
UNITED STATES MARINE CORPS
THE BASIC SCHOOL
MARINE CORPS TRAINING COMMAND
CAMP BARRETT, VIRGINIA 22134-5019

DETAINEES
B2A0335XQ-DM
STUDENT HANDOUT

Enemy Prisoners of War/Detainees

Introduction

This purpose of this class is to provide basic instruction on the handling procedures and responsibilities for the administration and treatment of enemy prisoners of war (EPW's) and other detainees (OD) in the custody of United States (US) Armed Forces.

Importance

All Marines are required to obey the laws and rules pertaining to detainees.

In this Lesson

This lesson covers the following topics:

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Learning ObjectivesTerminal Learning Objective

TBS-PAT-1006. Given a known or suspected hostile individual, capture tag (DD Form 2745), zip lock bags, sand bags, trash bags and/or socks, flex cuffs, 550 cord, duct tape, and assigned weapon, while wearing a fighting load, handle detainees in accordance with the ROE and the Laws of War.

Enabling Learning Objectives

TBS-PAT-1006a Given an evaluation, identify detainee search procedures without omission.

TBS-PAT-1006b Given an evaluation, identify detainee tagging procedures without omission.

TBS-PAT-1006c Given an evaluation, identify the report format for detainees without omission.

**Learning Objectives
(Continued)**

TBS-PAT-1006d Given an evaluation, define detainee segregation considerations without omission.

TBS-PAT-1006e Given an evaluation, define detainee safeguard considerations without omission.

Enemy Prisoner of War Handling Requirements and Considerations

The term Enemy Prisoner of War (EPW) refers to a detained person as defined in Articles 4 and 5 of the Geneva Convention. It is one who, while engaged in combat under orders of his or her government, is captured by the armed forces of the enemy. As such, he or she is entitled to the combatant's privilege of immunity from the municipal law of the capturing state for warlike acts *that do not amount to breaches of the law of armed conflict*.

For example, a prisoner of war may be, but is not limited to, any person belonging to one of the following categories who has fallen into the power of the enemy:

- A member of the armed forces, organized militia or volunteer corps.
- A person who accompanies the armed forces without actually being a member thereof.
- A member of a merchant marine or civilian aircraft crew not qualifying for more favorable treatment.
- Individuals who, on the approach of the enemy, spontaneously take up arms to resist invading forces.

An additional category is that of **Other Detainee (OD)**. These are individuals (frequently known simply as "detainees") who are in the custody of the US Armed Forces but who have not been classified as an EPW. **They shall be treated as EPWs until their legal status is ascertained by competent authority.**

Legal Requirements

You are required to treat any prisoner in your custody in accordance with the rules of the Geneva Convention. The Geneva Convention is a treaty between the US and over 100 other nations. A US treaty is a Federal law and as any other Federal law, must be obeyed. Some of the rules found in the Geneva Convention are repeated in the Uniform Code of Military Justice (UCMJ) as well as Marine regulations, directives and orders (for example; the rule against torturing EPWs). All Marines are required to obey these rules.

The Geneva Convention could be compared to the US Bill of Rights. Just as the Bill of Rights gives American citizens certain rights and protection, the Geneva Convention gives people who become "war victims" (e.g., sick, wounded, or ship-wrecked soldiers or sailors) protection from the enemy soldiers who take them into custody.

EPW Handling Requirements and Considerations (Continued)

Initial Actions Upon Capture

The commanding officer of the capturing unit will ensure that as soon as an EPW is captured or turned over, the following routine security guidelines are followed. These guidelines are:

- Search
- Tag
- Report
- Evacuate
- Segregate
- Safeguard

They are commonly referred to as the “STRESS.”
Previously referred to as “5 S’s and a T.”

Search

Immediately upon capture, the EPWs are disarmed, secured, and searched for concealed weapons, equipment and documents of particular intelligence value, using males to search males and females to search females, when possible. Until each EPW is searched, we must be particularly alert to prevent the use of concealed weapons or the destruction of documents and/or equipment. A complete and thorough search is required unless the number of EPWs captured, enemy action or other circumstances make such a search impractical.

EPW Search Team

An EPW Search team consists of a cover-man and a search-man. The cover-man is responsible for providing protection for the individual who is conducting the search of an EPW. The cover-man is armed and positions himself in such a manner that he never has the search-man between himself and the EPW (i.e. search-man and cover-man are at a 90° offset. This may require that the cover-man move around the EPW as the search is being conducted. The cover-man should remain alert; approximately 4-6 feet from the search man and never take his eyes off the EPW.

Types of Searches

There are three types of searches: **hasty**, **detailed**, and **strip** search.

Hasty Search When conducting a hasty search, the searcher quickly pats down the EPW looking for any obvious weapons and/or documents and equipment.

Detailed Search This is a more thorough search, made in a secure location or before transport of the EPW. Before conducting the search, determine if the searcher will have the EPWs lined up facing a wall, prone position or the push up position.

Strip Search A strip search is performed by removing all clothing and objects from the EPW. It is an in-depth search that only qualified personnel (i.e., a Medical Officer or Human Intelligence [HUMINT]/Counterintelligence [CI] personnel) can perform.

Search (Continued)

Procedure for Conducting a Search

Performing a thorough and safe search is crucial, especially when there may be multiple EPWs, a significant amount of time until the EPWs can be delivered to higher or they may be of significant intelligence value. Below are several considerations when performing a search of an EPW.

- When conducting searches on female EPWs, the searcher should be a female, but if someone other than a woman is conducting the search, then the order of preference for the searcher is: a Medical Officer (doctor), officer, corpsman, or responsible enlisted Marine.
- Search-man either gives his weapon to cover-man or secures it behind his back.
- Locate and remove weapons from the EPW to prevent resistance or attack.
- Before starting the search, determine if the EPW is dead or wounded. Enemy tactics, techniques, and procedures (TTPs) may include feigning injury in order to lure US personnel within range of Improvised Explosive Devices. However, if wounded, remember that EPWs must be given first aid. The severity of the wound determines whether he is treated before or after the search.
- Search from head to toe, one side of the body (left or right), then switch hands and search the other side. Ensure that the search is conducted in an organized and methodical manner. Search-man must also ensure that they search from head to toe, including all headgear, collar, sleeves, pockets, waist, legs, footgear, and all individual gear.

Frequently, EPWs may have documents or other items that will have intelligence value. Ensure that they are removed from the EPW, collected, tagged with all EPW information attached, and given to the unit S-2 in a timely manner. Appropriate intelligence sources will be notified when EPWs are found in possession of large sums of US or foreign currency. Proper receipts will be prepared to account for all property that is taken from the EPW.

Search (Continued)

Procedure for Conducting a Search (Continued)

When searching an EPW, you must decide what things an EPW should be allowed to keep in his possession.

Examples of items that an EPW may retain:

- Items of identification such as military ID card, dog tags, or a letter of authorization, reflecting a civilian EPW's status as an individual permitted to accompany the armed forces in the field, should never be taken away from an EPW. In some instances this identification is necessary to convince a captor that his prisoner is not a spy.
- Religious items and badges of rank and personal decorations may be retained by an EPW. These items have no military intelligence value and will not help an EPW to escape. These items are the personal property of the EPW.
- EPWs are also allowed to keep personal protective equipment, such as field protective mask, flak jacket, and helmet after they have been thoroughly searched. These materials may be given back to the EPW immediately after the search or they may be given back upon arrival at a higher detention facility.

Prisoners from whom personal property is taken should be given a written receipt for their property.

Example of items that EPWs may not retain:

- Weapons.
- Any item (e.g., a compass or map) which may facilitate escape.

This rule should not be taken to an extreme level. While confiscating an EPW's boots would tend to decrease his ability to escape, you are not permitted to do this. In general, EPWs should remain in possession of all articles of personal use such as their clothing, food, and personal equipment.

Search (Continued)

Procedure for Conducting a Search (Continued)

If an EPW has high-value personal items (e.g., an expensive watch), it may **not** be confiscated (taken away without an obligation to return it) because it has no military value.

However, if an EPW has such an item in his possession, it may subject the EPW to robbery, possibly accompanied by physical harm, by other EPWs. For his own safety, the watch should be impounded, taken away with an obligation to return it when the EPW is released from captivity.

Another reason to keep items of value out of the possession of EPWs is that such items may be used as a means to bribe guards or to pay others to set up an escape. As a rule, money and articles of value may be impounded for reasons of security, but only by order of an officer. A receipt must be given to the EPW.

Confiscating items with no military value can be characterized as looting, which could be considered a violation of the Geneva Convention and the UCMJ.

You should not confiscate personal field rations, winter coats, shelter halves, and/or first aid kits even if you or your fellow Marines have an urgent need for these items. Confiscation is prohibited unless the EPWs have no need for the articles or satisfactory substitutes are given to the EPWs.

Tag

All prisoners of war and retained persons will, at the time of capture, be tagged using the appropriate forms. This accountability enables the Commander to properly account for the handling of the EPW and their possessions. Additionally, it enables the Commander to take follow-on action (either military or legal) against the enemy.

If equipment, documents, or personal property is confiscated during the search, it must be tagged and administratively accounted for by the capturing unit. As soon as you capture an EPW, you must complete a capture tag. The capture tag must indicate the following information:

- Name of the EPW.
- Rank.
- Service number.
- Date of birth.
- Date of capture.
- EPWs unit.
- Location of capture.
- Capturing unit.
- Special circumstances of capture.
- Description of weapons/documents.

A capture tag, each of which contains the 10 items listed above, is perforated in three parts. The form is individually numbered and is constructed of durable, waterproof, tear-resistant material, and has reinforced eye-holes at the top of parts A and C. Part A is attached to the detainee with wire, string, or other type of durable material. Part B is retained by the capturing unit and maintained in the unit's records. Part C is attached to the property confiscated from the detainee, so that it may later be matched to that detainee.

Due to the confusion that is normally present on the battlefield, front-line Marines are not always able to complete the capture tag. All personnel who handle EPWs should be trained in the importance of filling out the tag and in the unit's administrative standard operating procedure (SOP) for handling EPW paperwork.

If the Marine who captured the EPW has been unable to fill out the capture tag, the person who accepts custody of the EPW for purposes of guarding or transporting them must fill in the missing information immediately upon taking custody of the EPW.

Other documents that may need to be filled out when dealing with EPWs:

- Coalition Provisional Authority Forces Apprehension Forms (CPA form)
- DA Form 2823, Sworn Statements
- NAVMC 11130, Statement of Force

Tag (Continued)

FRONT	
ATTACH TO EPW ☐	A
DATE OF CAPTURE _____	
NAME _____	
SERIAL NUMBER _____	
RANK _____	
DATE OF BIRTH _____	
UNIT _____	
LOCATION OF CAPTURE _____	
CAPTURING UNIT _____	
SPECIAL CIRCUMSTANCES OF CAPTURE _____	
WEAPONS/DOCUMENTS _____	
FORWARD TO UNIT B	
DATE OF CAPTURE _____	
NAME _____	
SERIAL NUMBER _____	
RANK _____	
DATE OF BIRTH _____	
UNIT _____	
LOCATION OF CAPTURE _____	
CAPTURING UNIT _____	
SPECIAL CIRCUMSTANCES OF CAPTURE _____	
WEAPONS/DOCUMENTS _____	
ATTACH TO ITEM C	
DATE OF CAPTURE _____	
NAME _____	
SERIAL NUMBER _____	
RANK _____	
DATE OF BIRTH _____	
UNIT _____	
LOCATION OF CAPTURE _____	
DESCRIPTION OF WEAPONS/DOCUMENTS _____	
DOCUMENT AND ☐ WEAPONS CARD	

Report

Accurate, timely reporting is essential. Ensure that the 5W's (Who, What, Where, When, Why) are reported to higher as soon as possible.

Who	State the name(s), gender(s), status (military, civilian, etc) of detainee(s) Report the capturing unit and the reporting unit.
What	Acknowledge whether detainee or EPW (if known). Report the reason for detainment, the operation being conducted during Detainment/custody and actions that were taken by the detainee/EPW and the detaining/reporting unit during custody/capture.
Where	Notify higher of the grid coordinate(s) of detainment and grid coordinate(s) of current location. Report all other details (room/building, city/province/state, etc).
When	State date time group (DTG) of detainment and current DTG of report.
Why	Report reason for detainment and what supporting documentation has been acquired/created to ensure proper custody.

Report the situation and custody of persons with in-depth detail. The information reported will be used by HUMINT/CI Marines during tactical questioning and needs to be correctly reported.

Much of the information reported will be included on the 'Tag' that you attach to the detainee/EPW, but communication and the report to higher allows the proper authorities to coordinate facilities, medical care, and proper means of transportation. Include numbers of detainees/EPWs, how you intend to transfer them to higher or whether you need support in transport, and a timeline of delivery to higher.

Report the medical condition of any detainees/EPWs and ensure that immediate care is planned for and provided according to the Law of Armed Conflict and the Geneva Convention.

Prioritize detainees/EPWs based upon their intelligence credibility, their status as a High Value Individual, danger towards unit, and medical condition. Ensure that you include the reason(s) for prioritization to higher and the timeline with which they should be transported.

Evacuate

Evacuate is required in getting the EPWs humanely evacuated to a designated Collection Point. The Collection Point is a specific area where the prisoners are kept until coordination is made to move the EPWs to a permanent holding facility. The coordination to move the EPWs will be done as soon as possible and the Unit Leader will determine how the EPWs will be safely moved to the rear for questioning by the unit S-2 or appropriated HUMINT/CI personnel.

EPWs presumed to have significant intelligence value should be separated immediately from other EPWs and may be sped to a separate Collection Point so that their knowledge can be acted upon in a timely manner. This intelligence gained from EPWs is one of the best sources of information. The sooner the information is available the better.

During transport, instructions given to prisoners during evacuation from the combat zone will be, if possible, in their own language and as brief as possible.

When military necessity requires delay in evacuation beyond a reasonable period, health and comfort items will be issued, such as food, potable water, appropriate clothing, shelter, and medical attention.

Prisoners will not be unnecessarily exposed to danger while awaiting evacuation. The capturing unit may keep prisoners in the combat zone in cases where, due to wounds or sickness, prompt evacuation would be more dangerous to their survival than retention in the combat zone.

Segregate

Segregation of EPW's and OD's

The segregation of EPWs by categories first requires that individual EPWs be identified as belonging to a particular category. While time does not permit the detailed interrogation of EPWs to make all such determinations, it may be possible to readily identify and separate EPWs, according to the following categories:

- Male and Female.
- Officer and Enlisted.
- Military and Civilian.
- Ethnic groups.
- Old and Young.

If circumstances permit, segregation of EPWs by these categories is desirable and will serve to facilitate follow-on HUMINT interrogation. It may also be necessary to segregate EPWs by nationality, religion, and specific ideology. This segregation ensures the security, health, and welfare of the prisoners. Along with silencing the EPWs, it serves to diminish their immediate ability to mount a resistance and attempt to escape.

Segregation should prevent prisoners from communicating by voice or visual means. Guards will communicate with the prisoners only to give commands and instructions.

Do not let the EPWs talk to each other. This keeps them from planning an escape, fabricating stories, threatening one another and cautioning each other on security. If necessary, use gags or seclude them from one another. Be aware that there may be theatre-specific regulations regarding the proper silencing of EPWs.

While EPWs should remain silenced, report anything an EPW says or does in detainment prior to hand-off to higher.

Segregate (Continued)

Medical Care during Segregation of EPW's and OD's

EPWs that are wounded are entitled to medical assistance and will not be denied immediate first aid or medical care, as appropriate. However, priority for medical care will go to friendly casualties first.

Medical care, medical equipment and supplies to permit the administering of emergency first aid, will be available at each EPW collection point and EPW holding area.

For evacuation purposes, EPWs are classified as *walking wounded*, *non-walking wounded* or *sick*. Walking wounded EPWs are evacuated through military police EPW evacuation channels. Non-walking wounded and the sick are delivered to the nearest medical aid station and evacuated through medical channels.

At all times, EPWs and detained personnel will remain physically segregated from US and allied patients during their medical care in order to maintain security.

Safeguard

Safeguard

Under all circumstances, EPWs will receive humane treatment without distinction founded on race, nationality, religious belief, political opinions or other similar criteria. The EPW may not be murdered, mutilated, tortured, degraded or punished for alleged criminal acts without a previous judgment pronounced by a legally constituted court. Remember, individuals, as well as capturing nations are responsible for acts that are committed against EPWs in violation of the Geneva Convention.

As a result, EPWs are safeguarded as they are moved and they must be restrained but not abused. The obligation to safeguard includes allowing an EPW to retain items of personal protection (e.g., helmets and flak jackets) as the Geneva Convention forbids a captor from placing an EPW at greater risk than his captors. If the Marines who capture an EPW are wearing their helmets and flak jackets, these items of personal protection should not be confiscated from the EPWs. Once an EPW is sent to the rear and interned in a safe facility removed from the area of operations, the items of personal protection may then be confiscated. This does not include weapons of any sort. The obligation to safeguard prisoners includes preventing or stopping any/all violent action that occurs *between* EPWs while they are being detained.

If the unit is going to reach a friendly position relatively soon, prisoners are not given food or water until they have been questioned. If the unit will not return to a friendly position for a long period, food and water are provided to prisoners.

Prisoners will not be located next to obvious targets such as ammunition sites, fuel facilities, or communications equipment. First aid and medical treatment will be provided to the same extent that the US provides to its own forces. Sick and wounded prisoners will be evacuated separately, but in the same manner as US and allied forces. Accountability and security of prisoners and their possessions in medical facilities is the responsibility of the respective echelon commander.

Safeguard (Continued)

Safeguard (Continued)

Repatriation (return) of EPWs should not be considered until directed by higher headquarters. Prisoners will not be forcefully repatriated against their will. Prisoners who refuse repatriation will be treated as prisoners of war until their legal status and further disposition can be determined by competent authority.

While it is unlikely to occur, there are special policies pertaining to the temporary detention of EPWs aboard US Naval Vessels

- Detention of EPW on board naval vessels will be limited.
- EPW recovered at sea may be temporarily held on board as operational needs dictate, pending a reasonable opportunity to transfer them to a shore facility, or to another vessel for transfer to a shore facility.
- EPW may be temporarily held aboard naval vessels while being transported between land facilities. They may also be treated and temporarily quartered aboard naval vessels incidental to their treatment, to receive necessary and appropriate medical attention if such detention would appreciably improve their health or safety prospects.
- Holding of EPW on vessels must be temporary, limited to the minimum period necessary to evacuate them from the combat zone or to avoid significant harm that would be faced if detained on land.
- Use of immobilized vessels for temporary holding of EPW is not authorized without Secretary of Defense (SECDEF) approval.

Summary

Remember the information presented here and in the corresponding lecture, and use it to train your Marines. Proper EPW handling procedures ensure that Marines are acting in accordance with the Law of Armed Conflict and the Geneva Convention. Additionally, the safety precautions could potentially save the lives of your Marines.

References

<u>Reference Number or Author</u>	<u>Reference Title</u>
MCO 3461.1	Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees
MCRP 3-11.1a	Commanders Tactical Notebook

Glossary of Terms and Acronyms

<u>Term or Acronym</u>	<u>Definition or Identification</u>
CI	Counterintelligence
EPW	Enemy prisoner of war
HUMINT	Human intelligence
OD	Other detainees
SECDEF	Secretary of Defense
SOP	Standard operating procedure
TTP	Tactics, techniques, and procedures
UCMJ	Uniform Code of Military Justice
US	United States

Notes
