQ J2X. In addition to the governance arrangements for detention as a whole, HUMINT collection activities such as TQ and Interrogation have additional governance mandated at Reference H.

14. **Assurance Activity.** A common understanding of 'assurance activity'⁵ is central to the ACA&I policy. Practitioners categorise assurance activity into three levels⁶. First Party assurance is activity conducted by an organisation itself for internal purposes, which can form the basis for self-declaration of conformity – where relevant, those responsible for providing first-party assurance are annotated in the text of this SOI. Second Party assurance is conducted by other parties having an interest, such as customers or higher authorities. Third Party assurance is carried out by external independent organisations e.g. the ICRC. For the Army, First Party assurance is conducted within the chain of command; and external bodies conduct Third Party assurance. The Army Inspector and his supporting staff⁷ will continue to have a role in providing second-party assurance for detention operations in the Op HERRICK JOA.

COMMAND AND CONTROL RESPONSIBILITIES FOR DETENTION OPERATIONS IN AFGHANISTAN

15. **Detention Authority.** In Afghanistan, the detention responsibilities are wholly delegated to the UK Detention Authority, a position held for the entire theatre by Comd JFSp(A). The Detention Authority provides an independent level of review for all detention operations and is under a continuing duty to ensure that each detention is justified. The Detention Authority is mandated to review all detentions within 48 hours of the detention and is to seek LEGAD and POLAD advice in making the decision as to whether or not the initial mandate is satisfied. If a review takes place at any time before the 48 hours has expired and there is insufficient material at this time to make an informed decision, provided he is aware that further information will be forthcoming, he may authorise the continuation of the detention until either the information has been received or the 60 hour point (whichever is the earliest). Reasons for the deferral should be given. If the CO IEF assessment is that the detainee is of no further intelligence value, it will be recommended to the Detention Authority that the detainee should no longer remain in UK detention and should therefore be released or transferred to the Afghan authorities; the latter on the proviso that GIRoA agencies have requested the transfer of the detainee. Such a recommendation will be taken into consideration by the Detention Authority along with all other evidence or intelligence available to him.

⁵ Which includes evaluation, inspection and audit.

⁶ Refer to: JSP 822, "Training Management Policy, The Assurance of Individual Training and Education", Sep 07 Issue 1.0, Part 3, Ch 3, Para 5.

⁷ Director Army Inspectorate (D Army Insp) is CGS' principal agent for the execution of his Army Inspector responsibilities and leads the supporting staff – The Army Inspectorate (Army Insp). D Army Insp will ensure that Army Insp's assurance activities mesh with those of others and will, in particular, have a close relationship with the Land Forces Audit Committee.

[REDACTED]

16. **Responsibilities.** Responsibility for compliance with detention policy is a chain of command issue and commanders at every level are responsible for ensuring that their personnel comply with all aspects of detention policy at all times. This includes the reporting of all allegations of mistreatment and supporting any subsequent investigations. In line with the further direction promulgated at Reference D, key responsibilities for governance and assurance in theatre are set out as follows:

a. **Detention Authority.** The Detention Authority is responsible for all aspects of detention policy in theatre. In particular he is to:

- (1) Chair the Detention Review Committee (DRC) as the means by which all cases for detention, reviews of existing detention, applications for extended detention and applications for transfer extensions are managed.
- (2) Ensure that detention is only employed where there is a genuine requirement and that applications for extension are appropriately scrutinised.
- (3) Provide oversight of Detention operations for the purposes of external assurance as mandated by PJHQ.
- (4) Exercise OPCON of the UK Detention Oversight Team (UKDOT) and through the UKDOT, provide oversight of former UK detainees in Afghan pre-trial detention.
- (5) Confirm or determine the status of an individual as a Local National (LN) or detainee as appropriate.
- (6) Exercise OPCON of the IEF, drawing upon the subject matter expertise of SMEs as necessary.

b. **Deputy Detention Authority.** The Deputy Detention Authority is delegated responsibility by the Detention Authority for all routine aspects of detention policy in theatre, including the routine chairing of the DRC. In particular he is to:

- (1) Deputise for the Detention Authority during periods of absence.
- (2) Manage detainee casework to be brought to the DRC, liaising with the IEF and directing the reviewing of cases as required.
- (3) On behalf of the Detention Authority ensure that detention is only employed where there is a genuine requirement and that applications for extension are only made in exceptional circumstances and are objectively scrutinised.
- (4) Provide overarching supervision of the IM of all detainee issues, ensuring that detainee records are correctly archived and accessible.
- (5) Act as the primary link between PJHQ and HQ JFSp(A) on all DRC matters ensuring that the military reporting chain remains the primary means by which information on detention issues reaches PJHQ/MOD from the Op HERRICK theatre.
- (6) Provide PJHQ and key stakeholders with a weekly Detention ASSESSREP.

c. **NCC POLAD.** As the senior UK POLAD he is the conduit for all cross Government in theatre detention issues. He is to:

- (1) Provide daily liaison between UK military and the GIRoA through the British Embassy Kabul (BEK) on all UK detention matters.

[REDACTED]

(2) Provide daily liaison between UK military and HQ ISAF on all UK detention matters.

(3) Provide guidance on UK detention policy to the Detention Authority when requested.

d. **JFSp(A) POLAD.** As the policy advisor to the Detention Authority is to provide advice to the Detention Review Committee. They are to:

(1) Provide advice on the application of the ISAF initial mandate.

(2) Provide advice on the application of the extended detention criteria and any policy risks associated with extended detention.

(3) Provide guidance on UK detention policy to the Detention Authority when required.

(4) Liaise with PJHQ (J9 Pol) and detaining TFs as required.

e. **JFSp(A) LEGAD.** As the command lawyer to the Detention Authority is to provide advice to the Detention Review Committee. They are to:

(1) Provide advice on the application of the ISAF initial mandate.

(2) Provide advice on the application of the extended detention criteria.

(3) Conduct interviews with detainees held on Tfr Extn to explain that they are held at the request of GIROA pending transfer to the NDS or CNPA. Interviews are to be conducted on transfer to the UK THF and thereafter every [REDACTED] until the detainee is transferred to the NDS or CNPA.

(4) Provide legal advice and guidance to the Detention Authority when required.

(5) Liaise with ICRC, PJHQ (J9 Legal) and detaining TFs as required.

f. **CO IEF.** CO IEF has overall command responsibility for the IEF and is to:

(1) Deliver an enduring operational design for exploitation to ensure coherence of effect supported by a robust tactical architecture and an enduring and future-proof C2 construct.

(2) Ensure that IEF activity complements existing (and intended) ISAF exploitations structures, processes and procedures.

(3) Deliver coherence and co-ordination across the exploitation LOOs and refine current CONOPs to deliver sustainable operations and the optimum operational design for UK AF [REDACTED] and UK AF [REDACTED]

(4) Provide subject matter expertise to the Detention Authority.

(5) Provide oversight and first part assurance of all intelligence exploitation activities in the IEFs.

(6) Ensure appropriate IO and Reintegration messages are delivered to all detainees prior to their release from UK detention.

(7) Provide subject matter expertise advice to the PRT LKG in support of transition plans.

[REDACTED]

(8) Ensure governance of TQ within the HERRICK JOA through the delivery of briefings to all incoming TQ qualified personnel and requirement for weekly record keeping from all TFH units.

g. **FPM.** FPM is the overarching detention SME for the Op HERRICK theatre and is to:

(1) On behalf of PM(A), provide day-to-day oversight and first party assurance of the governance of UK detention facilities in the Op HERRICK theatre.

(2) Provide detention subject matter expertise to the Detention Authority and CO IEF as required.

(3) Control access to the Temporary Holding facilities collocated with IEF⁸ sub-units.

(4) Manage day-to-day custodial IM in the Op HERRICK theatre.

(5) In the event of any detention-related incident in theatre which is not covered by routine reporting (including any allegation of mistreatment of detainees by UK or Afghan authorities), report the incident as set out in Part 1, para 39.

(6) Ensure appropriate IO and Reintegration messages are delivered to all detainees prior to their release from UK detention.

(7) Inspect and report⁹ on Unit Holding Areas once constructed.

(8) Be responsible for the production and maintenance of in-theatre detention SOPs as required, clearing them through PJHQ and PM(A) before publication.

(9) Be prepared to provide expert advice to the planning, design and construction of forward detainee holding areas for deliberate operations as required.

(10) Co-ordinate the Detention Authority's response to the International Committee of the Red Cross' (ICRC) recommendations and observations and ensure that they have been addressed by the chain of command.

(11) Be prepared to advise CO IEF on tactical decisions with regards to detention operations.

(12) Have OPCOM of the MPS, Detainee Handlers and Op BRIDGER Guard Force.

h. **OC MPS.** Responsible to the FPM OC MPS is the commander responsible for detainee handling at the THFs within the HERRICK JOA. OC MPS is to:

(1) Implement the provisions of the Geneva Conventions and Additional Protocols as far as they relate to the personnel under his command.¹⁰

(2) Ensure that all personnel employed in detention facilities are properly trained in Rules of Engagement, the applicable Geneva Conventions and all other applicable laws, doctrine and policies, to include ensuring that they have an effective knowledge of the facility operating procedures.

(3) Ensure that detainees held in the THFs are dealt with in accordance with the applicable laws, doctrine and policy.

⁸ Arrangements for routine access for IEF staff to MPS Ops Rooms are to be agreed between FPM and CO IEF.

⁹ Where possible this should be conducted by the MPS Officer.

¹⁰ GC III: 39.

- [REDACTED]
- (4) Ensure the safety, health, well-being and training of all detention personnel operating the facility.
 - (5) Ensure that all allegations of detainee abuse are immediately reported to the FPM and PJHQ.
 - (6) Ensure the security of the 3 THFs.
 - (7) Co-ordinate the arrival or departure of all detainees at the THFs.
 - (8) Impose control and discipline over detainees in accordance with law, regulations, doctrine and policy.
 - (9) Ensure special provisions are in place for the handling of children, juveniles, vulnerable persons and females.
 - (10) Ensure that a record of those on duty is kept at each facility, which is to be placed in the unit operational archive at the end of each HERRICK rotation.
 - (11) In the case of long-term captivity, planning should include provision for re-integration operations.
 - (12) Ensuring the humane treatment of detainees at the THFs at all times and in all circumstances, excluding periods of questioning or interrogation¹¹.
 - (13) Co-ordinate with counter-intelligence elements/J2X for the auditable handing over or transfer of detainees to the *intelligence exploitation facility*.
 - (14) As directed by the FPM, inspect and report on Unit Holding Areas and DTFs at least once every 2 months¹².

i. **OC Afghan Prosecution and Support Section (APSS).** Responsible to the FPM OC APSS is the first line point of contact for all CFs and the Afghan authorities on all UK detainees. OC APSS is to:

- (1) Command the APSS.
- (2) Together with the BPO, ensure detaining soldiers' statements, LN and Afghan Security Forces statements, are completed in a timely manner.
- (3) Liaise with the IEF in order to assist with the development of evidential cases to support transfers to the Afghan authorities. This includes the provision of information derived from IEF interrogation and REL GIRoA reporting to the NDS.
- (4) Manage the UK detainee transfers to NDS and CNPA, including attendance at the weekly case conferences with PRT Rule of Law team, NDS and CNPA.
- (5) Attend weekly ICRC meetings as the FPM's representative and provide bi-weekly updates to the ICRC of all new detainee details.
- (6) In the absence of the FPM attend DRC¹³.
- (7) Ensure that the FPM, Hd UKDOT and POLAD are informed of any information relating to the outcome or progress of UK Detainees held within the Afghan judicial/detention system¹⁴.

¹¹ During periods of questioning or interrogation, the responsibility for ensuring humane treatment of detainees is that of CO IEF.

¹² This should include when appointments change over.

¹³ In accordance with Pt 2 of SOI J3-9.

[REDACTED]

j. **Brigade Provost Officer (BPO).** The BPO is the TSU/CF first point of contact for Point of Detention (POD) advice and guidance. The BPO must establish a strong working relationship with the TSU/CFs throughout the MST process and be sighted on all J3/J5 activity with HQ TFH. The BPO is to:

- (1) Provide guidance to CFs to ensure that they are operating within the bounds of SOI J3-9 prior to, during and after any operation that has involved an UK ISAF detention.
- (2) Ensure the DETREP (at Annex N) completed for all CF detainees and all related information, including the recovery and packaging of evidence. Together with OC APSS ensure arresting soldier statements, LN and Afghan Security Forces statements, are completed in a timely manner.

k. **Head UK Detention Oversight Team (UKDOT).** Hd DOT is responsible to the Detention Authority for oversight and first-party assurance of all former UK detainees who remain in Afghan pre-trial detention. The DOT are to:

- (1) Take responsibility for tracking and monitoring all pre-trial former UK detainees and conduct one visit to each individual following first court conviction.
- (2) Plan and execute visits to former UK detainees in Afghan authorities' pre-trial detention, liaising as necessary with the Afghan authorities and appropriate stakeholders.
- (3) Provide visit reports on all UK military visits to detainees to the Detention Authority and PJHQ, as soon as practicable (preferably within 48 hours) of the visit.
- (4) Inform PJHQ, JFSp(A) and NCC POLAD should the ability to conduct visits in private be denied.
- (5) Where any allegation of mistreatment or torture is raised by a former UK detainee, report the incident to FPM both verbally and in writing, and to the PRT.

l. **SO3 DRC.** SO3 DRC, supported by JNCO DRC, is to ensure the smooth running and coordination of the DRC. SO3 DRC is to:

- (1) Collate and distribute completed Annex Gs to the DRC for review.
- (2) Be the POC for correspondence between Theatre and PJHQ, including the staffing of detainee casework.
- (3) Ensure that detainee timelines are strictly adhered to throughout the detention process.
- (4) Maintain the detainee database; complete the DRC Report and SoM.
- (5) Provide detention information for ISAF RC(SW).
- (6) Provide administrative support to the DA/DDA as required.

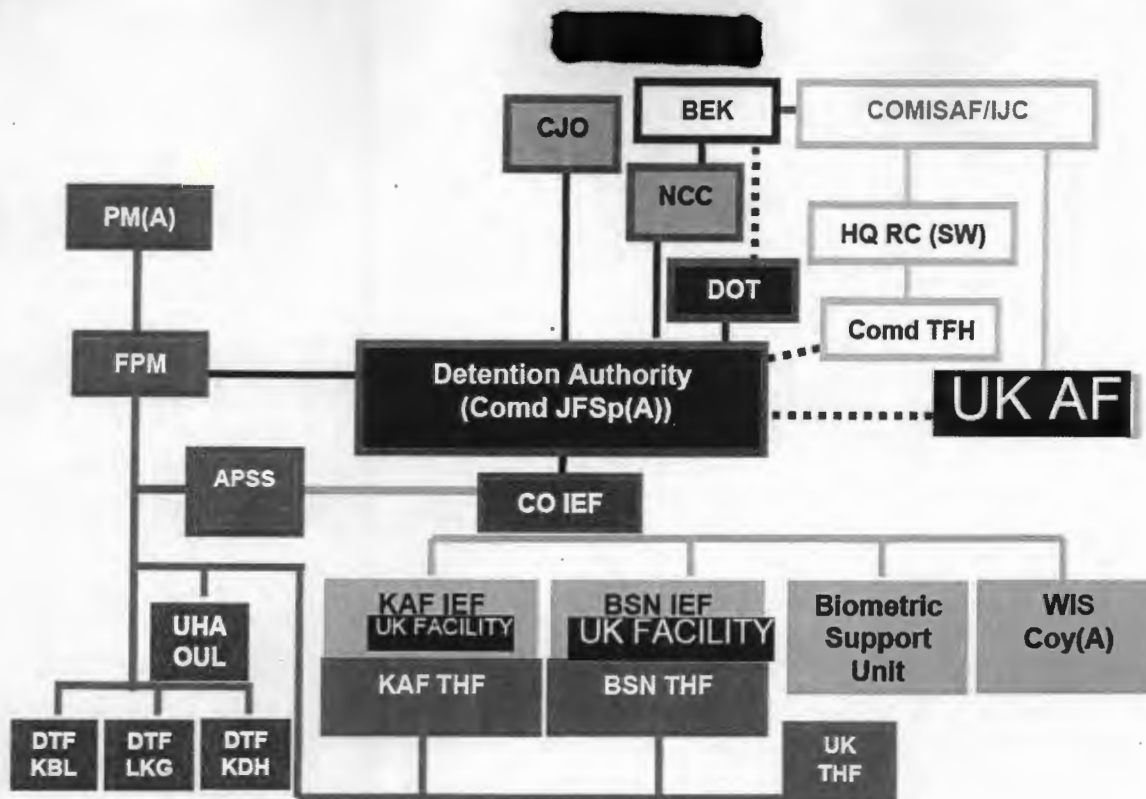
m. **Unit and Battlegroup COs.** COs remain responsible for detainees held by their personnel at all times. They are to ensure:

- (1) Unit personnel are adequately trained in the minimum standards of treatment and the prohibited and permitted activities covered in Part 1 of this SOI.

¹⁴ Including the reporting of court decisions.

- [REDACTED]
- (2) Detainees are passed to THFs as fast as practicable and in any case no longer than 24 hours from being detained.
 - (3) A commissioned officer is given direct responsibility for detention matters, including the promulgation of the detail of this SOI, adherence to it and unit level record keeping. He is to:
 - (a) Coordinate, triage and manage detainees.
 - (b) Act as a focus on detainee matters during mission specific training.
 - (c) Ensure that all Battlegroup FEs have undertaken Service Specific military annual training tests (e.g Naval Military Training, Military Annual Training Test 7) and that additional training relevant to the correct handling of detainees is undertaken and reinforced throughout the deployment.
 - (d) Assist the Commanding Officer during operations by monitoring compliance with timescales, record keeping and other detainee handling standards.
 - (e) Act as a clear point of contact with higher headquarters on detainee matters and liaise as necessary, with the Military Provost Staff.
 - (f) Maintain oversight of detainee issues for the Battlegroup and ensure the issue of responsibility for detainees remains within the Battlegroup planning focus and an active operational issue for consideration throughout the deployment.
 - (4) Utilising the Chain of Command, that at least one NCO per location is given responsibility for the handling of detainees until they are transferred to the THF and that each NCO given this responsibility has received sufficient training to carry out this task.
 - (5) Any detention facilities established forward of the THFs are run in accordance with this SOI and guidance provided by the FPM.

17. **Chain of Command.** The Theatre Detention Chain of Command is shown below.



Note: All MPS assets are OPCOM to the FPM. The MPS, Detainee Handlers and Op BRIDGER guard force are TACOM OC MPS.

Figure 1: Theatre Detention Chain of Command.

18. At any point in the detention and exploitation process, if doubt exists as to the responsibility of UK personnel, advice is to be sought from the appropriate SMEs (CO IEF, FPM, JFSp(A) LEGAD or JFSp(A) POLAD).

AMENDMENTS

19. Suggestions for amendments and/or updates to this SOI, along with justifications for them, should be passed in the first instance to PJHQ J3 FP OT (PJHQ-J3-DETENTION-SO2) who will initiate consideration of all such proposals. This will involve consultation, as a minimum, with PJHQ J2, PJHQ J3, PJHQ J4 Med, PJHQ J6, PJHQ J7, PJHQ J9 Pol, PJHQ J9 LEGAD, HQ PM(A) and FPM as well as key SMEs in-theatre.

AMENDMENT 6		
OP HERRICK Standard Operating Instruction J3-9: Part 1		J3-9 - 1
PART 1: STOP, SEARCH, QUESTION AND DETENTION PROCEDURES	Sponsor	PJHQ J3
	Last Updated	17 Sep 12

INTRODUCTION

1. Although this section lays out Stop, Search, Question and Detention provisions in a linear manner, this will not always reflect events on the ground. Stop and search may not always lead to detention; likewise, the decision to detain may need to be made straight away for reasons of Force Protection, Self-Defence or Mission Accomplishment. Although cases of detention are less frequent, situations where UK FE are required to stop, search and question are a routine part of operations in Afghanistan. If individuals fail to apply the following procedures correctly this could lead to loss of consent, loss of evidence (enabling EF to escape justice and therefore be free to fight again), damage to UK reputation or disciplinary action. At all stages, if individuals do not understand the content and applicability of this section they are to seek advice from BPO (in the first instance), OC APSS or FPM, or JFSp(A) LEGAD, as appropriate, through their Chain of Command.

2. **Mandate.** Any member of UK forces in Afghanistan may decide to detain an Afghan or non-Afghan national. When making the decision to detain, they must be satisfied that one of the following criteria has been met:

- a. That detention is necessary to maintain Force Protection or
- b. That detention is necessary for Self-Defence or
- c. That detention is necessary due to a threat to Mission Accomplishment.

3. **Responsibility for detainees.** Once a decision to detain has been made, it should be referred as soon as practicable to the THF so that the appropriate resources can be stood up. Commanders must satisfy themselves that the necessary criteria for detention continue to be met. Until the transfer of the detainee to one of the THFs or one of the DTFs, the detainee remains the responsibility of the unit which detained him/her. Unit commanders therefore retain responsibility for ensuring that detention is conducted in accordance with this SOI until transfer to the THF/DTF. Once the transfer of the detainee to the THF/DTF has been completed, responsibility for the detainee is passed to FPM, exercised through the Pro i/c of the respective facility. This responsibility remains until the release or onward transfer to the UK approved Afghan authorities.

GROUND AND PRINCIPLES

4. **Stop.** Any member of the UK Forces in Afghanistan may stop an individual for as long as is necessary to ascertain:

- a. His/her identity (e.g. name and address); and/or
- b. His/her recent movements (e.g. where he/she is going to or coming from); and/or
- c. His/her knowledge of recent significant incidents.

5. In addition, an individual may be stopped where it is necessary due to a threat to mission accomplishment, self-defence or Force Protection. However, delaying someone without good

reason will simply cause discontent among the local population so every effort should be made to deal with people promptly, delaying them only when necessary and only for that period of time necessary.

6. **Search.** An individual may only then be searched where they are suspected of carrying a weapon, ammunition, explosive ordnance or other military equipment, or if considered necessary due to a threat to mission accomplishment, self-defence or Force Protection. Before commencing a search, the reasons for searching should be explained in a language that the individual understands. The Notice of Intention to Conduct a Search (Annex D) is to be handed to the individual and also read to them by the interpreter. Specific guidance as to the conduct of searches, seizing of property, and other evidential issues are at Annexes E-H. RMP or specialist search teams/advisors should be used wherever possible to conduct all searches.

7. **Tactical Questioning (TQ).** TQ represents Level 1 Personnel Exploitation and takes place within the context of detention operations. TQ is defined as, 'the obtaining of information of a tactical nature from Captured Personnel (CPERS), the value of which would deteriorate or be lost altogether if the questioning was delayed.' Only appropriately trained and qualified personnel are authorised to conduct TQ as part of the intelligence collection process and within the context of detention operations.¹⁵ TQ also facilitates the screening and selection of CPERS for interrogation or debriefing. The exploitation of CPERS is a critical capability for the UK to fulfil the COIN and Force Protection (FP) requirements of Op HERRICK. The professional conduct of TQ is an essential pre-cursor to successful Level 2 exploitation. **Given that unit TQ personnel are responsible for CPERS during TQ, adherence to UK detention standards is essential.** However, in the event that qualified TQ personnel are unavailable at the point of capture any Serviceperson may undertake the questioning of a **willing** detainee to determine status, identity, age and any information pertaining to direct and immediate Force Protection information only. Any further questioning and the process of screening or selecting individuals for interrogation must only be conducted by TQ trained personnel. **Unwilling detainees are not to be questioned by anyone other than trained and qualified TQ personnel.** CF's do not have to detain an individual, provided they have not been deprived of their liberty, in order to conduct TQ for the purpose of selecting individuals for further exploitation. An individual must not be held for TQ purposes for longer than his perceived information remains of tactical value to the Commander, he must then be released or if required transferred to the THF for further exploitation; this should be within 24 hours of POD

are to be conducted without referral to the Unit CO. TQ policy including oversight, governance and responsibilities for the welfare and treatment of detainees is detailed in Reference H and **must be read by personnel with chain of command and/or oversight and governance responsibilities for personnel engaged in TQ.** It is essential therefore that Detention policy and procedures are coherent with TQ and exploitation requirements in order to maximise intelligence opportunities whilst maintaining compliance with legally acceptable standards of detainee treatment. Both TQ and detention adhere to the same international legal obligations on the humane treatment of detainees. Individuals under the age of 18 are to be treated as juveniles and are not to be subjected to TQ. Trained TQ personnel can seek advice from their immediate Unit TQ Coordinator, through to the IEF J2X(I), with reach-back to specialist legal/J2X advice through PJHQ. Close coordination between the TQ and FPM staff and also between IEF staff and the FPM is vital to ensure the effective accomplishment of both the exploitation and custodial missions; where clarification is required on aspects of operational policy in either area, guidance should be sought through the chain of command to PJHQ J3. Requests for appropriately qualified UK Service personnel to TQ or debrief detainees being held in the custody of a liaison service (ISAF Coalition or ANSF) are to be staffed through IEF J2X(I) for approved by the ITMB and formally recorded.

8. **Biometric Enrolment.** The UK policy for Biometric Enrolment is detailed in Reference L.

¹⁵ Defined as personnel trained in TQ by the Defence School of Intelligence. The TQ qualification automatically expires 2 years after successful completion of the Defence TQ Course or if personnel subsequently undertake any form of Resistance to Interrogation training, Conduct After Capture training or Survive, Escape Resist and Extract Instructor's Course. Under such circumstances, personnel are required to re-qualify as a TQ'er by completing the Defence TQ Course in full.

9. **Detain.** As in the case of stop and search, a person must only be detained if it is deemed necessary to do so for mission accomplishment, self-defence or Force Protection. When a search reveals explosive ordnance, ammunition or military equipment of a dangerous nature, the incident should be handled in the same way as any other IED/UXO incident before concentrating on the evidential value of the property. Force protection must always be the primary concern in such situations.

10. **Decision to Detain.** UK FE can detain persons only if the criteria set out in para 2 are met. Criminal activities (such as LN on LN) alone generally do not warrant UK FE detention. This remains the sole preserve of the ANSF, although details should be reported to the ANSF if purely criminal activity is observed. It should be noted that the existence of Anti-Coalition or Taliban Tattoos on an individual is not necessarily a reason on its own to detain, but can be enhancing evidence if the individual is detained for one of the three reasons above.

11. **ANSF Involvement.** Wherever possible ANSF should take the lead in detention operations. The UK FE role at these times is to ensure a safe and secure environment in which the ANSF can operate. UK Forces may only carry out the detention where it is impossible for the ANSF to do so or where it is agreed that, due to the operational situation, UK FE will support the ANSF by conducting the detention. The detention of children is a separate issue and is dealt with under para 35.g.

12. **Pro staff involvement.** Pro staff at the relevant DTF are responsible to the FPM for the transfer of the detainee from one of the THFs to the Afghan Authorities. The FPM's immediate responsibility for the detainee ends upon transfer to the Afghan authorities, when as a matter of policy the UK DOT takes over responsibility for tracking and monitoring former UK detainees while they are being held in Afghan pre-trial custody.

13. **Use of Royal Military Police (RMP¹⁶)/ MPS.** There are insufficient RMP and MPS in theatre to be present at all detention operations. However, Pro advice and support should be sought in all situations where it is likely that detention or search will be a feature of the (planned or framework) operation. A list of RMP tasks and 'trigger words' where RMP involvement should be sought is at Annex C. It must be recognised however that, while the RMP are on hand to provide advice, situations involving stop, search, question and detention will primarily be a unit and chain of command responsibility. The use of MPS should be considered for major deliberate operations. When RMP are directly supporting they should be used to:

- a. Supervise the searching of personnel, property, vehicles and any location.
- b. Advise on what items are of evidential value and the physical recovery and exhibiting of all such items.
- c. Assist with the recording of statements of evidence from the detaining soldier or Tactical Questioner (if applicable).
- d. Train UK FE personnel in detention and evidence handling procedures.
- e. Advise on detention matters.

14. It should also be noted that the MPS man the THF (BSN), the UK THF (BSN) and THF (KAF). The MPS deliver all RSOI detention training for incoming troops and they are the in-theatre subject matter experts on detainee handling. The MPS work direct to the FPM¹⁷ as the senior UK Pro Officer in theatre.

¹⁶ Throughout this SOI RMP will also refer RN and RAF Police.

¹⁷ Through OC MPS.

15. **Legal and Policy Advice.** UK detention operations are conducted in accordance with applicable international and UK domestic legal obligations. Responsibility for advice on the applicable legal standards lies with in-theatre UK LEGADs, PJHQ J9 Legal and Central Legal Services. Responsibility for policy advice on UK detention operations rests with in-theatre POLADs, PJHQ J9 Policy and the MOD Ops Directorate.

POST DETENTION

16. **Post Detention Principles.** Once the c/s on the ground has decided to detain an individual, a DETREP should be sent immediately to BPO. Detainees must be taken without delay (and within 24 hours) to one of the THFs. However, before a detainee is moved there, if at any time it is considered that there is no longer a risk to Force Protection, Self-Defence or Mission Accomplishment, the detainee should be released at, or as near as possible to the point of detention. In these circumstances, a DETREP is still required as the individual will be issued a detainee reference number. Where it is impossible for operational reasons to release the individual near the location of the original detention, then alternative arrangements are to be put in place to achieve this. If an individual has been stopped but then released on the ground without being detained, all details of the incident must be passed onto THF (BSN) for archiving.

17. **Triage.** Early triage, conducted by qualified TQ personnel, may give a better indication of whether a detainee is likely to provide useful intelligence and will help to differentiate between high and low-value targets. Commanders on the ground, utilising trained TQ personnel, will therefore need to conduct an initial process of triage to prioritise the order in which detainees are to be moved to a DTF/THF.

18. **Allocation of Detainee Numbers.** On receipt of the DETREP all detainees listed must be allocated a detainee number. For those detainees released prior to arrival at the THF by the detaining c/s, an explanation must be provided in the DETREP on both the circumstances that led to the release and on the physical state of the detainee at the point of release. A detainee reference number will be issued in respect of these individuals to reflect their time in UK detention and to ensure that an auditable record is maintained.

19. **Informing Detainee and Family.** In accordance with Reference K, where force protection considerations permit, information should be passed to a senior member of a detainee's family, or if a family member is not available then alternatively the detaining C/S should inform a senior member of the compound/village and ask them to inform the family of the detainee, at the point of detention notifying them of the identity of the detaining force and the location that the detainee is to be transferred. On arrival of a detainee, THF staff are to immediately inform SO3 DRC and OC MPS at HQ JFSp(A). SO3 DRC HQ JFSp(A) will then inform HQ RC(SW) US Marine Corps Judge Advocate. The ICRC will be informed by the MPS once the detainee has been admitted to a THF. If the detainee is transferred to another facility or to the Afghan authorities, HQ RC(SW) and the ICRC are to be notified.

20. **Combined, Joint and/or Inter-Agency Operations.** Primary responsibility for persons detained during joint patrols or operations with the ANSF lies with the ANSF. During the planning process the detention lead must be agreed so that it is clear with which national detention chain responsibility resides. In circumstances where there is agreement that UK FE take responsibility for a detainee, for instance because of the greater capacity to exploit equipment or information discovered during searches, the detainee should be moved to a THF/DTF following the guidance in this SOI.

21. **Unit Holding Areas (UHA).** For large deliberate operations, there may be a requirement to consider establishing forward holding areas in order to provide an area where BGs can secure and process greater numbers of detainees before their onward move to DTFs/THF. These are known as UHAs. There is one permanent UHA at FOB OUELETTE. This is supervised by Pro staff¹⁸,

¹⁸ This must be either a RMP or MPS SNCO

inspected and reported on by the FPM and operate to SOPs that have been endorsed by PJHQ and PM(A). The creation of a UHA will entail a number of infrastructure, manpower and resource implications and must be planned in considerable detail in parallel with the planning of the deliberate operation. Generic planning guidelines for the establishment of UHAs are set out in FPM-sponsored BRITFOR SOPs. These detail the minimum requirements for a UHA and delineate the responsibilities of HQ TFH and HQ JFSp(A) in their construction, guarding and maintenance.

22. **Initial Medical Screening.** Detainees must be seen by the most senior medically trained person present (Doctor, nurse or combat medical technician (class 1)) within 4 hours of their detention, and, ideally, as soon as possible after capture. Appropriate medical support should be sought in all situations where it is likely that detention or search will be a feature of the (planned or framework) operation. Should there be a delay to transferring a detainee to the THF, then subsequent medical assessment should take place at the 12 and 24 hour point after their detention¹⁹. Should the tactical situation, clinical priorities or the transit of the detainee preclude a medical assessment taking place this must be recorded. The Medical examination must be recorded and the record sealed and marked PROTECT-MEDICAL. The aim of the initial medical assessment is to exclude any requirement for immediate medical care and identify and record any obvious injuries. Ageing of detainees is not to be undertaken during the initial medical screening²⁰. The Medical examination must be recorded on an FMed1026 (or Annex F). The DTG of the initial medical screening and the medical recommendations from Part 2 of the FMed1026 (or Annex F) are to be recorded on the reverse side of the Capture Card in the 'Service Statement of Detention'. All detainees are to be given a full medical assessment by a General Practitioner within 4 hours of their arrival at the THF.

EVIDENCE – ADVICE TO DETAINING UNITS


23. **Evidential Requirements.** The understanding of what is admissible evidence differs between the ISAF nations' legal systems and Afghan Law. The Afghan Criminal Judicial system places significantly greater emphasis on the provision of physical evidence and every effort should therefore be made to secure physical evidence, where appropriate and safe to do so, as part of the detention procedure. This should be reinforced with photographic evidence and witness statements wherever possible. Where possible seizure of such items should follow evidential handling rules to enable its use as evidence in any subsequent Afghan prosecution. Exploitation is an intelligence collection activity and not a criminal investigative process. However, materiel seized with the detainee can significantly help the exploitation process. Whilst raw product from interrogation sessions does not constitute evidence, PJHQ and MOD has approved the release of unanalysed information derived from IEF interrogation and REL GIRoA reporting to the NDS through the Afghan Prosecution and Support Section (APSS) in order to allow the Afghan authorities to conduct their own investigations. In the event they wish to use some or all of the information passed to them by UK authorities in a court of law, they may do so. Should a detainee confess to criminal activity, a signed statement can be produced by the detainee in the presence of the APSS NDS LO or in his absence an Officer from NDS LKG. Further advice can be sought from BPO, OC APSS and the FPM.

24. **Evidence Collection.** In order to maximise the opportunities to prosecute and convict those responsible for committing acts of insurgency, it is vital that as much evidence as possible is gathered at all stages of detention operations. All personnel have a role to play in the collection of evidence and ensuring that it is transferred to the IEF as quickly as possible, while maintaining the forensic integrity of any evidence they gather. As a minimum the following will be required:

- a. **Statements.** These must be obtained from:

¹⁹ Detainees have the right to refuse medical examinations. In these circumstances, medical staff should ask the individual, through an interpreter, if they wish to report any illness or injury and record the response on the FMed1026.

²⁰ Where medical staff suspect that a detainee is under 18 years of age this is to be recorded on the FMed1026 and reported to the chain of command.

- 
- (1) Detaining Soldier (taken by RMP).
 - (2) Interpreter (as witness – aural and visual).
 - (3) Any LN who observed event (if possible and through Interpreter); statements from distinguished members of the local community are of particular value in the Afghan Judicial system.
 - (4) Statements from all UK FE witnesses.

b. Where available, Service Police can advise on statement writing. In extremis, statements can be recorded at the THF. The detaining soldier should accompany the detainee to the THF, where the necessary statements can be taken as part of the in-processing of the detainee. Statements should be recorded by all personnel involved in the detention and forwarded to THF within 24 hours. The statement format is at Annex I.

c. **Photographs.** Imagery of the following is considered as highly advantageous in any exploitation and possible judicial prosecution of a detainee:

- (1) Photograph of the point of detention, including but not limited to ground and visibility.
- (2) Photographs of all physical items discovered, in situ and as found; these photographs must be clear and unobstructed to demonstrate their location to the place they are found (take a broad picture of the area (with the item in it) and then a close-up of the item itself). Only if the item(s) recovered are or have been seen in the detainee's physical possession should another photograph be taken of the detainee with the item(s).
- (3) Weapons and drug caches, ideally before, during and after destruction if applicable.
- (4) Vehicles (If applicable) with VRN (If possible) and detainee visible.

d. **Property.** When handling property the detaining c/s should wear gloves to ensure the forensic integrity of the property so that materiel exploitation can gain maximum utility from analysis of these items. Property includes, but is not limited to:

- (1) Mobile Phones and electronic media (Computers, Hard Drives, Memory Sticks/USB Sticks, CD/DVDs, MP3 players, tapes). (Note: Leave the mobile phone/electronic media in the exact state that it was found in. Do not switch it on or off or phone the last number the detainee has called for example.)
- (2) Detainee documents, scraps of paper and pocket litter.
- (3) Patrol Notebooks (Relevant sections will be copied at the THF/DTF for TALON Information and returned).
- (4) Small Arms (ATO Cleared).
- (5) Possible IED components and paraphernalia (must be ATO-cleared).
- (6) All other documentary evidence.
- (7) Any other items that the Force Elements believe should be retained (e.g. cigarette butts, bottles etc) for DNA and other analysis.

[REDACTED]

e. An Aide Memoire as to the Recovery of Evidence and receipting of property is at Annex H and an Evidence Aide Memoire is at Part 2 Annex C.

25. **Evidence Chain.** Conviction is more likely when physical evidence is available to the IEF immediately. The statements from all those involved in the detention must therefore accompany the detainee and escort or they can be recorded by an APSS investigator upon arrival at the THF. Wherever possible, all evidence is to accompany the detainee to the THF; the detainee should be invited to sign or mark (thumbprint) the receipt of property found in their possession or associated with the detainee at the point of detention. Where this is not possible then CO IEF must be informed that evidence has been seized and/or collected, where the evidence is held, who the custodian is and when the evidence will be available. Failure to inform may result in the unwarranted release of the detainee and put at risk potential intelligence exploitation value and/or prosecution.

DETAINEE PROCESSING

26. **Tactical Aide-Memoire.** An Aide-Memoire covering the detention of detainees is at Annex A. This Aide Memoire is designed principally for wide dissemination to the lowest levels. For commanders, it is not a substitute for reading this SOI.

27. **Assuming Responsibility for Detainees from Afghan Security Forces.** If the behavior or actions of ANSF causes any UK FEs to believe that an ANSF detainee is or will be mistreated or that the ANSF are unable to safely and correctly facilitate the detention process, the detainee is to be taken into UK control in accordance with normal procedures providing it is safe to do so. UK personnel should take control of the detainee and then carry out action in accordance with Annex A.

28. **Assistance.** In situations where a detainee has been detained by the ANSF, assistance (e.g. transport) may be provided by UK Forces. However, ANSF must be encouraged to use their resources wherever possible. As a minimum, the detainee must be accompanied at all times by at least one member of the ANSF until all UK involvement ceases. If this does not occur, the person becomes a UK detainee and must be treated as such.

29. **Handover to non-UK Forces.** Once an individual is a UK detainee, that detainee must not be transferred at unit level to the control of another nation. However, there are exceptional circumstances in which UK detainees may be transferred to other nations; see Pt 2 para 33.

30. **Handover from non-UK Forces.**

a. **Transfers from ISAF forces.** The transfer of detainees from other ISAF forces is permitted. The individual will remain under the detention of the ISAF nation concerned until officially transferred into UK detention at a THF/DTF and thus must be escorted by a detaining official from that ISAF nation until the transfer process is completed. The DTG for the point of detention is taken to be the point at which the originating ISAF detaining nation took the individual into detention, not when UK forces received the detainee. It is not permissible to detain an individual immediately at the point of release from another nation's detention unless additional or new evidence arises to satisfy the initial mandate for detention. Once received into UK detention, detainees may not be returned to the custody of the former detaining ISAF nation, unless under the terms of MOUs outlined at Part 2 Para 33.

b. **Transfers from Op ENDURING FREEDOM (OEF) forces.** It is not permitted for UK forces to detain an individual who has, at that time, been stopped, searched, questioned or detained by OEF forces. For the purposes of considering whether a transfer falls within this category, an individual being held by OEF forces must be assessed as to whether the circumstances satisfy the UK definition of these terms²¹, irrespective of how the OEF forces

²¹ As defined: Stop and Question Pt 1 paras 4 and 7, Search Pt 1 para 6 and Detain Introduction para 7.

[REDACTED]

would categorise that individual. Those taking an individual into detention must satisfy themselves that this requirement is not breached. It is not permissible to detain an individual immediately at the point of release by OEF forces unless new intelligence arises to satisfy the initial mandate for detention.

c. **Consensual Transfers from ANSF.** Transfer of individuals from ANSF is permitted if any of the following conditions are satisfied:

(1) **The individual would not be considered to be an ANSF detainee within the definition of this SOI.** An individual would not be considered an ANSF detainee if they have not been unwillingly moved by ANSF personnel from the location where they were initially stopped. Therefore, in all partnered operations, the stop, search and question function may be carried out by partnering forces, but this should not prevent the individual becoming a UK detainee.

(2) **The individual would be considered an ANSF detainee but has not entered the Afghan criminal justice system.** Detainees may only be transferred from the NDS or Afghan National Police (ANP) when they have been detained as part of a pre-planned targeted detention operation conducted in partnership with UK force elements. Detainees may be transferred from the Afghan National Army up to the point at which they are either formally transferred to the ANP or NDS or they enter an Afghan detention facility. If the detainee has already entered an Afghan detention facility, authority must be sought from PJHQ prior to any consensual transfer taking place.

(3) **The individual has entered the criminal justice system and provides a positive match against Biometric Watchlist level 1 or 2.** UK Forces are permitted to conduct non-consensual enrolment of detainees held in Afghan Custody, where they meet the criteria set out in Reference L. Before sharing any results with the Afghan authorities, the on-site Comd must satisfy himself that;

(a) from the point of his arrest, the detainee has not been subject to cruel, inhumane or degrading treatment; and

(b) sharing the information does not create a serious risk of the detainee being subject to cruel, inhumane or degrading treatment in the future.

If the biometric enrolment results in a WL 1 or 2 hit, either immediately or following comparison against the wider UK/US Biometric database, then the detainee can be transferred to UK detention providing the Afghans provide their consent to the transfer taking place. Should the Afghans refuse, then the detainee must remain in Afghan custody. A refusal to transfer the detainee in to UK custody does not preclude the provision of evidence to either the NDS or AUP.

31. In addition to completion of routine in-processing paperwork the following must take place before UK THF/DTF staff sign for the detainee:

a. Medical examination of the detainee in accordance with Reference G.

b. The THF/DTF staff must make a photographic and written record of the detainee's physical condition (noting that they may have sustained injuries legitimately in the process of being detained.)

c. Transfer report completed and signed by THF/DTF staff and transferring ISAF force acknowledging the condition of the detainee and circumstances of the detention.

32. **Timelines.** Responsibility for the transfer to the THF/DTF lies with the unit detaining the individual. Individuals detained by UK Forces must be transferred to THF (BSN or KAF) **as soon**

as practicable and no later than 24 hours from the point of detention. All potential evidence, detainee possessions and TQ reports must be transferred with the detainee in order to best support the intelligence exploitation and potential judicial process. Where this is not possible, the BPO is to be informed. Where it is assessed that the 24 hours permitted will be insufficient to allow transfer to THF (BSN) the unit concerned must contact the FPM via the BPO (regardless of assigned command states) for authority to hold the individual for longer. This request must be justified, and will only be considered when there are legitimate operational reasons for the delay. If permission is refused, the individual should be released as near to the point of detention as possible, taking operational factors into account. Grounds for applying for extended detention are described, together with the procedure to be followed at Part 2, paras 50-56.

THE TREATMENT OF DETAINEES

33. **Commanding Officers' Responsibilities.** At all times Commanding Officers are directly responsible for the treatment of detainees held by their units. They are to ensure all personnel under their command understand the actions that are expressly prohibited and those that are permitted. They are to ensure the overarching requirement for humane treatment at all times is understood and that detainees are provided protection, shelter and food. Water is to be available to detainees at all times.

a. **Ensure the safety and security of the detainee(s).** Detainees are to be afforded sufficient protection against the rigours of the climate and the dangers of the armed conflict. When necessary PPE, including helmet, CBA and ear and eye protection is to be provided. Subject to the operational circumstances, detainees are not to be kept in direct sunlight for long periods or denied protection from the cold or other inclement weather.

b. **Provide sufficient and appropriate food and water.** Each detainee must receive 3 meals per 24-hour period. Meal times are to be no closer together than 4 hrs nor further apart than 10 hrs. Water should be available upon request. The quality and variety of food available to detainees may vary according to the stage of processing the detainee has reached. Food may also have to be rationed as a result of food shortages, but in such circumstances, the rationing would apply equally to UK personnel and so the rule of equivalency could be maintained.

c. **Provide sufficient rest.** Detainees are to be given at least 8 hrs of rest per 24-period, during which there must be an opportunity to sleep for a single undisturbed period of no less than 4 hrs. Detainees may need to be woken or disturbed for reasons of safety to the detainee or for the welfare of the detainees. In particular, it may be difficult to ensure 8 hours sleep and rest per 24 hours during transfer of detainees between facilities. While a detainee facility is intrinsically noisy and may cause difficulty sleeping, noise must not be directed at or increased towards a detainee; reasonable effort must be made to reduce noise levels in the vicinity of detainees.

d. **Oversight arrangements.** When a unit establishes a UHA the CO is to nominate an Officer to have specific responsibility for the humane treatment, safety and security of the detainee(s) until they are passed to the THF.

34. **Prohibited Techniques.** The 5 techniques, as defined below, must never be used as a form of punishment, discriminatory conduct, intimidation, coercion, as deliberate ill-treatment or as an aid to tactical questioning or interrogation. **Hooding is prohibited at any time, for whatever purpose.** A Standing Order (Annex K) directing the prohibition of these 5 techniques must be published to all UK Forces by the Detention Authority. The Standing Order is to be displayed and available to all UK Forces particularly those working with detainees.

a. **Stress Positions.** Any physical posture which a detainee is deliberately required to maintain will be a stress position if it becomes painful, extremely uncomfortable or exhausting to maintain.

- b. **Hoarding.** Placing a cover over a detainee's head and face. A cover includes a sandbag.
- c. **Subjection to noise.** Holding a detainee in an area where there is unnecessary excessive noise (e.g. Unnecessary excessive noise includes noise which, for example, is too loud, persistent or close).
- d. **Deprivation of sleep.** Detainees must receive a minimum of 8 hours of rest and/or sleep per 24 hour period, with an opportunity to sleep for a single period of no less than 4 hours in a continuous block.
- e. **Deprivation of food and drink.** Depriving a detainee of the minimum requirement of food and water. Each detainee must receive 3 meals per 24-hour period. Meal times are to be no closer together than 4 hrs nor further apart than 10 hrs. Water must be available upon request.

35. **Humane Treatment and Prohibited Acts.** In accordance with References D and G detainees must be treated humanely at all times, including respect for social, cultural and religious beliefs. They must not be subject to torture, intimidation, violence, punishment or inhumane or degrading treatment (ie sexual embarrassment, religious taunting etc). Mistreatment of detainees will always have a negative impact on the overall success of our mission and, if observed, must be recorded in the patrol notebook and reported up the Chain of Command. RMP (SIB) must always be called in to investigate any allegations of abuse or mistreatment of detainees by UK FEs. UK personnel are to prevent and, where necessary, report via FPM incidents of detainee mistreatment, whether it be by UK or other nations' forces. In addition:

- a. **Transport and Escorting of Detainees.** While the detainee is in the custody of the capturing unit, prior to his arrival at the THF/DTF, he is the responsibility of that unit. Detailed guidance is at Annex L.
- b. **Injured or Sick Detainees.** Medical treatment provided to detainees is to be in accordance with Reference G and is to be of the same in-theatre standard as that given to UK Forces. Priority of treatment is assessed on medical grounds alone. If a detained person has to be evacuated to a R3 MTF, they are to be treated at that facility until such time as they are assessed as being well enough to transfer to a THF. Where detainees require medical treatment from the point of detention and so cannot be questioned until their condition improves²², the 96 hr clock will be taken to start only at the moment when they are discharged from a R3 Medical facility to a THF/DTF. Whenever an injured detainee is taken to a medical facility, the respective THF/DTF is to be informed immediately so that THF/DTF staff may provide an appropriate guard force and to prepare to receive the detainee once medically recovered and so that the detention timeline limits may then be adhered to. Should there be a requirement to detain for longer than 96 hours for medical reasons, authority, with justification is to be sought via SO3 DRC through the chain of command from HQ ISAF.
- c. **Deprivation of Sleep.** It is prohibited to deliberately keep detainees awake, even for short periods, merely because they may shortly face tactical questioning or interrogation. However, they may be woken in order to be tactically questioned or interrogated, if the questioning is ready to take place, provided that the minimum sleep requirement is respected²³. It is further recognised that operational circumstances may result in sleep being

²² Questioning will not normally take place within a medical facility, or when a patient is receiving treatment for an acute condition. However, the Detention Authority may seek permission from the CO of the relevant medical facility to question a detainee. The CO, in consultation with the clinician directly responsible for the detainee's medical treatment, should make an assessment as to whether questioning will adversely affect their patient's treatment, physical or mental health. This assessment and any time limitations must be recorded in the clinical record. Questioning should be limited to ascertaining basic details of the individual's identity and the circumstances of their capture. Questioning is only to be undertaken by TQ qualified personnel.

²³ See para 33.c.

disrupted or delayed. The discretion to wake a detainee for immediate questioning is not to be abused by way of repeated or random waking of the detainee with a view to disorientation.

d. **The Use of Force.** UK Forces are to employ the minimum force necessary to bring a detainee under control²⁴. Once under control, no further force should be used, unless necessary to prevent escape, or for reasons of self-defence. Lethal Force may not be used to prevent escape. Lethal Force can only be used to remove an imminent threat to human life and there is no other way to remove the threat.

e. **Restraint.** Detainees may be restrained when necessary for Force Protection purposes, but the following guidelines should always be adhered to:

(1) **Plasticuffs.** Plasticuffs specifically issued for the purposes of restraining detainees may be used, but only to the front of the body. They should be regularly checked to ensure that they are not harming the detainee.

(2) **Search positions.** It may sometimes be necessary to search a detainee and this may require the individual to adopt a posture with limbs spread, albeit only for the purposes of the search and only for so long as it takes to complete the search. If such a search position is imposed, the detainee must be allowed to change position regularly to prevent pain and exhaustion.

(3) **Restraint Positions.** There may be an operational requirement to use a restraint position on detainees as a temporary measure to gain control of a situation. If such positions are imposed, the detainee must be allowed to change position regularly to prevent pain, extreme discomfort and exhaustion.

(4) **Restriction of Vision.** Where practicable, the need to deprive detainees of their sight should be avoided in the first place by common sense steps such as appropriate design and layout of facilities, the planning of operations, choice of routes and the covering up of equipment. All efforts should be taken to avoid the need for detainees to ever be present in or pass through sensitive areas. Restricting the vision of detainees may be achieved by travelling in enclosed vehicles, or vehicles with windows covered. Even if it is impracticable to avoid detainees seeing facilities or equipment in the first place, there must be a genuine sensitivity about the facilities or equipment before sight deprivation can be justified. Where, on a case by case basis, no other physical alternative is available and no other measure is possible, detainees may be required to wear blacked out goggles specifically issued for that purpose, or, if no blacked out goggles are available, a blindfold may be improvised. Any improvised blindfold must not be designed to cause pain. Blacked out goggles or blindfolds (not covering the mouth or nose) should only be employed as a last resort and for the time and extent necessary for example to preserve operational security. Sight deprivation should not be used as a means of separating detainees to prevent them from communicating with each other. Sight deprivation should not become routine; it must always be capable of being justified by the operational circumstances on the ground or to ensure the safety and anonymity of the detainee. When sight deprivation is used, the fact that it has been used should, as soon as practicable, be noted in a simple, brief record, giving the date / time / duration / circumstances / justification for its use. **A detainee must never be subject to TQ or interrogation whilst his vision is obscured.**

(5) **Restriction of hearing.** Holding facilities may be inherently noisy places, but steps should be taken to reduce noise levels and mitigate such conditions, or consideration must be given to providing detainees with ear protection. Noise must not

²⁴ This is to be in accordance with JSP 398A.

[REDACTED]

be deliberately directed at or increased in the vicinity of detainees, even for security purposes. Furthermore, all efforts should be taken to avoid the need for detainees to ever be present in or pass through genuinely sensitive areas. Facility design should, where practicable, avoid the risks of detainees hearing sensitive information including questioning of others. Where strictly necessary, e.g. in areas that are genuinely sensitive, ear defenders may be used to prevent detainees overhearing sensitive information, but only for the time and extent necessary to preserve operational security; generators or other loud equipment should not be used as noise shields. **The concurrent use of goggles and ear defenders should only be used in exceptional circumstances and then only for the time and extent necessary to protect operational security.**

(6) **Other issues.** Detainees should never be subject to any other form of sensory deprivation, unless by their own request e.g. being asked to be hidden under a blanket to avoid being identified by detainees or LNs; to wear a veil or head dress for religious or cultural purposes; to wear head protection against the dangers of conflict; to wear a hat or other head garment for protection against the climate. Provided the aforementioned are requested by the detainee, they do not violate the prohibition on hooding. Aids to senses, including spectacles and hearing aids should never be removed from detainees except for the minimum time necessary during a search or if it is suspected that the detainee may use them to self-harm.

(7) **Record-keeping.** Before arrival at the THF a record is to be kept, utilising the DETREP, of every occasion when sensory deprivation takes place; this should include the DTG, a brief explanation of the circumstances and justification and the information should be retained in the detainee's records. These details should be passed up the chain of command with the detainee and be examined by the THF staff on arrival. The FPM should monitor adherence to this process.

f. **Females.** The detention of any female will be culturally sensitive. Accordingly, any female detained must be kept separate from males (including UK males), and wherever possible under the direct supervision of female troops²⁵. Family groups of males, females and/or juveniles/ children should be kept together but away from other detainees, unless there is an urgent operational requirement to segregate specific members.

g. **Children/Juveniles.** It may be extremely difficult to ascertain the age of some individuals and further assistance to confirm the approximate age of an individual should be sought from Medical General Practitioners, who may in turn seek guidance from a Dental Officer (where available), in theatre. In practice, even with medical evidence, it is extremely difficult to determine age with certainty. Therefore, when assessing the age of a detainee, medical authorities are only ever able to act in an advisory capacity. The ultimate decision on determining age is to be taken by the Detention Authority who must be made aware of the limitations of any medical assessment advice.

(1) **Children less than 15 years of age.** Children under the age of 15²⁶ should not be detained unless necessary to prevent imminent danger to UK forces. In certain circumstances, those under the age of 15 may be removed from a location to be protected from danger. If children are removed from a location by UK Forces for their own protection and safety, children must be housed in separate quarters from adults and juveniles unless they are part of a family group. Children must be guarded by a minimum of 2 UK personnel and by female troops wherever possible.

(2) **Juveniles aged between 15 and 17 inclusive.** Detention for those juveniles aged between 15 and 17 inclusive can be justified for the same purposes as adults and they may be held up to 96 hours. If they are detained, juveniles should be separated

²⁵ Where medical care is required, this should be delivered, wherever possible, by female medical staff.

²⁶ Or who appear to be younger than 15.

[REDACTED]

from any adult detainees at the earliest opportunity, unless part of a family group. Should under-18s be transferred to the Afghan authorities, it must be under the terms of the Afghan juvenile criminal code.

h. **Vulnerable Detainees.** For the purpose of the SOI a vulnerable detainee is defined as *an individual who by reason of mental or other disability, age or illness, is or may be unable to take care of himself or is unable to protect himself against significant harm or exploitation or is dependent on others for assistance in the performance of basic physical functions.* Where a detainee is identified by the commander as being vulnerable they are to be managed according to need. Those who require medical treatment are to be handed over to medical staff. UK Forces must, at all times, secure the safety of any vulnerable detainees. Any detainee who is considered to be a vulnerable person must be segregated from all other detainees, except for any carer or family members. Extra care must be taken to ensure they are protected from any abuse or ill treatment.

i. **Media/Public Curiosity.** At all times, detainees must be protected against insults and media or public curiosity.

j. **Photographs.** No photographs are to be taken of any detainees, injured or dead people unless for operational or evidential reasons (such as on target imagery or the photographs which may be taken by Pro staff personnel under the direction given at Part 2, para 20). Disciplinary action will be taken against any individual who takes non-operational photographs of detainees, injured or dead people.

36. **Release.** Provided that it is safe to do so, detainees should be released as close as possible to (or given the means to return to) the point of detention once the reason for the original detention is no longer valid, and there exist no other grounds for detaining them. Detention may not be extended in order to affect release close to the point of detention, so the actual timeline for release may have to be brought forward, depending on the availability of transport and other operational factors. A record of release must be maintained in the patrol notebook and a RELEASEREP (Annex N) submitted to the BPO via J-Chat. Under no circumstances are UK FE detainees to be transferred directly to ANSF or other ISAF Allies without passing through a THF. In addition, they are not to be 'released' in order for ANSF or allied nations to subsequently detain them. Wounded or sick detainees in clear need of medical attention must not be released but must be treated or, where necessary, evacuated through the medical chain. Where grounds for detention no longer exist, they are to be treated as any other injured LN.

REPORTING

37. **Detainee Reports and Returns.** Timely provision of accurate Reports and Returns is critical to the onward movement and subsequent detention of detainees. All UK FEs are to report any persons detained at the earliest opportunity using the DETREP (Annex N). Furthermore, following TQ of the detainee the TQ Questioning Report should accompany the detainee and be handed over to the IEF.

38. **Detainee Capture Card.** The detainee capture card is to be completed and securely attached to the outer clothing of the detainee & bottom tear off slip attached to their property. A copy of the capture card is at Annex J. Capture cards should be retained by the THF and be regularly inspected by the FPM in order to monitor standards of completion.

39. **Duty to report instances and allegations of abuse or mistreatment.** There is a moral and legal responsibility for UK personnel to report any allegations of abuse or mistreatment or instances of witnessed abuse or mistreatment, which may include unexplained injuries to detainees. Reports are to be submitted to the FPM within 4 hours. Commanders are to make a judgement as to whether to intervene in individual cases. In the case of detention by Afghan forces they may intervene in defence of others under the rules of self-defence but they are not obliged to do so if such intervention would put themselves or others at any additional risk of harm.

Where the abuse of detainees by ANSF or ISAF forces has been witnessed by UK personnel, the detainees should be taken into UK detention for their own protection and an investigation should be instigated. Further details of the procedures to be followed are listed at Part 2 para 16.

40. **Death of a Detainee.** Whilst injury to a potential detainee may impact on the unit's initial assessment of the detention criteria, once a decision to detain is made, the processes (eg issue of a DETREP) must be followed after they have been detained. It is fundamental to ensure that an accurate audit trail of the circumstances of deaths of detainees is maintained. In order to properly differentiate between deaths in detention facilities and those in the R3 hospital of battlefield wounds, two separate self-explanatory categories (listed below) are to be used for administrative purposes (eg databases, DRC reports, reporting the death to PJHQ and onward to Ministers). The circumstances surrounding the death of a detainee are to be reported to the FPM who will refer the matter to the RMP (SIB) and will notify appropriate personnel as per Reference M. He in turn will immediately notify the Detention Authority, FPM, PJHQ J3, HQ JFSp(A) J1, HQ JFSp(A) Comd Med, HQ JFSp(A) LEGAD and PM(A). HQ JFSp(A) J1 will inform HQ RC(SW) J1. Pro staff will inform the ICRC and the family of the deceased as soon as possible. RMP (SIB) will take responsibility for the conduct of all necessary investigations into the deaths.

- a. Detainee died in detention facility; or
- b. Detainee died of wounds sustained on the battlefield prior to their detention.


INFORMATION MANAGEMENT

41. **Record-keeping.** The purpose of record keeping in detention operations is to ensure that detainee records and detainee management records are created, maintained and retained in good order, and to allow proper access to detainee records, including indexing for retrieval and ensuring Data Protection Act (DPA) (1998) compliance, where the DPA applies. The importance of ensuring that accurate records are kept from the moment an individual is detained cannot be over-emphasised. Immense reputational damage could be caused by the inability to retrieve records of detainees during reviews and it is incumbent on all personnel to ensure that they are scrupulous in their maintenance of records. The FPM is responsible for the maintenance and archiving of detainee records as maintained by the MPS. Such records should be retained for 10 years after detention. The DDA is responsible for the maintenance and archiving of detainee records; these are to be archived in the THF and held with the associated detainee custody records. Second-party assurance will be provided by PJHQ J3 FP staff who will inspect the theatre detainee records twice annually; routinely they will deploy alongside the PM(A)'s inspection visit in order to reduce the visit burden. One of the key purposes of these IM inspections will be to ensure that the correct (and up-to-date) documentation is in use in theatre at all times. Detainee Medical Records (including FMed1026 (or Annex F)) are subject to the same legislative and governance regime as the Medical Records relating to UK service personnel. Detainee Medical Records are to be stored separately from custody records and archived at the MOD Central Health Records Library²⁷.

Annexes:

- A. Detainee Reporting Involving Afghan Forces Aide Memoire Aide Memoire.
- B. Detainee Processing Flow Chart.
- C. Use of RMP.
- D. Notice of the Intention to Conduct a Search.
- E. Aide Memoire - Search Guidance.
- F. 'TALONS' Format.
- G. Unit Record of Search.
- H. Aide Memoire - Guidance on the Recovery of Evidence/Seizure of Property.
- I. Detainee Witness Statement Form.
- J. UK Forces Detainee Capture Card.

²⁷ Medical Staff are to ensure that medical records are handled in a manner which complies with JDP 1-10, Chapter 3, Section VIII.

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- K. BRITFOR SO 5 Prohibited Techniques in the Handling of Detainees.
 - L. Aide Memoire - Guidance on the Transfer and Escorting of Detainees.
 - M. Detainee Incident Form.
 - N. DETREP and RELEASEREP

DETAINEE REPORTING INVOLVING AFGHAN FORCES AIDE MEMOIRE AIDE MEMOIRE

- **Stop and question** individuals committing an act or suspected of being involved.
 - **Disarm** – if necessary. **Segregate** males and females; adults, vulnerable adults, juveniles and children; where feasible vulnerable adults, juveniles and children are to be kept with family/carers.
 - **Issue 'Notice of intention to conduct search'**, verbally using the interpreter
 - **Search** the individual with regard for the individual's dignity and taking into account cultural and religious sensitivities (notes 1-5). Intimate searches are not to be carried out. Searches are to be carried out by personnel of the same gender as that being searched. The collection of Biometric data is only to be conducted in accordance with UK Biometric policy. **Record** the search by making notebook entry using **TALONS** format
 - **Tactically Question** individual(s) at scene or PB to determine their story. If story is credible then release and record release in notebook. Inform TF HQ. Personnel conducting TQing must be trained in TQ techniques and their qualification must be in date.
 - **Decide to detain.** Reasons for detention are: **Force protection;** and/or **Mission accomplishment;** and/or **Self Defence.**
 - **Inform** suspect and Ops Room of decision to detain.
 - **Complete** detainee capture card (Annex J) and attach to the detainee's clothing. **Detach** bottom portion of capture card and attach to their property (PIA) bag. **Fill in** PIA Reference no.
 - **Place** all property into PIA bag. For multiple detentions, you must ensure that each person has their own bag which marries up with the PIA Reference number.
 - **Collate** as much physical evidence as possible in relation to the insurgent activity which the detainee is suspected of committing. Small arms and other weapons **must be cleared by ATO.**
 - **Photograph** detainee and all recovered items separately unless found/seen in the detainee's possession. Clearly **identify** detainee within the photograph (Name/Number Board).
 - **Restrain** detainees, **if necessary**, by using plasticuffs. Plasticuffs are only to be placed on the wrists and only in front of the body. As the option of last resort blindfold using blacked out goggles as necessary for OPSEC reasons. **Record sensory deprivation on DETREP.**
- Under no circumstances are detainees to be hooded, placed in a stress position, deprived of sleep, food or drink or subjected to continued excessively loud noise.**
- **Await** arrival of transport for onward movement of the detainee to a DTF/THF. Wherever operationally viable, the detaining soldier should escort the detainee to the THF iot improve the quality of evidence and the exploitation potential. He must always provide a statement.
 - **Accurate recording of names.** Variations in recording detainee and next of kin names often render detainee records inaccurate and make their subsequent prosecution, tracking, and monitoring more difficult to achieve. Some of the spellings recorded at the point of detention are not consistent with Dari, Pashtu or Arabic names. This is not always due to inaccurate translations but sometimes due to detainees supplying false names. Wherever possible, translators should be reminded of the care needed to get names right from the outset.

J3-9 - 1 - A - 1

Annex A To
Part 1 To
SOI J3-9 (Amdt 6)
Dated 17 Sep 12

DETAINEE REPORTING INVOLVING AFGHAN FORCES:
AIDE MEMOIRE

ASSUMING RESPONSIBILITY FOR DETAINEES FROM AFGHAN FORCES / POLICE

- If you believe the detainee will be mistreated, you are to assume responsibility for the detainee. The following action is to be taken:
- **Take control** of the detainee.
- **Obtain** the following from the Afghan Force Officer (Scene Commander):
 - Property.
 - Evidence.
 - Statements (if available).
- A notebook entry must be made of handover from ANSF stating:
 - Place of handover.
 - DTG of handover.
 - Afghan Forces / Police officer details.
 - Condition of detainee (including injuries or signs of mistreatment).
 - Reason for taking detainee.

Notes:

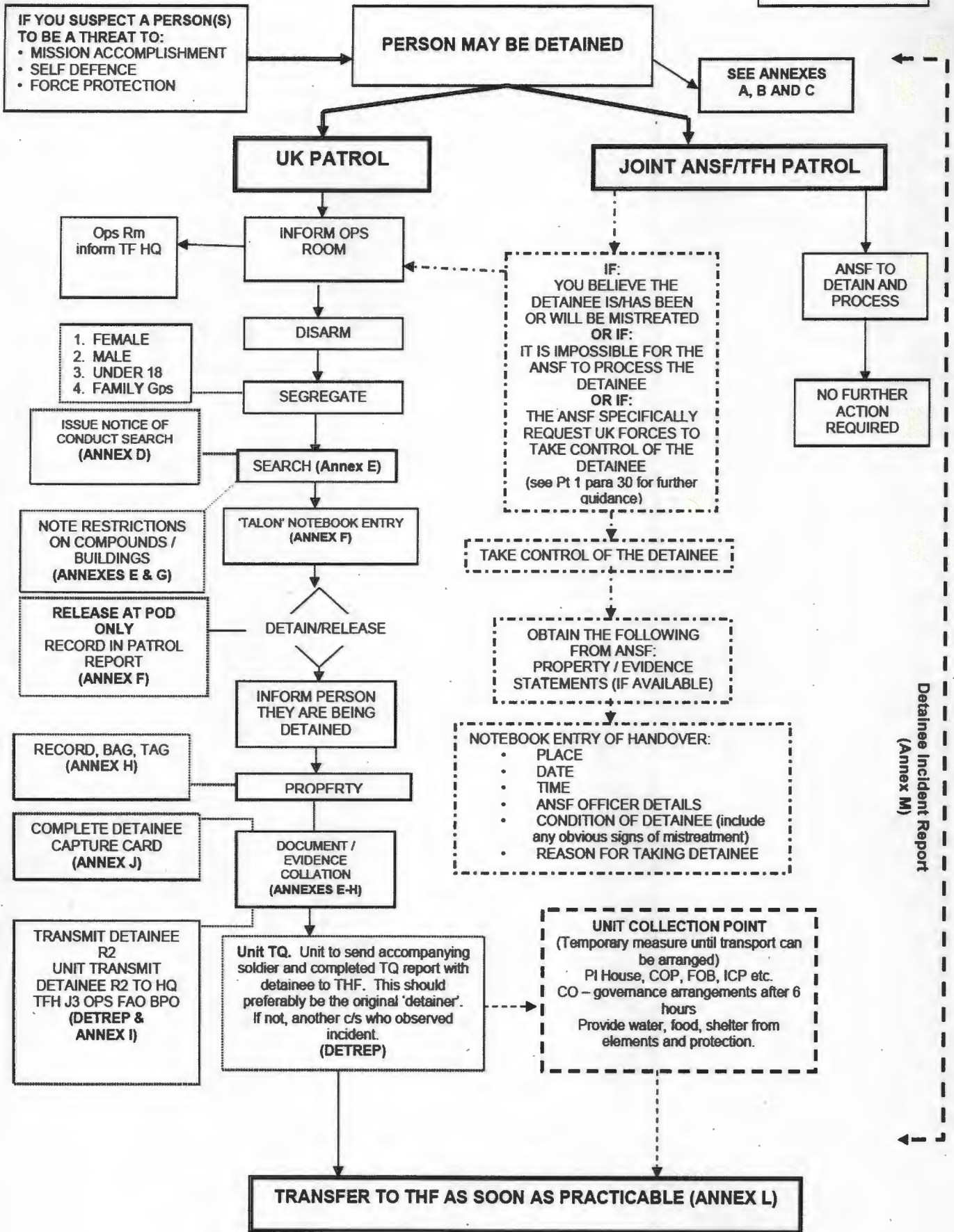
1. Treat all persons with respect and dignity at all times.
2. Minimum force may be used to prevent an individual obstructing the search.
3. Children who appear to be under the age of 15 are not to be detained or searched. If exceptional reasons exist then authority must be obtained from TF HQ prior to any action.
4. Move into Safe Area, Segregate, Disarm, 'Notice of Intention to Search'.
5. Be sensitive of Religious Charms.

NB. There is a moral and legal responsibility for UK personnel to report any allegations of abuse or instances of witnessed abuse, which may include unexplained injuries to detainees. Reports are to be submitted to the FPM within 4 hours. Commanders are to make a judgement as to whether to intervene in individual cases. They may intervene in defence of others under the rules of self-defence but they are not obliged to do so if such intervention would put themselves or others at any additional risk of harm.

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DETAINEE PROCESSING FLOW CHART

Part 1 TO
SOI J3-9 (Amdt 6)
Dated 17 Sep 12



USE OF RMP Provost (Pro) Support

1. Generic Pro Tasks.

Policing The Force (a)	Pro Support to the Force (b)
<ul style="list-style-type: none"> • Support to the Service Justice System • Conduct of Investigations • Crime Reduction • Regulating Movement • Policing Force Protection Measures • Speed Checks • Discipline Patrols • Op PLUNDER 	<ul style="list-style-type: none"> • Planned Operations and Patrolling • Evidence Collection • Normal Evidence • High Profile/Life Threatening Finds • Information Gathering • Arrest and Detention • Training/Mentoring of local Civil and Military Police Forces • Court Liaison Teams • Prison Mentoring – MPS task • Close Protection • Absentees and Deserters

2. In addition, RMP should be used in direct support to ops on:

a. **Stop, Search, Arrest and Detention.** RMP provides specialist oversight and surety to the correct handling/processing of detainees. To date, UK recovery of sufficient evidence to assist with the decision to retain or release detainees has been very poor and has resulted in the Afghan Criminal Justice System being unable to prosecute. In a number of cases evidence has been available but has not been correctly captured or recorded by the detaining call sign. Pro sp gives commanders confidence that detainees are handled IAW with current UK policy. Where possible, RMP should be used alongside UK FE patrols for:

- (1) Stop, Search and Recording of Search of personnel, property and any scene, with the assistance of the detaining call sign.
- (2) Advice on what items are of evidential value and then take the lead in the physical recovery and exhibiting of all items of evidential value, with the assistance of the detaining call sign and ATO/EOD (as required).
- (3) Assistance with the recording of detaining soldier, TQ-er (if applicable) and detaining call sign statements of evidence.
- (4) Training of all UK FE personnel in detention and evidence handling procedures.
- (5) Advise in all Detention matters including assisting with the surety of ANSF detention processes on joint patrols.

Detention does remain a unit and chain of command responsibility. RMP should be used to provide continuity of all evidence during transit to the THF/DTF.

b. **Crime Scene Management.** By its very nature every incident in theatre will be a crime scene; scene of IED, shooting incident, weapons find etc. Due to the dynamics of the operating environment it may not be possible to get other Agencies to the scene, however in the interim crucial forensics or other evidence may be lost. RMP should be used to record and collate all evidence. During planned operations, the RMP should act as Evidence Handlers (EHs) and collators working in close co-operation with the Royal Engrs Search Advisor (RESA) and the All Arms Search Teams (AASTs).

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c. **Incident Control.** Within UK/GE home garrisons, RMP take the lead in Incident Control and are trained in it. On Ops, RMP knowledge should be used to assist with the control of incidents encountered. RMP are the '1st responders' to UK KIA and operate on behalf of UK Coroners.

d. **Mentoring and Monitoring of ANSF.** There is a large element of RMP already working within the HQ TFH PRT. However RMP in direct sp of patrols can also mentor, monitor and advise local ANSF augmenting the work of the PRT and complementing KLE.

e. **Information Gathering.** The RMP by nature are able to gather and assimilate information. This is RMP 'bread and butter' employment within the Garrison and translates perfectly to Ops. This information is collected through routine patrols, establishing and monitoring pattern of life activity, chat ups, and general situational awareness. Consideration should be given to employing RMP within J2 Int cells and this will ensure the process is a two-way stream.

f. **Policing of the Force.** RMP provide the full range of investigational services, crime reduction advice, policing force protection measures and the investigation of complaints against the force. This also includes the regulation of vehicle movement and manoeuvre within ISAF locations, such as traffic control and the enforcement of force protection measures.

At all times RMP should not be 'fixed' into another Sp role, such as Ambulance Driver, Gate Guard, HLS Marker etc. This does not allow embedded RMP to react to any incident that requires Pro support (the need for which may not be immediately identifiable by the supported call sign), severely impedes the sp that can be given to comds on the ground and means that potentially significant forensic and other evidence can be lost. RMP soldiers should also (where possible) be the 9th member of the patrol, not the 8th.

3. **Specific Pro Trigger Words.** If these words come up in planning or activity, Comds should be seeking Pro Advice/RMP:

a. Arrest Ops	k. Thefts/Criminal Damage
b. Cordon and Search Ops	l. Crime Reduction
c. Detention Ops/Detainee Handling/UHA	m. Policing Force Protection Measures.
d. Clearance Ops	(1) Ensuring compliance of UK Forces (In loc only)
e. Framework Patrolling/Chat Ups	(2) Locally-Employed Civilian (LEO Searches (Op Holmes)
f. ANP Liaison/Mentoring	n. Speed Checks
g. Op PLUNDER	o. Discipline Patrols
h. Death or Injury	
i. Evidence preservation/handling.	
j. Investigations	

PASHTU VERSION

د تلاشی په هکله یامرنه**NOTICE OF INTENTION TO CONDUCT A SEARCH**

(TO BE HANDED TO THE INDIVIDUAL TO BE SEARCHED AND READ OUT BY THE INTERPRETER TO ENSURE IT IS UNDERSTOOD)

آيساف د افغانستان د دولت او امنيت د پرمختگ لپاره کار کوي. موږ ته ددی اجازه راکړل سوي ده چي هر يو بيل بيل او دهغوي شيان تلاشي کړو.

ISAF is here to support the Government of Afghanistan in improving security. We have been given the authority to search individuals and property.

لطفاً په دغو پلټونو کښي زموږ سره مرسته وکړي او که چيري تاسي زموږ مرسته ونه کړي نو کيدای سي چي د تلاشي لپاره د يو مناسب قوت حخه کار واخيستل سي.

Please cooperate with this search. If you do not cooperate then reasonable force may be used to conduct the search.

موږ به کوشش وکړو چي د تلاشي پر مهال تاسي او يا ستاسي شيانو ته کوم زيان ونه رسيږي که چيري د تلاشي پر مهال تاسي يا ستاسي شيانو ته زيان ورسيږي نو تاسي کولای سي چي خپلي ادعاوي په لښکرگاه کښي د ادعاوو دفتر ته وړاندې کړي.

We will use our best endeavours to avoid causing damage to your property during the search. However, if damage is caused purely through the actions of ISAF soldiers then you may be able to claim compensation from the Area Claims Officers situated at Lashkar Gah.

ستاسي د همکاري حخه مننه.

Thank you for your cooperation.

DARI VERSION

غرض اطلاعیه برای برآه انداختن بازرسی

NOTICE OF INTENTION TO CONDUCT A SEARCH

(TO BE HANDED TO THE INDIVIDUAL TO BE SEARCHED AND READ OUT BY THE INTERPRETER TO ENSURE IT IS UNDERSTOOD)

های آيساف در اینجا هستند تا حمایه نماید دولت افغانستان را در حمایت از امنیت. بخاطر انجام دادن این کار به ما این اجازه داده شده تا بازرسی نمایم اشخاص و ملکیت هارا.

ISAF is here to support the Government of Afghanistan in improving security. We have been given the authority to search individuals and property.

لطفاً همکاری نماید تا این بازرسی انجام داده شود اگر شما همکار نباشید از نیرو معقول برای بازرسی استفاده خواهد شد.

Please cooperate with this search. If you do not cooperate then reasonable force may be used to conduct the search.

ما سعی خوب خویش را خواهیم نمود تا در جریان بازرسی آره به ملکیت تان نرسانیم. با اینکه اگر به ملکیت تان خساره میرسد توسط سرباز آيساف دوباره شما ميتوانيد که ادعا کنید برای جبران خساره ملکیت تان از افسر ادعا منطقوی که در لښکرگاه میباشد.

We will use our best endeavours to avoid causing damage to your property during the search. However, if damage is caused purely through the actions of ISAF soldiers then you may be able to claim compensation from the Area Claims Office situated at Lashkar Gah.

تشکر از همکاری ت

Thank you for your cooperation.

PROCEDURE TO BE FOLLOWED WHEN CONDUCTING A SEARCH**GENERAL PROCEDURES**

1. **General.** Whenever possible the ANSF should actually stop and search individuals or property (including motor vehicles). In situations where no ANSF personnel are able to conduct such tasks UK forces may do so. Care must be taken to avoid humiliating or embarrassing the individual being searched. **If RMP are in support they should also be used to conduct questioning, searching and recording actions at the scene.**
2. **Notice of Intention.** Before commencing a search the reason for its conduct is to be explained in a language that the individual understands. The notice of the intention to conduct a search (Annex D) is to be handed to the individual and also read to them by the interpreter. By ensuring that this is understood any distress or panic, which may be occasioned by the search, should be reduced.
3. **Dignity.** The search is to be conducted with due regard for the individual's personal dignity, taking into account religious sensibilities. Whenever an individual is searched only the minimum force necessary to conduct the search must be used. The same principle applies to property (including motor vehicles). The fundamental principles of respect for the individual, minimum use of force and the requirement to record accurately the conduct and results of any search apply equally.
4. **Compliance.** Individuals to be searched will fall into one of two categories: Compliant or Non-compliant. When dealing with either category the fundamental principles of respect and courtesy for the individual, and the use of minimum force to achieve the objective are to be rigidly observed.
5. **Record. A RECORD OF SEARCH MUST BE RECORDED IN 'TALONS' FORMAT IN YOUR PATROL NOTEBOOK.** This will form the basis of any subsequent statements if the decision is taken to detain the individual.
6. **Use of Force.** When dealing with a compliant individual there should be no requirement for the use of any force at all. There will, however, be different levels of compliance, so the level of force used should be gradually escalated from none at all, where there is total compliance, to physical restraint where there is non-compliance. In all situations, no more force should be used than is necessary to conduct the search.
7. If an individual refuses to cooperate with a request for information then minimum force may be used to search him/her in order to verify their personal details. Likewise, where there is a refusal to comply with a request to stop or answer questions, the minimum force necessary to stop and search the person(s) concerned may be used in order to verify that they are not a security threat.
8. **Use of Force.** Force may be used to conduct any search; including entering any vehicle or property for the purpose of a legitimate search though this should be regarded as a

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last resort. If such action is necessary then it must be carried out as courteously as possible with care being taken to avoid or minimise any damage.

9. **Females.** When searching a female the preferred method of search is for another female to conduct the search. Where this is impossible scanners are to be used. Where this is impossible the commander on the ground has to decide if it is absolutely necessary for force protection purposes to conduct the search. Only if there are strong grounds to suggest that the female is concealing weapons or munitions should a search be conducted. In such circumstances, females should be given a 'pat down' search with the back of the hands.
10. **Witness.** During any search at least two soldiers should be present, the first to conduct the search, and the second to record the search and act as a witness to events.
11. **Location.** The search must be conducted at or nearby the place where the person or vehicle was first stopped. Search of a person in public must be restricted to superficial examination of outer clothing. There is no power to require a person to remove any clothing in public other than outer clothing (such as a jacket) and gloves. This does not, however, prevent the searcher from placing his hand inside the pockets of the outer clothing, or feeling round the inside of collars, socks and shoes if this is reasonably necessary in the circumstances or to remove and examine any item.
12. Where it is considered necessary to conduct a more thorough search of a person (e.g. by requiring a person to take off a shirt), this shall be done out of public view (e.g. in a vehicle). Similarly, if there are religious sensitivities about removing any item of clothing the searcher should offer to carry out the search out of public view.
13. **Full Search.** Searches involving exposure of intimate parts of the body must not be conducted as a routine extension of a less thorough search, simply because nothing is found in the course of initial search. Only where it is necessary for force protection purposes should such searches be undertaken. Where not a matter of force protection, searches involving exposure of intimate parts may only be carried out at the THFs at BSN and KAF, or DTFs at KBL and LKG. Whenever such a search is conducted the justification for such a search must be included on the search record.
14. **Explosives/EXPRAY.** Where the searchers believe the suspect may have come into contact with explosives then where available the "EXPRAY" explosive swab testing Kit or replacement should be tested on the suspect. If EXPRAY is not available then the suspect must not be allowed to wash their hands. The suspect's hands must be wrapped in plastic bags to preserve any explosives traces. Critically, the EXPRAY test paper must be bagged and brought to the THF/DTF as part of the evidence chain.

SEARCHING VEHICLES

15. In addition to the provisions at paras 1-14, these general procedures must be followed:
- Prevent movement of the car using CF vehicles;
 - Hold a copy of the Notice of Intention to Conduct a Search (Annex D) against the windscreen or the driver's side window where the driver can see it for a minimum of 60 seconds.
 - If ANSF are not available and all other options have been exhausted, UK Forces may enter the vehicle when deemed necessary for Force Protection purposes. This should be done so as to cause the minimum amount of damage and minimal risk to occupants. Firearms should never be used to gain entry to a vehicle.
 - If nothing is found, release the person/vehicle without delay.
 - Prevent damage to either the vehicle or property within the vehicle. Any property removed for searching should (unless the property is to be seized) be replaced as near to its original position and condition as possible. In the event any damage is caused then full details must be recorded on the Record of Search.
 - Only if necessary, move the vehicle to a different place to conduct the search. This may simply be the side of the road or, if it is justifiable, a nearby ANSF base.
 - Only if necessary for carrying out the search or for preventing the search being frustrated, keep the person(s) in the vehicle or make them remain with it. Minimum force may be used to ensure compliance with any such requirement.

16. **A RECORD OF SEARCH MUST BE RECORDED IN 'TALONS' FORMAT IN YOUR PATROL NOTEBOOK.** This will form the basis of any subsequent statements if the decision is taken to detain the individual.

17. Individuals are to be allowed to retain property such as clothing, personal effects and religious items that do not represent a threat to security or the safety of the individual or others, or that have no evidential value.

SEARCHING PREMISES

18. Premises are defined as: Buildings and the land immediately surrounding buildings (e.g. Compounds). This Aide Memoire only covers 'hasty searches'. Planned searches will always be under the guidance and direction of trained search advisors. Any planned search, cordon or detention op must have RMP Sp and will be the subject of extensive planning.

19. **Force may only be used to enter any part of the premises or any property within it for the purpose of a legitimate search (including hot pursuit) as an absolute last resort where all other actions have been exhausted. A 'hasty' search must be the**

absolute last resort. Pre-planned search ops are to use ANSF or be cleared through RC(S) for daytime search or ISAF for night-time search.

20. **Non-Disruptive Building Search.** AASTs can only use non-disruptive techniques when conducting building searches. An occupied building²⁸ can only be searched using non-disruptive techniques. However, even the recent departure of the occupants may have allowed time for such a device to be armed in anticipation of entry by Friendly Forces or other targets. Similarly, anything found could incorporate an anti-handling device. Every situation should, therefore, be assessed independently by a competent and trained individual to determine the appropriate search procedure. During a non-voluntary search of a building all efforts should be made to allow the occupier or the owner of the property to provide unfettered access. If this is not possible, minor damage, such as that caused by forcing locked doors, sometimes unavoidable. All such damage must be recorded. There are two categories of non-disruptive building search:

a. **Voluntary Occupied Building Search.** Wherever possible, a property should be searched with the consent of the owner. Without this consent, a substantiated 'reason to suspect' is required to proceed. The consensual nature of this type of search means that it should be unnecessary to detain people under ROE: a soft cordon is, therefore, used.

b. **Non-Voluntary Occupied Building Search.** Where there is sufficient intelligence to suspect that 'a threat is posed' to Friendly Forces, a Cordon and Search operation is appropriate, during which personnel can be detained. This type of Search should normally be conducted in conjunction with ANSF. Detention of a person or persons gives the right to search individuals, property and buildings, including vehicles, vessels and beasts of burden without consent, as long as it can be identified to belong to that person.

21. **Disruptive Building Search.** A disruptive search is a remote or semi-remote clearance of a building when a raised threat level exists. Disruptive search will not be carried out unless an operational requirement exists and it is authorised by Comd RC(S) (via SO2 EOD/Search). All unoccupied²⁹ buildings are to be considered High Risk due to the possibility of an explosive threat. Disruptive Search can only be conducted by a REST. On discovery of a viable explosive device, an IED team must be tasked to clear it before the High Risk search can resume.

22. **General Principles.** The following general procedures must be followed when searching Premises:

a. Wherever possible female searchers will be used to conduct the search of intimate female areas of a property such as bedrooms and clothing.

²⁸ Defined as "a building in which normal human activity and the pattern of life would make it improbable that a victim operated device is present"

²⁹ 'Unoccupied' covers derelict houses, abandoned property or new uncompleted.

b. If search is necessary it must be carried out as courteously as possible with care being taken to avoid or minimise any unnecessary damage to property. The property searched should be replaced as near to its original position and condition as possible by the searcher (unless the property is to be seized). In the event any damage is caused then full details must be recorded on the Record of Search.

c. The use of dogs to search for explosives and other articles is culturally very sensitive since they are regarded as unclean and are generally not allowed inside houses. Therefore, every reasonable effort must be made to reduce the irritation caused by the presence of a search dog by explaining the role of the dog and keeping it in the premises for the shortest time possible.

23. If necessary for the purpose of carrying out the search or preventing the search being frustrated, a person in (or entering) the premises may be required to remain there or in a specified part of the premises. If any person obstructs or seeks to frustrate a search then reasonable force may be used to control the individual.

RECORDING THE SEARCH OF PREMISES

24. For hasty searches only the 'TALONS' Notebook record is acceptable, only if the occupier/owner is present throughout.

25. If a search is conducted of premises without the occupier present then a copy of the Record of Search Proforma at Annex G should be completed and should be left in a prominent place in the premises.

26. Regardless of whether it is a hasty or planned search a register of all searches of premises is to be maintained by the Manoeuvre Battle Group HQ.

C/S ACTIONS AT THE SEARCH LOCATION

27. Upon locating a potential detainee the BG C/S should hold the detainee in situ where possible and request the assistance of the TQ-er and RMP. If this is not possible they should be taken to a central location, to be determined by the Ground Commander.

28. Once the BG C/Ss have secured the location they should fall back to form and maintain the cordon whilst search specialists conduct the search.

RMP ACTIONS AT THE SEARCH LOCATION

29. The RMP will enter the location and on locating each detainee will:

a. Identify the detainee and detaining soldier with a numbered card and will write the number on the detainee's hand. As the RMP will be the only individual numbering detainees the numbering should not be confused.

b. Conduct a personal search of the detainee and photograph the detaining soldier with the detainee and his personal items that are to be placed in a plastic bag and attached to his person. It is preferable that the detaining soldier is not pre-designated and should be the soldier who is best able to comment on the actions of the detainee at the time of detention (e.g. was the detainee trying to escape or was he sitting with his family?).

c. Take situational photographs of the location, any finds and other scenes of evidential value not captured by REST/AAST.

d. Ensure that at the end of the search all property is signed over from REST/AAST. Any property removed from the scene will first be logged with the RMP.

e. Recover all remaining evidence to the THF/DTF with the detainee.

TQ ACTIONS AT THE SEARCH LOCATION

30. After the RMP staff has searched and photographed the detainee, the TQ-er should:

a. Conduct a brief TQ session, if possible at the precise location where the detainee was originally detained. This is to establish basic information about the detainee and any evidence found at the scene. Individuals under the age of 18 are to be treated as juveniles and not subjected to TQ.

b. All detainees are then moved to a central location where they will await transportation to the THF/DTF.

31. By this stage the REST/AAST will have had time to conduct a preliminary search of the location and significant finds can be taken into consideration.

REST/AAST ACTIONS AT THE SEARCH LOCATION

32. Once the location is secure RESA/USA has control of the building in order to perform the search. REST/AAST may enter the building whilst the personal searches of detainees are ongoing and/or they are being held in situ. No one is to conduct any search independent of REST/AAST. As a minimum, RESA/AAST is to:

a. Maintain a detailed search log on SRM (I) Version 3 dated Nov 05 to include target details, names of personnel conducting the search and visitors to the search, details of items discovered with evidence hand-over receipts and witness statements, timings and a log of photographs.

b. Photograph any finds in situ before it is moved or touched by anyone.

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c. Photographs should include the item close up and from a distance so that the context of the find can be seen.

d. Produce a plan of the location with all photographs numbered and marked.

e. Task ATO or WIS where any explosives, weapons or ammunition are found. If there is any doubt as to the safety of removing items, assistance is to be sought from ATO or WIS.

f. Carefully 'bag' any property removed from the location and record it within the SRM (I). Individual items should be referred to in the SRM (I). For example, where a bag of evidence is recovered the items must be listed separately in order to track any that are removed from the bag. In particular, the location of the find should be noted before it is placed in a central sterile area. Labelling is to include an accurate description of the item recovered together with the details of time recovered and the discoverer. Assistance can be sought from RMP as required.

g. Sign over all finds to the RMP at the location and provide a verbal brief on any items that have been removed from the scene by ATO. ATO is the only person who is authorised to remove any item from a search and only then for reasons of safety. ATO must make sure that the finds he removes are logged within the SRM (I) and photographed by the REST in situ before leaving the scene.

33. Throughout the search, gloves are to be worn and nothing is to be touched or moved unless absolutely necessary.

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RECORD OF SEARCH
NOTEBOOK ENTRY

The following information must be recorded as a notebook entry after a search of an individual has taken place:

Time of Search (DTG)

Authorised by?

Location (10 fig grid / route / place name)

Occupants (if a compound or building search)

Unit involved (callsign, unit, and details of personnel who carried out the search and witnessed the event)

Search results (including items found, damage caused, people searched including women and children).

OPERATION NAME: _____

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UNIT RECORD OF SEARCH (PREMISES)	
DATE & TIME OF SEARCH	ADDRESS/DESCRIPTION & GRID OF PREMISES SEARCHED
Date (DD/MM/YY):	Address:
Time began: Time finished:	
SEARCHER'S DETAILS	Grid:
1. Name:	DETAILS OF PERSON (S) ON PREMISES
Rank:	Name:
Number:	
Unit:	Home address :
2. Name:	Date & place of birth:
Rank:	
Number:	
Unit:	Age:
3. Name:	Height:
Rank:	Build:
Number:	Hair colour:
Unit:	Eye colour:
4. Name:	Distinguishing marks:

	Gender:
Number:	Ethnicity/Tribe/:
Unit:	ID Card No:
PHOTOGRAPHER	FORCE USED
Name:	Describe any force used, giving reasons why it was used.
Rank:	
Number: Unit:	
Are photographs attached? Yes / No	
If not attached, where can they be found?	ITEMS SEIZED
	List all items seized with reason for seizure.
DAMAGE CAUSED	
Details of any damage caused prior to or during search:	

**GUIDANCE ON THE RECOVERY AND REQUIREMENT OF EVIDENCE
(NO RMP OR SEARCH TEAM PRESENCE)**

1. **Requirement.** Evidence is not essential in making the decision to detain an individual against the ISAF mandate. However, the recovery of sufficient evidence is key to assist with the decision to retain or release detainees post-exploitation. In order to ensure the best chance of conviction by the Afghan authorities, the following is required as a minimum:

a. **Statements.** These are additional to the statement on the Capture Card. The Capture Card statement provides a summary only.

- (1) Apprehending Soldier.
- (2) Tactical Questioner (if any).
- (3) Interpreter (Witness and ICOM Chatter).
- (4) Any LN who observed event (if possible and through Interpreter)
- (5) Statements from all UK FE witnesses.

b. **Photographs (Ideally on an SD Card)**

- (1) Detainee with detaining soldier. Detainee to have visible name/number board in photo.
- (2) Photograph of the point of detention, including but not limited to ground and visibility.
- (3) Photographs of all physical items discovered, in situ and as found; these photographs must be clear and unobstructed to demonstrate their location to the place they are found (take a broad picture of the area (with the item in it) and then a close-up of the item itself). Only if the item(s) recovered are or have been seen in the detainee's physical possession should another photograph be taken of the detainee with the item(s). The rule must be to not construct a single photo of the detainee and the item(s) if this is not how the detaining soldier found them.
- (4) Weapons and Drug Caches.
- (5) Vehicles (if applicable) with VRN (if possible) and detainee visible.

c. **Property.** This can include, but is not limited to:

- (1) Mobile Phones. (Note: Leave the mobile phone in the exact state that it was found. Do not switch off. Do not phone the last number the detainee has called etc.)
- (2) Detainee Notebooks.
- (3) EE Patrol Notebooks (These will be copied at the THF/DTF for TALON Info and returned).
- (4) Small Arms (ATO Cleared).
- (5) Cables, wires, IED paraphernalia (Must be ATO cleared).
- (6) All other documentary evidence.
- (7) Any other item that the detaining call sign thinks is necessary.

2. **Recovery.** If RMP are present, they should take the lead in evidence handling and detention. If not, throughout the search the searchers should wear gloves and touch/move nothing unless absolutely necessary.

3. **Wherever possible:**

- a. Identify the detainee and detaining soldier with a numbered card and write the number on the detainee's hand.

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b. Conduct a personal search of the detainee and photograph the detaining soldier with the detainee and his personal items that are to be placed in a plastic bag. It is preferable that the detaining soldier is the soldier who is best able to comment on the actions of the detainee at the time of detention (e.g. was the detainee trying to escape or was he sitting with his family).

c. Photograph any finds in situ before they are moved or touched by anyone. Photos should include the item close up and from a distance so that the context of the item can be seen.

d. Take situational photographs of the loc, any finds and other scenes of evidential value, including the detained person with the evidence.

e. Carefully 'bag' any property removed and record it.

f. Produce a plan of the loc with all photographs numbered and marked.

g. Task ATO or WIS where any explosives, weapons or ammunition are found. If there is any doubt as to the safety of removing items, assistance is to be sought from ATO or WIS.

h. Ensure that at the end of the search all relevant items are removed if possible.

i. Recover all remaining evidence to the unit loc when possible for onward transmission to the THF/DTF. Evidence is to be moved with detainee.

4. **Property Receipting.** The following will apply.

a. **Where Property and Owner is Detained.** For all cases where the owner is detained then the TALONs format is sufficient and property receipts will be completed at the THF/DTF.

b. **Seizure of Property without Detention of the Owner.** There are very few occasions where property will be seized without the owner/individual in possession also being detained. In all cases guidance is to be sought from the CofC as to the seizure before the item is seized. If the property is to be seized without the detention of the owner then the Property Receipt is to be completed.

c. **Seizure of Property without Presence of the Owner.** The only envisaged circumstance is in the case of unoccupied compounds. In all cases guidance is to be sought from the CofC as to the seizure and notification of the occupier of the compound. It may not always be tactically sound to inform the occupants of the seizure, if they are not present. If required and the property is seized without the presence of the owner then the Record of Search Proforma at Annex G is to be left in a prominent place.

5. When undertaking searches you may come across the following types of evidence, which will inform the call-sign decision to detain or release at the point of detention. In cases of doubt advice can be sought from the RMP, MPS or LEGAD.

a. **Narcotics.** When UK Forces discover quantities of narcotics they are to act in accordance with current in-theatre UK policy for the sample recovery and destruction of narcotics.

b. **Weapons and Explosives.** When weapons or explosives are encountered during the course of a search, they are to be seized unless the weapon is a shotgun, which the owner claims to be for hunting purposes. Remember that winning consent of LNs is key.

NB – At present it is lawful to possess a shotgun for hunting purposes. Possession of such a weapon does not mean that it should be confiscated. Military judgement should be used to decide whether or not it is necessary to confiscate – if in doubt advice should be sought via the CoC.

c. Explosives and weapons can be used in evidence, so their seizure should be recorded as with other property. However, force protection must always be the first priority when encountering EO/weapons –ATO should be called in to clear items. Actions must be in accordance with the HQ TFH/BRITFOR EOD SOI.

d. Items that are not a threat to force protection or the mission as a whole, and that will not be used as evidence in criminal proceedings should not be seized.

e. **Vehicles.** When the tactical situation permits, efforts should be made to seize any vehicle in which an individual was travelling when he was detained. The vehicle should be secured and sealed until ATO, WIS, RMP (SIB) and CSI can conduct a detailed examination. It will then be transferred to the Afghan authorities.

f. **Money.** Money should only be seized if it is found on the individual concerned, or he is observed trying to dispose of it, and if it is present in such large quantities as to justify suspicion (N.B. approx Afg 50 = US\$1). In order to counter spurious allegations of corruption every care should be taken to record what action has been taken with regard to currency seized. Any currency seized is to be transferred along with the individual to the THF staff.

PROPERTY RECEIPT

(TO BE COMPLETED BY DETAINING CALLSIGN, HANDED TO THE DETAINEE AND READ OUT BY THE INTERPRETER TO ENSURE IT IS UNDERSTOOD. THE INTERPRETER SHOULD ALSO EXPLAIN WHY ANY PROPERTY IS BEING RETAINED)

Your Property is being retained by ISAF for the following reason

Ihereby assume all responsibility for this property
(No, Rank, Name, Unit, Call sign, Location)

Receipt to be completed in duplicate by detaining callsign. One signed copy to go to the individual the second copy retained by Detaining call-sign. Where property is retained, the interpreter should explain the reason and the detail recorded on this form. Where property is returned, both must sign below.

Name and Address of Owner

Serial	Full Description of Article: Serial numbers/VRNs/distinguishing features etc and any pre-existing damage/wear and tear present prior to handover.	Location property found/removed from

I, the undersigned, have checked the items listed above and accept responsibility for them on behalf of the ISAF.

UKFE Signature:.....

Name.....

Unit.....

The items above were returned to me on _____ (Enter Place, Date, Time)

LN Signature/Mark:

Witness Signature/Mark

DETAINEE CAPTURE CARD

UNCLASSIFIED
(RESTRICTED WHEN COMPLETE)

**BRITFOR SOI J3-9 ANNEX J
 DETAINEE CAPTURE CARD
 FRONT OF CARD**

DETAINING SOLDIER'S DETAILS

1. NAME

2. RANK 3. SERVICE NO.

4. C/S

DETAILS OF DETAINED PERSON

5. DTG OF DETENTION 6. PLACE OF CAPTURE

7. CURRENT LOCATION (GRID)

8. REASON FOR DETENTION (Tick As Appropriate)

THREAT TO MISSION ACCOMPLISHMENT

FORCE PROTECTION

SELF DEFENCE

9. DETAINING UNIT

10. FIRST (GIVEN) NAME 11. FATHER'S NAME

12. GRANDFATHER'S NAME 13. GENDER

15. HOME ADDRESS

14. NATIONALITY

16. DATE OF BIRTH 17. LANGUAGE SPOKEN

PIA REF NO:.....

UNCLASSIFIED
(RESTRICTED WHEN COMPLETE)

PIA REF NO:.....

**PROPERTY LABEL
 (TEAR/CUT OFF AND ATTACH
 FIRMLY TO PROPERTY)**

UNCLASSIFIED
(RESTRICTED WHEN COMPLETE)

**BRITFOR SOI J3-9 ANNEX J
 DETAINEE CAPTURE CARD
 BACK OF CARD**

SERVICE STATEMENT OF DETENTION

Brief circumstances of detention (I was, I saw, I did)

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

I confirm that the information contained in this detainee report is true and correct to the best of my knowledge and belief.
Signature:
 Print Name, Rank, Number:

Initial Medical Screening

DTG of Initial Medical Screening:

Signature:

Name: Appt:

(18.) PROPERTY SEIZED

.....

UNCLASSIFIED
(RESTRICTED WHEN COMPLETE)

PIA REF NO:.....

**PROPERTY LABEL
 (TEAR/CUT OFF AND ATTACH
 FIRMLY TO PROPERTY)**

BRITFOR SO 5 PROHIBITED TECHNIQUES IN THE HANDLING OF DETAINEES

References:

- A. UNSCR 1806 (2007) and UNSCR 1833 (2008), UNSCR 1890 (2009), UNSCR 1917 (2010), UNSCR 1943 (2010) and UNSCR 2011 (2011).
- B. Letter of Invitation (Government of Afghanistan to UN) dated 01 Sep 05.
- C. Op HERRICK SOI J3-9 Stop, Search, Question and Detention Procedures in the HERRICK JOA dated 16 Dec 11.

INTRODUCTION

1. This Standing Order covers 5 prohibited techniques which are not to be used when dealing with detainees, and is to be adhered to by all UK Service personnel. It is incumbent on all who encounter these techniques being used in their presence, or who have knowledge that these methods have been used, that they report the matter immediately up the Chain of Command. All instances are to be reported in accordance with Reference A.

AIM

2. The aim of this Standing Order is to clearly outline those techniques which must never be used by UK troops as an aid to tactical questioning or interrogation, as a form of punishment, discriminatory conduct, intimidation, coercion or as wanton ill treatment. It applies to all UK troops operating in the HERRICK JOA, when dealing with detainees.

BACKGROUND

3. UK Forces engaged on Op HERRICK are deployed in Afghanistan under a mandate from the United Nations Security Council (Reference A) and at the invitation of the Government of the Islamic Republic of Afghanistan (GIRoA) (Reference B) to help create a stable and secure environment that is sustainable by Afghan National Security Forces (ANSF), under the control of the GIRoA.

4. As part of the Op HERRICK mission, it may be necessary for UK personnel to stop, search, question and detain individuals, in accordance with Reference C. ANSF working alongside UK Forces are, wherever possible, to take the lead in detention operations and the role of UK Forces should be to ensure that there is a safe and secure environment in which such operations can take place and to assist if necessary.

MINIMUM STANDARDS OF TREATMENT

5. UK Forces are to operate in a manner that ensures respect for the local cultural and religious customs and heritage of the country and people of Afghanistan. All detainees must be treated humanely at all times. Detainees are not to be subject to torture, cruel, inhuman or degrading treatment. The threshold of cruel, inhuman and degrading treatment may also be reached from an aggregation of conditions which, if taken in isolation, may individually appear to be acceptable. Detainees are to be given food and drink at regular intervals and, wherever possible, provided with protection from adverse conditions. Personal Protective Equipment (PPE), including ECBA and helmet, is to be issued for their protection if available. The requirement to conduct effective detention and intelligence operations must always be balanced by a consideration of detainees' cultural and religious customs and is to adhere to the absolute requirements for humane standards of treatment. By showing courtesy and respect to the local population, UK Forces will help to create a more favourable operating environment, thereby increasing the chances of operational success.

COMMANDERS' RESPONSIBILITIES

6. Commanders have an obligation to ensure that all personnel under their command are fully aware of the prohibition of torture and cruel, inhuman or degrading treatment. These prohibitions must be stated in the unit standing orders for those responsible for detainees. The standing orders must be displayed in the detainee facilities, as well as in the operational directives and regulations.

PROHIBITED ACTS

7. The 5 techniques, as defined below, must never be used as a form of punishment, discriminatory conduct, intimidation, coercion or as deliberate ill-treatment or as an aid to tactical questioning or interrogation. **Hooding is prohibited at any time, for whatever purpose.**

- a. **Stress Positions.** Any physical posture which a detainee is deliberately required to maintain will be a stress position if it becomes painful, extremely uncomfortable or exhausting to maintain.
- b. **Hooding.** Placing a cover over a detainee's head and face. A cover includes a sandbag.
- c. **Subjection to noise.** Holding a detainee in an area where there is unnecessary excessive noise (e.g. Unnecessary excessive noise includes noise which, for example, is too loud, persistent or close).
- d. **Deprivation of sleep.** Detainees must receive a minimum of 8 hours of rest and/or sleep per 24 hour period, with an opportunity to sleep for a single period of no less than 4 hours in a continuous block.
- e. **Deprivation of food and drink.** Depriving a detainee of the minimum requirement of food and water. Each detainee must receive 3 meals per 24-hour period. Meal times are to be no closer together than 4 hrs nor further apart than 10 hrs. Water should be available upon request.

DISCIPLINARY PROCEDURES

8. Breaches of this Standing Order will be dealt with under the existing disciplinary provisions of the Armed Forces Act 2006.

GUIDANCE ON THE TRANSFER OF DETAINEES

Annex L To
Part 1 To
SOI J3-9 (Amdt
Dated 17 Sep 12

GENERAL

1. Detainees should be protected from unnecessary danger throughout. They are to be issued with helmets and body armour where available.
2. The evacuation of captured persons is to be conducted humanely.
3. They are to be provided with sufficient cultural food of a standard similar to UK troops.
4. Adequate provision for water, additional clothing and protection against the elements should be made.
5. Wounded and sick detainees are to be evacuated under escort through the same casualty evacuation system as UK troops.
6. Ambulances are not to be used to transport fit prisoners.

METHODS OF EVACUATION

7. **Evacuation by Road:**
 - a. Vehicles are to be covered with side and rear flaps secured to reduce the possibility of escape and to shield prisoners from media attention.
 - b. Escorts should not travel in the rear of vehicles with detainees and should deploy to cover the whole convoy.
8. **Evacuation by Air:**
 - a. When being evacuated by air, detainees are to be further searched immediately before entering the aircraft.
 - b. In the aircraft, escorts are to be positioned to prevent detainees gaining access to the flight deck or controls.
 - c. Escorts on aircraft are to be armed with pistols.
 - d. Detainees are to be provided with PPE (helmet, CBA and ear protection; eye protection where appropriate).
 - e. Journalists are not to be transported at the same time as detainees.

THE ESCORT

9. The role of the Escort is both to protect and prevent able-bodied detainees from escaping or being liberated, and to prevent self-harm.
10. The responsibility of an Escort for those in its charge begins at the moment they are handed the detainees and ends when they are handed over to the staff of the THF.
11. Whenever possible the Escort is to consist of a formed body of troops.
 - a. Several factors will determine the number of escorts required
 - b. Sufficient to deter escape attempts
 - c. Value of detainee
 - d. Number of detainees to be escorted.
 - e. The morale of the detainees (tired and cooperative detainees are easier to deal with and so fewer escorts are needed). Intentional sleep deprivation is prohibited.
 - f. The method of movement.
 - g. The terrain (more escorts will be required in close and difficult terrain than will be needed in the desert for example).
 - h. Enemy activity.
12. Before embarking, the Escort should know the loc of other TFH/BRITFOR units on its planned route so they are able to seek assistance if necessary.
13. The Escort is to be in communication at all times with their HQ Ops Room.

DETAINEE INCIDENT FORM

Annex M To
Part 1 To
SOI J3-9 (Amdt 6)
Dated 17 Sep 12

1. *DETAILS OF REPORTING PERSON*

SERVICE NUMBER: _____ RANK: _____

NAME: _____ UNIT: _____

2. *DETAILS OF WITNESS 1 (IF APPLICABLE)*

SERVICE NUMBER: _____ RANK: _____

NAME: _____ UNIT: _____

3. *DETAILS OF WITNESS 2 (IF APPLICABLE)*

SERVICE NUMBER: _____ RANK: _____

NAME: _____ UNIT: _____

4. **DETAILS OF INCIDENT**

DATE TIME GROUP:		LOCATION:	
		GRID REF:	
NUMBER OF VICTIMS INVOLVED:		NUMBER OF OFFENDERS INVOLVED	
NATIONALITY OF VICTIMS		NATIONALITY OF OFFENDERS	
DESCRIPTION OF VICTIMS		DESCRIPTION OF OFFENDERS	
NAME AND DETAILS OF VICTIMS (IF KNOWN)			

ACTION TAKEN ON INCIDENT, IF APPLICABLE		EVIDENCE TAKEN:	
-----------------------------------------	--	-----------------	--

5. **DESCRIPTION OF INCIDENT:**

(USE ADDITIONAL PAPER IF NECESSARY)

6. **TROOPS INVOLVED**

YES NO

- Any ISAF (including UK) troops involved in inflicting injuries?
- Any Afghan Security Forces involved in inflicting injuries?

<input type="checkbox"/>	<input type="checkbox"/>
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7. **SIGNATURES**

Reporting Person _____ Witness 1 _____ Witness 2 _____
Date: _____ Date: _____ Date: _____

DETENTION/RELEASE REPORT (DETREP/RELEASEREP)

SER	DETAILS:	
A1	NAME:	
A2	FATHERS NAME:	
A3	GRANDFATHERS NAME:	
B1	AGE:	
B2	DATE OF BIRTH:	
C	ADDRESS:	
D	REASON FOR DETENTION:	
E	DTG DETENTION:	DTG RELEASE:
F	GRID REFERENCE OF DETENTION:	
G	DETAINING SOLDIER DETAILS:	
H	WITNESS DETAILS:	
I	FURTHER ACTION:	
J	EVIDENCE RECOVERED:	

AMENDMENT 6		
OP HERRICK Standing Operating Instruction – J3-9: PART 2		J3-9 – 2
PART 2: ACTIONS AT THE TEMPORARY HOLDING FACILITIES (THF)	Sponsor	PJHQ J3
	Last Updated	17 Sep 12

INTRODUCTION

1. Part 2 is the direction and guidance for:
 - a. The processing of detainees through one of the HERRICK JOA Temporary Holding Facilities (THF).
 - b. The transfer of Detainees to Afghan Authorities or release from a THF.
2. There are a number of detention facilities in the Op HERRICK theatre. These are defined as follows:
 - a. **Temporary Holding Facilities (THF).** There are 2 THFs which form the detention element of the respective IEFs. They are licensed to hold detainees for up to 96 hours, or if authorised by Ministers under exceptional circumstances, up to a maximum of [REDACTED] from time of detention.
 - (1) **BASTION: THF (BSN).** This is the detention facility [REDACTED]
 - (2) **KANDAHAR: THF (KAF).** This is the detention facility [REDACTED]
 - b. **UK THF.** The UK THF is in BSN [REDACTED]
 - c. **Detainee Transfer Facilities (DTF).** There are 3 DTFs which are licensed facilities for the temporary holding of detainees awaiting transfer either back to a THF or onwards to the NDS. The DTFs are currently only licensed to hold detainees for a maximum of 12 hours, although planned improvements mean that this may change in the future. They are at:
 - (1) **LASHKAR GAH: DTF (LKG)**
 - (2) **KABUL: DTF (KBL).**
 - (3) **KANDAHAR Airfield: DTF KAF.**
 - d. **Unit Holding Areas (UHA).** There is one permanent UHA at FOB OUELETTE. These are supervised by Pro staff, inspected and reported on by the FPM and operate to SOPs that have been endorsed by PJHQ and PM(A). Other UHAs may be set up for specific operations in order to provide TFH FEs with a secure area in which to hold detainees prior to being moved to a DTF or direct to a THF. UHAs are established and constructed in accordance with JDP 1.10 and their use and potential construction should be considered during the planning stage of significant operations. If UHAs are being considered for use in planned operations then advice should be sought from the FPM or OC MPS.

THF (BSN/KAF) - GENERAL

3. On arrival at THF (BSN/KAF) the individual must be in-processed by the THF staff and medically examined by a General Practitioner, as per Reference G. At this time he is to sign or mark with his fingerprint the form at Annex A (Rights of a Detainee). Following in-processing by the THF staff, the IEF will carry out a Battlefield Interrogation Team (BIT) Brief and compile their report. This is the start point for the IEF to raise an Annex G on the detainee, to be forwarded to the DDA for consideration at the DRC.

SEARCH

4. On arrival at the THF, the detainee is to be searched in compliance with THF Search SOPs.

SEGREGATION

5. Whilst detained within the THF detainees must be segregated as follows:

a. **Females.** It is essential that female detainees be segregated from males. Female Service personnel must be used to directly supervise female detainees.

b. **Juveniles / Children.** Any detainee under the age of 18 must be segregated from adults. In cases where juveniles / children are taken off the ground to a BRITFOR location for their own personal safety and protection they should be kept in a family group whenever practicable. Children (those under 15) must only be subject to female supervision. (See **Part 1, para 35.g for details on the detention of juveniles**).

c. **Vulnerable Detainees.** For the purpose of the SOI a vulnerable detainee is defined as *an individual who by reason of mental or other disability, age or illness, is or may be unable to take care of himself or is unable to protect himself against significant harm or exploitation or is dependent on others for assistance in the performance of basic physical functions.* Where a detainee is identified by the commander as being vulnerable they are to be managed according to need. Those who require medical treatment are to be afforded any treatment required. UK Forces must, at all times, secure the safety of any vulnerable detainees. Any detainee who is considered to be a vulnerable person must be segregated from all other detainees, except for any carer or family members. Extra care must be taken to ensure they are protected from any abuse or ill treatment.

DETAINEE WELFARE

6. Supervision of the welfare of the detainees at the THF is the responsibility of the THF staff. While in detention and prior to their arrival at the THF each detainee must be treated humanely and with respect. Medical care must be provided when required. Detainees must be given food and shelter at least equivalent to that of UK troops.

NOTIFICATION

7. **ICRC.** The ICRC is to be informed as soon as practicable by FPM or MPS staff once the detainee has arrived in the THF and once the detainee has been released or transferred to the Afghan authorities.

8. **Detainee Nationality.** Where a detainee claims, or is suspected, to be a national of a country other than Afghanistan the British Embassy Kabul and PJHQ J2X are to be informed as soon as practical. Details of the detainee's nationality are to be included in the report to ICRC. If

[REDACTED]

the individual claims to be a UK national, PJHQ J9 should be informed either directly or via the PJHQ Ops Controller³⁰.

9. **Under no circumstances** are detainees to be handed over to a third nation (i.e. a nation other than Afghanistan) without PJHQ authorisation. The exception to this rule is that the UK/Denmark MOU obliges the UK to hand back any detainees it holds if they were originally detained by Danish forces. The US/UK MOU at Reference J allows for the temporary move of UK detainees to US detention facilities under certain specific situations and with very restrictive safeguards. All detainees must be returned to UK detention facilities before the end of the Ministerially-approved detention period. Requests for custody of detainees made by third nations are to be immediately referred to the Detention Authority.

10. **KINFORMING.** Whilst a detainee is held in UK detention evidence may become available connecting him to a UK service person KIA or WIA. Initial notification of the connection resides with CO IEF who must immediately notify the FPM, POLAD JFSp(A) and the UK DOT. The FPM must notify PJHQ J3 providing full details of the UK service person and the established connection (e.g. confession in the booth, biometrics or DNA). PJHQ must be notified when the detainee is transferred to the Afghan authorities. Following transfer, Hd DOT assumes responsibility for tracking the detainee through the Afghan judicial system. Ministers have directed that families of the UK service person are to be notified at the time of charge and after sentencing at final court. This is understandably a highly sensitive area and units are requested to respect Ministerial direction and resist notifying families outside of the points listed above.

RECORDS

11. The correct paperwork must be completed and prepared for archiving in accordance with FPM direction.

a. This paperwork is to include:

- (1) Property Receipt (Annex B).
- (2) Record of Detainee Custody (Annex D).
- (3) DETREP/RELEASEREP (Annex N).
- (4) Record of Detainee Handover (Annex E).
- (5) Medical examination form (FMed1026 or Annex F).
- (6) Record of search (if relevant) (Annex F and G to Part 1).
- (7) Evidence Pack (See Annex H to Part 1).
- (8) Detainee Capture Card (Annex J to Part 1).
- (9) Incident Report form (if relevant) (Annex M to Part 1).
- (10) Tactical Questioning Report (Appx C1 to Reference H).

b. **For Handover.** Copies of the above are to be forwarded to the Pro staff, via APSS at the detachment closest to the point of transfer (which is the unit that will actually affect the

³⁰ Arrangements have been agreed with the FCO that they will not provide consular access for UK nationals, on the basis that their status as a UK detainee removes the obligation to provide consular support.

handover to the Afghan authorities) in the case of a transfer. All original documentation is to be held at the THFs and archived every 6 months.

c. **For Release.** All paperwork is to be kept on file at the THFs and prepared for archiving in accordance with FPM direction.

GUARD FORCE

12. The external Guard Force for Holding Facilities is drawn from FEs at BSN or KAF and is raised as required in accordance with the direction set out under Op BRIDGER. All MPS assets are OPCOM to the FPM. The MPS, Detainee Handlers and Op BRIDGER guard force are TACOM OC MPS. It is the duty of the Op BRIDGER Guard Force to contain detainees safely and prevent their escape in accordance with Op BRIDGER Guard Orders. The FPM is to ensure that Op BRIDGER Guard Orders remain current and that they are promulgated to the guard force prior to commencing their duty.

DETAINEE MISTREATMENT

13. **Witnessed mistreatment.** If mistreatment of a detainee is witnessed, the person(s) witnessing it should attempt to stop it from happening and prevent further mistreatment where possible. If to do so would put their own personal safety at risk then they should refrain from intervening and report it through the chain of command to the FPM as soon as practicable. They should also complete a detainee incident form as at Annex M to Part 1. Any injuries that may have been caused during detention are to be immediately reported to the FPM who will then report them to the Detention Authority. They must also be recorded on the FMed1026 (or Annex F) by a Medical Officer. RMP (SIB) assistance should be requested to investigate any allegations of potential offences. If any personnel become aware of any torture, or cruel, inhuman or degrading treatment of detainees they are to report this through both the Pro staff, medical³¹ and detention chains of command and an RMP(SIB) investigation is to be initiated.

14. **Detainee Allegations.** If a detainee makes an allegation of mistreatment while in UK detention or if the mistreatment of a detainee has been witnessed, he is to be read a letter during out-processing, explaining that his allegation is being investigated and that, if substantiated, disciplinary action will be taken against the perpetrator(s). He is to be asked to sign/mark that letter and it is to be kept in his casefile. He should be asked for future contact details so that he may be contacted about the allegations.

15. **Witnessed Mistreatment of Detainees by ANSF.** The procedures to be followed following an allegation of mistreatment against ANSF are listed in Reference M. If UK FE witness a detainee being mistreated by ANSF, Comds are to make a judgement as to whether to intervene in individual cases. Details of the alleged mistreatment are to be reported through the chain of command to the FPM as soon as practicable, but within 4 hours of the incident taking place or being reported to UK FE.

16. **Actions to be taken.** In the event of any detention-related incident in theatre which is not covered by routine reporting (including any allegations of mistreatment made by detainees, whether as a result of actions by UK forces, or by the Afghan authorities) the following action is to be taken on behalf of the Detention Authority:

a. FPM is to report the incident immediately to Comd JFSp(A) and PJHQ J3³².

³¹ Medical staff who are concerned that a detainee may have suffered abuse are first to attempt to seek consent from the individual detainee to report the abuse and to release the detainee's medical information as part of any subsequent investigation. Consent should be recorded on the FMed1026. However, should such consent not be forthcoming, medical staff continue to have a responsibility to report suspected abuse in order to safeguard the individual and others from potential further abuse.

³² PJHQ J3 FP OT is responsible for passing on all reporting to PJHQ HERRICK OT and PJHQ J9.

b. A First Impression Report (FIR) is to be written and submitted to the FPM. The FPM will forward this to Comd JFSp(A) and PJHQ J3 within 4 hours of being notified of the incident – using the standardised report format at Annex I.

c. A full report, with all available information, is to be submitted to Comd JFSp(A), PJHQ J3 and HQ PM(A) within 7 days if the initial report.

17. If the alleged mistreatment/abuse occurred while the detainee was being TQ'd, the report is also to be passed to IEF J2X(I), PJHQ J2/J2X and on to the MOD Ops Dir. This in no way affects the mandatory reporting requirements outlined above.

18. While recognising that the ability of UK forces to detain in Afghanistan is based on the integrity of the Afghan police and judicial systems, it should be noted that allegations under investigation should not routinely affect continued UK detention in the Op HERRICK theatre. Detention, release, transfer and applications for extension should therefore continue until the allegations have been investigated and any implications are understood.

MEDICAL TREATMENT

19. **Policy source.** The high level policy guidance is now enshrined in Reference G Chapter 3. However, there is a need for lower level direction for each specific operation as the circumstances for each operation are likely to be different and the medical management of detainees will therefore need to be tailored accordingly. The method for detailing the operational-specific requirements for medical support to detainees in the HERRICK JOA is therefore through this SOI.

20. **Principles.** Medical Staff are to provide medical care for all detainees to the same in-theatre standard as that provided to UK forces and in accordance with Reference G. All detainees are to undergo an in-processing medical examination conducted by a General Practitioner within 4 hours of arrival at the THF, including whenever they are transferred to the THF from the R3 MTF following an in-patient stay of more than 24 hours. The in-processing medical is the opportunity for the General Practitioner within the THF to state that the detainee is not fit for any particular activity within the THF. A subsequent examination is to be conducted prior to release or handover to the Afghan authorities. Where possible female UK personnel should conduct medical examinations of female detainees. If a qualified female General Practitioner is not available to examine a female detainee within 4 hours of her arrival at the THF, PJHQ should be consulted for further advice on the actions to be taken in each case. Any findings must be documented to prevent allegations of injury. A proforma for such a report is at Annex F. Photographs may be taken to document any injuries but they will form part of the medical records and subject to usual patient consent requirements for release.

21. Medical examinations are only take place with the consent of the detainee. If a medical examination is refused then the detainee is to be asked, through an interpreter, if they wish to report any illness or injury and their response is to be recorded on the FMed1026 (or Annex F), along with details of any visible injuries. Consent is also required to release any confidential medical information.

22. Detainees with minor injuries are to be segregated at the R3 MTFs and guarded, until they are well enough to be transferred to the THF. Seriously injured detainees are unlikely to require guarding but they must be carefully monitored to assess when they are medically well enough to be transferred to the THF. Medical treatment is to be provided until the detainee is well enough to be transferred to the THF and released or transferred to the NDS. Immediately prior to the discharge of a detainee from the R3 MTF, the Consultant with lead responsibility for the patient's hospital care and the General Practitioner with responsibility for the medical care within the THF must agree that the detainee is well enough to be discharged from the R3 MTF and that the health of the detainee will not be adversely affected by detention or the conditions within the THF. This clinical handover must be documented in the patient's R3 MTF medical records.

23. **Medical Timelines.** Where detainees require medical treatment from the point of detention and so cannot be questioned until they are well enough, the detention timeline will be taken to start only at the moment when they are discharged from a R3 MTF to a THF/DTF. If subsequently the medical condition of this detainee deteriorates such that he is deemed no longer well enough for detention and is readmitted to the R3 MTF the detention timeline pauses until he is deemed well enough to continue detention. Should any detainee who is initially well enough for detention and is subsequently assessed as not being medically well enough to be detained, he is to be transferred to the R3 MTF upon which time it is UK policy that the detention timeline pauses until he is deemed well enough to no longer require treatment in the R3 MTF.

24. **Former Detainee Medical Care.** Care may still be provided if required to a former detainee who has been released from UK detention but is not well enough to leave the R3 MTF, although he will then be treated as a LN, pending transfer into Afghan medical care. If an individual detainee is to be released to an ANSF or other nation medical facility, the detainee must first be released from UK detention and cannot then be taken back into UK detention. Before a detainee is released in this way the DRC is to examine the second-order impacts, seeking further advice from CO IEF, Comd Med JFSp(A) and PJHQ (J3 and J4 Med) as appropriate. There may be occasions when the clinical care of a detainee cannot be supported locally and it would be in their best medical interests to be evacuated out of Afghanistan for continuation of care. Under these circumstances, clinical staffs are to advise the chain of command at the earliest opportunity in order to enable the necessary consultation with key UK Government Departments and for political approval of any evacuation to be given. Notwithstanding the clinical imperatives, it may be that clearance for evacuation is not forthcoming. Under these circumstances, a note to the effect that clearance to evacuate has not been given is to be recorded in the detainee's documents and the best care is to be continued within the capabilities and constraints of the deployed medical clinical facilities within the operational area. At the point a former UK detainee is transferred from the R3 Hospital to an Afghan medical facility the ICRC is to be notified.

25. **ISAF Medical Extensions.** Detainees being cared for in a Medical Facility due to their condition remain in detention until transferred to the Afghan authorities or released. If a detainee needs to be retained beyond 96 hours but is required to remain in the R3 MTF in order to continue their medical treatment, then authority to extend the detention for medical reasons is to be sought from HQ RC(SW) SJA Detainee Operations Attorney. It should be noted however, that a detainee in medical care must continue to meet the criteria for detention in order to retain detainee status. Consequently, the case is to be reviewed regularly, and at no less than 10 day intervals, by the DRC, taking advice from the CO R3 MTF as to the likely duration of hospitalisation and from the IEF and relevant TF J2 cell as to the residual intelligence value of the individual. Where there are no longer sufficient grounds to continue to hold the individual as a detainee, he must be released and continuing medical treatment should be on the basis of their status as a LN.

26. Following a final examination, all detainees who have been kept in the Medical Facility are to be transferred to the THF prior to transfer/release to enable more efficient recording of detainees. The details of the final examination should be recorded on the FMed1026 (or Annex F) in the same way as the initial examination. Detainee Medical Records are to be held in theatre for a minimum of 3 months and then sent to the UK to be archived at the MOD Central Health Records Library (CHRL). Transfer of medical records to CHRL is to be tracked and a receipt for the records from CHRL is to be obtained and retained.

DETENTION STRUCTURES AND PROCESSES

27. **Detention Review Committee (DRC).** The DRC is the mechanism which supports the Detention Authority in managing detention cases in the Op HERRICK theatre. The key role of the DRC is in assisting the Detention Authority to assess detention cases and then conducting the staff processes to support the decisions taken. The committee should be convened by the Detention Authority as and when required and may take the form of a standing committee. The committee's

membership is flexible (and should be reviewed regularly by the Detention Authority), but should include the following as a minimum: Detention Authority (chair), JFSp(A) LEGAD and POLAD, CO IEF, FPM and SO3 DRC; HQ IEF, UK FACILITY and UK FACILITY Ops Officers, and TFH and UK AF J2 Cells are represented at the DRC. In order to incorporate redundancy into the committee structure, all members should formally identify delegates who can attend in their absence. FPM attends in order to provide expert advice to the Detention Authority with regard to the likelihood of NDS/CNPA prosecutions of UK detainees and the strength of the evidential basis underpinning those potential prosecutions. However, other than the FPM's formally-identified delegate, no other member of the theatre Pro staff is to sit in on the DRC. The chair may call on SME advice from Comd Med and IEF J2X(I) as necessary, but the core membership must remain outside the chain of command for targeting and tactical legal issues, with the aim of being able to present cases to the Detention Authority 'cold'. Members do not hold a vote as such, but attend in order to provide expert advice to the Detention Authority to assist in his decision making. All members of the DRC must hold DV and STRAP clearances.

28. **Initial Detention Review.** The Initial Detention Review must take place within 48 hours of the point of detention. If insufficient material is available at this time to make an informed decision, provided the Detention Authority is aware that further information will be forthcoming, he may authorise the continuation of the detention until either the information has been received or the 60 hour point (whichever is the earliest). At this time, the Detention Authority must decide whether to release, transfer or further detain the detainee(s). In making the decision to release, transfer or further detain, the Detention Authority is to have regard to the report and evidence collated by the IEF and advice from SMEs (LEGAD, POLAD and FPM). The form at **Annex G (Part 1 and 2)** is to be completed for this review process. The master copy is to be maintained by SO3 DRC.

RELEASE

29. **Principles.** If release is authorised then a signed form of authority for the release from the Detention Authority is to be forwarded to the THF. Detainees can be released through the methods listed below. Under no circumstances are UK FE detainees to be 'released' in order for ANSF or allied nations to subsequently detain them. See para 44 for specific direction relating to juveniles.

- a. Detainees can be returned to their home, or as close as is practicable to their home.
- b. If the detaining TF wish to conduct a 'Release Shura', the detainee must provide his consent and this must be recorded in the detainee's detention record.
- c. Detainees can be released through the BSN MEP, or if more practical via the KAF MEP with an appropriate level of funding to facilitate domestic transport to the nearest city.

30. **Return of Personal Property.** Whilst the possession and use of commercial communications systems within Afghanistan is not an offence, in order to prevent communications devices being used for INS purposes the following is to be applied:

- a. All property (including mobile phone and ICOM radios) belonging to detainees where the initial mandate for detention has not been met as determined by the detaining TF at the POD or the DRC is to be returned to the LN on release from UK detention.
- b. The retention and disposal of commercial communication devices belonging to detainees will take place:
 - (1) Where there is sufficient evidence for the detainee to be transferred to the AFG authorities for counter narcotics or counter terrorism offences.

(2) Where there is insufficient evidence to transfer a detainee to the AFG authorities, but the IEF determine there is sufficient intelligence indicating that the commercial communication devices are likely to be used for INS purposes should they be returned back to the detainee on release.

31. **IO Messaging.** An individual released from detention may be critical of what has happened to him/her. Accordingly, IEF and MPS staff should make every effort to explain the reason for his/her initial detention as well as the reason for his/her release. Appropriate IO messages should be delivered to all detainees prior to release under the direction of CO IEF and his staff. Part of this messaging is to include a Reintegration brief using the RC(SW) approved DVD "Return to Reality" and leaflet (both in Pashtu) which is to be delivered to all detainees being released prior to the 96 hr point who the IEF believe or know to be involved in the insurgency but due to insufficient evidence are being released.

32. **Out-processing.** All individuals being released must be medically examined immediately prior to release and the findings documented. Property should be returned unless there is authority from the Detention Authority to retain it. The detainee should sign the retained copy of the property receipt form (Annex B) as evidence that he has received his property or that it has been retained. He must have this explained to him by an interpreter.

HANDOVER TO NON-UK FORCES

33. Once an individual has become a UK detainee, they must either be taken to a THF/DTF or, as stated above, released if the grounds to detain cease to exist at any time. Aside from the handover of detainees to the Afghan Authorities, UK detainees will not be handed over to other nations' forces. There are two exceptions to this rule:

- a. **Denmark.** The UK/Denmark MOU obliges the UK to hand back any detainees it holds, if they were originally detained by Danish, in order to allow them to transfer detainees back to the NDS³³.
- b. **USA.** The US/UK MOU at Reference J only allows for the temporary move of UK detainees to US detention facilities under certain specific situations and with very restrictive safeguards. All detainees must be returned to UK detention facilities before the end of the Ministerially-approved detention period.

TRANSFERS

34. **APSS.** The APSS is a Provost capability supporting both **UK FACILITY** and **UK FACILITY**. Its role is to establish and promote a partnered investigative process with NDS LKG and the CNPA, capable of developing the evidential aspects of cases to support the investigation and prosecution of detainees through the Afghan Criminal Justice System. In the future APSS may also have the capability to train and mentor the NDS and ANP staff who may eventually man the Helmand Evidential Intelligence Development and Integration (HEIDI) centre. In this regard, APSS already has a fulltime NDS LO and an NDS Forensics Practitioner

35. **NDS - Principles.**

a. **Evidential Requirements.** There is a difference between ISAF comprehension of admissible evidence and Afghan Law. The NDS have clarified that they require one or more of the following to bring a case to trial:

- (1) **Physical Evidence.** Physical evidence from the scene of capture should be evidentially recovered, logged and handed over with the detainee (Small Arms, RPGs, Phones, Notebooks, quantity of narcotics/ weapons seized, any other incriminating

³³ c.f. p J3-9 - 2, paras 33-40.

[REDACTED]

evidence etc). Where the evidence is potentially dangerous (e.g. explosives) it must be made safe by ATO prior to transport and consideration must be given to keeping it in ISAF custody where it can be viewed in safety by an Afghan Judge, rather than transferring the actual items to the court. It is not unusual for it to be destroyed in situ. However, photographs should be taken where possible. All destruction, for any item, should be recorded, in the form of a statement or report and be provided to APSS for inclusion in the evidence pack, (REL GIRoA). Physical evidence should be collected and transported using the Post Enrolment Kit (PEK) which is issued to troops in theatre. These are carried at patrol level for the capture of contextual, fingerprint and DNA data from individuals

(2) **Statement from Detaining Units.** Where possible a witness statement should be obtained preferably by the detaining ANSF soldier to explain the circumstances surrounding the detention. The individual completing a witness statement may be called forward to appear in front of the judge.

(3) **Detainee Statement.** UK-captured detainees can be questioned by the APSS NDS LO for two purposes: one aimed at assisting the investigation of that detainee or assisting with the investigation of another detainee. Approval must be sought from PJHQ before the APSS NDS LO is used in this way. Any approval that is granted will detail the conditions that must be adhered to during these processes.

b. **Photographic Evidence.** Photographic evidence should always be obtained as the Afghan authorities often cite the lack of a photograph with both the detainee and the incriminating evidence in it as a reason why detainees are released without trial. Photographs should be reflective of the actual position on the ground and should only be provided to the Afghans where there is a clear connection between the detainee and the evidence i.e. clear prior connection or a biometric/DNA link. In instances where physical evidence is not available (eg it has been destroyed on target), photographic evidence is considered an acceptable substitute in support where there is a case for prosecution.

c. **Timelines.** NDS are only allowed to hold a detainee for 72 hours before they must request from the prosecutor a period of further detention. They have to justify that requirement for further detention. Accordingly, any documentation recovered is to be translated before the detainee leaves the THF and ready for handover to NDS/CNPA at the same time the detainee is handed over. This is without exception. Where possible, OC APSS should provide a copy of the documentation concerning the detainee before handover.

36. CNPA - Principles

a. **Evidential Requirements.** The laws regarding evidence for a prosecution by the CNPA are similar in all regards to those of the NDS. Any amount of drugs found are potentially prosecutable at the Provincial level and the minimum levels listed below should NOT be considered a minimum for the purposes of a lawful detention. However, in order to achieve prosecution at National level the following minimum evidence must be produced:

(1) **Heroin:** equal to or in excess of **2kg** or;

(2) **Opium:** equal to or in excess of **10kg** or;

(3) **Hashish:** equal to or in excess of **50kg**.

(4) **Physical Evidence.** It is often difficult to assess who is the possessor of drugs discovered where there are a number of suspects detained. Consequently, where practicable, all suspects must be photographed with the drugs individually and as a group. This is to ensure that photographic evidence against a detainee is available to

support prosecution should Afghan investigations find there is a case to prosecute. Photographs handed over to the Afghans should be accompanied by a description of the circumstances of the drug's seizure and individual's involvement in the situation on the ground i.e. 'the detainee was in the car containing the drugs', or 'the detainee was in a compound near to where the drugs were found'. Drugs should be photographed in situ as found. As well as seizing the drugs, look for documentary evidence of drug and INS to seize. All evidence will be processed for fingerprints/DNA. If in doubt, seize all potential evidence.

(5) **Statements.** Written statements with detailed descriptions of locations are necessary and where possible include a hand-drawn sketch or diagram detailing the same area. All documents will be translated including the sketches or diagrams. Statements should be worded correctly i.e. "approximately 3 bags containing what appears to be 10 kg opium". Specific weight measurement should only be used when the appropriate weighing equipment is available. If in doubt as to the exact weight it is better to understate the quantity (approximately 10 kg when there is 12 kg rather than 12kg when there is only 10 kg).

(6) **Photographic Evidence.** It is often difficult to assess who is the possessor of drugs discovered where there are a number of suspects detained. Consequently, where practicable, all suspects must be photographed with the drugs individually and as a group. This is to ensure that photographic evidence against a detainee is available to support prosecution should Afghan investigations find there is a case to prosecute. Photographs handed over to the Afghans should be accompanied by a description of the circumstances of the drug's seizure and individual's involvement in the situation on the ground i.e. 'the detainee was in the car containing the drugs', or 'the detainee was in a compound near to where the drugs were found'. Drugs should be photographed in situ as found. As well as seizing the drugs, look for documentary evidence of drug and INS to seize. All evidence will be processed for fingerprints/DNA. If in doubt, seize all potential evidence.

- b. **Destruction of drugs.** If any quantities of drugs are destroyed photographs are to be taken before and during destruction. Destruction is to be in accordance with ISAF SOP 503.
- c. **Force Protection.** Protective gloves and other PPE is to be worn when handling drugs and all other evidence.

PRE-TRANSFER EXTENSIONS

37. **Criteria.** In accordance with Reference I it is routine for the Afghan authorities to state that they wish to accept a UK detainee for prosecution but where capacity issues prevent them from doing so immediately. In such cases, the Detention Authority must apply for a pre-transfer extension, allowing them to remain as a UK detainee beyond the approved timelines. Applications may be made where the detainee would, in normal circumstances, be transferred to the Afghan authorities for criminal prosecution, and where:

- a. Capacity³⁴ problems prevent the Afghan authorities from taking immediate custody of the detainee;
- b. There are no other alternative facilities practically available;
- c. Transfer of the detainee is at the request of the Afghan authorities; **and**
- d. The only alternative would be to release the detainee.

³⁴ "Capacity" includes both physical capacity in Afghan facilities and human capacity to in-process, investigate, develop and ultimately prosecute cases.

38. **Applications.** The UK Detention Authority is responsible for ensuring that applications for pre-transfer extensions are submitted for approval by D Op Pol in good time. When it can be foreseen that a transfer extension will be required, an application should be made well before the end of the approved detention period. On the basis that the Afghan authorities have stated they will accept a detainee for investigation:

- a. Following the initial review by the DRC (48-hr point), a Pre-Transfer Extension application must be submitted for all detainees who the DRC direct only be exploited up to 96 hrs.
- b. For those detainees undergoing exploitation beyond 96 hrs, Pre-Transfer Extensions must be submitted at the same time as an application for exploitation beyond 14-days.
- c. Should exploitation of a detainee cease before the 14-day resubmission point, a Pre-Transfer Extension application must be staffed immediately after the DRC direct exploitation ceases.

39. This should be done through PJHQ using the format at Annex G, Part 8. **The following points should be noted in particular:**

- a. Where authority has been granted for a transfer extension, detainees may not personally be subjected to any form of exploitation after 96 hours or any further interrogation period authorised after the expiry of the original deadline.
- b. D Op Pol will only approve transfer extensions where the criteria outlined in para 37 are met. The DRC is to formally record that this is the case, in particular giving the date on which the Afghan authorities requested the transfer, together with the name of the individual (NDS/CNPA) who did so. If the application involves a cross-provincial transfer, this must be made clear at Annex G Part 8. It has been known for such indications to be overturned on the changeover of personnel in key NDS posts and this record is therefore vital to ensure an audit trail. It should be clear at Annex G Part 8 the reason underpinning the NDS request for an extension.
- c. Detainees held on Pre-Transfer Extensions are to be reviewed by the DRC at least every 10 days to confirm that the Afghan authorities continue to accept a UK detainee for prosecution. This must be recorded at Annex G Part 8.
- d. Where that DRC review finds that the circumstances at the time of the original approval of the pre-transfer extension have changed significantly, for example where the offence to be investigated has changed or substantially less evidence is available, a revised Annex G Part 8 should be submitted for approval.
- e. Detainees on Pre-Transfer Extensions are to be interviewed by the JFSp(A) LEGAD on transfer to the UK THF and every [REDACTED] thereafter or if the reason for their continued detention changes. Immediately prior to transfer to the Afghan authorities the UKDOT will conduct an introductory interview.

40. **Detainees volunteering information.** Where a detainee expresses a desire to volunteer information whilst held on a Pre-Transfer Extension then they can be debriefed providing the following conditions are to be adhered to:

- a. The detainee may be given the opportunity to speak with a suitable person (who may be an interrogator) to volunteer information.

- b. The detainee is to be a willing and compliant volunteer and not coerced, and not subjected to ploys, approaches or other TTPs.
- c. The interviewer may ask questions to clarify what has been said by the detainee, but the interviewer may not lead the detainee into other areas or explore other new information.
- d. The information is to be formally recorded. If taped then the file is to be retained in accordance with IEF archiving practices. If written then the interview is to be witnessed by a third party, and a record of the interview is to be read back to the detainee to confirm (in writing if possible) the accuracy of the record.

TRANSPORT WAIVERS

41. On some occasions, there may be practical, logistical reasons why individuals cannot be released, in accordance with Reference F, immediately their detention has come to an end, for example where air assets are unavailable to transport an individual back to the point of detention. In such instances, the Detention Authority may authorise a transport waiver, providing that:

- a. Reasonable effort has been and continues to be made to transport the individual to, or close to, their point of detention, as required by Reference F;
- b. The individual gives their consent to remaining in the THF until transport is available; and
- c. The individual leaves the THF within 24 hours of the expiry of the ISAF or ministerially approved detention period. Should there be a further delay to the release of the detainee, the circumstances and a further waiver must be authorised by the DRC.

42. In any case where the Detention Authority wishes to grant a transport waiver, this decision must be recorded on the DRC Report. It is key specifically to record the consent, or lack of consent, of the individual to remain in the THF in all cases where a transport waiver is being considered; this should be recorded using Annex D. Should an individual chose to remain, it should be made clear that they are free to leave at any time. Individuals withholding their consent to remain, whether when initially asked, or subsequently, should be released from the Main Entry Point (MEP) as soon as is reasonably practicable³⁵, and given the funds necessary to make their own way to the point of detention.

43. While the consent of the individual in question is still required, a robust case must also be made to justify why the transport waiver is unavoidable. Individuals on a Transport Waiver are **not detainees** but remain the responsibility of the THF and should continue to be tracked and reported on by the DRC until they leave the THF. Where a detainee expresses a desire to volunteer information whilst held on a transport waiver then they can be debriefed in accordance with para 40.

JUVENILE/CHILD/VULNERABLE ADULT WAIVER

44. Juveniles, children or vulnerable adults that have been detained and taken to the THF should be released, where possible, into the care of an appropriate adult at or close to their point of detention. In order of preference, that appropriate adult should be:

- a. A parent or other adult member of their immediate family;
- b. An adult member of the wider family;

³⁵ The policy that detainees should not be released from the MEP during the hours of darkness for their own safety continues to apply in these cases.

- [REDACTED]
- c. An elder from the juvenile's or child's home village or town known to him;
 - d. A suitable GIROA official responsible for the area in which the juvenile or child lives.

45. Reasonable effort must be made to locate an appropriate adult in each category before seeking one in the next lower category. If an appropriate adult has been identified, but for practical, logistical reasons, it is impossible to transport them back to the point of detention, the juvenile, child or vulnerable adult may be released to the appropriate adult at an agreed alternative location, with the funds to return to the point of detention. If necessary, a Transport Waiver should be applied for as per the process set out in paras 41 to 43.

46. Where a parent or other adult member of their immediate family is not available, and, in the opinion of the Detention Authority, it is necessary for the juvenile, child or vulnerable adult to remain with UK forces until the steps to release them appropriately are taken, the Detention Authority may authorise a Juvenile/Child/Vulnerable Adult Waiver. This decision must be recorded on the DRC Report. Individuals held on a Juvenile/Child/Vulnerable Adult Waiver are **not detainees**, but remain in UK facilities, with the Detention Authority acting *in loco parentis*. The circumstances of their delayed release are to be clearly explained to the juvenile or child. Children will be taken to have consented to remaining with UK forces while the steps necessary for their appropriate release are taken; juveniles are entitled to refuse their consent to be held in such circumstances. Continuing to hold vulnerable adults without their consent must be managed on a case-by-case basis. Measures should be taken, where practicable, to consider the physical and mental welfare needs of individuals on a Juvenile/Child Waiver/Vulnerable Adult, including, where force protection considerations allow, accommodating them outside the THF. They should continue to be tracked and reported on by the DRC until they leave the care of UK forces. When an appropriate adult is identified, the juvenile or child should be released into their care with the funds necessary to return to the point of detention, where appropriate.

47. If juveniles withhold their consent to be held on a Juvenile Waiver, they should be released as close as possible to (or given the means to return to) the point of detention. Effort should still be made to arrange for a responsible adult to be present at their release, but the absence of such an adult should not prevent release of a juvenile who does not consent to remain with UK forces on a Juvenile Waiver.

CONTINUED DETENTION UP TO 96 HOURS

48. **Principles.** To authorise continued detention up to 96 hours, the Detention Authority will need to be satisfied that it is necessary for self-defence or Force Protection or Mission-Accomplishment. At the 48 hr Detention Review, the Detention Authority is to consult both the LEGAD and POLAD as to the justification for continued detention.

49. **Detention Timelines.** Detainees should not routinely be held to the limit of detention. Although the Detention Authority has up to 96 hours from the point of detention to release or transfer a detainee, once all the required evidence, documentation etc is in place to permit the approved course of action, it should take place as soon as possible.

EXTENSION OF DETENTION BEYOND 96 HOURS

50. **Principles.** Detention beyond 96 hours is only permitted in exceptional circumstances. The Detention Authority does not have the authority to hold a detainee for longer than 96 hours from the point of detention (this authority must be sought from Ministers through the Detention Review Committee (DRC)).

51. **Extended Detention Criteria.** Following initial exploitation of a detainee, CO IEF and his staff may believe that there are grounds for a detainee to remain in UK detention beyond 96 hours in order to allow further exploitation to take place. Only the following detention extension criteria

[REDACTED]

set by the National Security Council (NSC) can be used to judge whether there is a case for extended detention beyond 96 hours:

- a. Will the extension of this individual provide significant new intelligence vital for force protection?
- b. Will the extension of this individual provide significant new information on the nature of the insurgency?
- c. Will the extension of this individual make a significant contribution to reintegration objectives?
- d. Will the extension of this individual provide a significant contribution to evidence collection to enable prosecutions through the Afghan legal process?

52. **Application and approval process.** Where it is believed that there are circumstances which justify an extension beyond the 96 hr limit, the Detention Authority should make an application for an extension using Annex G Part 3. This application should describe the background to the application, how the extension will fulfil one or more of the extended detention criteria, and any other pertinent factors, particularly the wider intelligence and operational context of the detention, to assist in the consideration of the application. The application will be considered at PJHQ, MOD and the FCO level and any extension will need to be authorised at Ministerial level, both in the MOD and the FCO. This is effectively a 5-stage process; shown diagrammatically in figure 3:

- a. **Stage 1 – DRC.** The first stage is the consideration of the application by the DRC and the decision taken by the Detention Authority as to whether or not to make the application. These extensions are solely to provide time for intelligence gathering and interrogation in those cases where there are reasonable grounds to believe that the additional time will lead to one of the four extended detention criteria (defined in para 51) being met. The Annex G for applications should make clear why this criterion is met. Once the Detention Authority is content, s(he) signs the application and it is passed back to PJHQ for onward transmission. In order to allow sufficient time for Ministerial review, this application (in the form of a completed Annex G) must be received at PJHQ as soon as possible but **ordinarily no later than 60 hours after the time of detention.**
- b. **Stage 2 – PJHQ.** PJHQ personnel are responsible for confirming the details of the application, scrutinising the grounds for extension and staffing it to the Ops Dir for consideration. Where cases are marginal, PJHQ will work with Theatre to try and strengthen a case within the time available. This is designed to be a swift process. Where possible, early copies of the Annex G should be forwarded to PJHQ to allow initial discussions with the Ops Dir to take place. Within PJHQ, J3 has the lead for dialogue with personnel in theatre, while J9 Policy staff lead on interaction with the Ops Dir.
- c. **Stage 3 – MOD Operations Directorate (Ops Dir).** The completed Annex G will be passed to the MOD Ops Dir, where the application will be considered and a Ministerial Submission drafted. Where Ops Dir personnel believe that Ministers may require further information or clarification on specific points of operational detail, they should seek clarification through PJHQ J9 Policy. Once drafted, the Ministerial Submission is passed on for Ministerial approval. Ops Dir personnel are also responsible for informing PJHQ J9 Policy once applications have been considered by Ministers and confirming whether they have been authorised or refused.
- d. **Stage 4 – MOD Ministerial Approval.** MinAF or the MOD duty Minister will consider the application on the basis of the Submission drafted by the Ops Dir. If the MOD Minister is

content to authorise the case, (s)he passes it up to the FCO for final consideration. If not, the refusal is communicated through Ops Dir to PJHQ and onward to theatre.

e. **Stage 5 – FCO Ministerial Approval.** On receipt of an application authorised by the MOD Minister, the Foreign Secretary or his/her delegated duty Minister considers the application and either gives it final authorisation or refuses to authorise it. The FCO Minister may seek further clarification on detail or policy through the MOD Ops Dir if required. Once content, the Minister authorises the application and informs the MOD, through the Ops Dir.

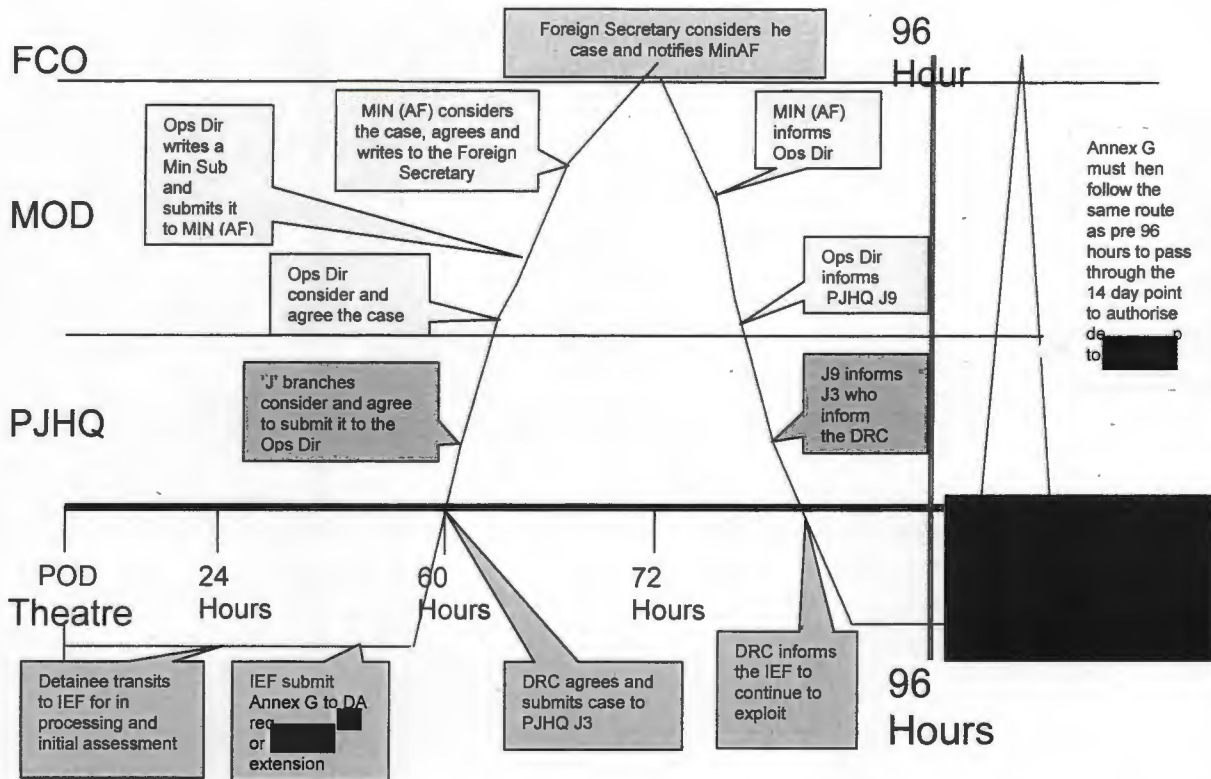


Figure 2: Annex G process.

53. The application may be rejected at any stage if it is considered that there are insufficient grounds for an extension, although the option remains of re-applying if new intelligence becomes available to justify a further extension. If an extension is authorised, PJHQ will notify the Detention Authority of the decision. **Other than medical grounds which require COMISAF authority and transfer extensions which require D Op Pol authority (see Pt 2 paras 25 and 37 respectively), this is the only mechanism to be used for seeking an extension – there are no exceptions.**

54. **Extended Detention Review Process.** In exceptional cases, where extended detention is authorised beyond 96 hours, the detention is to be the subject of review as follows:

a. **72 hr reviews.** The Detention Authority is to conduct an internal review of the detention through the DRC every 72 hours after detention starts. These 72-hr reviews continue until such time as the detainee is released or transferred. Annex G, Parts 4 and 6 should be used for these reviews, with the decision to continue to detain recorded at each stage. These internal 72hr reviews do not need to be approved in the UK.

b. **Resubmission.** For all [redacted] extensions, the Detention Authority is to submit a resubmission to PJHQ after the first [redacted] of the detention period to seek Ministerial authorisation for continued extended detention up to [redacted] using **Annex G, Part 5.** PJHQ

[REDACTED]

will submit the resubmission to Ministers through the MOD Ops Dir and a Ministerial approval process will be conducted similar to that which authorises initial extensions.

55. **Beyond [REDACTED] Day Extensions.** In extremely exceptional cases, detention may be extended beyond [REDACTED] days, although this will only apply in the most exceptional of cases only and be subject to rigorous scrutiny and review. The Detention Authority is to inform PJHQ of such cases at least [REDACTED] days prior to the [REDACTED] day period expiring; engagement from the [REDACTED] day point is strongly advised to ensure the suitability of the case before submission at day [REDACTED]. A diagram outlining the review processes to be followed for detention operations is at **Annex J**.

56. **Summary.** One of the following 3 courses of action must therefore be followed before the 96 hour point.

- a. **Transfer** to the Afghan authorities where Afghan authorities request transfer of the individual due to their own interest in him, or
- b. **Release** when NDS/CNPA have not requested transfer and the detainee does not meet either the criteria for initial detention or for extended detention at the 96 hour point , or
- c. **Extend detention beyond 96 hours.** In exceptional circumstances only, retain in extended detention – only when the Detention Authority has received authorisation from PJHQ permitting the extension to the period of detention for exploitation purposes.

TRANSFER TO AFGHAN AUTHORITIES – THE PROCESS

57. **Transfer Facilities.** Currently UK detainees are only to be transferred to the facilities listed below. No other facilities in Afghanistan are to be considered for transfer of UK detainees without prior consultation with PJHQ. In order to ensure that UK detainees are not transferred to facilities where they may be mistreated, Ministers may impose temporary bans on transfers to facilities if allegations of mistreatment are received from former detainees. The ban may remain in place until Ministers are satisfied that the risk of mistreatment has been mitigated.

- a. NDS LKG.
- b. NDS LKG Juvenile facility.
- c. CNPA LKG.

58. **Cross-Provincial Transfers.** Detainees can only be investigated and prosecuted by the NDS for Counter Terrorist offences in the Province where their crime was committed. In exceptional circumstances the Provincial NDS can apply for a cross-provincial transfer waiver from the Supreme Court who will authorise them to try a case out of province. NDS LKG are to be given the opportunity to accept or decline each case, but they should be encouraged to apply rigorous scrutiny to each case to assess whether it is likely to meet the required severity to warrant a cross-provincial application. When reviewing an application for a Pre-Transfer Extension, D Op Pol will consider the risk of continuing to hold the detainee for that extended period of time whilst the NDS seek approval to try the case, against the likely length of the sentence; ie it may take 6 months to gain approval from the Supreme Court for a case where the detainee may only be sentenced to 6 months in prison.

59. **Information Sharing.** In order to support a prosecution by the Afghan authorities APSS provide an evidence pack for each detainee, which contains details of the detainee (name, father's name), the physical evidence to support the investigation (IED components, weapons, finger prints, DNA analysis) and any expert witness statements to support the connection between the detainee and the physical evidence. Interrogation is an intelligence collection activity and not a criminal investigative process. Whilst raw product from interrogation sessions does not constitute

[REDACTED]

evidence, PJHQ has approved the release of information derived from IEF interrogation and REL GIRoA reporting to the NDS through the APSS in order to allow the Afghan authorities to conduct their own investigations. In the event they wish to use some or all of the information passed to them by UK authorities in a court of law, they may do so. However, in accordance with the Cabinet Office Consolidated Guidance APSS are not to provide the NDS with information that constitutes actionable intelligence.

60. **Preparatory work - THF.** If the Detention Authority makes the decision to transfer a detainee to the Afghan authorities (currently NDS or CNPA), notification will be given to the THF so that they can prepare the detainee for transfer. It is the responsibility of the FPM to ensure that the necessary transport arrangements are made to transfer the detainees to the transfer location. It is the responsibility of the THF to provide the escort to the detainee for the transfer. The actual transfer of the detainee to the Afghan authorities will be conducted by Pro staff at the detachment nearest the receiving NDS or CNPA facility.

61. **Preparatory work – NDS/CNPA.** Throughout the detention period the NDS LO and OC APSS will have been in consultation with the NDS/CNPA to determine whether they have an interest in the detainee. Following the decision of the Detention Authority to transfer the detainee the Pro staff will notify the NDS/CNPA that they have a detainee for transfer and will arrange for the NDS/CNPA to take custody of the detainee as soon as possible. Once translated into Pashtu or Dari, the detainee file must be forwarded to the relevant NDS/CNPA facility *before or at the point of* handover of the detainee in order that the NDS/CNPA are able to make an informed decision to charge or release the detainee. Failure to provide the completed detainee file at the point of handover to NDS/ CNPA eats into the valuable 72 hours for the Afghan investigators to conduct their own investigation. The NDS/CNPA should refuse to take detainees when they consider there is not sufficient evidence to provide a realistic prospect of conviction. Should the detaining TF believe that their intelligence is sufficient to provide evidence that may lead to a prosecution, they are to seek the advice and guidance of CO IEF and the FPM immediately before taking any further action. TFs are not to approach the BEK to seek their assistance with applying pressure via the NDS chain of command for them to accept cases which were rejected by the NDS at a local level. On transfer MPS and APSS will hand over the detainee, together with physical evidence, Dari/Pashtu translated copies of all statements and evidential documentation, detainee property, and will obtain a signature for the transfer from the senior NDS/CNPA Officer present. On transfer, the senior Pro rank present will record the name and obtain three signatures from the receiving Afghan Officer, one on the Record of Detainee Handover (Annex E), one on the Property Receipt (Annex B), and one on the Record of Custody (Annex D). A full record of the handover must be held within the THF. A summary of the detail of the handover should be forwarded to the FPM, Hd DOT and SO3 DRC.

62. **Protecting the detainee's identity.** Whilst awaiting transfer, or in transit to Afghan custody, wherever possible, the detainee should be protected from public view. The means of transport shall be at the discretion of the tactical commander and dictated by tactical considerations, but transport in the rear of open vehicles is to be avoided, both for this reason and to minimise the risk of harm or escape. Hooding of the detainee is prohibited in all circumstances and **MUST NEVER** be used as a way to avoid public observation. The detainee should be screened off from view where possible. The safety of the detainee should be considered, and when necessary PPE, including helmet and CBA is to be provided.

63. **Briefing the detainee.** When an individual is to be transferred to the Afghan authorities the reasons for this must be fully explained to the detainee immediately prior to transfer. An interpreter must be made available to explain the reasons if necessary.

64. **Pre-transfer medical examination.** Just before transfer to the Afghan authorities a medical examination is to be conducted by a qualified General Practitioner and the medical form marked accordingly. Where a detainee is being handed over with any existing injury or condition, regardless of how received, that has been discovered as a result of a medical examination, a

medical report must be attached to the detainee file in order for the NDS/CNPA to assess the medical conditions (including mental health). Medical conditions can, in some circumstances, impact on prosecutions and should always be revealed.

65. **Allegations of Mistreatment.** Should the individual make any allegation of mistreatment then full details should be recorded and where possible Service Police should take photographs of any injury or damage alleged to have been caused by UK forces personnel. Out-processing medicals are to be conducted in accordance with Annex F. In the event of a detainee making a complaint of mistreatment then the FPM and Comd Med must be informed without delay and a RMP (SIB) investigation initiated. The FPM must notify PJHQ of any allegation of mistreatment within 4 hours of the allegation being made using Pt 2 Annex I. PJHQ are required to then inform Min (AF) immediately. All injuries are to be photographed by the RMP (SIB) as part of their investigation. This is not a legal requirement but will provide a record of detainees' injuries on handover and thereby allow any allegations to be refuted as necessary in the future. Photographs of injuries taken as part of an investigation must be retained with the detainees' paperwork and must not, under any circumstances, be released to any other body.

66. **Concerns over mistreatment.** If there are specific grounds to believe that the detainee may be mistreated by the Afghan authorities on or after transfer, then such concerns must be raised with FPM. The test to be applied is that detainees should not be "...transferred from UK custody to any nation where there is a real risk that at the time of transfer that the detainee will suffer torture, serious mistreatment or be subjected to unlawful rendition." PJHQ J3 FP OT is to be informed of any such concerns and PJHQ will advise on proceeding with transfer(s). Any decision to cease or continue with transfer(s) will be taken at PJHQ in consultation with the MOD and FCO as appropriate. Similarly, where an allegation has been made against staff at a location to which the UK routinely transfers detainees, all subsequent transfers are to be referred to PJHQ until such time as the allegations have been satisfactorily investigated.

67. If the Afghan authorities refuse to accept the transfer of the detainee, he/she must be returned to the THF and a report submitted to FPM, outlining the circumstances of the attempted transfer and the reasons for the refusal. In turn the FPM will alert the Detention Authority, JFSp(A) LEGAD and POLAD, and PJHQ. Advice should be sought from the Ops Dir through PJHQ.

68. If relatives or acquaintances of a transferred detainee subsequently make enquiries about him they should be given the location and date of transfer.

REPORTING

69. **Reporting Arrangements for Detainee Handling.** The Detention Authority has the theatre responsibility for reporting on the status of detainees in relation to any allegation of abuse/mistreatment and for ensuring that detainees are correctly released, transferred or extended in detention as appropriate. The following reports provide assurance to this process:

a. **Daily.** The following reports are to reach PJHQ by no later than 0800 daily (UK) through the Duty Ops Controller, using the format currently in use:

(1) **Detention Review Committee (DRC) Results.** Immediately following the conclusion of the DRC, a summary of the Detention Authority's decision pertaining to each case.

(2) **Detention Review Committee Report.** This is to report on the results of the previous day's DRC meetings, is to include updates details of all detainees in UK detention and report on all releases and transfers in the previous 24 hours.

(3) **Detention Scheme of Manoeuvre (SoM) report.** This highlights the cases which are proposed for consideration at the next DRC.

b. **Weekly.**

- (1) **Detention ASSESSREP.** The weekly Detention ASSESSREP incorporates detention activity and UK DOT assurance work and is to reach PJHQ by NLT 1800 (UK) each Sunday evening.
- (2) **Detention DOWNREP.** PJHQ will provide a weekly Detention DOWNREP in response to the Detention ASSESSREP, to reach HQ JFSp(A) by 1800D* each Friday.

c. **Reporting by exception.** The following reports are to be provided by exception and as required:

- (1) **NLT 60 hours after detention.** Applications for extended detention beyond 96 hours.
- (2) **Up to the [REDACTED] point,** providing the Afghan authorities have indicated that will accept a detainee for investigation, Pre-Transfer Extensions are to be submitted at the point the Detention Authority directs that exploitation ceases.
- (3) **NLT [REDACTED] after detention.** Applications for Ministerial approval of extended detention up to [REDACTED]. If the Afghan authorities have indicated that they will accept a detainee for investigation, the Pre-Transfer Extension application is to be submitted at this point.
- (4) **As required.** Notification of any application to HQ ISAF for extension for medical reasons; whether application has been approved; subsequently report every 3 days until detainee is released or transferred.
- (5) **In the event of any difficulty** which risks a planned release/transfer failing to take place within the approved time limits, PJHQ are to be informed immediately, either through the duty Ops Controller for silent hours or through the FP OT in office hours.
- (6) **Within 48 hrs of a visit by the UKDOT** Hd DOT must submit a Visit Report (VISREP) directly to PJHQ.

70. **Detainee Database.** The SO3 DRC, on behalf of the Detention Authority, is to ensure that a copy of the Detainee Database is passed to PJHQ J3 Ops Controller (copied to J9 Pol) by the last day of each month.

TRACKING AND MONITORING

71. **Introduction.** The UKDOT was established in order to ensure that UK Forces will not transfer detainees initially detained by UK Forces to any nation or national representative where, at the time of transfer, there is a real risk of torture or serious mistreatment. In order to satisfy the stated Government policy, it was determined that the UK would ensure that certain conditions continue to be met, namely:

- a. That the UKDOT must be given access to each detainee on a regular basis (at least once a month) and;
- b. Each detainee is visited in private and;
- c. The UK must consider the immediate suspension of further transfers if access to detainees is denied or if a detainee makes allegations of torture or mistreatment which cannot reasonably and rapidly be dismissed as unfounded.

72. **VISREP.** The UKDOT's main effort is to inform decision makers regarding the cessation of transfer where there is a risk that former UK detainees will face serious mistreatment or torture. Issues of detainee welfare are secondary to this main effort. Within 48 hrs of returning from a visit, Hd DOT must submit a VISREP directly to PJHQ. The VISREP must arrive with PJHQ unadulterated, providing an accurate reflection of the UKDOT's observations and UKDOT's assessment of the credibility of any allegations made. If the Detention Authority chooses to provide commentary on the nature of the allegations, this should be included in a separate covering note and not incorporated into the VISREP.

73. **Inter-Agency Relationships.** As can be ascertained from the circumstances surrounding the creation of the UKDOT, several Governmental Ministries and intra governmental departments carry risk in operational detention, and therefore have a direct interest in the way post-transfer detention is handled.

a. **Ministry of Defence.** The MOD Ops Dir has a key interest in the role of the UKDOT. They must be informed of any issues which impact upon post-detention policy and must agree, via PJHQ, any changes. The Ops Dir is the lead on managing the relationship with FCO. Any discussion on policy implementation or development with any other stakeholders must recognise this command relationship.

b. **PJHQ.** UKDOT takes immediate direction from PJHQ, as it is a military asset under command and control of Comd JFSp(A) as the UK Detention Authority and therefore PJHQ.

c. **Foreign and Commonwealth Office (FCO) and British Embassy Kabul (BEK).** Given their responsibility for the UK's relationship with GIROA, the FCO has the policy lead in relation to the Rule of Law (RoL) in Afghanistan, aspects of which have a direct impact on our oversight of former UK detainees transferred to the Afghan authorities. The PRT has responsibility for these issues in Helmand Province. The UKDOT should liaise closely with BEK and the PRT regarding the facilitation of visits to Afghan detention facilities. The FCO, due to their high-level access to GIROA, are an essential source of information on detention and RoL issues. The BEK and the PRT also provide valuable continuity. However, the Detention Authority retains ownership of detention policy: the maintenance of good relationships with the FCO, the PRT and BEK must not cloud his sole responsibility for policy.

d. **The National Component Commander (NCC) and the NCC POLAD.** The NCC also has an interest in detention issues, but it is key that Ministerial commitment to the independence of the Detention Authority is maintained. As the senior UK POLAD, NCC POLAD is the conduit for all cross Government in theatre detention issues. Accordingly the NCC POLAD must be a copy addressee for all UKDOT reporting, but the Detention Authority (and through him, PJHQ) retain responsibility for post-transfer detention policy.

74. **Pre-trial Detention.** The UKDOT is responsible to the Detention Authority for providing post-transfer oversight and first-party assurance of all former UK detainees who remain in Afghan pre-trial detention. The UKDOT is only responsible for monitoring up to the first court's decision; providing one visit following conviction at first court. Any monitoring judged necessary after this point, except as outlined in para 79, will be an FCO responsibility as part of their RoL mission.

75. **Confirming Sentence.** UKDOT are to ascertain any sentence from either the prison governor or deputy (verbally will suffice) or (preferably) by sight of the written record using an interpreter.

76. **Allegations of Mistreatment or Death.** Any allegations of mistreatment made to the UKDOT by former UK detainees during these visits are to be immediately reported to the FPM. In assessing the veracity of any allegation of mistreatment there is no requirement for a medical

examination. The FPM is to inform PJHQ J3 within 4 hours of the receipt of the information; concurrently he must inform the NCC POLAD who will engage with the BEK. If it is reported to the UKDOT that a former UK detainee has died in Afghan custody, Hd DOT is to notify the FPM who is to immediately inform PJHQ who will provide direction and guidance.

77. **Tracking.** Hd DOT is responsible for maintaining the detainee tracking spreadsheet. Where it is not possible to visit UK detainees due to their subsequent transfer by Afghan Authorities to pre-trial custody in other locations, Hd DOT is to liaise with BEK Rule of Law team staff to establish an action plan for visiting/tracking these detainees. Where there is a refusal on the part of the Afghan authorities to comply with requests for visits and for information about the progress of the case the Detention Authority, POLAD and LEGAD at HQ JFSp(A) must be informed as soon as possible.

78. **Post-trial Detention.** At the moment at which a former UK detainee has been convicted in his first trial in an Afghan court, he moves into post-trial detention. The responsibility for monitoring and tracking detainees in post-trial detention lies with the BEK rule of law team (less for the exceptions set out below).

79. **Exceptions.** There are six exceptions to the principle of FCO post-trial monitoring:

- a. Where there is a delay between conviction and sentencing. In these cases, the UK DOT must continue to conduct visits to detainees awaiting confirmation of sentence.
- b. Where a detainee has been sentenced but remains at the remand centre (eg NDS) awaiting confirmation of sentence from the court, a further interview should be conducted once the detainee has been transferred to the prison to serve his sentence.
- c. Where detainees have been held in a detention facility and the UK DOT has been unable to gain access to visit him.
- d. Where a detainee is interviewed at a pre-trial detention facility, but has been convicted by the first court. A further interview should be conducted once he has left the pre-trial detention facility and is serving his sentence at a provincial prison.
- e. Where a detainee remains subject to a UK investigation or Ministerial/senior official consideration relating to an allegation of abuse/mistreatment made during UK detention or in pre-trial Afghan detention. Visits should continue until the investigation is complete or upon guidance from the Ops Dir, via PJHQ.
- f. Where a detainee is linked to the death or serious wounding of a UK service person and PJHQ has requested monitoring continue until the final court decision.³⁶ The FPM will notify Head DOT of the connection of a detainee to a UK serviceperson KIA or WIA.

80. **Cessation of Visits.** Where visits have continued under the exceptions listed above, the UKDOT will continue to assess whether continued visits will mitigate the risk of further abuse. The UKDOT is to seek approval from the Ops Dir, with advice from PJHQ and MOD legal advisers (using Annex L), before terminating post-trial visits where the detainee is still subject to an investigation relating to an allegation of abuse or mistreatment made while in pre-trial custody. The application to terminate UKDOT visits must consider the following factors:

- a. Is there information to indicate a risk of further abuse?
- b. Has the detainee consented that the original abuse allegation can be raised with the Afghan authorities?

³⁶ A final court decision will in most cases be the decision of the second court. However, it will be the decision of the Supreme Court (3rd Court) where the UK DOT is notified that the detainee or the prosecutors are appealing again.

- [REDACTED]
- c. Can the allegation be pursued actively and meaningfully with the GIRoA authorities?
 - d. Have the GIRoA authorities concluded any investigation into the allegation? Was the investigation thorough and satisfactory?
 - e. Is the detainee still in the facility where the abuse took place, or in a facility under command and control of the original alleged perpetrators of the abuse (eg an NDS facility)?
 - f. Has UKDOT be given unfettered access to the detainee(s) and/or facility? Is the detainee likely to be transferred back (either permanently or temporality) to the location of the alleged the abuse/mistreatment, and if not what useful purpose would be served by continuing to visit the detainee post-trial?
 - g. What are the prevailing security risks of UK personnel undertaking the monitoring, and is such a risk proportional to the perceived benefits of continuing the visits?
 - h. Any other factors that the Detention Authority or Hd DOT deems would assist in deciding whether visits are necessary and proportionate?

ARCHIVING/RECORD-KEEPING

81. Detainee records are to be kept in accordance with the theatre detention IM policy.

Annexes:

- A. Rights of a Detainee.
- B. Property/Evidence Receipt.
- C. Evidence Aide Memoire.
- D. Record of Detainee Custody.
- E. Record of Detainee Handover.
- F. Medical examination Form.
- G. Application for Extended Detention.
- H. Detention Aide-Memoire: Extensions/Reviews/Allegations.
- I. First Impressions/Follow Up Report.
- J. Detention Review Process Flow Diagram.
- K. UK DOT – UK Captured Detainee – Record of Interview.
- L. Submission to PJHQ Regarding Cessation of Visits.

Detainee No:

Annex A To
Part 2 To
SOI J3-9 (Amdt 6)
Dated 17 Sep 12

**RIGHTS OF A DETAINEE (LEAD FOR COMPLETION: THF STAFF)
(TO BE EXPLAINED BY AN INTERPRETER)**

1. You have been detained by ISAF for the following reason(s): (delete as appropriate)
 - a. Force Protection
 - b. Self-defence
 - c. Mission accomplishment
2. You will either be released by ISAF or transferred to the Afghan authorities as soon as possible.
3. You may make a statement about your detention now if you wish: (This is to be translated by the interpreter and recorded by the THF staff)

4. Do you wish to have someone informed of your detention? If so, who?
5. I confirm that I have understood the information as explained to me by the interpreter
Signed (detainee):

Name of detainee:
Detainee Number:

6. I confirm that I have translated the details on this form as accurately as possible, and the detainee has confirmed he has understood what I have told him:

Signed (interpreter):

Name of interpreter:

7. Signed (Witness (member of the THF staff)):

Rank and Number of Witness:

Date:

Detainee No

PROPERTY / EVIDENCE RECEIPT

Annex B To
Part 2 To
SOI J3-9 (Amdt 6)
Dated 17 Sep 12

Admission date

- 1. The following property was recovered from the detainee upon admission to the THF. All items annotated will be handed to IEF staff for exploitation, on completion they will be returned to the THF and held until the detainee is released or transferred to ANSF
- 2. **Release:** Property will be returned to the detainee upon release having been requested to sign or make their mark (thumbprint).
- 3. **Transfer:** If the detainee is transferred to the National Authorities, this property will be transferred with the Detainee and signed for by the accepting Officer.
- 4. If items of property are classed as evidence or are deemed to be prohibited then they will be retained by UK Forces and will not be returned to the detainee.

DATE	ITEM No	DESCRIPTION	HANDOVER PRINT/SIGN	RECEIVED PRINT/SIGN	DATE	HANDOVER PRINT/SIGN	RECEIVED PRINT/SIGN	DATE	NOTES

I confirm the item(s) recorded are correct.

THF Staff **Rank** **Name** **Date**

On Admission: I acknowledge the items that have been recorded belong to me. **Signature/Thumbprint**

Date



On Transfer to: _____ I acknowledge receipt of the item(s) recorded overleaf

THF Staff **Rank** **Name** **Date**

Receiving THF Staff: I acknowledge receipt of the item(s) recorded overleaf

THF Staff **Rank** **Name** **Date**

On Release: I acknowledge receipt of the item(s) recorded prior to my release. **Signature/Thumbprint**

Date



On Transfer to ANSF: I acknowledge receipt of the item(s) recorded.

NDS / CNPA **Rank** **Name** **Date**

[REDACTED]

EVIDENCE AIDE-MEMOIRE

Annex C To
Part 2 To
SOI J3-9 (Amdt 6)
Dated 17 Sep 12

In all cases consider the following:

1. Statements of people in the area or who you feel may be able to offer evidence.
2. Statements of soldiers who recover or handle evidence.
3. Consider would photographs support your case?
4. Consider would a sketch plan support your case?
5. Recovery of evidence is vital. Never destroy it unless you absolutely have to and even then have it photographed before and after and make extensive notes about its description. Following destruction YOU MUST provide a signed statement to say you have destroyed the evidence and why, along with producing the photographs.
6. Try and objectively assess what you are being told by any Afghan citizen. Be aware of being drawn into, for instance, a land dispute and then end up looking at evidence from the COIN perspective rather than the real perspective which is that you are being used to settle a civil dispute.
7. DNA and fingerprints are accepted by the Afghan Courts and are excellent evidence both for intelligence exploitation and to support a prosecution. Care must be taken in the recovery of items from the ground in order to prevent your own finger prints and DNA contaminating the evidence. If you do touch an item, record where you have physically touched it and let the IEF know where it was touched so they can eliminate your fingerprints and DNA when the item is forensically examined. Afghan courts now require a person to be physically linked to an item recovered during a search. Therefore if evidence is found in a compound search, it is necessary to recover and package the items carefully in order to ensure that the forensic link can be made.

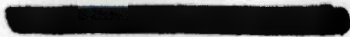
Type of Evidence	Value to Prosecution	Remarks
Physical -ID Cards or any paperwork relating to Taliban or any suspected terrorist/insurgent group, activity or membership including "night letters"	Good	When found on a person or in a compound owned by them the link must be made to an individual. Do not take different documents off a number of detainees and then throw them all in one bag. Separate into individual bags, mark the bag with who the documents belong to, where and when recovered. If anything other than this happens ownership becomes disputable. THE PROSECUTORS WANT ORIGINALS. If there is concern about the chain of custody of originals then ensure people sign for the documents until they reach the investigator or prosecutor.
IED components and equipment	Good	Must first be photographed WHERE FOUND , not moved and then photographed with detainees. After being photographed where found, recover (bag and tag) and do NOT destroy or handle unnecessarily. Make the equipment safe. If it cannot be made safe, then have ATO/EOD destroy the items and obtain a signed statement from ATO/EOD saying what they destroyed, where, when and how and who requested the destruction. If the items are destroyed by a member of the team trained in explosives/

Type of Evidence	Value to Prosecution	Remarks
		demolitions then they should give the same statement. If it is possible, then put the suspect in front of the items recovered and photograph only if the items were found on him or seen with him immediately prior to detention.
Explosives of any kind found with detainee.	Good	If possible and safe to do so, photograph WHERE FOUND before making safe. If photographs not possible before being made safe AFTER being made safe in situ. If possible and safe to do so then photograph with the detainee only if the items were found on him or seen with him immediately prior to detention. A statement from person finding the explosives on the individual is important. The statement must describe how, where and when found. Fingerprints/DNA are still relevant for items found with the detainee in case they choose to say they the item was placed on them.
Explosives of any kind found without the detainee.	Good	As above but ALWAYS test for fingerprints/DNA and see if it can be linked to a detainee or person whose fingerprints/DNA currently are on database. Remember, fingerprints/DNA can take a while to be checked.
Weapons and munitions (AK47, PKM, RPG, etc)	Good	Confirm where, when and how the weapon was found. Must be photographed where possible WHERE FOUND and only if safe to do so. Photograph if found with a suspect AS FOUND . Also see Shotguns. <i>(It should be noted that the Afghan people often possess a shotgun without a licence for hunting and in some rural areas farmers may use AK variants or older bolt action rifles instead. Such factors must be taken into consideration when considering a detention. If you arrest someone with one weapon it does not mean he is Taliban.)</i> The actual weapon is essential and should not be destroyed. If you know the weapon may be sent for ballistics DO NOT strip it down. Bag it and tag it immediately.
Witness statements provided; when someone is seen committing an offense	Good	Witness statements from local elders/leaders and the ANA/ANP are given more credibility than CF. The statement MUST be signed and a fingerprint placed on it and the statement must identify who the person providing it is. See the Appx 2 for an example of a statement including the need for statements to be translation.

Type of Evidence	Value to Prosecution	Remarks
Vehicles	Good	If a vehicle is used in the commission of an offence, describe the vehicle, how it was used, take photos of the vehicle (including if the vehicle is destroyed), recover licence, VIN prior to destruction as evidence and include statements to describe what you saw. In all cases add as much detail as possible. Consider forensic opportunities from inside the vehicle and on any recoverable items (eg steering wheel, internal mirror).
When someone is witnessed committing an offence and escaping from the scene.	Good	Fleeing the scene of a crime is an offence but very hard to prove in court without any physical evidence linking them to the offence or scene. Think about continuity and descriptions. The better a description the more persuasive the evidence. The judicial system places a huge importance on physical evidence and without it, convictions are very difficult to achieve.
The victim of the INS activity giving a witness statement.	Good	They must sign the statement and/or provide a fingerprint on it. They must also identify who they are in a statement. Just because a witness says they will not or may not attend court, still try to get the statement. Ultimately, the prosecutors and court will decide how important their evidence is.
Oral / written Confessions	Good (provided they are signed and accompanied by supporting evidence)	In accordance with the direction in Pt 2 para 35.a(3). Where possible the detainee should be asked to sign or mark (thumbprint) any confession made. Note that a detainee has the right to withdraw any confession made. Also they are not to be forced or coerced into making a confession as this is prohibited by Afghan and international law. Any confession must be recorded word for word. However, confessions on their own are not conclusive. You must always look for supporting evidence to demonstrate the person committed an offence. Always be mindful of a person's willingness to admit something through fear or because they think it will get them away from an incident.
Video taped confession	Good	Provided there is no suggestion of coercion or torture involved. See above.
Blood on a suspect or suspect's clothing etc.	Good	It can link them to a crime and/or scene and therefore the onus is then placed on the detainee to explain how they got the blood on them. Any items with blood on should be placed into paper

Type of Evidence	Value to Prosecution	Remarks
Photographs	Good	<p>evidence bags rather than plastic if possible</p> <p>Photographs serve to complement the presentation of the evidence but will not replace it. When photographing detainees with the evidence, it is of little value to throw all the evidence obtained into one big pile and then photograph each detainee with that large pile. This makes attributing ownership more difficult. It should also be noted that evidence found in proximity to each individual should be seen as separate, and if operational conditions allow, detainees should be photographed with the evidence in the condition it was found. Separate photographs of detainees with those items found on or near them and then with the evidence that cannot, at that time, be linked to any specific individual should be taken. ALWAYS TURN ON THE DATE AND TIME FACILITY ON THE CAMERA.</p>
Telephone evidence	<p>Good</p> <p style="text-align: right;">Weak</p>	<p>Telephone numbers extracted from a phone when two or more people are found together can be useful. If the numbers of each person are in each of the phones then this can be used to suggest a joint effort if the group are found together committing an offence. However, just telling the prosecutor 18 telephone numbers of known insurgents were found on the phone is utterly useless. The information needs to be backed up by supporting evidence to say why the numbers belong to an insurgent and what evidence there is to support them being an insurgent. Telephone intercepts are useful if they can be shared with the Afghan prosecutors,</p>
Use of ammonium nitrate.	<p>On its own Average</p> <p>In conjunction IED components Very Good</p>	<p>The use of ammonium nitrate is prohibited. Some rural farmers remain unaware of this, due to a lack of information and may be mistaken for INS. Care needs to be taken in establishing identity and occupation of the individual to avoid unnecessary detention.</p>
Empty shells / cartridges (brass)	Average	<p>Unless they can be connected to an individual through fingerprints/DNA and / or connected to an incident, their value is negligible. However, if a suspect is found in a location surrounded by spent cartridges and you suspect they have been firing at you, then photograph and describe the scene. For example, showing via a sketch plan where a person was found in relation to shells</p>

Type of Evidence	Value to Prosecution	Remarks
	Weak	(and possibly a weapon) can make them relevant. Think 'hot pursuit'. It can support an allegation of being a member of the insurgency but it is not conclusive. Nevertheless, both UK and NDS have the capability to examine spent shells/cartridges.
Evidence of co-accused	Weak	One person implicating another is weak and often inadmissible evidence. Just because one person said another was involved does not provide sufficient grounds to prosecute UNLESS there is supporting evidence to demonstrate that other person's involvement. See point 6 at the top of this document.
Non-releasable Intelligence from ISAF	Weak	Intelligence can be exceptionally good evidence if it correctly presented with detail and how it was obtained. Intelligence stating an individual is Taliban without any physical evidence or proof of this intelligence is of no use to the prosecutors. A mere suspicion or a 'pointed finger' that a detainee is an insurgent will hold no sway before an Afghan Court unless it is backed up by evidence. The prosecutors will reject such cases.
Items of evidence not attributable to a specific individual	Weak	There is no point in attempting to transfer 6 detainees and one piece of evidence without being able to link a specific detainee or detainees to that piece of evidence.
Shotguns.	Average	It is accepted farmers will have shotguns; therefore it is not an offence worth pursuing if it is clear they are a farmer (although ALL weapons without exception are supposed to have a permit under Afghan law). However, if it can be connected to an individual through fingerprints/DNA and connected to a specific Insurgent incident against ISAF and/or GIRoA, there maybe a case for prosecution. Depending on the area and the family status often security guards are employed who carry shotguns therefore PID must be made before detention or engagement is considered.
Expray	Weak on its own.	Expray on its own does not hold any sway in the Afghan courts. Expray results can be presented in court to link the detainee to the evidence if it is present. A major reason lies in the fact that Expray can give a false positive on a number of harmless and inert materials, such as a bushy plant called 'Tar-Kah' (tobacco) or chemicals which



Type of Evidence	Value to Prosecution	Remarks
		are found in everyday life.



Statement Declaration

I am [REDACTED] (Unit). This is a translated version of my original statement that I typed/wrote on XX XXX 2010. This translated version has been translated back into English by(translator) on XX XX 2010. I agree that the version translated back to me is the same as the statement I originally gave. To the best of my knowledge the translator has not seen my original statement.

Signed: [REDACTED]

Dated.

Then do Dari/ Pashtu version of above here.

Signed: [REDACTED]

Dated

I am [REDACTED] currently employed as a translator with XXXXXXXX. On XX XXX 2010 I read the above statement to XXXXXXXXXXXX. I verbally translated the statement from Dari/Pashtu into English. I have not read the original English statement.

Signed: [REDACTED]

Dated:

Then Do Dari/Pashtu version of the above here

Signed: [REDACTED]

Dated:

Detainee No:

Annex D To
Part 2 To
SOI J3-9 (Amdt 6)
Dated 17 Sep 12

DETAINEE RECORD OF CUSTODY

POINT OF DETENTION			
DETAILS OF DETAINEE			
PoW SYSTEM DETAINEE DSN:			
NAME		REASON FOR DETENTION	<ul style="list-style-type: none"> • Force Protection* • Self Defence* • Mission Accomplishment* <p>* Delete as applicable</p>
FATHERS NAME			
GRANDFATHERS NAME			
ADDRESS			
DOB		DTG OF APPREHENSION	
NATIONALITY		POINT OF APPREHENSION	
ADDITIONAL INFORMATION			
INJURIES / MEDICAL ISSUES	SEE ATTACHED MEDICAL DOCUMENTS (Part 2, FMED 1026)		
PROPERTY RETAINED	SEE ATTACHED PROPERTY SHEETS		
DETAILS OF DETAINING SOLDIER			
SOLDIER / UNIT WHO APPREHENDED DETAINEE	NUMBER		RANK
	NAME		
	UNIT		C/S

Transferred to UHA / DTF / R3 - Complete page 2
 Transferred to Temporary Holding Facility at BSN or KAF - Complete page 3
 Transferred to Afghan Authorities or Released - Complete page 4

Detainee No:

**TRANSFER FROM POINT OF DETENTION TO:
UNIT HOLDING AREA (UHA) / DETAINEE TRANSFER FACILITY (DTF) / MEDICAL FACILITY
(Only complete this section if transfer to THF is delayed)**

LOCATION OF UHA / DTF /
MEDICAL FACILITY

UNIT STAFF ACCEPTING
CUSTODY

NUMBER

RANK

NAME

UNIT

APPT

WAS FIRST AID / IMMEDIATE MEDICAL TREATMENT REQUIRED: YES / NO

IF YES, DETAILS OF MEDICAL
STAFF

NUMBER

RANK

NAME

UNIT

APPT

DETAILS OF FIRST AID / IMMEDIATE MEDICAL TREATMENT GIVEN:

SEE ATTACHED DOCUMENTS

DETENTION RECORD DETAILS

FEEDING (DTG)

WATER (DTG)

TACTICAL QUESTIONING

TIMINGS OF TQ SESSIONS

TQ NUMBER
(DH****)

START OF SESSION
(DTG)

END OF SESSION
(DTG)

REMARKS

Detainee No:

TRANSFER TO TEMPORARY HOLDING FACILITY: BSN / KAF

DTG OF TRANSFER TO THF:

DETAILS OF THF STAFF
ACCEPTING DETAINEE

NUMBER

RANK

NAME

APPT

TRANSFER TO TEMPORARY HOLDING FACILITY: BSN / KAF

DTG OF TRANSFER TO THF:

DETAILS OF THF STAFF
ACCEPTING DETAINEE

NUMBER

RANK

NAME

APPT

TRANSFER TO TEMPORARY HOLDING FACILITY: BSN / KAF

DTG OF TRANSFER TO THF:

DETAILS OF THF STAFF
ACCEPTING DETAINEE

NUMBER

RANK

NAME

APPT

TRANSFER TO TEMPORARY HOLDING FACILITY: BSN / KAF

DTG OF TRANSFER TO THF:

DETAILS OF THF STAFF
ACCEPTING DETAINEE

NUMBER

RANK

NAME

APPT

Detainee No:

MEDICAL ASSESSMENT			
DETAILS OF MEDICAL OFFICER CONDUCTING INITIAL ASSESSMENT	NUMBER		RANK
	NAME		
	APPT		
INTERROGATION SESSIONS			
	TIMINGS OF SESSIONS		
TQ NUMBER (DH****)	START OF SESSION (DTG)	END OF SESSION (DTG)	REMARKS
SEE ATTACHED DOCUMENTS			
REVIEW OF DETENTION			
REVIEW OF DETENTION COMPLETED - (DTG)			
DECISION MADE FROM REVIEW OF DETENTION:	A. TRANSFER TO THE AFGHAN AUTHORITIES.* B. RELEASE.* C. HOLD FOR EXTENDED PERIOD OF TIME ON MINISTERIAL AUTHORITY.* * Delete as applicable		
WILL EXTENDED DETENTION BE REQUIRED			
REQUEST FOR EXTENDED DETENTION SUBMITTED TO SO3 DRC - (DTG)			

Detainee No:

**DETAINEE TRANSFER TO AFGHAN AUTHORITIES
(TO BE COMPLETED BY UNIT CARRYING OUT THE TRANSFER)**

TRANSFERRED TO:		DTG:		
DETAILS OF PERSON HANDING OVER DETAINEE TO AFGHAN AUTHORITIES	NUMBER		RANK	
	NAME			
	APPT		C/S	
AFGHAN REPRESENTATIVE ACCEPTING TRANSFER OF DETAINEE	NAME			
	APPT			
	SIGNATURE			

Note: The original copy of this document must be returned to the UKTHF staff in Camp Bastion on completion of the transfer

RELEASED

DTG OF RELEASE:		RELEASED TO POINT OF APPREHENSION:	YES* / NO*	
* Delete as applicable				
IF NO, STATE REASON AND LOCATION OF RELEASE:				
DETAILS OF PERSON SUPERVISING RELEASE	NUMBER		RANK	
	NAME			
	APPT		UNIT	

Detainee No:

**CONSENT FOR TRANSPORT WAIVER
(ONLY COMPLETED IF THERE IS A DELAY IN RELEASING THE DETAINEE)**

CONSENT GIVEN?			
DETAINEE'S DETAILS	SIGNATURE/MARK		
	DTG		
DETAILS OF PERSON SUPERVISING CONSENT	NUMBER		RANK
	NAME		
	APPT		UNIT

Detainee No: _____

ده بندي د تسليمولو يادښت. **RECORD OF DETAINEE HANDOVER**

DTG	ي تي جي	PLACE:	ي
SUSPECTED OFFENCE / REASON:	د بد گوماني سړي د جرم وجه		

1. **DETAILS OF DETAINING PERSON** ده بندي وگړي جزئيات.

SERVICE NUMBER:	پير راجيستر	RANK:	به
NAME:	م	UNIT:	عه

2. **DETAILS OF WITNESSES** ده شواهد جزئيات.

SERVICE NUMBER:	پير راجيستر	SERVICE NUMBER:	پير راجيستر
NAME:	م	NAME:	م
RANK:	به	RANK:	به
UNIT:	عه	UNIT:	عه

3. **DETAILS OF PERSON DETAINED**³⁷ ده بندي وگړي جزئيات.

NAME:	م
ADDRESS:	رس
DATE OF BIRTH:	ريخ دايش
DESCRIPTION:	ل

³⁷ If there is no accurate address a description should be given. If the suspect's name is not known the best possible description should be given.
 كڅيري هلته دقيق ادرس نوي بيان بايد ځي وركړي كڅيري د بندي په نامه نيست خبر هغه ښه تفصيل بايد ځي دركړي
¹⁴ A description of the suspect's alleged activities should be given, relating the person's conduct to the reason for detention. Brief facts (e.g. date, time, place, victim) should be given.
 ده شكمنده په كم ځاي كې ځي كاركردگي كړي وي بيان بايد ځي وركړي. او كم شي ځي مربوط په هغه نفر وي ده بندي كيدولو وجه مثلا تاريخ، وقت، ځاي بايد ځي وليكل سي.

4. **DETAILS OF DETENTION**³⁸ بندي كيدلو جزئيات ده

5. **DETAILS OF HANDOVER TO NDS** ملي امنيت ته د تسليمولو جزئيات

DTG:	دي تي جي	PLACE:	ځاي
------	----------	--------	-----

BY SIGNING THIS RECORD THE UNDERSIGNED ACCEPTS RESPONSIBILITY ON BEHALF OF THE AFGHAN AUTHORITIES FOR THE HEALTH AND PHYSICAL CONDITION OF THE ABOVE-NAMED INDIVIDUAL AND CONFIRMS THAT THE HUMAN RIGHTS OF THIS INDIVIDUAL WILL BE RESPECTED IN ACCORDANCE WITH INTERNATIONAL LAW. ACCORDINGLY, ANY RESPONSIBILITY FOR THIS PERSON PREVIOUSLY IMPOSED UPON UK FORCES HEREBY CEASES. YOU ACCEPT TRANSFER OF THIS PRISONER ON THE UNDERSTANDING THAT UK PERSONNEL WILL BE GIVEN REGULAR ACCESS TO INTERVIEW THE INDIVIDUAL IN PRIVATE.
 ددي كاغذ په امضا كولو سره امضا كونكي د افغانستان د حكومت د مصولينو له خوا د پورته ذكر شوي نفر د صحت او جسماني جوړتيا مصوليت په غاړه اخلي او دا تصببيت كوي چه ددغه سړي بشري حقوق د نړيوال د قوانينو په مطابق وساتل شي.
 همدارنگه، ددغه نفر هغه كوم مصوليتونه كوم چه مخكي د انگلستان پر پوځواكونو باندې وه ددغه وخت نه ختميري. تاسو كولاى شواى چه دا بندي د ځان سره يوسي خو ددي پوځي سره چه د انگلستان مصولين كولاى شي چه ددغه بندي سره په اينده كې په يوازي توگه سره ليدني كتنې او خبرې اترې وكړي

تعهد و گرفته بعهد افغانستان حكومت مصولين طرف از بالا در شده ذكر نفر صحت مسوليت كنده امضا كاغذ اين نمودن امضا به قواهاي بگردن قبلاً كه مسوليهاي تمام آن ضمنن، شد خواهد احترام لمللي بين قوانين نفر مطابق اين ي بشر حقوق به كه ميكند در ميتوانند انگليسي مصولين اينكه دانش با ولي ميگيريد بعهد را زنداني اين بردن شما ميشوند ختم اين به بعد از بود انگلستان كند بازديد او يا تنهائي در اينده

UK REPRESENTATIVE		AFGHAN AUTHORITIES REPRESENTATIVE	
برطانوي نماينده		ده ملي امنيت ملي پوليس نماينده	
SERVICE NO:	نمبر راجيستر	NUMBER:	نمبر
NAME:	نوم	NAME:	نوم
RANK:	رتبه	RANK:	رتبه
UNIT:	قطعه	STATION:	سټيشن

(NB AN INTERPRETER MUST ORALLY TRANSLATE THIS FOR THE NDS REPRESENTATIVE ON HANDOVER)

ملي امنيت ته ده تسليمولو له مخه بايد ځي ده ترجمان له خوا ده ملي امنيت نماينده ته ترجمه سي.

Detainee No: [REDACTED]

DETAILS OF INTERPRETER: ده ترجمان جزیات

NAME: نوم

DOB: تاریخ پیدایش

LOCATION: خای

J3-9-2-E-2

[REDACTED]

Detainee No: _____

UNCLASSIFIED
MEDICAL – PROTECT (ONCE COMPLETED)

Annex F To
Part 2 To
SOI J3-9 (Amdt 6)
Dated 17 Sep 12

PASHTU DETAINEE MEDICAL EXAMINATION FORM ده بندي معاینه کونکي

پاڼه

Full Name پوره نوم		Known As: پېرندنه	
Last Name or Family Name بل نوم یا فامیلی نوم		Identification No: نمبر کارت	
DOB تاریخ پیدایش		Place of Examination امتحانولو ځای	
Date: تاریخ		Operation: اپریشن	
Time: وقت		Target Site No: نمبر ټارگټ	

Purpose of the Examination:

ده معاینه

یلانول

- To determine your immediate physical and mental health care needs.
 - ایا تاسو خوشاله یست څي ستاسو فوري د دماغی علاج وسي.
- To determine if you are suffering from any infectious disease.
 - ایا تاسو خو کمه مریضی ده مرداري څخه نلري.
- To document whether you are injured.
 - ایا په سند کی خو به تاسو کم جاي زخم نلري.
- To inform the detaining authority of any medical care or supervision you may require.
 - ایا تاسو د بندي مسول ته خبر ورکړي د درمل له خوا او تاسوي د مشر سه هم درخواست کولي سي.
- To make a medical plan if required.
 - د طبي پلان به جوړوي که څيري درخواست وسي
- To ensure continuity of medical care throughout your detention.
 - څي مطمین وسي بندي ته دوا هر وقت باید ورکول سي

Consent:

موافقه کول:

- I am aware of the purpose of this examination.
 - زه خبر یم څي دا پشنیهاد زما د معاینه دي
- I understand that medical information is confidential but the detaining authority may be given instructions with regards to my care.
 - زه پویرم څي طبي زما د مریضی ټوله معلومات لري لیکن د بندي مسولیت دا دي څي خپل د مرض ټوله معلومات ورکړي.
- I understand that I have the right to refuse to participate in this medical examination.
 - زه پویرم څي زه دا حق لرم څي طب معاینه رد کړم.
- If I refuse to undertake this medical examination, I will continue to be entitled to the same level of medical care as any other detainee.

J3-9 – 2 – F – 1

UNCLASSIFIED
MEDICAL – PROTECT (ONCE COMPLETED)

Detainee No:

UNCLASSIFIED
MEDICAL – PROTECT (ONCE COMPLETED)

- که څيري زه د طب معاینه رد کم. نو زه به هم په هغه بنديانو کې شمیر سم څي دوي ته هيڅ دوا نده ورکړل شوي .

I do / do not* consent to undergoing a medical examination for the purposes described above.

زه منم زه نه منم څي ده طبي د معاینې له خوا معاینه سم .

Witness signature (interpreter):

امضاء ده بندي

Detainee's Signature:

امضاء شواهد

Name (Print):

نوم

Date:

تاریخ

**Delete as appropriate*

Temperature °C درجه حرارت	Pulse نبض	Blood Pressure پیشار	Urine analysis ده رگ معاینه	Weight وزن
				Kg:

History

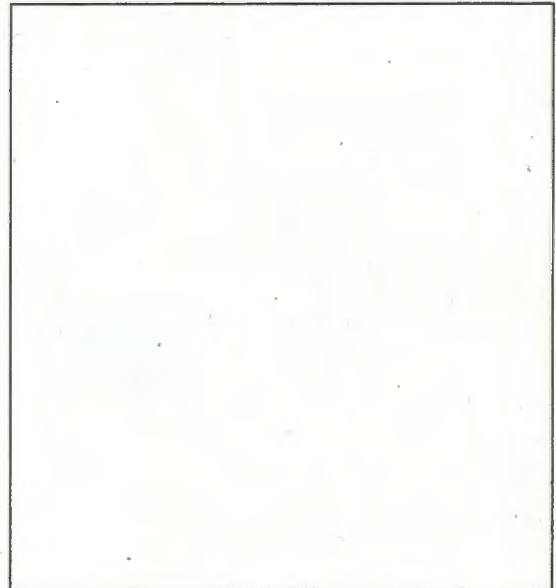
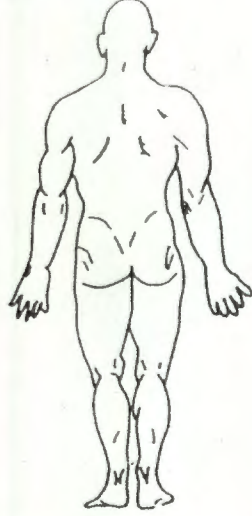
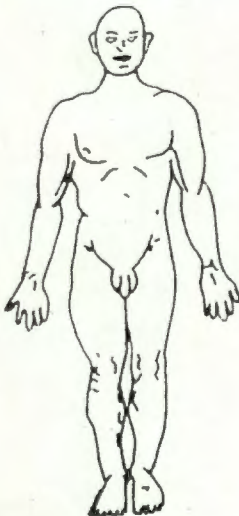
PMH پي ايم ايڅ			
Allergies ایلر جي		Current Medication زري دواوي	
Current State of Health زري د صحت نسخي			

Examination

معاینه

Include a record of any injuries or distinguishing marks

کم زخم څي په بدن کې لري ه صحت کې



J3-9 - 2 - F - 2

Detainee No:

UNCLASSIFIED
MEDICAL – PROTECT (ONCE COMPLETED)

Health Requirements Identified

ده پيوندني درخواست

Medical Treatment Plan (Including any Medical Advice and Special Dietary Requirements):

ده طبي د کتنې پلان ممکنه د طب مشوري درخواست

Medical Completed by: طب کار دده له خوا دپوره سو		Signature: امضاء	
Service No: ده راجستر نمبر		Rank: رتبه	
Appointment: ده ليدلو وقت		Date: تاریخ	Time: وقت

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Detainee No:

UNCLASSIFIED
MEDICAL – PROTECT (ONCE COMPLETED)

DETAINEE MEDICAL RECOMMENDATION CARD

ده طب له خوا

بندي ته ده سپارشت کارت

Full Name: پوره نوم	
Known As: پېژندنه	
Last or Family Name: پل نوم يا فاميلي نوم	
Identification No: نمبر کارت	
DOB: تاريخ پيدايش	
Location: جاي	

Next Appointment		پل ملاقات
Location	Date	تاريخ

Not to be completed if detainee requires Hospital in-patient care

بايد څي پوره نسي كڅيري بندي درخواست وكړي ده هسپتال كي بايد ده مريض خيال وساتل سي.

Disposal

واک

Copy 1: Patient's medical notes

اول کاپي: د مريض د طب پانه

Copy 2: Guard force (pages 4 and 5 only)

دوهم کاپي: امنيتي گارد

Detainee No:

UNCLASSIFIED
MEDICAL - PROTECT (ONCE COMPLETED)

Date تاریخ	Medical Treatment, Advice & Special Dietary Recommendations ده طب له خوا باید چی وکتل سی مشوره سی او ده پرمیر دا درت وویل سی	Sign امضا
To include frequency of drug treatment to be dispensed by the Medical Centre. (Drug name not required) باید چی ده طب له خوا وویشل سی		

Detainee No:

**UNCLASSIFIED
MEDICAL – PROTECT (ONCE COMPLETED)**

DARI DETAINEE MEDICAL EXAMINATION FORM ینات زندان کاغذ معا

Full Name اسم مکمل		Known As: به معروف	
Last Name or Family Name اسم یلی او فامی تخلص		Identification No: تذکره نمبر	
DOB خیش تاری دای پ		Place of Examination ینه جای معا	
Date: خیش تار		Operation: اتی عمل	
Time: زمان / وقت		Target Site No: عت نمبری ات موقی عمل	

Purpose of the Examination:

ینات از مقصدی معا

- To determine your immediate physical and mental health care needs.
اتی ضرری فوری و جسمانی هست چه شما دماغ
- To determine if you are suffering from any infectious disease.
م که یا بدانی کدام مبطلاع شما آی ماریب ید مسری هست
- To document whether you are injured.
ادشت که ی می ر کن گنا ید زخم ی باش
- To inform the detaining authority of any medical care or supervision you may require.
ن که یات از مدپس آمری ضروری م خبر با شما طبی پساز
- To make a medical plan if required.
رگپلان باشد ضرورت ایت معالجه / طبی م برای پساز
- To ensure continuity of medical care throughout your detention.
م که تایی علاج مسلسل ادامه بتوان یم داشته را شما طبی ید حبس در شما که مدت تا باش ید هست

Consent:

موافقه

- I am aware of the purpose of this examination.
ن مقصد به من ینات ای فهمم معایم
- I understand that medical information is confidential but the detaining authority may be given instructions with regards to my care.
دانم من معلومات که م یه من طبی شسته خفهداگشودن یم ین به ولی علاج باره در شاید محبس آمر من ی شد خواهد داده دستورات
- I understand that I have the right to refuse to participate in this medical examination.
دانم من ین از که می ینات ای مع ینکم انکار طب
- If I refuse to undertake this medical examination, I will continue to be entitled to the same level of medical care as any other detainee.
راگ چه ن از من ینات ای مع ینکم انکار طب ید حقوق از من هم باز ولی ات حصول مساوی ضروری ی طب

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Detainee No:

UNCLASSIFIED
MEDICAL – PROTECT (ONCE COMPLETED)

ن مانند بهی ر محبوس یک هستم برخوردار د

I do / do not* consent to undergoing a medical examination for the purposes described above.

اهات طبق هستم / هستم موافق من ، بالا شد هزکر نینه تحت که (نسی معا یرم قرار طبعگی

Witness signature (interpreter):

ی شاهد امضا

Name (Print):

اسم

Detainee's Signature:

ی امضا ی زندان

Date:

خی تار

Temperature °C درجه حرارت	Pulse نبض	Blood Pressure خون فشار	Urine analysis جی شاش نتا	Weight وزن
				Kg:

History خچه ی تار

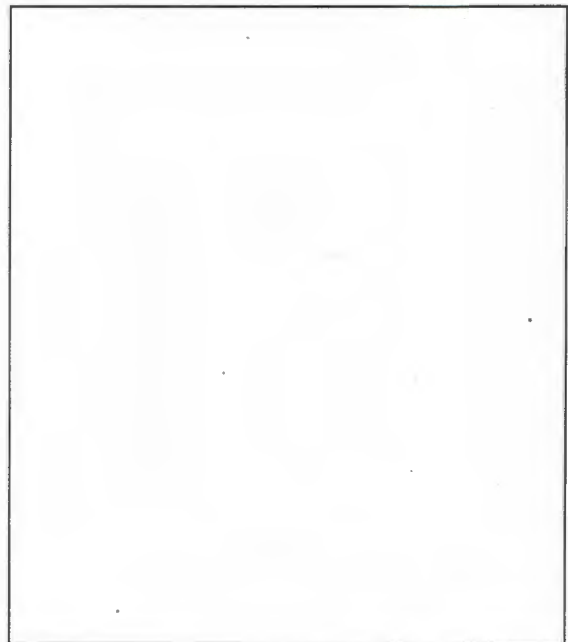
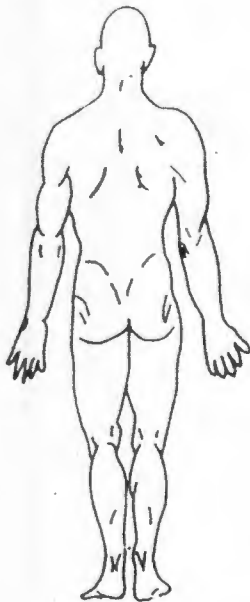
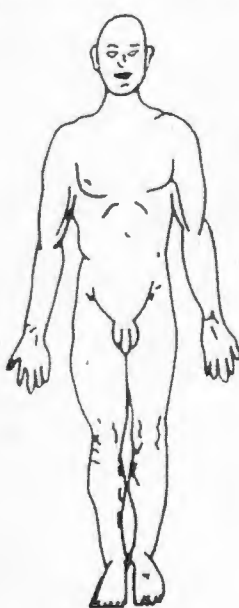
PMH ی م . پی ج . ای ا			
Allergies تی حساس		Current Medication دی و اها ی فعل	
Current State of Health عوض ی صحت فعل			

Examination

معاینه

Include a record of any injuries or distinguishing marks

نماید ثبت اینجا را علامتدیگر و زخایم .



J3-9 - 2 - F - 2

Detainee No:

UNCLASSIFIED
MEDICAL – PROTECT (ONCE COMPLETED)

Health Requirements Identified طبی شده مشخص ضرورت‌های			
Medical Treatment Plan (Including any Medical Advice and Special Dietary Requirements): (ات بشمول‌یزات و نظری‌پره و معالجه پلان (خصوص ی‌طبع			
Medical Completed by: را طبابت یل کی نمود تکم		Signature: امضاً	
Service No: جسٹرار نمبر		Rank: رتبہ	
Appointment: ن وقت ی دن مع ی د		Date: خ ی تار	Time: وقت

J3-9 – 2 – F – 3

UNCLASSIFIED
MEDICAL – PROTECT (ONCE COMPLETED)

Detainee No:

UNCLASSIFIED
MEDICAL – PROTECT (ONCE COMPLETED)

DETAINEE MEDICAL RECOMMENDATION CARD

ات کارت نظر ی طب ی برا ی زندان

Full Name: مکمل اسم	
Known As: به معروف	
Last or Family Name: اتخلص وی اسم یل ی قلم	
Identification No: کره تذ نمبر	
DOB: خیش تاریخ دای پ	
Location: عتی موق	

Next Appointment	
Location عتی موق	Date خی تاریخ

Not to be completed if detainee requires Hospital in-patient care
رگض این پس ند بما شفاحخوانه در که بخواحد مریل را فورمه ای د تکم ی نکن

Disposal

ارات ی اخت

Copy 1: Patient's medical notes

ی اد اشتهای ی ض طبع ی مر : ی اول کاپ

Copy 2: Guard force (pages 4 and 5 only)

ی ی ارد قنوی : گدوم کاپ

Detainee No:

UNCLASSIFIED
MEDICAL – PROTECT (ONCE COMPLETED)

Date تاریخ	Medical Treatment, Advice & Special Dietary Recommendations علاج واک، طبی واک و تغذیه‌ی ویژه و مخصوص	Sign امضاء
		To include frequency of drug treatment to be dispensed by the Medical Centre. (Drug name not required) شود داده شفاخانه طرف از که علاج و دوا اسم (م و یست ضروری) بشعورل نواها یبرا

Detainee No: [REDACTED]

Version 9
Annex G To
Part 2 To
SOI J3-9 (Amdt 6)
Dated 17 Sep 12

RECORD OF DETENTION/APPLICATION FOR EXTENDED DETENTION

PART 1 – OPERATIONAL DETAILS AND INTELLIGENCE SUMMARY

a. DETAINEE INFORMATION

Detainee Number ⁽¹⁾		PHOTO
Case Number ⁽²⁾		
Name		
Father's Name		
Grandfather's Name		
Nationality		
Age (approximate) ⁽³⁾		
Gender		
DTG seen by Medical Officer ⁽⁴⁾		
Objective Name (if applicable) ⁽⁵⁾		
Detainee Numbers of others detained in same operation (if appl)		
Detaining Unit		
DTG of Detention		
DTG of 48hr point		
DTG of 96hr point		
DTG of 14 day point (if appl)		
DTG of [REDACTED] point (if appl)		
AOR and Grid Reference ⁽⁶⁾		
Justification for Initial detention to 96hrs, based on DETREP:		
Force Protection	Self Defence	Mission Accomplishment

b. BACKGROUND TO THE DETENTION

Background Intelligence and Operational Details ⁽⁷⁾			
Material Recovered			
Location Found ⁽⁸⁾	Reference	Description ⁽⁹⁾	Comments ⁽¹⁰⁾

Detainee No: [REDACTED]

PART 2 – SUBSEQUENT INFORMATION RECEIVED AND IEF RECOMMENDATION

Post Operational Reporting and Intelligence⁽¹¹⁾			
Exploitation Conducted⁽¹²⁾			
Interrogator's Brief Assessment of the Detainee⁽¹³⁾			
IEF Recommendations⁽¹⁴⁾			
Signature:	Name:	Rank:	Date:
LEGAD Advice⁽¹⁶⁾			
Force Protection	Self Defence	Mission Accomplishment	
Signature:	Name:	Rank:	Date:
POLAD Advice⁽¹⁵⁾			
Signature:	Name:	Rank:	Date:

Detention Authority Decision/Comment⁽¹⁶⁾			
Signature and Date	Name:	Rank:	Date:
FPM comment on willingness of Afghan Authorities to accept for investigation/transfer	Name:	Rank:	Date:

Detention Authority Decision/Comment	
Detainee to be transferred	<i>Complete Part 8 & 9 as necessary</i>
Detainee to be released ASAP	<i>Complete Part 9</i>

Detainee No: [REDACTED]

PART 3 – APPLICATION FOR EXTENDED DETENTION

Application for Extended Detention⁽¹⁷⁾

DTG Review:

Justification for extended detention iaw Extended Detention Criteria⁽¹⁸⁾

Provide significant new intelligence that is vital for Force Protection.

Provide significant new information on the nature of the insurgency.

Make a significant contribution to reintegration initiatives.

Provide a significant contribution to evidence collection to enable investigation and possible subsequent prosecutions through the Afghan legal process.

LEGAD Advice	Name:	Rank:	Date:
POLAD Advice ⁽¹⁹⁾	Name:	Rank:	Date:
Detention Authority Decision/Comments			
Signature and Date	Name:	Rank:	Date:

Detainee No: [REDACTED]

PJHQ Assessment of application		
J9 Legal comment (if required)		
J9 Pol Ops comment		
J3 final decision: (Insert X as appropriate)	PJHQ J3 requires further information from DRC before submitting (<i>return to DRC and insert second X following re-submission to PJHQ</i>)	<input type="checkbox"/>
	PJHQ J3 content to submit to Ops Dir	<input type="checkbox"/>
	PJHQ J3 NOT content to submit to Ops Directorate - Set out reasons why NOT content:	<input type="checkbox"/>
Signature	[Signed electronically] Name: Rank: Post/Title: Date:	
Outcome of application for extended detention (to be completed by MOD Ops Dir staff once decision made)		
(Insert X as appropriate)	Yes, extended detention approved.	<input type="checkbox"/>
	Any caveats to the approval?	<input type="checkbox"/>
	No, extended detention NOT approved – state reasons why not approved:	<input type="checkbox"/>
Comments:		
Signature	[Signed electronically] Name: Grade: Post/Title: Date:	

Detainee No: [REDACTED]

PART 4 – DETENTION REVIEWS BETWEEN 96 HOURS AND DAY 14

a. 1st 72 hour review on extended detention [REDACTED] ⁽²⁰⁾	
DTG Extended Detention Approved: [REDACTED]	
DTG Review: [REDACTED]	
New information/changes since last review <ul style="list-style-type: none">•	
IEF Comment and Recommendation <ul style="list-style-type: none">•	
LEGAD Advice ⁽²¹⁾	Name: [REDACTED] Rank: [REDACTED] Date: [REDACTED]
POLAD Advice ⁽²²⁾	Name: [REDACTED] Rank: [REDACTED] Date: [REDACTED]
Detention Authority Decision/Comments	[REDACTED]
Signature and Date	Name: [REDACTED] Rank: [REDACTED] Date: [REDACTED]
FPM comment on willingness of Afghan Authorities to accept for investigation/transfer	Name: [REDACTED] Rank: [REDACTED] Date: [REDACTED]

b. [REDACTED] ⁽²⁰⁾	
DTG Review: [REDACTED]	
New information/changes since last review <ul style="list-style-type: none">•	
IEF Comment and Recommendation <ul style="list-style-type: none">•	
LEGAD Advice ⁽²¹⁾	Name: [REDACTED] Rank: [REDACTED] Date: [REDACTED]
POLAD Advice ⁽²²⁾	Name: [REDACTED] Rank: [REDACTED] Date: [REDACTED]
Detention Authority Decision/Comments	[REDACTED]
Signature and Date	Name: [REDACTED] Rank: [REDACTED] Date: [REDACTED]
FPM comment on willingness of Afghan Authorities to accept for investigation/transfer	Name: [REDACTED] Rank: [REDACTED] Date: [REDACTED]

Detainee No: [REDACTED]

Part 5 – RESUBMISSION FOR MINISTERIAL APPROVAL TO EXTEND BEYOND 14 DAYS [REDACTED]

c. [REDACTED] ¹⁾	
DTG Review:	
Does the case for extended detention remain extant? If so, explain why.	
•	
New information/changes since initial application for extended detention ⁽²⁴⁾⁽²⁵⁾	
•	
IEF Comment and Recommendation	
•	
LEGAD Advice	Name: Rank: Date:
POLAD Advice ⁽²⁶⁾	Name: Rank: Date:
Detention Authority Decision/Comments	
Signature and Date	Name: Rank: Date:
FPM comment on willingness of Afghan Authorities to accept for investigation/transfer	Name: Rank: Date:

Detainee No: [REDACTED]

PJHQ Assessment of application:		
J9 Legal comment (if required)		
J9 Pol Ops comment		
J3 final decision: (Insert X as appropriate)	PJHQ J3 requires further information from DRC before submitting (return to DRC and insert second X following re-submission to PJHQ)	<input type="checkbox"/>
	PJHQ J3 content to submit to Ops Dir	<input type="checkbox"/>
	PJHQ J3 NOT content to submit to Ops Directorate - Set out reasons why NOT content:	<input type="checkbox"/>
Signature	[Signed electronically] Name: Rank: Post/Title: Date:	

Outcome of application for extended detention (to be completed by MOD Ops Dir staff once decision made)		
(Insert X as appropriate)	Yes, extended detention approved.	<input type="checkbox"/>
	Any caveats to the approval?	<input type="checkbox"/>
	No, extended detention NOT approved – state reasons why not approved:	<input type="checkbox"/>
Signature	[Signed electronically] Name: Grade: Post/Title: Date:	

Detainee No: [REDACTED]

PART 6 – DETENTION REVIEWS FROM RESUBMISSION POINT UNTIL [REDACTED]

d. [REDACTED] 27)	
Date Extended Detention Approved:	
DTG Review:	
New information/changes since last review	
• IEF Comment and Recommendation	
•	
LEGAD Advice	Name: Rank: Date:
POLAD Advice	Name: Rank: Date:
Detention Authority Decision/Comments	
Signature and Date	Name: Rank: Date:
FPM comment on willingness of Afghan Authorities to accept for investigation/transfer	Name: Rank: Date:

e. [REDACTED] 27)	
DTG Review:	
New information/changes since last review	
• IEF Comment and Recommendation	
•	
LEGAD Advice	Name: Rank: Date:
POLAD Advice	Name: Rank: Date:
Detention Authority Decision/Comments	
Signature and Date	Name: Rank: Date:
FPM comment on willingness of Afghan Authorities to accept for investigation/transfer	Name: Rank: Date:

Detainee No: [REDACTED]

f. [REDACTED] (27)	
DTG Review:	
Is this case likely to warrant detention beyond [REDACTED] If so, explain why.	
•	
New information/changes since last review	
•	
IEF Comment and Recommendation	
•	
LEGAD Advice	Name: Rank: Date:
POLAD Advice	Name: Rank: Date:
Detention Authority Decision/Comments	
Signature and Date	Name: Rank: Date:
FPM comment on willingness of Afghan Authorities to accept for investigation/transfer	Name: Rank: Date:

Detainee No: [REDACTED]

PART 7 – APPLICATION FOR EXTENDED DETENTION BEYOND [REDACTED]

Applications for extended detention beyond [REDACTED] and up to a maximum of [REDACTED] will be considered in the most exceptional circumstances only. [REDACTED]

PJHQ J3 FP **MUST** be consulted as early as possible during the detention of individuals believed to present such exceptional cases and **certainly no later than [REDACTED] after their detention**. Further guidance on completion of the application will then be provided by PJHQ in consultation with the MOD Ops Directorate.

Following consultation with PJHQ, applications must then be received at PJHQ NLT [REDACTED] after the point of detention i.e. leaving 7 clear days for the application to be considered by Ministers.

Note that, if an application is successful, reviews will need to continue every 72 hours while the detention continues.

PJHQ Assessment of application	
J9 Legal comment (if required)	
J9 Pol Ops comment	
J3 final decision: (Insert X as appropriate)	PJHQ J3 requires further information from DRC before submitting (<i>return to DRC and insert second X following re-submission to PJHQ</i>)
	PJHQ J3 content to submit to Ops Dir
	PJHQ J3 NOT content to submit to Ops Directorate - Set out reasons why NOT content:
Signature	[Signed electronically] Post/Title: Name: Rank: Date:
Outcome of application for extended detention (to be completed by MOD Ops Dir staff once decision made)	
(Insert X as appropriate)	Yes, extended detention approved.
	Any caveats to the approval?
	No, extended detention NOT approved – state reasons why not approved:
Comments:	
Signature	[Signed electronically] Post/Title: Name: Grade: Date:

Detainee No: [REDACTED]

g. [REDACTED] (27)	
DTG Review:	
New information/changes since last review .	
•	
IEF Comment and Recommendation	
•	
LEGAD Advice	Name: Rank: Date:
POLAD Advice	Name: Rank: Date:
Detention Authority Decision/Comments	
Signature and Date	Name: Rank: Date:
FPM comment on willingness of Afghan Authorities to accept for investigation/ transfer	Name: Rank: Date:

h. [REDACTED] (27)	
DTG Review:	
New information/changes since last review	
•	
IEF Comment and Recommendation	
•	
LEGAD Advice	Name: Rank: Date:
POLAD Advice	Name: Rank: Date:
Detention Authority Decision/Comments	
Signature and Date	Name: Rank: Date:
FPM comment on willingness of Afghan Authorities to accept for investigation/ transfer	Name: Rank: Date:

7 Detainee No: [REDACTED]

PART 8 - CONTINUED EXTENSION OF DETENTION FOR TRANSFER REASONS

DTG Review	
Reason for Pre-Transfer Extension ⁽³⁰⁾ :	
Have the Afghan authorities been contacted and do they wish to continue to accept the detainee for prosecution?	
Detention Authority Decision/Comments	
Signature and Date	
	Name: Rank: Date:
DTG of Next Review	

PJHQ Assessment of application	
PJHQ comment	
Signature and DTG	[Signed electronically] Post/Title Name: Rank: Date:

Outcome of application for extended detention (to be completed by MOD Ops Dir staff once decision made)	
(Insert X as appropriate)	Yes, extended detention approved
	No, extended detention NOT approved – state reasons why not approved:
Signature	[Signed electronically] Post/Title Name: Grade: Date:

Afghan Authorities remain willing to take for investigation. Continue to detain pending transfer. (Copy as appropriate)	
Name: Rank: Date:	

Detainee No: [REDACTED]

PART 9 – OUTCOME OF DETENTION

Final Outcome of Detention:	
DTG and location of Release/Transfer:	
Organisation transferred to/other relevant details:	
Signature and Date	
	Name: Rank: Date:

PART 10 – ALLEGATIONS OF MISTREATMENT

Has the detainee made any allegations of mistreatment:	
At what stage of detention:	
What is the allegation:	
What action has been taken in response:	

PART 11 – [PLACE HOLDER] DOT TRACKING

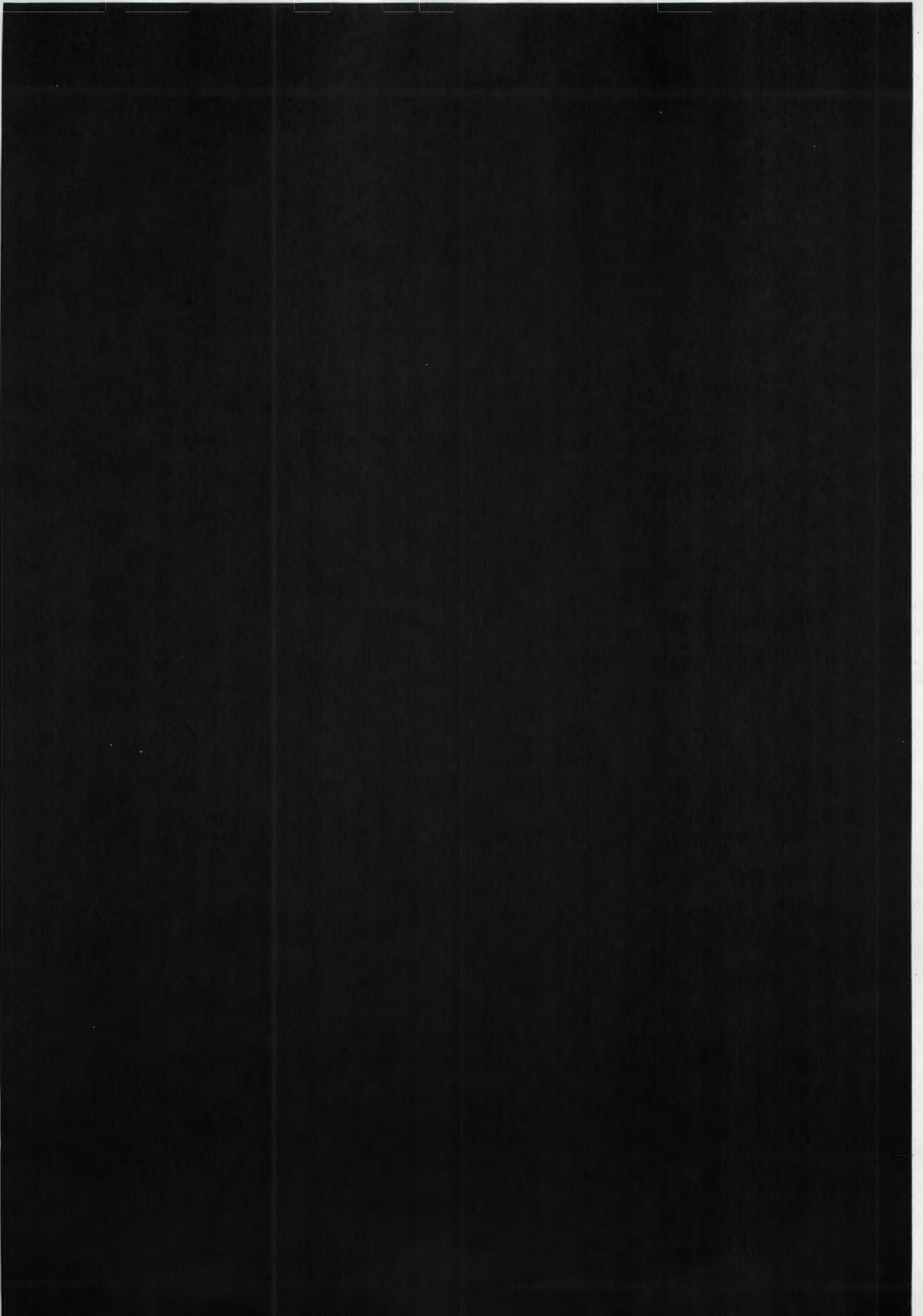
NOTES TO ASSIST IN COMPILING APPLICATIONS FOR EXTENDED DETENTION

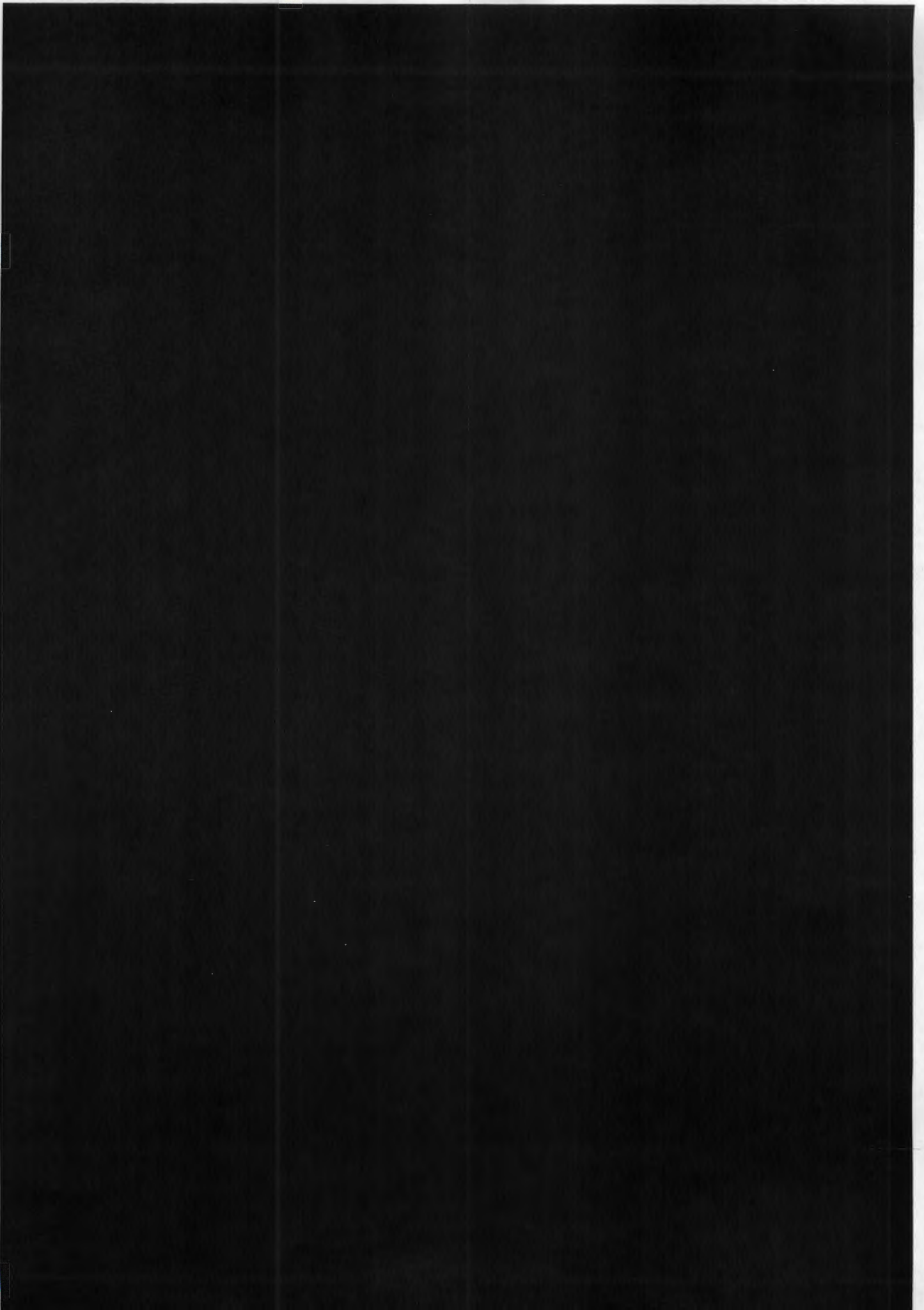
Note	Guidance
1.	The Detainee Number is allocated on arrival at the THF based on the DETREP.
2.	The Case Number is allocated by the IEF
3.	The detainee's age or approximate estimated age should be given. Where the age of a detainee cannot be confirmed and must therefore be estimated, the reasoning behind the eventual assessment should be given.
4.	Insert the DTG that the examination was completed by the Medical Officer.
5.	The Objective name should only be entered if the detainee is the Objective.
6.	Insert name of province, district and nearest village. Include grid reference if known.
7.	<p>Following the structure below, briefly set the scene by explaining (using bullet points only): As applicable:</p> <ul style="list-style-type: none"> • Context behind the detention. • Why was the operation mounted, including details of Objectives targeted, as detailed in Target Pack? <ul style="list-style-type: none"> • How was the target developed; when did we first become aware of him? For how long have we been tracking him? How difficult has it been to find him? • What is he believed to have done? What types of reporting provided this information? Where does the target fit into the wider picture of events and/or the INS network in which they are assessed as associated? • If the detention was not as a result of a deliberate detention operation, outline the circumstances leading to the detention. <ul style="list-style-type: none"> ○ What triggered the operation? ○ If a deliberate operation, why was this operation launched? ○ Notes such as "SIGINT trigger" OR "compound identified by X" or "individual tracked...." etc. • What resources were involved in the detention operation? (An allotment of capability may demonstrate a military judgment that before the operation, the detainee(s) was/were believed to be significant.) • How long did it take? How kinetic was the operation? How much effort/risk was put in to try to detain the individual? Resistance on the ground may be an indicator of significance. • Explain the outline of events in chronological order, including storyboard graphic (if applicable), to enable the reader to fully understand how the operation was conducted. • Who was present or found at the scene? What triage was conducted on-site? <p>• This is not the application for extended detention.</p>
8.	Note the location where material was recovered e.g. compound (RED, YELLOW, GREEN etc) blue vehicle (referencing the storyboard if applicable).
9.	Type of evidence e.g. physical, photographic or chemical
10.	
11.	Set out any intelligence, including the source, received since the conclusion of the operation which is relevant to the detention i.e. any reporting which backs up assessments made on identities and roles of detainees:

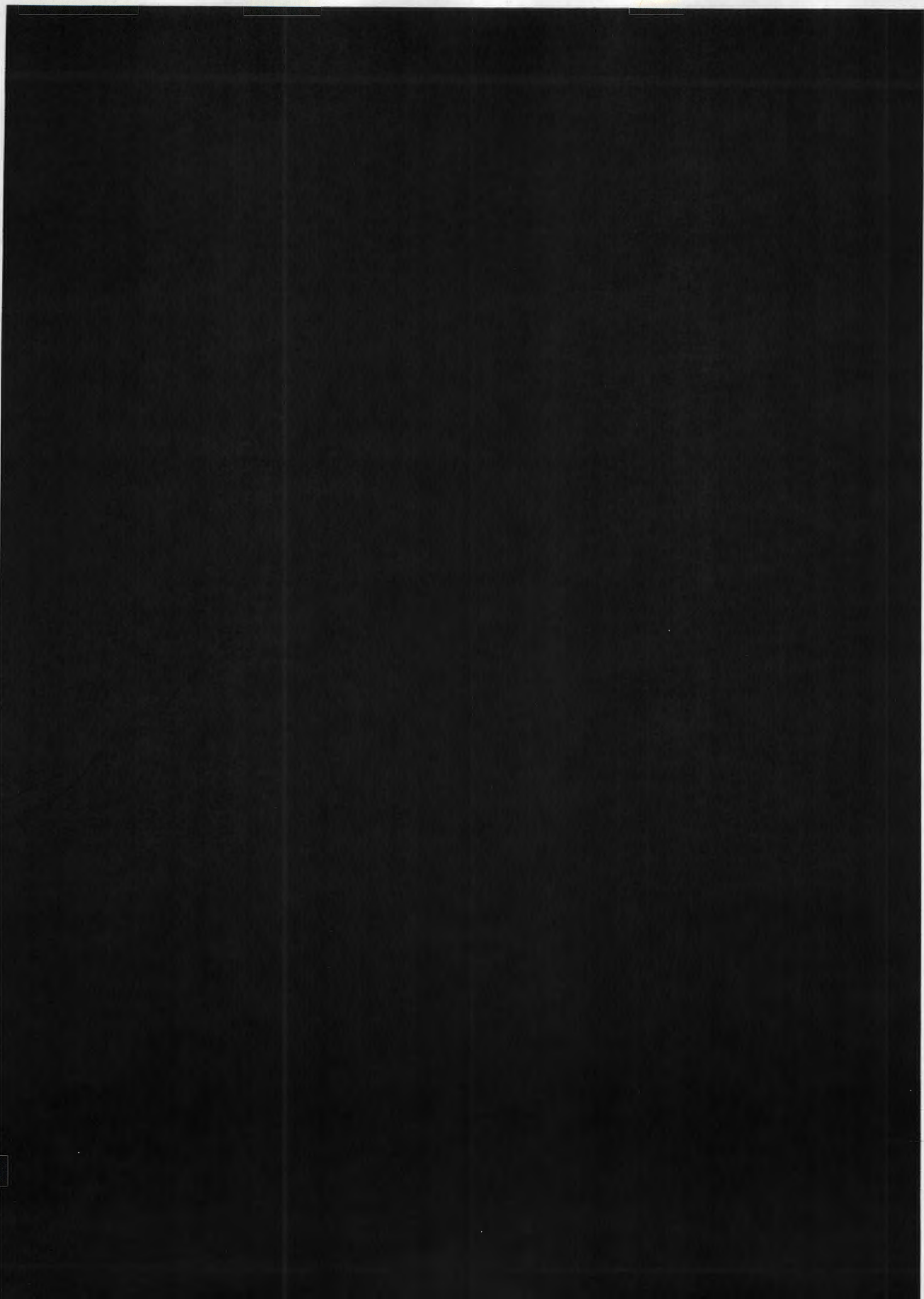
	<ul style="list-style-type: none"> • Has the detainee been positively identified? If so, how? • Has the detainee identified himself? If so, do we accept the ID he has given? If not, why not? Why do we think he is lying to us? • Does any subsequent information we have received help to prove that the detainee is who we think he is? • What evidence supports this assessment?
12.	<p>This should be a log of MPE activity up until the 48 hr review e.g. results of CELLEX, DOCEX, CHEMEX, Biometrics, forensics, DNA etc. This must be updated whilst the detainee remains in UK detention.</p> <p>The details recorded in this section are to be relevant only to the detainee. Where MPE can not be attributed to one individual it must be listed on each detainee's Annex G.</p>
13.	<p>This is a summary of the interrogation gained through interrogation to date and an initial IEF assessment of the detainee's intelligence/exploitation value. This should include (using bullet points only):</p> <ul style="list-style-type: none"> • How many interrogation sessions have been completed to-date? • What has he given up already, how is this useful and what could we do with this information? • Assessment and relevance of the detainee's demeanour/body language? • Has the detainee positively identified any of the objective(s)? • Is the detainee likely to have more to offer; on what basis? • Is the detainee minimising/deceptive/off-story?
14.	<p>The DRC may wish to consider an IEF application for extended detention more than once, but the application should only be submitted in one finalised version to PJHQ J3 and should be received by NLT 60 hrs from POD. For version control purposes this finalised version should be the only one retained in Theatre until the Annex G is returned by PJHQ.</p>
15.	<p>LEGAD and POLAD are only assessing the detention against the initial criteria. This is not an application for extended detention.</p> <p>The size of the text box is not fixed and therefore the LEGAD and POLAD can highlight issues, raise concerns or provide advice as appropriate.</p>
16.	<p>The Detention Authority is only required to endorse the decision of the detaining unit by confirming that he is content that the detention satisfies one or more of the permissible criteria. If this subsequently changes and the Detention Authority is no longer content that the criteria are satisfied, he is to revisit the case and direct that the detainee be released or transferred as appropriate.</p>
17.	<p>Using bullet points make an assessment against which of the four extension criteria are applicable and provide evidence to justify extended detention. This must clearly articulate the expected outcomes of extended detention.</p> <p>Appendix 2 provides guidance on key areas that will enable the DRC through to Ministers to recognise the requirements for extended detention.</p> <p>This will form the basis of the MINSUB.</p>
18.	<p>The IEF owns the recommendation and therefore drafts it as part of their submission for extended detention.</p> <p>The LEGAD assesses the case against any of the four extension criteria and provides a brief statement to the Detention Authority. The LEGAD can highlight issues, raise concerns or provide advice as appropriate.</p>
19.	<p>The POLAD provides a brief statement to advise the Detention Authority as to the policy compliance of the case set against the four extension criteria. The POLAD also considers any wider issues or risks that should be exposed to the Detention Authority.</p>

	The size of the text box is not fixed and therefore the POLAD can highlight issues, raise concerns or provide advice as appropriate.
20.	The IEF must confirm: <ul style="list-style-type: none"> • That the extension criteria still apply? If not, why not? • What has happened in the last 72 hrs? • How many sessions of interrogation has the detainee had in total?. • Provide updates on MPE which must refer to Part 2.
21.	The LEGAD re-assesses the case against any of the four extension criteria and provides a brief statement to the Detention Authority. The LEGAD can highlight issues, raise concerns or provide advice as appropriate.
22.	The POLAD provides a brief statement to advise the Detention Authority as to the continued policy compliance of the case set against the four extension criteria. The POLAD also re-considers any wider issues or risks that should be exposed to the Detention Authority.
23.	It is important to understand that the [REDACTED] resubmission is an application to Ministers for continued extended detention re-assessed against the four extension criteria.
24.	[REDACTED]
25.	The IEF owns the recommendation and therefore drafts it as part of their submission for continued extended detention. The LEGAD assesses the case against any of the four extension criteria and provides a brief statement to the Detention Authority. The LEGAD can highlight issues, raise concerns or provide advice as appropriate.
26.	If the IEF are seeking extended detention the POLAD provides a brief statement to advise the Detention Authority as to the continued policy compliance of the case set against the four extension criteria. The POLAD also considers any wider issues or risks that should be exposed to the Detention Authority.
27.	The IEF must confirm:

	<ul style="list-style-type: none"> • That the extension criteria still apply? If not, why not? • What has happened in the last 72 hrs? • How many sessions has the detainee had in total? • Provide updates on MPE which must refer to Part 2.
28.	The LEGAD re-assesses the case against any of the four extension criteria and provides a brief statement to the Detention Authority. The LEGAD can highlight issues, raise concerns or provide advice as appropriate.
29.	The POLAD provides a brief statement to advise the Detention Authority as to the continued policy compliance of the case set against the four extension criteria. The POLAD also re-considers any wider issues or risks that should be exposed to the Detention Authority.
30.	<p>Pre-Transfer Extensions are considered following the decision of the Detention Authority to cease exploitation of the detainee. The decision to transfer is based on the evidential case. Submitted in conjunction with a HQ ISAF Logistic extension. Pre-Transfer extensions are submitted following consultation by the FPM with Afghan authorities (through OC APSS), agreement to accept the detainee for investigation leading to a possible prosecution.</p> <p>The Afghan authority's approval must be confirmed in line with the 7 day review process.</p>







DETENTION AIDE-MEMOIRE: REVIEWS/EXTENSIONS/ALLEGATIONS

**Annex H To
Part 2 To
SOI J3-9 (Amdt 6)
Dated 17 Sep 12**

1. Up to [REDACTED]

Ser (a)	Timing (b)	Action/Requirement (c)	Justification (d)	Responsible/Authority (e)	Format to be used (f)	Remarks
1	48 hours after detention	Review requirement to detain up to 96 hr point	Force Protection, Self-Defence or Mission Accomplishment	Detention Authority	Annex G Part 2	Do not send to PJHQ if no extension beyond 96 hours
2		Consider exceptional justification for detention beyond 96 hours	Medical reasons	Detention Authority to HQ ISAF	ISAF format	
3			Transport waiver	Detention Authority	Annex G PART 7	Notify PJHQ if individual will not leave THF within 24 hours of expiry of authorised detention
4			Extended Detention Criteria ¹ :	DRC to Detention Authority; to PJHQ; Ops Dir; MinSub to Ministers; back via PJHQ to DRC	Annex G PART 3	Send to PJHQ if extension beyond 96 hours to be applied for
5	By 96 hours after detention	Decision on subsequent actions	Release	Detention Authority	N/A	
6			Immediate transfer to the Afghan Authorities.	Detention Authority	N/A	
7			Pre-Transfer extension required to allow subsequent transfer to the Afghan authorities	DRC to Detention Authority; to PJHQ; D Op Pol; back via PJHQ to DRC	Annex G PART 8	
8	Review every 72 hours up to [REDACTED]	Review requirement to continue to detain	Extended Detention Criteria remain relevant		Annex G PART 4a-c if req. Subsequently Annex G PART 6	
9	[REDACTED] after n	Re-approval of Ministerially-approved extended detention	Extended Detention Criteria	DRC to Detention Authority; to PJHQ; Ops Dir; MinSub to Ministers	Annex G PART 5	

¹ Extended Detention Criteria: (1) Provide significant new intelligence vital for FP; (2) Provide significant new info on nature of the insurgency; (3) Make a significant contribution to reintegration objectives; (4) Provide a significant contribution to evidence collection to enable prosecutions through the Afghan legal process

10	Review every 72 hours up to [REDACTED]	Review requirement to continue to detain	Extended Detention Criteria remain relevant:		Annex G PART 6	
11	[REDACTED] er ention	In the most exceptional circumstances consider justification for detention beyond [REDACTED]	Extended Detention Criteria ² :	DRC to Detention Authority; to PJHQ; Ops Dir; MinSub to Ministers; back via PJHQ to DRC	Annex G PART 7	

2. Review processes

Ser (a)	Time after detention (b)	Requirement (c)	Review Authority (d)	Format to be used (e)	Remarks (f)
INITIAL PERIOD IN DETENTION					
1	96 hours	Review requirement to detain	Detention Authority	Annex G Part 1 and 2	If extension to be applied for
EXTENDED DETENTION					
2	At least every 72 hours	Review requirement to detain	Detention Authority	Annex G Part 4a-b	
3	[REDACTED]	Review requirement to continue extended detention	Detention Authority	Annex G Part 4c	Ministers must approve 'review'
4	(Subsequently) every 72 hours	Review requirement to detain	Detention Authority	Annex G Part 5	
5	End of authorised extended detention period	Review willingness of Afghan authorities to accept detainee for investigation with a view to prosecution	Detention Authority	Annex G Part 8	
PRE-TRANSFER EXTENSION					
6	At least every 10 days	Review continued willingness of Afghan authorities to accept detainee for investigation with a view to prosecution	Detention	Annex G Part 8	

² Extended Detention Criteria: (1) Provide significant new intelligence vital for FP; (2) Provide significant new info on nature of the insurgency; (3) Make a significant contribution to reintegration objectives; (4) Provide a significant contribution to evidence collection to enable prosecutions through the Afghan legal process

3. **Abuse/Mistreatment Allegations – actions to be taken.** In the event of any detention-related incident in theatre which is not covered by routine reporting (including any allegations of abuse/mistreatment made by detainees, whether as a result of actions by UK forces, or by the Afghan authorities) the following action is to be taken on behalf of the Detention Authority:

Ser (a)	Time after allegation (b)	Requirement (c)	Generated by (d)	Sent to (e)	Remarks (f)
1	Immediately on receipt of information	Telephone report	FPM	Detention Authority PJHQ J3 Ops Controller PJHQ J3 FP RMP(SIB)	If allegation occurs during TQing, also need to inform IEF SO2 J2X and PJHQ SO2 J2X.
2	Within 4 hours	First Impressions Report (FIR)	FPM	Detention Authority HQ TFH PJHQ J3 Ops Controller PJHQ J3 FP	Use standard report form at Annex I
3	Within 14 days	Follow Up Report (FUR)	FPM	Detention Authority HQ JFSp (A) HQ TFH PJHQ J3 Ops Controller PJHQ J3 FP HQ PM(A)	

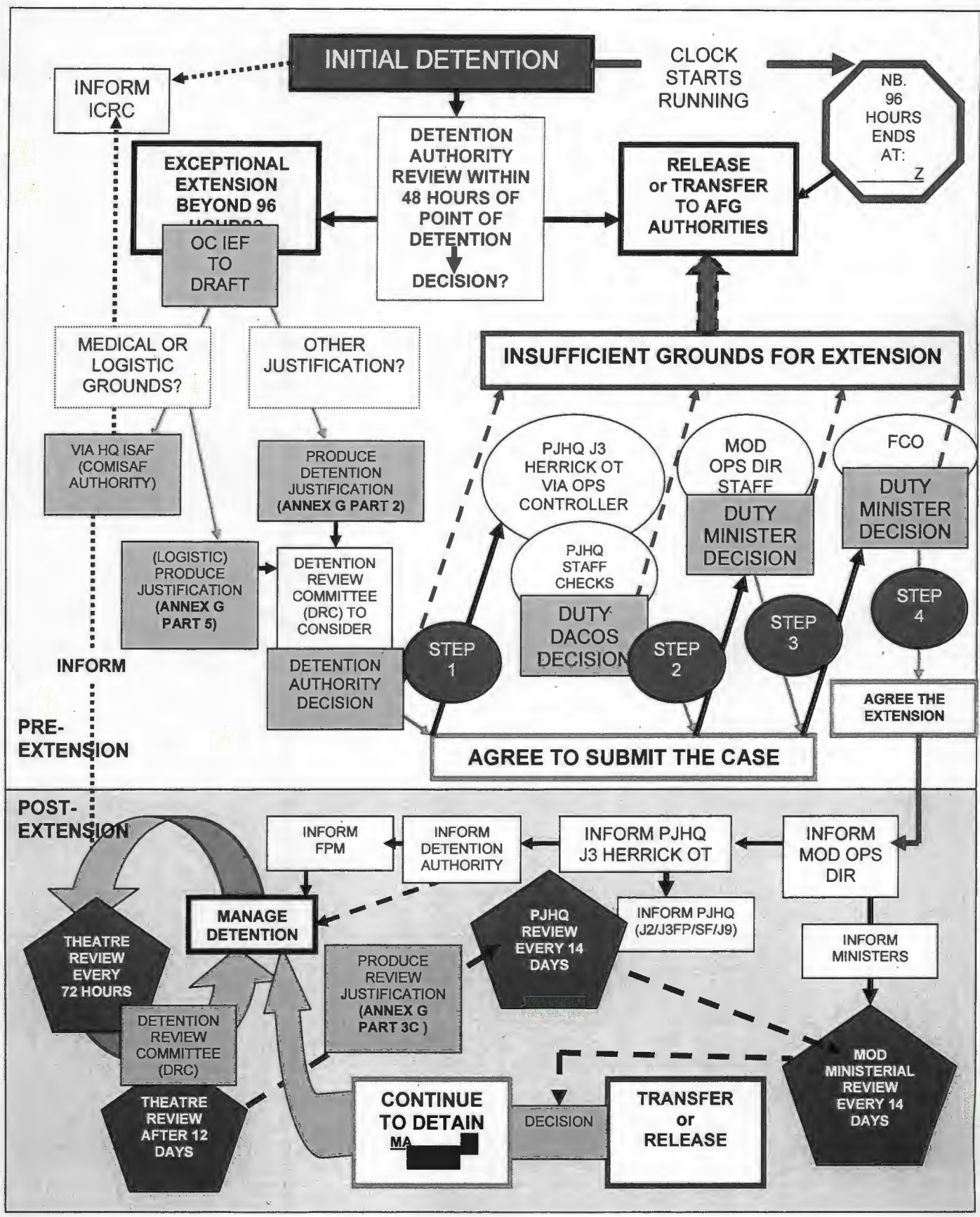
FIRST IMPRESSIONS/FOLLOW-UP REPORT

SER	SUBJECT	DETAIL	
01	FIR/FUR NO (FPM TO COMPLETE)		
02	TYPE OF INCIDENT OR ALLEGATION		
03	DTG OF INCIDENT OR ALLEGED INCIDENT		
04	DTG OF ALLEGATION (IF APPLICABLE)		
05	LOCATION OF INCIDENT OR ALLEGED INCIDENT		
06	ALLEGED PERPETRATOR		
07	UK DETAINEE DETAILS	UK Detention Number (if applicable)	
08		Name	
09		Father's Name	
10		Grandfather's Name	
11		Nationality	
12		Current location of complainant	<i>e.g. THF</i>
13	CONSENT If the incident was witnessed no consent is required	FULL PARTIAL WITHHELD NOT GAINED	
14	UK FORCES INVOLVED	Service	
15		Unit	
16	NON-UK FORCES INVOLVED	Nationality	
17		Service	
17		Unit	
18	DESCRIPTION OF INCIDENT OR ALLEGED INCIDENT	<i>As much information as is known to assist FPM in determining if an investigation is required....</i>	
19	INJURIES OR ALLEGED INJURIES	<i>e.g. Minor cuts, bruises to ...</i>	
20	ASSESSED RELIABILITY OF ALLEGATION (IF RELEVANT)		
21	LIST OF WITNESSES (INCLUDING CIVPOP IF KNOWN)		

22	NAME OF ORIGINATING OFFICER	
FPM to complete:		
23	CATEGORY OF MISTREATMENT (A OR B)	
24	ACTION TO DATE	
25	SIB INVESTIGATION REFERENCE NUMBER (IF APPLICABLE)	
26	INTENTIONS	
27	ADDITIONAL FACTORS	<i>May include changes to complaint during visit; previous opportunity to report complaint; media involvement</i>

DETAINEE REVIEW PROCESS FLOW DIAGRAM

Annex J To
Part 2 To
SOI J3-9 (Amdt 6)
Dated 17 Sep 12



UKDOT – RECORD OF INTERVIEW

FORMER UK DETAINEE

Detainee Name	Other Known Names:		Detainee Picture
Father's Name			
Grandfather's Name			
UK Detainee Number			
Place of Interview			
Date of Interview			Previous Visit Dates
Time of Interview			Initial Visit - Y/N
Conducted by	Number	Rank	Name

Chronology

Date Of Capture	Date of Transfer	Agency Transferred To	Location
Subsequent Transfer	Date of Transfer	Agency Transferred To	Location

Issues From Previous Visits

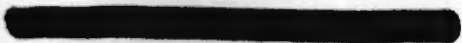
UPDATE ON SENTENCE

Prelims

- Confirm identity of the detainee.
- I am interviewing you because you were captured by UK Forces and have now been transferred to the Afghan authorities.
- I am going to ask you some questions about your welfare and the conditions in this detention facility. I cannot discuss any of the details concerning your case.
- If you say something which I feel should be raised with the Afghan detention authority, other Afghan authorities or human rights organisations, I will ask for your consent first. Otherwise nothing that you say will be reported to this detention authority, other Afghan authorities or human rights organisations.
- At the end of the interview your photograph will be taken for our records.

Question Set

Ser	Question	Response	Previous Response
1.	Can you confirm which block you are in?*		
2.	Do you understand why you are in this facility?*		
3.	How would you describe your treatment by the guards?		
4.	How would you describe your treatment by the investigators?		
5.	Have you faced any problems in this facility?		
6.	Have you been moved from this facility since we last visited you? If so, where and when?*		
7.	Are you aware of the progress of your case?		
8.	Have you received notification of your sentence?*		
9.	Have you been visited by the ICRC or AIHRC since our last visit? If so when and where?		
10.	Are your family aware of your whereabouts and why you are here?		
11.	Are you able to contact your family? How?		
12.	Have you received visitors? If so who and when?		
13.	Do you have access to medical treatment?		
14.	Do you have any medical conditions or injuries?		
15.	How often do you receive food?		
16.	Do you receive enough food?		
17.	Do you have access to sufficient drinking water?		
18.	Can you exercise regularly?		
19.	Do you get out of your cell during the day?		
20.	Do you have sufficient bedding?		
21.	Do you have access to washing facilities?		
22.	Are there facilities to wash your clothes?		
23.	Describe your treatment during interrogation.		
24.	Do you wish to raise any complaints in relation to your interrogation?		
25.	Do you have any complaints about your treatment in this facility?		
26.	Do you have any complaints about your treatment in any other facility?		



27.	Is there anything else you would like me to know before the interview is concluded?		
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* - Discretionary question

The interview is now concluded and as previously stated, I am now required to take your photograph.

Remarks

Ser	Question	Response	Previous Response
28.	Did the detainee generally appear well?		
29.	Describe the detainees clothing		
30.	Any other comments?		

Declaration by the Interviewing Officer

I confirm that on, at....., I interviewed former UK Detainee..... The information recorded above is a true and accurate record of the interview. My additional observations, including details of any complaints made or abuse suspected are recorded below.

Signed..... Name..... Rank.....

Observations/Remarks/Details of Complaints/Alleged Abuse



SUBMISSION TO PJHQ REGARDING CESSATION OF VISITS

Detainee number(s) []

1. Background to allegation.
2. Has the detainee given us permission to raise the original abuse allegation with the relevant authorities?
3. Can we actively/meaningfully raise the issue and pursue with the AFG authorities?
4. If reported to the Afghan authorities, has any investigation into the allegation been concluded? [NB an incomplete or cursory investigation is not by itself a reason to continue visits post trial]
5. Is the detainee still in the facility about which they complained?
6. Is the UKDOT being given unfettered access to these individuals⁴¹?
7. If there is no risk that the detainee will be transferred to the site of alleged abuse, what purpose is served by continuing to visit the facility post trial?
8. What is the prevailing force protection risk to UK personnel undertaking the monitoring?

⁴¹If not, are they likely to be transferred back to where they were abused?