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CCJ3 Information Paper

SUBJECT: Detention of Civilians in Iraq.

1. PURPOSE. To respond to a Joint Staff request for information regarding the detention and treatment of Iraqi civilians. This information is required in order to respond to a Congressional Inquiry by Senator Dole.

2. DISCUSSION. The Geneva Conventions (GC) prohibit the taking of hostages. Coalition forces reserve the right to question civilians about the location of their relatives, or close associates, who present a danger to safety and security in Iraq. However, we do not detain individuals as hostages to leverage the capture of suspects. All questioning is conducted in a professional manner, by trained interrogators, under regular supervision. US/Coalition Regulations, as well as International Law/Treaties, prohibit the use of torture.

a. The GC permits us, as an occupying power, to detain civilians who pose a threat to the security of Coalition Forces or the Iraqi State.

b. Approximately 6900 civilians have been detained in Iraq as security internees. These are individuals who attempted, planned, or physically committed crimes against Coalition forces, or are believed to harbor information regarding future planned attacks.

c. In accordance with the GC, the Coalition maintains the right to detain civilians for questioning regarding criminal acts. These detainees are immediately processed for release when they are no longer required for questioning.

d. The Coalition implemented a detainee review process that provides broader procedural protections than required by the GC.

(1) A military attorney reviews all detainee case files when the detainee is inducted into a detention facility.

(2) All detainees are then served with a copy of their internment order, which states the basis for the detention. Detainees are further provided an opportunity to appeal, in writing, the decision to intern them.

(3) In accordance with the GC, each detainee case file is reviewed no later than six months from the date of detention, in order to determine whether continued detention is warranted.

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(4) Finally, every civilian detained for questioning is processed for release at the conclusion of the interview process. Only those individuals who continue to pose a threat to Coalition forces, or the Iraqi State, remain in custody.

e. Coalition forces have the authority to detain civilians suspected of committing common law criminal offenses. We are consistently working towards reestablishing the rule of law in Iraq.

f. The Coalition is assisting in the renovation of courthouses and prisons that were looted or destroyed. Coalition forces have been instrumental in training Iraqi Police Forces and prison guards, and ensured judges were paid in order to get them returned to work.

g. The number of Iraqi civilians detained by Coalition forces for commission of common law crimes is decreasing, in proportion to the increased capacity of the Iraqi correction and judicial systems. Most Iraqis detained as criminal suspects are now held in Iraqi-operated jails, and tried in Iraqi courts by Iraqi judges.

h. Iraqi-operated detention facilities are currently operating at capacity; therefore, some detainees are held at facilities operated by Coalition forces. There are, however, fewer than 200 pre-trial criminal detainees in Coalition-operated facilities.

3. RECOMMENDATION. None. Information provided in response to Joint Staff query.

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