

**STANDARD OPERATING PROCEDURES**

**DETENTION OF NON-ISAF PERSONNEL**

**SOP 362**

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**Headquarters  
International Security Assistance Force  
KABUL AFGHANISTAN**



**STANDARD OPERATING PROCEDURES  
DETENTION OF NON-ISAF PERSONNEL**

**SOP 362**

AUTHORIZED BY:	COS ISAF
ISSUING AUTHORITY:	CJ3
DRAFTED BY:	SO2 MP PLANS
LAST UPDATE:	31 Aug 2006

References:

- A. SACEUR OPLAN 10302 Rev 1
- B. AJP-2.5 Handling of Captured Personnel, Equipment and Documents
- C. ROEIMPL Message 001, dated 2 May 2006
- D. The Geneva Conventions of 1949 and 1<sup>st</sup> Additional Protocol 1977
- E. European Convention on Human Rights (ECHR)
- F. International Covenant on Civil and Political Rights (ICCPR)
- G. Annex VV to COM JFC Brunssum OPLAN 30302 dated 10 Aug 2006
- H. Unreferenced CFC-A letter dated 20 Aug 06 concerning Release Authority for CJSOTF, ETT and Counter Terrorism Missions.

INTRODUCTION

1. Reference G is the current operational level guidance on detention issues. This TACSOP gives further direction and guidance to commanders and staff responsible for detention operations within Afghanistan. Commanders at all levels are to ensure that detention operations are conducted in accordance with applicable international law and human rights standards and that all detainees are treated with respect and dignity at all times. The strategic benefits of conducting detention operations in a humanitarian manner are significant. Detention operations that fail to meet the high standards mandated herein will inevitably have a detrimental impact on the ISAF Mission. All ISAF Detention operations will be subject to internal and external scrutiny.
2. The policy contained within this TACSOP applies to actions taken by ISAF troops under the ISAF Mission. It does not apply to PW or to persons indicted for war crimes (PIFWC) pursuant to the lawful exercise of authority by the

International Criminal Court or other lawfully constituted tribunals. It does, however, give direction to Regional Commands on the reporting of detainees taken within their AOO by troops operating under the Counter-Terrorist mandate (Reference H refers) or by ANSF operating jointly with ISAF.

### DEFINITIONS

3. The following definitions are used throughout this SOP.
  - a. NATO Holding Facility / NATO Detention Facility. This term refers to any facility used, designed or adapted to facilitate the detention of individuals.
  - b. ISAF Detention Authority. This is defined in the main body of this SOP as a specified individual authorised to make detention decisions. These individuals are listed in Para 6 below.
  - c. Period of Detention. This is regarded as the period of detention, not to exceed 96 hours, which starts on arrest (ie; the act by which a non-ISAF person is deprived of his liberty by ISAF personnel) until the moment a detainee is handed over to the ANSF or GOA officials or is released by ISAF.
  - d. ANSF. The abbreviation ANSF stands for Afghan National Security Forces and includes, Afghan National Army (ANA), Afghan National Police (ANP), Afghan Border Police, Afghan Highway Police, Afghan Counter-Narcotics Police and any authorised Afghan national or regional government agency involved with security or detention facilities.
  - e. Age / Date of Birth. Consideration must be given to the fact that in many areas, individuals may not know their age or date of birth. For the purpose of this SOP, the following definitions are used:
    - (1) Adult. An adult is considered to be any person aged 18 or over.
    - (2) Juvenile. A juvenile is considered to be between the age of 15 up to 18.
    - (3) Child. A child is considered to be below the age of 15.

### LEGAL APPLICATIONS

4. Authority to Detain. The only grounds upon which a person may be detained under current ISAF Rules of Engagement (ROE) are: if the detention is necessary for ISAF force protection; for the self-defence of ISAF or its personnel; for accomplishment of the ISAF mission.

5. Detention. If an arrest and/or detention is effected by ANSF with ISAF support, then the individual is not considered to be an ISAF detained person and the provisions of this TACSOP do not apply. An individual will not be considered as an ISAF detained person until and unless ISAF assumes control and places that individual into detention<sup>1</sup>. In all cases of detention HQ ISAF is to be informed. The current policy for ISAF is that Detention is permitted for a maximum of 96 hours after which time an individual is either to be released or handed into the custody of the ANSF / GOA.

6. Detention Authority. As soon as practicable after an detention has taken place, the decision to continue to detain must be considered by an appropriate authority. The ISAF Detention authority must be able to support the grounds by a reasonable belief in facts. The requirement for detention must be kept under continuous review. The following persons may act as an ISAF Detention Authority to determine if the grounds set out in paragraph 4 are met:

- a. COMISAF<sup>2</sup>;
- b. A Regional Commander (RC);
- c. A National Contingent Commander;
- d. The Theatre Task Force Commander;
- e. A Battalion Commander;
- f. A Provincial Reconstruction Team (PRT) Commander;
- g. Base Commander;
- h. An On-Scene Commander; and
- i. Commander of the Theatre Detention Facility.

7. The powers of the Detention Authority. A Detention Authority may authorize detention for up to 96 hours following initial detention. Should the Detention Authority believe that continued detention beyond 96 hours is necessary then, prior to the expiration of the 96-hour period, the Detention Authority shall refer the matter via the chain of command to HQ ISAF.

8. Authority for Continued Detention. The authority to continue to detain an individual beyond the 96-hour point is vested in COMISAF (or his delegated subordinate<sup>3</sup>). A detainee may be held for more than 96 hours where it is deemed necessary in order to effect his release or transfer in safe circumstances. This exception is not authority for longer-term detentions but is intended to meet exigencies such as that caused by local logistical conditions e.g. difficulties involving poor communications, transport or weather conditions or where the detainee is held in ISAF medical facilities and it would be

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<sup>1</sup> It is accepted that detention will take place under National guidelines. However, the standards outlined within this SOP are to be considered the minimum necessary to meet international norms and are to be applied.

<sup>2</sup> COMISAF may delegate this authority in certain circumstances. The circumstances and the officers to whom he may delegate detention authority are covered in SOP 001.

<sup>3</sup> However, any person who is appointed by COMISAF to hold the position of acting COMISAF may decide any question of continued detention the COMISAF is empowered to make. Such decisions shall be considered to be properly and authoritatively made.

medically imprudent to move him. Where this exigency applies, COMISAF must be notified. Where, in the opinion of COMISAF (or his delegated subordinate), continuation of detention is warranted, COMISAF (or his delegated subordinate) may authorize continued detention.

### COMMAND RESPONSIBILITY

9. At all times, commanders are to comply with, and must ensure those under their command comply with, international and domestic law. In particular an ethos of humane treatment of all detained persons is to be inculcated throughout the chain of command. Commanders are responsible for the actions of their subordinates.

10. Experience has shown that there are two key points in the process of detention where abuse of prisoners could occur; at the time of detention and during questioning. Commanders must ensure that, through training and the introduction of proactive checks, abuses do not happen. Commanders should maintain a separation of role and function of those responsible for detention and those responsible for questioning / intelligence gathering.

11. All violations of international or domestic law alleged to have been committed by ISAF personnel are to be promptly reported through the chain of command to HQ ISAF and onward to COM JFC B, thoroughly investigated and appropriately dealt with. The assistance of investigative authorities will invariably be required. In particular, commanders must seek legal advice through the chain of command before deciding whether or not an investigation is warranted or whether disciplinary action is appropriate. Unlawful orders are not to be given and are not to be obeyed. ISAF personnel are not to give or accept moneys or gifts from detained persons, or any person connected with detained individuals.

### PLANNED / UNPLANNED DETENTION OPERATIONS

12. Outline. Whether conducted at the operational or tactical level, detention operations require meticulous planning. Not only must the detention be operationally and legally justified but it must also be appropriate in the circumstances. It must be G3 led and, particularly when planned by HQ ISAF, effects based. Where appropriate, and if practicable, the detainee should be handed over as soon as possible to a member of the ANSF. Ideally, such a handover will take place at the scene of the detention and must be fully documented, with HQ ISAF and the ICRC being informed<sup>4</sup>. As a basic minimum, the identity of the individual detained and the reason for initial detention, together with the identity of the ANSF person accepting responsibility for the detainee must be clear. When the identity of the detained individual becomes clear the G2 chain must be alerted and all relevant information passed to CJ2 HQ ISAF.

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<sup>4</sup> It is imperative that all TCN are aware of their residual national responsibilities to detainees.



13. Planned Detention. Within HQ ISAF a detention operation will ordinarily be planned by an Ops led Multi Disciplinary Group (MDG). Such an MDG must include reps from Legal, CJ1 and MP and should include CF2 and JEB. It is paramount that before any planned detention operation is mounted an agreed 'end state' is clearly defined. This is particularly important if the aim of the operation is to bring a criminal prosecution against the detained individual<sup>5</sup>. Whilst planning for a pre-planned arrest operation can occur at unit level, HQ Regional Command must be consulted regarding the operation.

14. Unplanned Detention. When, in the course of their duties (but not as part of a planned operation), members of the Force have cause to detain individuals it will be necessary for commanders at all levels to 'grip' the situation quickly in order to ensure that immediate action is taken both to inform the chain of command and protect the rights of the detainee.

### PROCESS OF DETENTION

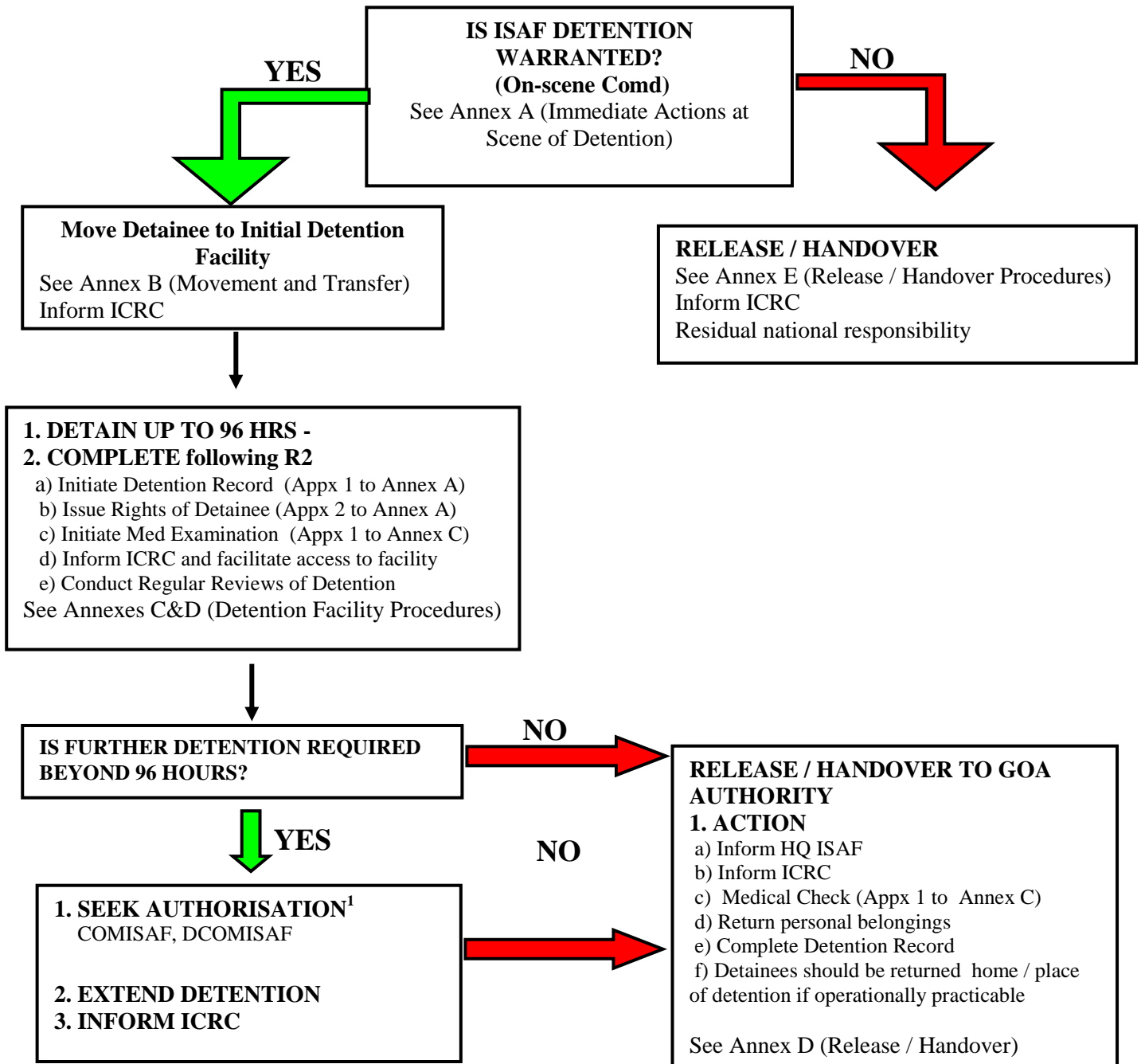
15. This SOP will address all key actions to be taken from the point of detention, movement to the place of detention, onward movement to the ISAF Theatre Detention Facility (if established) or transfer to the GOA. At each stage the detaining authority has the ability to transfer to GOA Authorities or release a detainee. The 'clock starts ticking' from either:

- a. The moment of arrest by ISAF personnel; or
- b. Handover to ISAF personnel or presentation at an ISAF detention facility by non-ISAF personnel (whichever is the earlier).

16. The flow chart below highlights the key stages of the detention process and provides guidance on the minimum standards to be applied from point of detention to release or handover to GOA officials.

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<sup>5</sup> If this is the aim then advice must be requested with regard to obtaining evidence that is admissible in the courts of Afghanistan.



<sup>1</sup> The detainee may be held for more than 96 hours only where it is deemed necessary in order to effect his release or transfer in safe circumstances.

**Figure 1: Flow Chart of Detention Process**

REPORTS AND RETURNS

17. JOC HQ ISAF is to be informed of all individuals detained by ISAF troops using the basic form within Appendix 1 to Annex A. All relevant information is to be passed to HQ ISAF via the JOC at the earliest opportunity of all cases of detention. A more comprehensive record of detention is to be maintained using the format contained within Appendix 3 to Annex A.

#### RECORDS AND INVESTIGATIONS

18. It is vital that accurate records are maintained of all instances of detention, irrespective of duration. Such records must be maintained within ISAF locations and provide clear guidance as to the circumstances surrounding the detention of an individual, including the date and time of detention and place of initial and subsequent detention. Details of routine reviews of that detention are also to be included. On handover to ANSF / GOA, details of all circumstances surrounding the detention are to be available for transmission to the HN for use in subsequent legal proceedings. TCN are advised to retain records in accordance with national guidelines. Records relating to detentions made by CT forces operating within the ISAF AOO and detentions made by ANSF personnel operating jointly with ISAF troops must also be kept (see Annex A Appendix 4 for details).

#### RELEASE AND HANDOVER PROCEDURES (NOTIFICATION)

19. It is imperative that detainees taken by ISAF troops are not handed over to the GoA or released *before* the correct R2 is processed and forwarded to HQ ISAF. Thereafter, HQ ISAF (through the CJOC MP desk) must be consulted before any subsequent release or handover is conducted. There are sound operational reasons for this approach and RC Commanders are to ensure that these procedures are understood by subordinate commanders and actioned.

#### ICRC

20. National Responsibilities. When detainees have been taken Nations have a responsibility to inform the ICRC as soon as practicable. The Nations are also to inform the ICRC of any change in circumstances of detention such as transfer, release or on handover to the ANSF. The ICRC is to be informed of any instance resulting in the hospitalisation or death of a detainee. Any facility used, constructed or adapted for use by any ISAF unit for the purpose of detention must be available for inspection by ICRC.

21. COMISAF and Regional Commanders. COMISAF will initiate and maintain a dialogue with the ICRC's Head of Mission in Afghanistan. Regional Commanders are to initiate and maintain similar contacts with such regional offices of the ICRC, which may be appropriate in the circumstances.

Annexes:

- A. Immediate Actions at the Scene of Arrest
- B. Movement and Transfer
- C. Initial Detention Procedure
- D. Release / Handover to GOA / ANSF
- E. Investigations into Allegations of Abuse Against Detainees
- F. Independent Inspection Regime.

**IMMEDIATE ACTIONS AT THE SCENE OF ARREST**

1. Subordinate formations must note that the following principles will apply:
  - a. Documentation. Full details of the individual and the circumstances surrounding detention are to be maintained in the detaining officers' / soldier's notebook. The initial details to be recorded are contained within Appendix 1 to this Annex (and will form the basis of the initial report to HQ ISAF).
  - b. Responsible ISAF Detention Authority. The patrol commander is considered to be the responsible authority and is able to effect a detention or handover a detainee to GOA Authorities. If the reason for arrest no longer exists, then the patrol commander may also release that individual. The detainee is to be informed of his / her rights and given the opportunity to make a statement regarding his or her detention. The appropriate procedure is set out in Appendix 2 to this Annex<sup>1</sup>.
  - c. Reporting / Tracking. The patrol commander is required to inform his / her ops room of any person detained. This information must be re-transmitted to the HQ of the RC as soon as possible. The ICRC is to be informed of the detention as soon as practicable. HQ ISAF is to be informed at the earliest opportunity using the form at Appendix 1 to this Annex. All details of the actions taken, including release or handover, are to be recorded using the format contained within Appendix 3 to this Annex, which should be retained as an archive copy for subsequent production in accordance with national guidelines.
  - d. Use of Force. Minimum force may be used to effect a detention. The use of handcuffs by ISAF personnel, who have been trained in their use, is authorised. Detaining forces are authorised to use force to restrain a violent detainee or to stop a detainee escaping. In the latter circumstance, deadly force is not to be used unless necessary to prevent an act which constitutes an immediate threat to life. Persons detained by ISAF will be treated with respect and dignity and in compliance with applicable international law and human rights law standards. No one shall be subjected to torture or to inhuman or degrading treatment or punishment including the use of stress positions such as prolonged kneeling.
  - e. Search. The detainee is to be searched for any articles of evidential value or items, which may be used to inflict self-injury or injure those effecting the arrest. Such items are to be removed. Property found in a detained person's possession may be seized by ISAF personnel. In all cases receipts are to be provided. Weapons or contraband found in a

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<sup>1</sup> The use of an Interpreter must be considered subject to literacy levels

detained person's possession shall be retained for the period of detention. Direction on the disposal of weapons and contraband, such as drugs, after a period of detention will be issued by the chain of command.

(1). Gender Considerations. Female detainees are only to be searched by female members of the force (unless there are pressing operational reasons which makes this impracticable). In any event the dignity of female persons shall be respected.

(2). Juveniles / Children. The ages of children and juveniles are defined within the main body of this SOP. Extreme care is to be taken when searching juveniles and children and all searches are to be witnessed by someone in the chain of command. Precise details of all searches are to be recorded and retained.

f. Rights of a Detainee. The detainee must be informed, in a language that he or she understands, of the reasons for detention and given an information sheet detailing his or her rights as a detainee (see Appendix 2 to this Annex). Where this is not possible, then the detainee is to be given this information at the earliest opportunity.

## QUESTIONING

2. Once the criteria for detention have been satisfied, then all future questioning should only be conducted by specially trained and qualified individuals. Subject to the proviso in the following paragraph, Tactical Questioning may be conducted by trained and qualified individuals of a nation other than the detaining nation. The intelligence value or the desirability of questioning the detained person cannot be the grounds for continued detention. However, where detention is justified, questioning can be directed towards perceived threats and other issues of relevance. The information gained from such questioning may have operational as well as tactical significance. It is therefore important that its products are shared through the normal and accepted ISAF intelligence procedures.

3. Only ISAF personnel will conduct questioning (unless otherwise authorized by COMISAF or his delegated subordinate). ISAF personnel will always be in the presence of the detained person if someone other than ISAF personnel is permitted to question the detained person.

4. Evidential and intelligence questioning of detainees may raise issues of admissibility and procedure in the event of subsequent criminal prosecution. Technical issues of this nature should be raised with HQ ISAF LEGAD.

## Appendices

1. [Reports and Returns for HQ ISAF.](#)
2. [Rights of a Detainee.](#)
3. [Detention Record and Review of Continued Detention.](#)
4. Reports and Returns regarding detentions made by ANSF and CT troops.

**REQUIRED DETAINEE R2**

The details below are to be transmitted to HQ ISAF immediately following detention. Greater detail is to be included in Appendix 3 to this Annex.

**Detainee Number<sup>2</sup>:**

**DTG of Detention:**

**Place of Detention:**

**Reasons for Detention:**

**Name and Unit of Detaining Soldier / Officer:**

**Name and Unit of Officer Authorising Detention**

**Details of Detained Person**

**Given Name:**

**Fathers Name:**

**Grandfathers (Paternal) Name:**

**Gender:**

**Home of Record:**

**ICRC Informed? Yes/No**

**Religion:**

**Language:**

**Literate / Illiterate:**

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<sup>1</sup> This is to be the Detainee Number generated in accordance with national policy. (It should include a regional and national prefix for identification within HQ ISAF)

**RIGHTS OF A DETAINEE**

1. You have been detained by ISAF forces for the reason(s) set out below<sup>1</sup>:
  - a. ISAF Force protection.
  
  - b. Self Defence of ISAF or its personnel.
  
  - c. You are considered to be a threat to the ISAF Mission.
  
2. You will either be released by ISAF or transferred to Afghan National Security Forces as soon as possible.
3. Do you understand that? Yes / No.<sup>2</sup>
  
4. You have the opportunity now to make a statement regarding your arrest / detention if you so wish. This will be translated into English once completed<sup>3</sup>.

Name of detainee:

Detainee Number:

Signature of detainee:

Date:

Name of witness:

Signature of witness

Date:

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<sup>1</sup> An explanation of why one of these grounds applies must be given to the detainee.

<sup>2</sup> Delete as required and record any response made.

<sup>3</sup> The use of an Interpreter must be considered subject to literacy levels.



دلاحقی یا د مکملیدو دوهم سند  
د الف ضمیمه یا (نېتلونه) - د آیساف د معیاری عملیاتو پروسیجر - شمیره ۳۶۲  
نیټه: د زمري ۳۰ د ۱۳۸۵ کال

## د توقیف شوي کس حقونه

۱- تاسو د آیساف ځواکونو له خوا په لاندې دلیل (دلایلو) نیول شوی یاست.  
الف - د آیساف د ځواکونو د خونديتوب په دلیل.

ب - د آیساف د خپل دفاع یا د آیساف د پرسونل د خونديتوب په دلیل.

ج - تاسو د آیساف د ماموریت لپاره گواښ گنل شوي یاست.

۲ - تاسو به یا د آیساف له خوا خوشي او یا به ډیر ژرافغان ملی امنیتي ځواکونو ته وسپارل شي.

۳ - آیا تاسو په دې خبرو پوهیږئ؟ هو / نه

۴ - تاسو د دې فرصت لری که چیری غواړئ چې دخپل ځان د نیولو / یا توقیف په اړه وینا وکړئ. ستاسو دغه وینا به له بشپړیدو وروسته انگریزي ژبي ته وژباړله شي.

دنیول شوي کس نوم: دنیول شوي کس شمیره:

دنیول شوي کس لاسلیک: تاریخ:

د شاهد نوم: د شاهد لاسلیک: نیټه:



**DETENTION RECORD AND REVIEW(S) OF CONTINUED DETENTION**

1. **Detainee Number<sup>3</sup>**:

**DTG of Detention:**

**Place of Detention:**

**Reasons for Detention:**

**Date / Time of handover of detainee within Detention Facility**

**Name and Unit of Detaining Soldier / Officer:**

**Name and Unit of Officer Authorising Detention**

**Details of Detained Person**

**Given Name:**

**Father's Name:**

**Grandfather's (Paternal) Name:**

**Nationality:**

**Gender:**

**Date of Birth:**

**Age:**

**Home of Record:**

**Religion:**

**Language:**

**Literate / Illiterate:**

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<sup>3</sup> This is to be the Detainee Number generated in accordance with national policy. (It should include a regional and national prefix for identification within HQ ISAF)

**Physical Condition of Detainee Upon Detention<sup>4</sup>:**

**Details of Seized Property of Detainee:**

**Rights and Reasons for Detention Mentioned to Detainee: Y/N**

**ICRC Informed at (Date/Time Group):**

**Point of Contact with ICRC:**

**Signatures:**

	<b>Name</b>	<b>Rank/Status</b>	<b>Signature</b>
DETENTION AUTHORITY <sup>5</sup>			

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<sup>4</sup> To be certified by qualified medical staff

<sup>5</sup> See paragraph 6 of Main Body for definitions of Detaining Authority

**2. Release (if applicable).**

**DETAILS OF RELEASE / HANDOVER**

**Authorisation for Release**

No		Unit	
Rank		Signature	
Name		Date	

**Released by:**

No		Unit	
Rank & Name		Signature	
Location of Release		Date	
Physical Condition of Detainee on Release / Handover <sup>6</sup>			
<b>Med Practitioner Signature Block</b>			
No		Name	
Rank		Unit	

**Handed Over to (if applicable):**

No		Unit	
Rank & Name		Signature	
Location of Handover		Date	

**ICRC Informed at (Date/Time Group):**

**Point of Contact with ICRC:**

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<sup>6</sup> To be certified by qualified medical staff

**APPLICATION FOR CONTINUED DETENTION**  
**(Exceeding 96 hours)**  
 (To COMISAF)

**3. Grounds for Further Detention.** (Continue on separate sheet if required.)

No		Unit	
Rank		Signature	
Name		Date	

**4. Detaining Authority Statement**

I certify that \_\_\_\_\_ has been offered the opportunity to make a submission against his/her continued detention and:

- a. He / She declined.\*
- b. His / Her statement is attached.\*<sup>7</sup>

No		Unit	
Rank		Signature	
Name		Date	

\* Delete as required

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<sup>7</sup> Due to possible literacy levels, this may have to be written by an Interpreter.

**COMISAF REVIEW**

**(To be conducted by COMISAF or DCOMISAF no later than 96 hrs after initial detention)**

**5. Reviewing Officer's direction.**

The individual is to be detained / handed over to the Government of Afghanistan Authorities / released\*\*.

No		Unit	
Rank		Signature	
Name		Date	

**Authorization for Release.**

**Released by:**

No		Unit	
Rank & Name		Signature	
Location of Release		Date	
Physical Condition of Detainee on Release / Handover <sup>8</sup>			
<b>Med Practitioner Signature Block</b>			
No		Name	
Rank		Unit	

**Handed over to (if applicable):**

No		Unit	
Rank & Name		Signature	
Location of Handover		Date	

**ICRC Informed at (Date/Time Group):**

**Point of Contact with ICRC:**

\*\* Delete as required and include reasons.

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<sup>8</sup> To be certified by qualified medical staff

**REPORTS AND RETURNS REGARDING DETENTIONS  
MADE BY ANSF AND CT TROOPS**

Reference:

A. Unreferenced CFC-A letter dated 20 Aug 06 concerning Release Authority for CJSOTF, ETT and Counter Terrorism Missions.

1. It is essential that COMISAF maintains full situational awareness of events taking place within the ISAF AOO. To that end it is important that he receives as much information as possible regarding detentions made by other security forces operating within the ISAF battlespace.

2. Counter-Terrorist Operations. Reference A states that in order to be aware of the PAO/Pinfo aspects of CT missions CFC-A (until TOA Stage 4) and thereafter US NCC has primary responsibility for informing HQ ISAF (DCom Sy) of detainees taken under CT Ops in the ISAF AO. COMISAF also requires that, when they are aware that such detentions have taken place, RC HQs also pass this information (in the format shown below) to the HQ ISAF CJOC (MP Desk).

3. Joint Patrols with ANSF. Where ISAF troops conduct joint patrols with ANSF forces and detentions are subsequently made by ANSF forces in the presence of ISAF troops RCs are to pass this information (in the format shown below) to the HQ ISAF CJOC (MP Desk).

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The details below are to be transmitted to HQ ISAF as quickly as possible following detention.

**DTG of Detention:** (Mandatory)

**Place of Detention:** (Mandatory)

**Reasons for Detention:** (Mandatory)

**Name and Unit of Detaining Soldier / Officer:** (Mandatory)

**Name and Unit of Officer Authorising Detention** (Mandatory)

(continued below)



**Details of Detained Person** (Complete as much as possible)

**Given Name:**

**Fathers Name:**

**Grandfathers (Paternal) Name:**

**Gender:**

**Home of Record:**

**Language Spoken:**

## **MOVEMENT AND TRANSFER**

### **GENERAL**

1. Transporting detainees is a potentially dangerous action. All necessary precautions should be taken to protect the detainees, the escorting personnel and the public.
2. The procedures outlined within this Annex apply to all movements of detainees whether they be from point of detention to a detention facility or from a detention facility to the point of transfer or release. If released, detainees must, wherever possible, be returned to their home. Where this is not possible they should be returned to the location where they were first detained. Detainees must not be left in remote locations to fend for themselves.

### **DOCUMENTATION**

3. Full details of the individual and the circumstances surrounding the detention are to be maintained and are to be transported with the detained individual.

### **RESPONSIBLE ISAF DETENTION AUTHORITY**

4. At the scene of a detention, where no ANSF officials are present to effect a handover, the patrol commander must consider the need for continued detention and the requirement to transport the detainee to an ISAF Facility. Any subsequent movement from the initial detention facility to an ISAF detention facility may be on the authority of the appropriate commander.

### **REPORTING / TRACKING**

5. The patrol commander / base commander is required to inform the appropriate chain of command of the need to move detainee(s) between locations. As a matter of course, the RC will report this action to HQ ISAF by routine SITREP. The RC is also to inform the ICRC of the movement of any detainee as soon as is practicably possible.

### **PROVISION OF GUARDS AND ESCORTS**

6. As a general rule, the capturing unit / sub unit is required to provide the guards and transport to move a detained person between locations. Where this is not feasible, for example when a person is detained by an isolated ISAF

organization then the RC or BG Comd may direct a unit to provide the same. Where handover is being arranged with the GOA, then a member of ISAF will accompany the detainee to the place of handover.

#### MODE OF MOVEMENT

7. Wherever possible detained persons should be moved in a vehicle/aircraft. Movement on foot should be a last resort and only conducted over short distances.
8. As far as possible ISAF personnel should seat the detained person in the centre of the vehicle and away from exits/doors. In a standard vehicle, the detainee should be seated on the rear seat between two guards.
9. Where the transfer / movement of a detainee is conducted over a large distance or prolonged period of time, then the guarding unit is to ensure that regular breaks are taken, for the benefit of both the guards and detainee, and that food and water is available.

#### DETAINEES PERSONAL EFFECTS

10. The detained persons belongings, if being transported in the vehicle, should be stowed in a place to which the detainee does not have access. The necessary receipts for such effects are to be checked by staff responsible for the handover / takeover of a detainee.

#### RESTRAINTS

11. A detainee may be restrained by the use of plasticuffs or handcuffs provided that they are fitted only by individuals trained in their use. In all cases, the restraints should be fitted in such a way as to minimise the risk of harm coming to the detainee or the escorts and should not restrict blood flow. At no time should a detainee be secured to any part of a vehicle or any other static object. In the case of the detainee being pregnant, physically handicapped, or carrying injuries that would be aggravated by handcuffing then restraints, whilst not prohibited, should only be applied when considered operationally appropriate and unavoidable.

## **DETENTION PROCEDURE**

### **DOCUMENTATION**

1. The Detention Record and Review of Continued Detention form is to be used at the earliest opportunity in order to standardize the documentation for detainee operations. This system may be in addition to any national registration system. Photographs of detained persons will not be released to the press, but may be provided to participating ISAF nations, Afghan authorities and the International Committee of the Red Cross (ICRC).

- a. Medical Examination. As soon as practicable and in order to avoid false allegations of mistreatment or abuse, medical personnel<sup>9</sup> shall ensure that the detainee is medically examined to establish fitness for detention. Any injuries discovered during the course of this examination must be recorded (see Appendix 1). Following any instance where force has been used on a detainee, he or she is to be examined and records made of the physical condition of the detainee.

### **RESPONSIBLE ISAF DETENTION AUTHORITY**

2. A national contingent that initiates the detention has primary responsibility for the proper treatment of the detained person. HQ ISAF, in coordination with HQ JFC Brunssum has supervisory responsibilities. Detention Authorities may establish holding facilities or may use holding facilities established by other commanders<sup>10</sup>. If the custodial nation transfers control of the detained person to another nation, the relevant commanders will ensure that the required detention standards are met and will jointly address any operational concerns such as responsibility for guarding detained persons. Where it is perceived that the required standards of detention are not met, then HQ ISAF is to be informed immediately. This does not absolve the initial detaining nation or HQ ISAF from their residual responsibilities after handover to the GOA authorities.

3. At unit level, the commander is responsible for the provision of a suitable temporary detention facility. He or she is also empowered to initiate the release of a detainee or handover to the appropriate GOA Authorities.

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<sup>9</sup> This includes all grades and levels of medical staff including doctors and units medics.

<sup>10</sup> Notwithstanding this, every ISAF Base may potentially be required to act as temporary holding facility pending decisions by higher authority and therefore must plan for such a contingency

## REPORTING / TRACKING

4. Chain of Command. On receipt of a detainee within a unit location, that unit must immediately inform the RC, who in turn will notify HQ ISAF by routine means. In the event that such an individual is handed to ISAF by GOA Officials / ANSF, then the RC must inform JOC HQ ISAF at the earliest opportunity.
5. ICRC. The names of all detained persons shall be carefully protected but will be made available to the appropriate Afghan authorities and the ICRC. The names of any individual will be provided to the ICRC, as soon as practicable, following a detention authority's initial decision to detain<sup>11</sup>. This release of information will specifically note any limitations on its further dissemination.

## RIGHTS OF A DETAINEE

6. Immediate Action. On arrival at an ISAF holding facility, the detained person will again be informed, in a manner they understand, of his / her rights under international law. This must be supported by a written document, in his / her native language. A note recording the date and time that these rights were issued must be made by the detaining authority. All detainees must also be informed of the rules and disciplinary procedures of the Detention Facility<sup>12</sup>. A detained person will be informed of his or her right to file a grievance with the detention authority in order to bring attention to any matters concerning the reasons for detention, length of detention, conditions of detention or treatment during detention<sup>13</sup>. The detained person shall be informed that detention authorities will take such submissions into consideration when making detention decisions. Necessary writing articles and, if necessary, writing and translation assistance will be provided to the detained persons as required in order to exercise this right. .
7. Personal Correspondence. There shall be no restrictions on the amount of correspondence a detained person may send to ISAF authorities. A detained person must be permitted access to legal counsel or representative, subject to operational security concerns. Unless inconsistent with operational security, detained persons must also be allowed to notify family members of their status as soon as practicable after delivery to an ISAF holding facility. Detained persons may be allowed reasonable periodic visits by members of their family consistent with operational exigencies and security requirements.
8. Fair Treatment. Treatment of detained persons shall be without distinction to race, religion, colour, sex, language, political affiliation or other opinion, national or social origin. No detained person shall be subjected to

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<sup>11</sup> This remains the responsibility of the Detaining Authority. However, in all circumstances HQ ISAF will additionally inform the Kabul office of the ICRC.

<sup>12</sup> In accordance with UN Principle 30 (Gen Assembly 43/173 of 9 Dec 88).

<sup>13</sup> Utilising Para 4 of Appendix 2 to Annex A.

torture or to inhuman or degrading treatment or illegal punishment. Detained persons will be protected against insults and will not be subjected to any form of public curiosity and must not be photographed or filmed unless for official purposes. Any instance of improper treatment is to be immediately reported to COMISAF and the applicable military police authority. COMISAF or his delegated subordinate shall confirm that an appropriate investigation has been initiated.

9. Segregation. Detained persons will be separated, if appropriate, based upon clan membership, religious belief, age, gender or any other factor that might pose a legitimate threat to their safety or welfare. Where applicable, steps should be taken to ensure that family groups remain together. In cases where a female is subject to detention, every effort will be made to ensure her privacy in accordance with applicable religious and cultural practices to the extent that is operationally feasible. Particular attention will be made with respect to the gender of any individual who searches the female detained person, to medical personnel who conduct any physical exam, and to guards. The female detained person's personal privacy will be respected. Detained persons who are or appear to be less than 18 years of age will be treated with particular care. HQ ISAF and RC LEGADs will liaise with the Detention Authority, with appropriate Afghan authorities and with relevant international organizations to ensure the needs of the juveniles and children are met.

10. Sustenance. Detained persons will receive shelter, food, water, clothing and bedding sufficient to keep them in a good state of health. Diets must be consistent with religious tenets, customs or traditions unless operationally inappropriate. There must be adequate provision for personal hygiene, sanitation and health. All reasonable efforts will be made to support a detained person's ability to practice religious worship.

11. Searching. The detainee is to be further searched on arrival at the detention facility for any articles of evidential value and items that could be used to inflict self-injury or injure those effecting the detention. Such items are to be removed. Receipts for all seized property are to be provided. Female detainees are only to be searched by female members of the force, unless there are pressing operational reasons which makes this impracticable. In this event it may be acceptable to ask to look into bags carried and ask the female to open any outer garment. In any event the dignity of females shall be respected. During a search due respect must be accorded to any items of religious significance.

12. Types of Search. In most cases a 'rub down' search will be sufficient. However, a 'strip' type search should only be carried out in exceptional circumstances. Strip searches should be carried out by personnel of the same sex as the detained person. Intrusive searches will only be conducted by qualified personnel. All searching should be carried out with dignity and respect.

## DETENTION FACILITY STANDARDS

13. Location of Detention Facilities. The place of detention shall be located away from dangerous or unhealthy areas. Appropriate safety and health related equipment shall be provided to the detained person as necessary. The pressure for real estate may require that an office or store is used as a temporary detention facility. In this event, the room must be able to be secured, and will not have anything within it which can be used or adapted as a weapon or used for self-harm of a detainee. Where this is not possible, then the detainee must remain supervised at all times. Specialist guidance on custodial facilities may be gained from the HQ ISAF Custodial Adviser within MP Branch.

14. Written SOPs. Holding facilities and ISAF personnel responsible for supervision of detained persons are to produce and maintain SOPs for the facility. These may be adapted from data within this Annex.

15. Religious Practice. Where practicable, detention authorities are to provide a copy of the appropriate book of worship (ie Koran). All reasonable steps are to be taken to ensure that the detention authority is able to satisfy religious requirements of detainees. For example; identify to those detained persons of the Islamic faith the direction of Mecca. The following requirements and practices for Muslims who may be detained should be taken into consideration:

- a. Ramadan. The timing of Ramadan, the month for fasting, is in the ninth month of the Muslim year and varies from year to year. No meals or drink may be taken in daylight hours during this month. Provision must be made for meals to be taken before dawn and after sunset. Small children, the elderly or infirm, pregnant and nursing women are excused this requirement.
- b. Daily Prayer. Practicing Muslims have five daily times of prayer throughout the day from dawn to dusk, although the precise times are not vital. These do not have to be said in a separate prayer room or area. However, on Fridays, the midday prayer is compulsory and provision must be made for this. Any area used for prayer must have a bowl available for ritual washing and if possible a mat for an individual to pray on. Apart from these, any room used does not require any additional adornments.
- c. Religious Festivals. Although it might not be appropriate for detainees to celebrate religious festivals in the way other Muslim may do so, it is important to take note of the two most significant events. The first is the Eid-ul-Fatr, which is a feast celebrated close to Ramadan. The second is the Eid-ul-Adha, which is a celebration lasting for four days and comes at the end of the annual pilgrimage to Mecca.

d. Eating and Drinking. No Muslim normally drinks alcohol or eats the flesh of a pig or pork products. A practising Muslim will only eat meat that has been slaughtered by the Halal method and it is possible that in extreme cases a detainee may go without meat completely. Units should however take necessary steps to ensure that adequate supplies of Halal rations are available.

16. Health Considerations. The following factors are to be considered when dealing with detention facilities and detainees and should be read in conjunction with Appendix 1 to this Annex (Medical Support to Detainees).

- a. Detainees should be provided with suitable medical care.
- b. Detainees should be provided, by the administration at the usual hours, with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served. The food being served should be suitable having regard to any religious dietary requirements. Drinking water shall be available to every prisoner whenever he needs it. The basic daily food rations shall be sufficient in quantity, quality and variety to keep detainees in good health and to prevent loss of weight or the development of nutritional deficiencies.
- c. The detention facility should be maintained to a high standard of cleanliness in order to prevent disease. All accommodation provided for the use of detainees and in particular all sleeping accommodation should meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation:
  - (1) The windows should be large enough to enable the prisoners to read by natural light, and be so constructed that they can allow the entrance of fresh air whether or not there is artificial ventilation. Detainees should not be deprived of natural light within their place of detention.
  - (2) Artificial light should be provided and be sufficient for the prisoners to read or work without injury to eyesight.
  - (3) The sanitary installations should be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner and in accordance with cultural demands.
  - (4) Adequate bathing and shower installations should be provided so that every prisoner may have a bath or shower, at a temperature suitable to the climate, as frequently as necessary



for general hygiene according to season and geographical region, but at least once a week in a temperate climate. Detainees should be required to keep their persons clean, and to this end they should be provided with water and with such toilet articles as are necessary. In order that detainees may maintain a good appearance compatible with their self-respect, facilities should be provided for the proper care of the hair and beard, and men should be enabled to shave regularly.

(5) All parts of an institution regularly used by prisoners should be properly maintained and kept scrupulously clean at all times.

(6) Premises should be protected from dampness and adequately heated.

(7) All clothing should be clean and kept in proper condition. Underclothing should be changed and washed as often as necessary for the maintenance of hygiene. If detainees are allowed to wear their own clothing, arrangements should be made on their admission to the institution to ensure that it shall be clean and fit for use. Every detainee should, in accordance with local or national standards, be provided with a separate bed, and with separate and sufficient bedding which should be clean when issued, kept in good order and changed often enough to ensure its cleanliness.

(8) Every detainee should have at least one hour of suitable exercise in the open air daily if the weather permits.

(9) Where nursing infants are allowed to remain in the institution with their mothers, provision should be made for a nursery staffed by qualified persons, where the infants should be placed when they are not in the care of their mothers.

#### REVIEW PROCEDURE

17. The obligation upon a Detention Authority to review the conditions for detention is continuous. Once the circumstances supporting any of the justifying grounds outlined within the Authority to Detain are no longer present, then ISAF must release that individual. The fact that a person may have information of intelligence value is not by itself a basis for ISAF detention.

#### DEATH IN DETENTION

18. In the event of a death in detention, the circumstances are to be fully investigated by the detaining nation. HQ ISAF will provide investigative support if required or where necessary. All action is to be carried in a swift and transparent manner with due consideration for the relatives religious and

cultural requirements. The following are to be notified by the detaining authority:

- a. HQ ISAF immediately
- b. The family of the deceased, as soon as practicable.
- c. ICRC, as soon as practicable.

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## Appendix

1. Medical Support to Detainees

## **MEDICAL SUPPORT TO DETAINEES**

### **INTRODUCTION**

1. This Appendix provides direction on the standards of medical support that should, where operationally practicable, be provided to persons detained by NATO forces whilst on operations. It outlines the legal provisions and ethical principles that underpin this provision of medical care. It is impossible to cover every eventuality, however, these principles and those of good medical practice and clinical governance endure. Wherever possible, detailed guidance is provided. The SOP is based on UK and US current policy and UN principles. All medical personnel who are deployed on NATO operations should be aware of the contents of this instruction and, wherever operationally practicable, should endeavour to apply its principles. It is recognised that this instruction is designed for use in facilities, which are established for and routinely hold large numbers of detainees. Nevertheless, many of its principles can be applied to short term, temporary facilities such as those contemplated under the '96 hour rule'.

### **GENERAL**

2. The provisions and principles that can be applied to the medical support of detainees are based upon medical ethics, United Nations declarations and international law, including the Geneva Conventions. The humanitarian principles that these instruments embody are to be applied on all military operations by NATO forces. Medical support must be provided with impartiality. There shall be no discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. The medical care provided must be ethical and comply with best practice. Additionally, medical personnel have a responsibility for monitoring the standards of health and hygiene within a detention facility.

3. Consideration should be given to detained personnel who may be medically qualified. These can contribute to the management of detainees, particularly where there would otherwise be language or cultural difficulties. They are also useful where the detained medical personnel have a particular expertise of endemic disease not normally seen by TCNs, and in the management of psychological disorders in detainees.

### **ETHICS**

4. The normal rules and standards of consent, record keeping, use of chaperones and medical confidentiality apply. Informed consent for examinations and treatment maybe verbal or written and must be recorded in

the medical records. Informed consent for medical photography must be obtained in writing (this does not apply to photographs taken with a view to protecting the Force against false allegations of abuse. The United Nations has issued a set of ethical principles that relate to the involvement of healthcare personnel when treating detainees. These standards of professional conduct apply at all times. These principles are highlighted below to provide guidance and direction:

- a. Health personnel, particularly registered medical practitioners, charged with the medical care of prisoners and detainees have a duty to protect their physical and mental health and provide treatment of the same quality and standard as is afforded to others within their care. Therefore, standards of medical care, confidentiality and documentation should be the same as those used for members of the NATO forces. Whilst medical documents must be held separately from other personal records, personal records can document that a medical examination has taken place and any instructions issued by the medical officer that are necessary to facilitate patient care.
- b. It is a gross contravention of medical ethics, as well as an offence under applicable international instrument for health personnel, particularly registered medical practitioners, to engage, actively or passively, in acts which constitute participation in, complicity in, incitement to or attempts to commit torture or other cruel, inhuman or degrading treatment or punishment. Therefore, if health personnel become aware of such treatment they have a responsibility to report this to the Commander of the detention facility and also up the medical chain of command.
- c. Health personnel are only to be involved in professional relationships with detainees for the purposes of evaluating, protecting or improving their physical and mental health.
- d. Health personnel are not to:
  - (i) Apply their knowledge and skills in order to assist in the interrogation of detainees in a manner that may adversely affect their physical or mental health; this includes certifying or stating that a detainee meets a specific mental or physical standard for interrogation.
  - (ii) Certify, or to participate in the certification of, the fitness of detainees for any form of treatment or punishment that may adversely affect their physical or mental health, or to participate in any way in the infliction of any such treatment or punishment.
  - (iii) Question detainees about matters unless they are relevant to their medical care.

- e. Health personnel must not participate in any procedure for restraining a detainee unless such a procedure is determined to be in accordance with purely medical criteria as being necessary for the protection of the physical or mental health or the safety of the detainee himself, of his fellow detainees, or of his guardians, and presents no hazard to his physical or mental health.

### QUESTIONING

5. It is legal for the detaining nation to question detainees in order to obtain tactical or strategic information. The wounded and sick may also be questioned but not if it would adversely affect their health. Procedures will vary depending upon whether the detainee is a patient within a medical facility or not:

- a. In-Patients. Questioning will not normally take place within a medical facility, or when a patient is receiving treatment for an acute condition. However, a responsible officer from the detaining authority may seek permission from the officer in charge of the medical facility to question a detainee. The officer in charge, in consultation with the clinician directly responsible for the detainee's treatment should make an assessment as to whether questioning will adversely affect their patient's treatment, physical and mental health. The assessment and any advice given, including time limitations, must be recorded in the clinical record. If the responsible officer decides to proceed with questioning, against medical advice, the medical officer must refer this matter through the medical chain of command.
- b. Out-Patients. When a detainee is being treated on an out-patient basis or within a primary care setting, medical staff should issue the officer responsible for looking after the detainee with appropriate written instructions to ensure continuity of care. This may include instructions for the administration of medication or advice relating to a limitation in activity. It is the responsibility of the detaining officer to then ensure that this medical care is not compromised.

### MINIMUM STANDARDS FOR PROVISION OF MEDICAL TREATMENT

6. The following minimum standards of medical treatment must be provided:
  - a. All sick or injured detainees should be treated according to medical need and without regard to status or national origin.
  - b. Detainees are to be treated humanely and are entitled to the same medical attention as that afforded to friendly forces. This does not necessarily imply the provision of additional resources.

c. The medical officer shall, at least daily, see all sick detainees, all who complain of illness, and any detainee to whom their attention is specially directed. Detainees should not be prevented from presenting themselves to the medical officer for examination.

d. Detainees should be treated, evacuated and “returned to duty” (ie: transferred back to normal detention facilities) using the same clinical criteria that are applied to the detaining nation’s own injured.

e. Detainees requiring specialist treatment should be transferred to specialized institutions, military or civil hospitals. Where hospital facilities are provided within an institution, their equipment, furnishings and pharmaceutical supplies shall be proper for the medical care and treatment of sick prisoners, and there shall be a staff of suitable trained personnel.

f. Nations may cooperate to provide centralised detainee treatment facilities, although legally the nation who first took the detainee into custody retains a responsibility for them wherever they are held or treated. If there are any doubts over a nation’s compliance with humanitarian principles or international law, legal advice should be obtained before detainees are transferred to the care of that nation.

g. Detainees are to be provided free of charge their medical care and the appliances necessary for their maintenance in good health, for example:

- (1) Pharmaceutical preparations
- (2) Dressings,
- (3) Immunizations,
- (4) Spectacles,
- (5) Dentures and other prostheses.

h. Medical examinations and inspections should only be conducted with the informed, written consent of the individual. Those who withhold consent are only to be subjected to an external visual inspection. Standard consent forms will need to be modified to suit the cultural and linguistic needs of the detainee. Joint Force Command (JFC) should issue instructions relating to what format consent forms should take. The medical officer shall conduct medical inspections and examinations in the following circumstances:

(1) As soon as reasonably practicable after admission to the detention facility, with a view to discovering any physical or mental illness.

(2) When required, to determine the fitness of detainees for work. These examinations shall have particular regard to the nature of the work which detainees may be required to do. If any detainee considers he is incapable of working, he shall be permitted to appear before the medical officer. The medical officer may recommend the exemption of a detainee from work.

(3) Medical inspections of detainees shall be held at least once a month. They shall include checking and recording each detainee's weight. The purpose is to monitor the general state of health, nutrition and cleanliness of prisoners and to detect contagious diseases. Screening for endemic diseases such as tuberculosis may need to be undertaken employing the most efficient methods available.

(4) Medical inspections of detainees shall be held prior to their transfer of care from one institution or facility to another and upon discharge or release and after use of force.

i. The services of at least one qualified medical officer, with some knowledge of psychiatry, must be available at every long-term detention facility. Individuals who, due to mental illness, are found not to be responsible for their own actions or are unable to state their identity should not be detained in detention facilities. Arrangements must be made, whenever possible, to remove them to a suitable medical facility as soon as possible. The medical or psychiatric service of the detention facility shall provide for the psychiatric treatment of all other detainees who are in need of such treatment. Detainees, who, owing to their physical or mental condition, are unable to state their identity, shall be handed over to the medical service. The identity of such detainees shall be established by all reasonable means.

j. Detainees should have the same access to emergency dental treatment as that provided to members of the Force.

k. In women's institutions there should be special accommodation for pre-natal and post-natal care and treatment. Arrangements should be made wherever practicable for children to be born in a hospital outside the detention facility. If a child is born in a detention facility, this fact shall not be mentioned in the birth certificate<sup>14</sup>.

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<sup>14</sup> Subject to Afghan registration system (to be determined)

l. The detaining authorities shall, upon request, issue to every detainee who has undergone treatment, a report indicating the nature of his illness or injury, and the duration and kind of treatment received. A duplicate of this report and the medical records shall be held by the detaining medical authority.

m. If someone is injured, for any reason, whilst in the detention facility the medical officer should, on request, provide the detainee with a written statement in case he needs to claim compensation at some future time. The report should be a factual account of the medical findings and treatment. A copy of this statement should be held in the medical records

n. The burial or cremation of a detainee shall be preceded by a medical examination of the body with a view to confirming death. Clinical records should be made that will enable a subsequent written report to be made and, where necessary, establishing identity. The nature of the medical examination required will depend upon the circumstances of the death and will, whenever possible, be sensitive to local customs and religious practices<sup>15</sup>. Where the cause of death or identity cannot be established advice must be obtained from the Executive and the medical chain of command.

o. If a detainee brings in any drugs or medicine, the medical officer should decide what to do with them.

p. No detainee may be subjected to physical mutilation or to medical or scientific experiments of any kind which are not justified by the medical, dental or hospital treatment of the detainee concerned and carried out in his interests.

q. Medical staff providing treatment to detainees should, when required, have access to an interpreter.

## HYGIENE STANDARDS

7. Whilst it is an Executive responsibility to run detention facilities; medical authorities must be involved in their planning and day to day management. It should be remembered that detainees may pose a risk to those guarding them from bad hygiene practices or endemic disease. The medical authorities will need to develop, for the detainees, a preventive medicine strategy, provide a primary health care service and ensuring that the guarding force has adequate medical support.

8. Whilst the Executive is responsible for the hygiene standards within a detention facility, medical personnel must conduct regular inspections to ensure that standards are maintained. The medical authorities must audit this

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<sup>15</sup> This may include a requirement for burial within specified timeframes.



activity and may need to direct environmental health staff to assist medical officers in this task. The results of these inspections must be reported to the Commander of the detention facility. Inspections should include note of:

- a. The quantity, quality, preparation and service of food.
- b. The hygiene and cleanliness of the institution and the prisoners.
- c. The sanitation, heating, lighting and ventilation of the institution.
- d. The suitability and cleanliness of the prisoners clothing and bedding.
- e. The observance of the rules concerning physical education and sports (in cases where there are no technical personnel in charge of these activities).

9. The Commander should take into consideration the reports and advice that the medical officer submits and, when he concurs with the recommendations made, shall take steps to implement them; if they are not within his competence or if he does not concur with them, he should submit his own report and the advice of the medical officer to higher authority. The medical officer shall report to the Commander and to the medical authorities whenever he considers that a prisoner's physical or mental health has been or will be injuriously affected by continued imprisonment or by any condition of imprisonment. Where standards fall below an acceptable level, this must be reported to the Commander of the detention facility and through the medical chain of command. In order to conduct the inspections detailed in Para 6, medical personnel must have some knowledge of the standards that should have been provided. However, the medical authorities are only responsible for providing medical services and monitoring the health and hygiene standards.

#### RECORD OF DETAINEE EXAMINATION

10. Physical Health. The in processing physical examination begins with a review of all systems. Figure C-1 provides a sample in processing format, which may be overprinted on the SF 600. This overprint provides a flexible tool, which will facilitate a standardized in processing medical screen.

11. Mental Health (MH) Screening. Detainees in processing should undergo a MH screen. This screening is documented and included in the detainee's individual medical record.

DETAINEE HEALTH AND MEDICAL RECORD OF SCREENING EXAMINATION  
(SF600 OVERPRINT, IAW AR 190-8)

ALLERGY: FOOD, MEDICINES, INSECTS, PLANTS

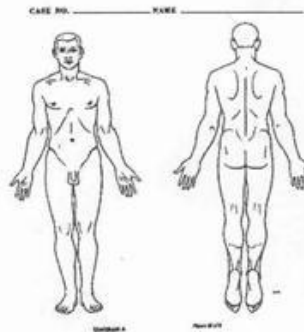
GENERAL INFORMATION: (CHECK ALL THAT APPLY IN THE DETAINEE HEALTH HISTORY)

- SURGERIES ( )
- CONVULSIONS/SEIZURES ( )
- HEMOPHILIA ( )
- MALARIA ( )
- ASTHMA ( )
- DIABETES ( )
- HIGH BLOOD PRESSURE ( )
- CANCER/LEUKEMIA ( )
- HEART TROUBLE ( )
- KIDNEY DISEASE ( )
- VISUAL IMPAIRMENT ( )
- HIV/AIDS ( )
- STD ( )

IMMUNIZATION GIVEN AT INTAKE ( )  
TB/BLOOD IN SPUTUM/NIGHT SWEATS ( )  
LIST ALL MEDICATIONS TAKEN IN THE 30  
DAYS **PRIOR** TO TODAY:

\_\_\_\_\_

TOBACCO USE Y/N \_\_\_ PP DAY x \_\_\_ YRS  
ETOH USE Y/N



T \_\_\_\_\_ BP \_\_\_\_\_ / \_\_\_\_\_ PULSE \_\_\_\_\_ BICEPS CIRC \_\_\_\_\_  
HEIGHT \_\_\_\_\_ WEIGHT \_\_\_\_\_ BMI \_\_\_\_\_

DETAINEE HAS AN OVERALL ( ) GOOD ( ) FAIR ( ) POOR STATE  
OF NUTRITION

VISION: NORMAL ( ) GLASSES ( )  
HEARING: NORMAL ( ) ABNORMAL EXPLAIN

DENTAL:



OVERALL APPEARANCE

HEENT

SKIN /SCARS/BRUISING

CARDIOPULMONARY SYSTEM

MUSCULOSKELETAL

HERNIA

GENITAL

NEUROBEHAVIORAL

DETAILS ON REVERSE SIDE

ISN \_\_\_\_\_ CAMP \_\_\_\_\_

NAME \_\_\_\_\_

DOB \_\_\_\_\_ AGE \_\_\_\_\_ SEX \_\_\_\_\_

PROVIDER \_\_\_\_\_

Fig C – 1 Inprocessing overprint for Standard Form 600

**DETAINEE HEALTH AND MEDICAL RECORD OF SCREENING  
EXAMINATION (CONTINUATION SHEET)  
(SF600 OVERPRINT, IAW AR 190-8)**

CONSULTATIONS: \_\_\_\_\_

APPLIANCES, SPECTACLES, OR PROSTHESES REQUIRED (Y/N) \_\_\_\_\_

DESIRES TO BE A BLOOD DONOR ( ) IF YES RECORD BLOOD TYPE \_\_\_\_\_

DID DETAINEE REPORT ABUSE BY COALITION FORCES AFTER CAPTURE: ( ) YES ( ) NO

**I M M U N I Z A T I O N R E V I E W:**

DT MMR POLIO HEP A HEP B TYPHOID OTHER

LABS (CIRCLE): CBC CHEM 7 UA PPD OTHER \_\_\_\_\_

CHEST XRAY: NAD ( )

**L I M I T A T I O N S**      **A C T I V I T Y R E S T R I C T I O N S:**

DIET R E S T R I C T I O N:

O T H E R R E S T R I C T I O N S:

OK FOR TRAVEL      GO/NO GO  
(IF NO-GO LIST REASONS/ACTIONS)

ISN \_\_\_\_\_ CAMP \_\_\_\_\_

NAME \_\_\_\_\_

DOB \_\_\_\_\_ AGE \_\_\_\_\_ SEX \_\_\_\_\_

PROVIDER \_\_\_\_\_

Fig C – 1

**RELEASE / HANDOVER TO GOA / ANSF**

**DOCUMENTATION**

1. Detention authorities shall ensure that all significant aspects and events of an individual's detention are documented. A detained person's records shall be classified, maintained and safeguarded. Appendix 3 to Annex A provides a template of the information to be recorded in relation to a detained person.
2. When an individual is released or transferred to Afghan authorities all personal property belonging to the detained person will be returned to him or handed over to the Afghan authorities. When the detained person personally receives his property, he shall acknowledge in writing the property received. Property seized by ISAF shall also be acknowledged in writing. On transfer, the Afghan authorities must provide a receipt for the detainee and his / her property. This should be recorded and must identify the receiving Afghan official.

**RESPONSIBLE ISAF DETENTION AUTHORITY**

3. The Islamic Republic of Afghanistan has overall responsibility for the maintenance of law and order within Afghanistan and, when transferring a detainee to the control of the Host Nation, ISAF cannot seek to constrain the freedom of action of the Afghan authorities. However, bilateral agreements may be concluded between TCNs and the Host Nation, according to national requirements. Copies of such agreements must be lodged with HQ ISAF LEGAD.
4. Handover or release of a detainee may be made at various stages by ISAF personnel. At each stage the assessment must be made to ascertain if the need for detention remains and that the detention was in fact justified in accordance with the ROE. In the event that it is considered that the detention may be considered to be unjustified, HQ ISAF must be informed immediately. Detainees may only be handed over to GOA Officials or released from ISAF custody with the agreement of the Detention Authority. Full details of the release are to be made identifying why an individual was released, where release took place and certifying that all personal belongings have been returned to the detainee. It is recommended that a further pre-release / pre-transfer medical examination is conducted and a photograph taken in order to mitigate against any subsequent claim against NATO.

## REPORTING / TRACKING

5. The individual authorizing release / transfer of a detainee is to note all aspects of the release or transfer on the appropriate form ensuring that, as a minimum, the details shown on the form at Appendix 3 to Annex A are recorded. At this time any personal items removed from a detainee are to be returned or handed over to the appropriate GOA Official / ANSF against a signature. This process should occur in the presence of the detainee.
6. COMISAF shall report to JFC via normal reporting methods information concerning any detention, noting the particulars of the detained person and the basis for release or handover to GOA.
7. If released, detainees should be returned to their home or the location where they were first detained. Detainees must not be left in remote locations to fend for themselves.
8. The process prior to handover to ANP or other authorised GOA Detention Agency is the same as for final release. However personal belongings are to be transferred to the authorities, signed for and any items retained for evidential purposes are to be handed to the ANP or lawful authority.
9. ICRC. The Detaining Nation is to inform the ICRC of any release or transfer of a detainee.

## HANDOVER OF EVIDENTIAL DOCUMENTATION TO ANSF

10. It is likely that certain individuals detained by ISAF may face legal proceedings under Afghan Law and ISAF troops may be required to provide evidence for use by the Afghan authorities. This evidence should be handed to the ANSF at the earliest opportunity. Such information may include detailed accounts / statements of the events leading up to and including the detention. Original documentation should be handed to the ANSF with copies being retained for subsequent use. Advice on compiling such case files of evidence may be sought from RC MP or FPM HQ ISAF. Case files must be completed within 28 days of handover and a copy lodged with FPM HQ ISAF.

**INVESTIGATIONS INTO DEATH IN DETENTION AND  
ALLEGATIONS OF ABUSE AGAINST DETAINEES**

**GENERAL**

1. Nations will fully and thoroughly investigate and document any death in detention or allegations of abuse, neglect, or mistreatment and promptly inform COMISAF of such allegations and of any investigation findings. Reports of any death in detention or allegation of mistreatment being made against any ISAF person are to be passed to HQ ISAF immediately upon receipt.

**DOCUMENTATION**

2. Upon notification of a death in detention or receipt of any allegation of mistreatment of a detained person or questioning of the legality or propriety of the detention, including any allegations submitted by the ICRC, the individual who receives the complaint will forward it by quickest available means to the HQ ISAF JOC. Full details of the original allegation are to be made, if possible to, or in the presence of a member of the Military Police. In circumstances where details of an allegation have been passed to the JOC by someone other than the Detaining Nation, the JOC is to immediately inform the Detaining Nation and provide full particulars of the complaint.

**RESPONSIBLE AUTHORITY**

3. The JOC will coordinate the action through the chain of command to the HQ ISAF COS and HQ ISAF LEGAD. HQ ISAF COS will cause COMISAF to be informed as soon as possible. As soon as practicable thereafter, ISAF will report all relevant details to the Joint Force Commander (JFC). An investigation will be coordinated by the Force Provost Marshal.

4. Any complaint made by a detainee is to be referred to the Detaining Nation and must be treated with the utmost priority.

**REPORTING / TRACKING**

5. The progress of the investigation will be monitored by the FPM and COMISAF will be briefed on a regular basis.

## **INDEPENDENT INSPECTION REGIME**

### **DOCUMENTATION**

1. All ISAF detention facilities within the ISAF AOR, which includes those locations temporarily used to hold or question detainees, must be declared to COMISAF. Although these facilities remain the responsibility of the individual TCN they will be subject to independent inspection by COMISAF. National Contingent Component Commanders are to cooperate fully with this inspection regime, which will be carried out by the ISAF Force Provost Marshal (FPM) and his staff.
2. A record of all detention facilities will be maintained within the ISAF AO and will be maintained by the FPM and his staff.

### **RESPONSIBLE AUTHORITY**

3. The FPM is empowered to offer advice and make recommendations regarding the detention facilities and regime.

### **REPORTING / TRACKING**

4. Details of all facilities will be passed to JFC-B. Additionally, the ICRC will be notified by HQ ISAF of all facilities in use or intended for use by ISAF.

### **ICRC**

5. The ICRC will be permitted access to all ISAF detention facilities.