

Annex F (Physical Access and Access to Information Regarding Detainees, Detention Operations, and Detention Facilities), to the CJTF-101 Detainee Operations Standard Operating Procedures

1. (U) References.

a. (U) CENTCOM Message, Policy Guidance on International Committee of the Red Cross (ICRC) Access to DoD Detention Facilities, (S) R 312154ZJAN05.

b. (U) DoDD 3115.09E, Change 1, DoD Intelligence Interrogations, Detainee Debriefings, and Tactical Questioning, 10 May 2006.

c. (U//FOUO) Under Secretary of Defense Memorandum, Clarification of Intelligence Policy – Monitoring of Non-DoD Interrogations, Debriefings, and Questioning of Detainees, 4 April 2007.

d. (U) DEPSECDEF Memorandum, Foreign Government Access to Theater Internment Facilities (TIFs) in Afghanistan, (S) 20 May 2006.

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f. (U) CENTCOM FRAGO 07-434 Mod 1, Foreign Government Access to Detainees in Afghanistan, (S//REL USA, GCTF) 151930MAR07.

2. (U) Purpose. This Annex establishes policies and procedures concerning access to detention facilities, detainees, and information regarding detainees under the custody and control of CJTF-101.

3. (U) Foreign Government Access to Detainees.

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b. (U) Other Foreign Government Access to Detainee Information. Requests for information regarding non-Afghan or non-Pakistani detainees should be referred to the Department of State. Information on these detainees will normally be released through diplomatic channels.

c. (U) Other US Government Agencies' Access to Detainee Information. The CJTF-101 CJ2 will respond to requests from other non-CJTF-101 US governmental agencies. In responding to these requests, the CJ2 will take into account the security classification of the information requested.

d. (U) ICRC Access to Detainees and Detainee Information. See Appendix 1.

Appendixes

Appendix 1: International Committee of Red Cross SOP

Appendix 2: Access by Non-CJTF-101 Intelligence Collection Personnel to Facilities as well as detainees Controlled by CJTF-101 forces

Appendix 1 (International Committee of Red Cross SOP) to Annex F (Physical Access and Access to Information Requiring Detainees, Detention Operations, and Detention Facilities) to the CJTF-101 Detainee Operations Standard Operating Procedures

1. (U) Purpose. The purpose of this Annex is to establish policies and procedures governing communications and visitations to the BTIF and Field Detention Sites by the International Committee of the Red Cross (ICRC).

2. References.

a. (U) SECDEF Memorandum, Handling Reports of the International Committee of the Red Cross, 14 July 2004.

b. (U) CFC FRAGO 09-617, Amplifying Instructions for Handling ICRC Issues, 181919ZJUL04.

c. (U) CFC FRAGO 09-707, Detainee Operations Responsibilities, (S) 210528ZJAN05.

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4. Communications.

a. (U) IAW references (a) and (b), any communication with ICRC, that is not a routine administrative matter, will be forwarded electronically to the Under Secretary of Defense for Policy within 24-hours of receipt. This includes all reports, letters, emails, phone calls, and other material that represent a concern with U.S. operations. However, correspondence concerning routine administrative matters such as scheduling does not have to be reported.

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b. (U) Oral reports delivered by the ICRC will be summarized in an After-Action Report and processed immediately. After-Action Reports will include:

(1) (U) Description of the ICRC visit or meeting; location, when and if corrective action has been initiated if warranted;

(2) (U) Identification of the specific detainee reported upon (if applicable);

(3) (U) Name of ICRC Representatives;

(4) (U) Identification of the U.S. Official who received the report;

(5) (U) Identity of the U.S. Official submitting the report.

c. (U) All ICRC Communications shall be marked with the following statement: "ICRC communications are provided to DOD as confidential, restricted-use documents. As such they will be safeguarded the same as secret NODIS information using classified information channels. Dissemination of ICRC communications outside of DOD is not authorized without the approval of the Secretary or Deputy Secretary of Defense."

5. (U) Regularly scheduled ICRC visits.

a. (U) The ICRC Liaison and the ICRC Delegate will coordinate for mutually convenient times for visits as operational requirements dictate. The visits typically last six days, starting on Sunday ending Friday afternoon. The frequency and duration of the visits are agreed upon by the ICRC Liaison and the ICRC Delegate. Factors that may impact this decision are the total number of detainees, the number of new detainees, availability of ICRC interpreters and operational requirements at the facility.

b. (U) ICRC staying on base. The ICRC may stay on base on a space available basis depending on troop movement and mission requirements. If they do stay on base they will have escorts assigned to them at all times and will be segregated by gender.

6. (U) Security procedures.

a. (U) ICRC personnel will be escorted at all times while on DoD installations and in the BTIF and FDS.

b. (U) When visiting a detention facility, members of the ICRC delegation do not have to fill out nondisclosure forms, but they are subject to appropriate searches.

c. (U) ICRC personnel will have their bags inspected for prohibited items only. Upon entering the facility, each member of the delegation will sign the visitor log, turn in their ICRC

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credentials and be issued a temporary BTIF visitors badge. Only those individuals possessing ICRC credentials will be given access to a detention facility. They will wear their BTIF visitor badges at all times while in the BTIF.

d. (U) The ICRC delegation will have access to the entire BTIF with the exception of the work areas of the MI and MP personnel. The ICRC is allowed access to the JIF.

e. (U) ICRC personnel are not authorized cameras, radios, telephones, or recording devices within a detention facility.

7. (U) Support to the delegations. During visits to the BTIF, the delegation will be provided with suitable workspace in order to conduct administrative work and interviews. The JIF will avoid scheduling detainee interrogations for those detainees requested by a delegation 24 hours prior to the requested interview.

8. (U) Personnel involved with a visit to the BTIF or FDS.

a. (U) When the ICRC visits the BTIF, the following CJTF-101 personnel will assist with the visit:

- (1) (U) An ICRC Liaison Officer (Judge Advocate) or his representative;
- (2) (U) BTIF Facility Commander or his representative (E-5 or above);
- (3) (U) Doctor/Physician's Assistant (as needed).

b. (U) When the ICRC visits the FDS, the following CJTF-101 personnel will assist with the visit:

- (1) (U) An ICRC Liaison Officer (Judge Advocate) or his representative;
- (2) (U) An OIC and NCOIC of the FDS;
- (3) (U) A TF Guardian MP representative.

c. The following ICRC personnel are authorized access to a detention facility:

- (1) (U) Official ICRC delegates;
- (2) (U) Interpreters;
- (3) (U) Physician;

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(4) (U) Other persons employed by the ICRC as requested and approved by the Facility Commander.

9. (U) Initial meeting. The Detention Facility Commander and ICRC Liaison will hold an initial meeting with the ICRC delegation on the first day of the monthly ICRC visit. The general agenda during this meeting is as follows:

a. (U) Any new major issues that arose during interim period.

b. (U) Status of issues raised from the last meeting.

c. (U) During this meeting, the ICRC Liaison provides the ICRC delegate with the Information Sheet. This Information Sheet provides basic information on detainees in the facility and those that have been transferred or released since the last ICRC visit. Information on the sheet includes: number of detainees currently at the facility, names and ISNs of detainees released within the last month, names and ISNs of detainees in-processed during the last month, names and ISNs of detainees transferred within the last month, and place to which detainees were transferred. Sheet may also include detainees date of birth and date of in-processing into the BTIF. The ICRC will also be given a by-cell roster of detainees currently within the facility. This roster is classified and will be returned to BTIF personnel at the end of each day.

10. (U) Facility inspection – Initial Walk-through.

a. (U) Following the initial meeting, the ICRC may conduct a facility walk-through. During this walk-through, the ICRC Liaison and MP Liaison will escort the Delegation through the facility. The Delegation has access to the entire facility with the following exceptions:

(1) (U) ICRC is not allowed access to the work areas of the MI and MP personnel.

(2) (U) ICRC is not authorized to go into a general population cell that has detainees inside due to safety reasons.

b. (U) During the initial walk-through, the ICRC will normally prepare a list of detainees that they wish to interview. Upon receiving the interview list, BTIF operations will coordinate with JIF and MP personnel to assess which detainees cannot be interviewed in the same room and which detainees pose an identifiable security risk.

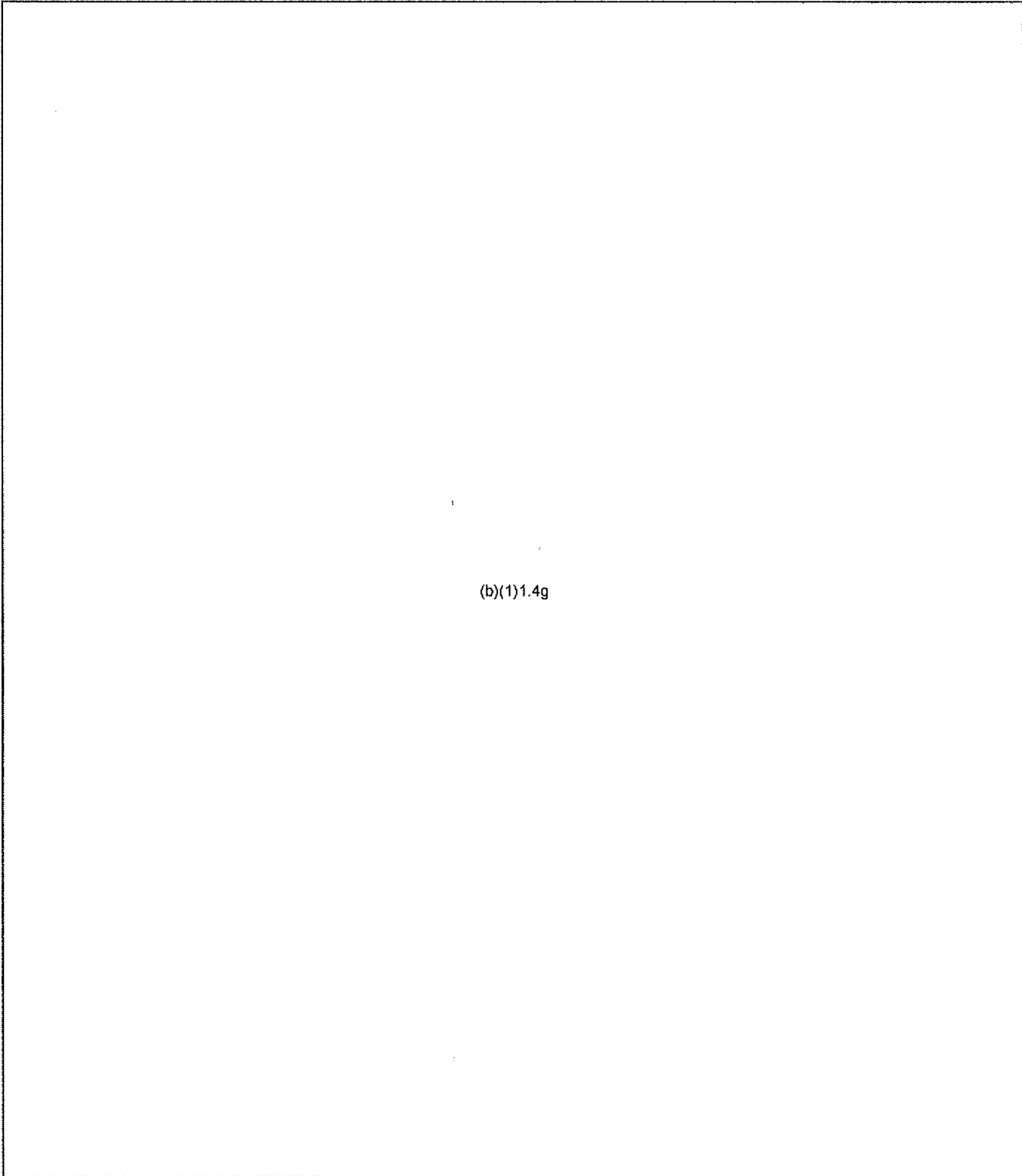
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d. (U) ICRC personnel will not distribute any items to detainees without prior approval from the MP Liaison or ICRC Liaison.

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a. (U) General. Detainees are authorized to receive and send RCMs through the ICRC. At the beginning of each visit the ICRC will provide the Liaison with incoming RCMs that need to be processed. The ICRC Liaison will, in turn, provide the ICRC with all incoming and outgoing RCMs processed from the last ICRC visit.

b. (U) CJTF-101 Policy.

(1) (U) All RCMs, to the extent possible, will be processed, screened, and ready for distribution to the ICRC within 30 days of receipt by the ICRC Liaison. Incoming messages are given priority during the screening. In order to complete as many as possible prior to the first day of the next visit.

(2) (U) ICRC are normally the only personnel authorized to distribute RCMs to the detainees. Exceptions to this must be verified through ICRC Liaison and ICRC delegate.

(3) (U) Once distributed, an RCM will not be taken away from a detainee.

(4) (U) CJTF-101 personnel will not threaten a detainee with the possibility that his Red Cross Message Service entitlement will be taken away.

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14. (U) Addressing issues of concern to the ICRC. The ICRC will address specific issues of concern to the ICRC Liaison during the course of each visit and during the final outbrief. The ICRC Liaison will record every issue of concern to the ICRC and will coordinate these issues with the commander of the TIF and any other appropriate office (i.e. JIF, Medical, CJ2, SJA). ICRC requests will be balanced with MP and MI operations, taking into account personnel

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safety, escort availability, and security of the facility. Certain requests will not be able to be resolved during the course of the visit and will be resolved as soon as practicable. Some issues will not be resolved to the satisfaction of the ICRC, and the ICRC Liaison will explain the efforts made and the reason for the decision to the ICRC Delegate.

15. (U) Final Outbrief. At the end of each visit, the TF Guardian Commander, SJA, Detention Facility Commander, ICRC Liaison, and ICRC Delegation meet to discuss the visit and the status of any unresolved issues raised by the ICRC during the current visit or any previous visit.

16. (U) After Action Reports (AARs). ICRC AAR. The ICRC Liaison is responsible for drafting the visit AAR and forwarding the report in accordance with Para.4. The AAR covers all major topics of discussion throughout the visit.

17. (U) Interim meetings/sessions.

a. (U) There are occasions when the ICRC will visit the TIF between regularly scheduled visits. Examples of such occasions include: detainee deaths, transfers, repatriations, holidays (to deliver food), meetings with the SJA or CG, or actions as an intermediaries with the Office of the United Nations High Commissioner for Refugees (UNHCR).

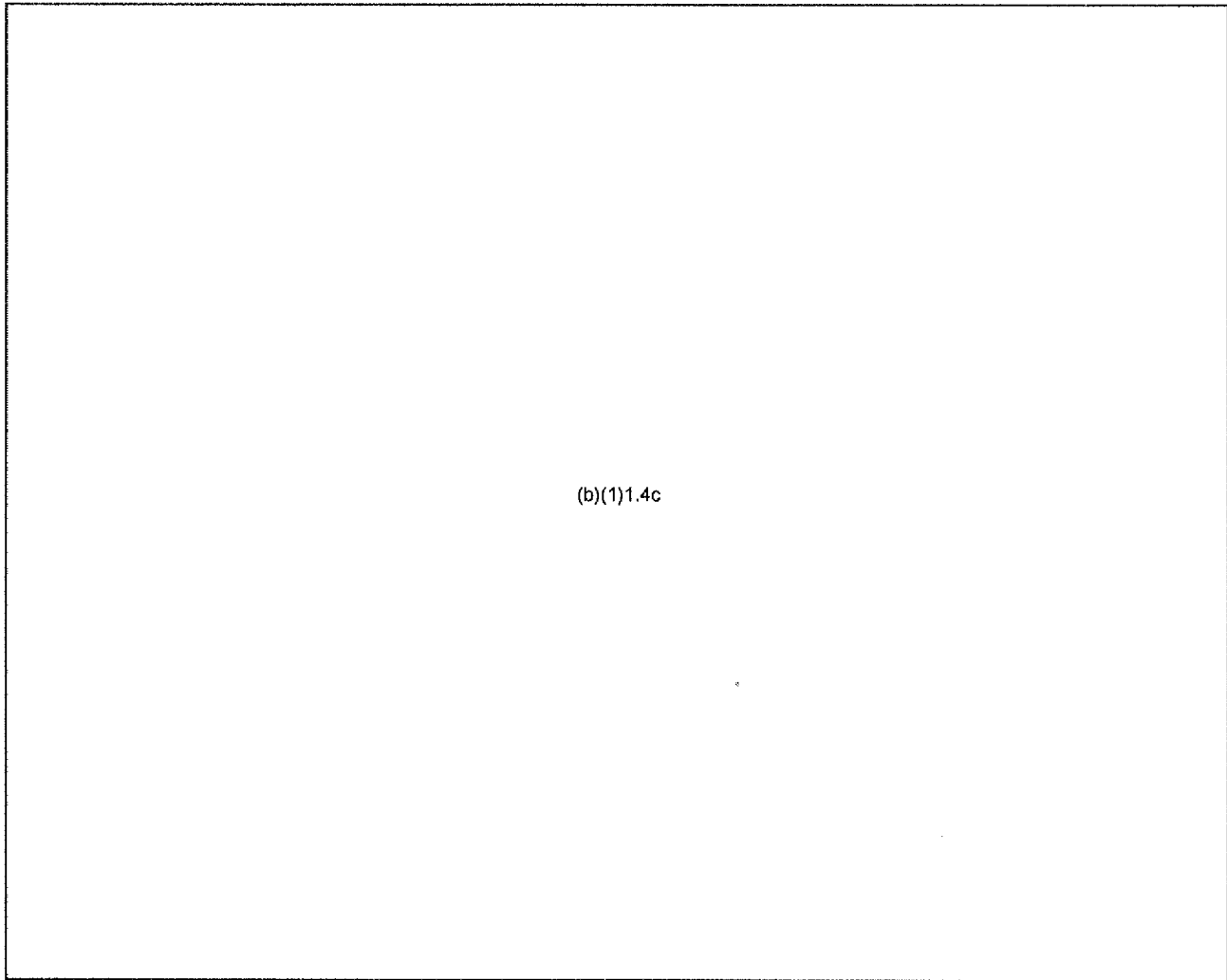
b. (U) There are occasions when the ICRC Liaison will visit the ICRC outside of Bagram. Examples of such occasions include: delivery of remains to families (outlying provinces), ICRC Mine Action Center, Kabul; ICRC Prosthetic Clinic, Kabul; delivery of RCMs.

c. (U) All visits and contacts with the ICRC will be recorded and reported IAW para. 4.

18. (U) Correspondence from the ICRC. The ICRC occasionally sends letters to CJTF-101 concerning detention operations issues. The CJTF-101 ICRC Liaison is responsible for ensuring an appropriate response is sent to the ICRC and reported in accordance with Para 4.

19. ((b)(2)) ICRC visits and this SOP is the Detention Operations Judge Advocate at DSN (b)(2)

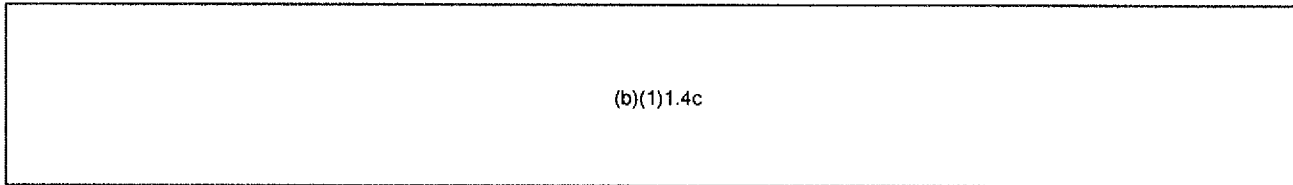
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f. (U) In all instances questioning of detainees will be observed by qualified MP/MI personnel. Non-CJTF-101 government agents are obliged to observe the same standards of conduct in questioning and treatment of detainees as do CJTF-101 personnel. The observing MP/MI personnel will immediately cease the interview if CJTF-101 standards are breached.

3. (U) Persons conducting detainee interviews primarily for law enforcement purposes will be observed by CJTF-101 personnel but do not need to complete the above certification. Interviews conducted for law enforcement purposes are limited to Law Enforcement related interview approaches only (not MI interrogation approaches).



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