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- G3 OPS EOC Org Account

From: [REDACTED] CPT (MNB-N) SJA
Sent: Friday, April 23, 2004 11:19 PM
To: [REDACTED] CPT (MNB-N) FRAGO
Cc: Ham, Carter BG (MNB-N) CDR; [REDACTED] COL Chief of Staff; [REDACTED] COL (MNB -N)
 DEP CDR; [REDACTED] LTC (MNB-N) C2 OIC; [REDACTED] LTC (MNB-N) Provost Marshal;
 [REDACTED] MAJ (MNB-N) Deputy C-3; [REDACTED] LTC (MNB-N) C3; [REDACTED]
 LTC 3/2 Infantry Brigade XO
Subject: CG's Response to Detention Ops FRAGO

[REDACTED]

Per CG's guidance this morning, forward attachment to CJTF-7.

[REDACTED]

[REDACTED]

CPT, JA
Deputy Legal Advisor

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9/28/2004

I strongly non-concur with the requirement to conduct a probable cause review for detainees within 72 hours of detention. The ability to conduct an investigation in order to develop probable cause for continued detention in a hostile environment within 72 hours is unlikely. Therefore, the likely consequence will be a necessity to develop probable cause during the targeting process. This will greatly reduce the number of operations and will affect our ability to disrupt NCF activities. Moreover, the logistical challenge of preparing and transporting the detainee packet from the battalion holding area to the Detention Review Authority can often require 24 to 48 hours, notwithstanding any investigation that must be conducted. The 72 hour probable cause requirement will result in many targets with potential intelligence value being released without a reasonable time to acquire information.

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