

OP CATALYST - EXPLOITATION OF PRISONERS OF WAR, DETAINEES, DOCUMENTS AND MATERIAL

References:

- A. ADFP 37 - Laws of Armed Conflict
- B. The Geneva Conventions of 12 Aug 49.
- C. Protocols Additional to the Geneva Conventions of 12 Aug 49 (API, AP II)
- D. ASPT J2 Brief for HSO, Enemy Prisoner of War (EPW) Planning of 3 Oct 02

INTRODUCTION

Background

1. The Government of Australia has determined that in relation to Op CATALYST that its NATPOL is:

" ADF force elements approved for deployment under Op CATALYST to aid in the rehabilitation of Iraq and the elimination of Iraqi WMD will not be engaged in offensive Operations against any residual enemy forces. While pockets of resistance and militia activity will continue to present a threat to coalition forces, ADF force elements are to revert to a principally defence posture consistent with the threat and the OP Catalyst mission.... "[S//REL]

2. Subject to additional guidance or change of policy being received it is intended that this NATPOL does not preclude individuals becoming PWs or detainees. Until such time as further guidance is received persons captured are to be treated and may be exploited as detailed below. [S//REL]

Status

3. Prisoners of War (PW). Under the Geneva Conventions and Additional Protocols the following categories of persons may be entitled to claim PW status:

- a. members of the Iraqi military forces (other than medical personnel and chaplains),
- b. members of Iraqi militias, volunteer corps or organised resistance groups Operating in or outside their own territory provided that they:
 - (1) are under a command responsible to Iraq for the conduct of their subordinates; and
 - (2) are subject to an internal disciplinary system which, amongst other things, enforces compliance with the rules of international law applicable in armed conflict.
- c. those persons accompany the Iraqi armed forces without actually being members thereof (eg. war correspondents and supply contractors):

- d. members of crews, including masters, pilots and apprentices, of merchant marine and the crew of Iraq vessels who do not benefit by more favourable treatment under any other provisions of international law; and
- e. *levée en masse*, ie inhabitants of a non-occupied territory, who on the approach of coalition forces spontaneously take up arms to resist coalition forces, without having had time to form themselves into regular armed units, provided they carry arms openly and comply with LOAC. [S//REL]

4. Detainees. Given the nature of this conflict, there are a wide range of Government officials, Ba'ath Party officials, scientists and intelligence officials who will be identified as high value targets (HVT) from an intelligence collection perspective. These HVTs will require exploitation for their knowledge of Iraq's national strategic, military strategic and Operational, and weapons of mass destruction (WMD) plans and intentions. CJTF 7 will promulgate this list in due course. The HQJTF 633 J2 is responsible for promulgating this list to all AS FCE and FE. [S//REL]

5. All PW and detainees taken captive by AS FE are to be treated in accordance with the Laws of Armed Conflict (LOAC) and the Geneva Conventions and Protocols. The fundamental rules for the treatment of all PW and detainees are:

- a. they must be treated humanely and honourably;
- b. any discrimination on the grounds of race, nationality, religious belief or political Opinions is and unlawful, and
- c. reprisals against them are prohibited. [S//REL]

6. All captured personnel whose status is uncertain are entitled to treatment as PWs until their status has been determined by a competent tribunal. However, the final status of such persons as PWs or otherwise will be determined by AS authorities, in accordance with AS international law obligations. Legal advice must be sought on this issue. [S//REL]

EXPLOITATION ARCHITECTURE

7. Exploitation Responsibilities. The exploitation of PW, detainees, documents and material will be the responsibility of the CJTF-7. The CJTF-7 exploitation plan is designed to limit the impact of PW and detainees on coalition Operations. The ADF intent is that all PW, detainees, documents and material will be handed over to the CJTF-7 in accordance with an AS US MOU for exploitation with the exception that tactical questioning may be conducted by appropriately qualified ADF members. [S//REL]

8. PW, detainee, document and materiel handling will be in accordance with the US architecture. AS forces are likely to conduct TQ for immediate tactical intelligence collection prior to PW detainees being handed over. [S REL]

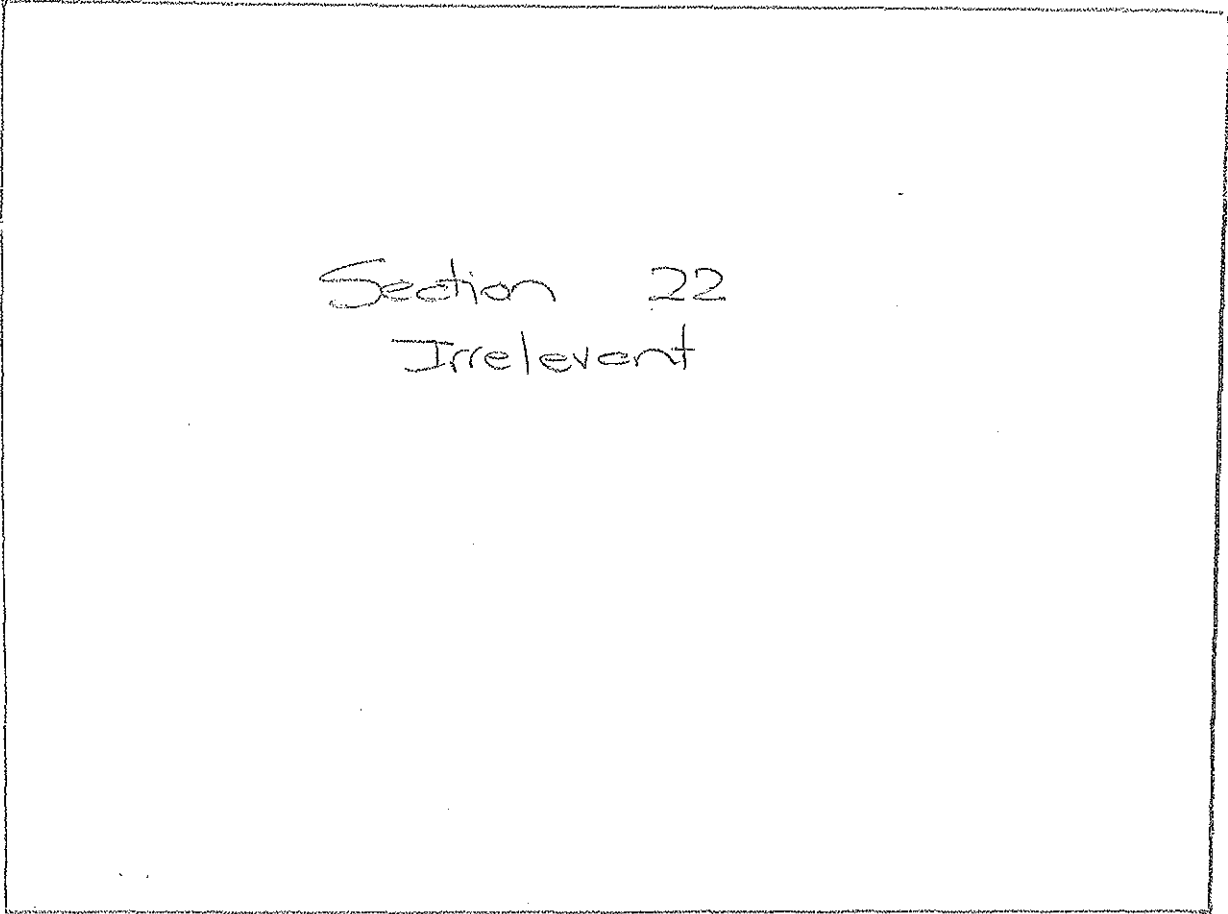
9. Exploitation Facilities. CJTF-I intent is to establish co-dependent but separate Joint Interrogation Facilities (JIF) and an Intelligence Exploitation Base (IEB). The JIF are responsible for Echelon above Corps (EAC) and component-level interrogation. This supports the MI brigades and interrogation facilities within each Major Subordinate Command (MSC). CJTF-I may deploy Mobile Interrogation Teams (MIT) to support MSC as required. The IEB is responsible for Sensitive Site Exploitation. The IEB provides specific capabilities to exploit

technical intelligence, documents and sensitive sites, which may support the JIF or focus JIF efforts. The IEB is not addressed further. (S-REL)

10. ~~Ongoing Australian Responsibility.~~ Notwithstanding the transfer of Australian-captured PWs to US authorities, it remains an ongoing GOAS responsibility to ensure the protection of PWs captured by Australian forces, irrespective of who is physically holding such PWs. (S-REL)

PW AND DETAINEES

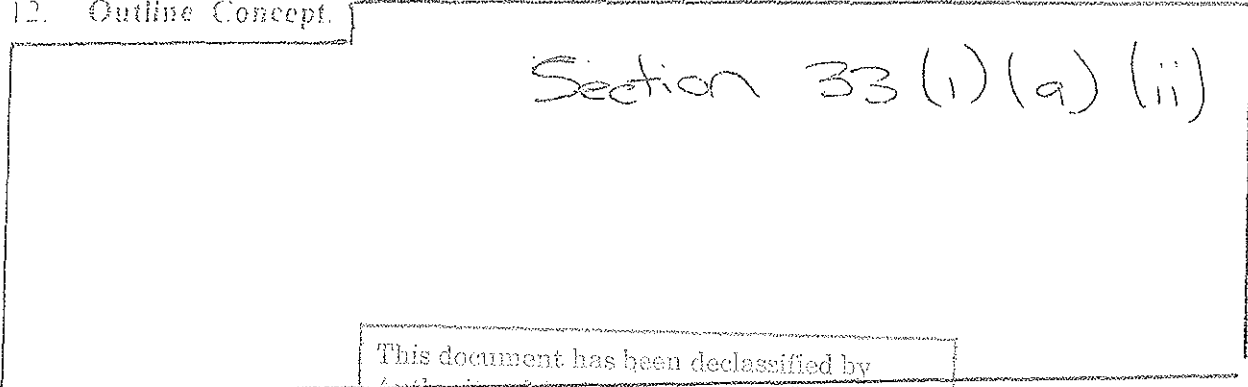
PW and Detainees of Intelligence Interest



g. scientists and technicians involved in the development of biological, chemical or nuclear materials and WMD. (S-REL)

Handling Procedures

12. Outline Concept.



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Reporting Requirements

19. The capturing FE is to advise CJTF-633 of the details involving the capture of PWs, detainees, documents and material. CJTF-633 is to provide a synopsis of each incident in the daily OPSUM to COMAST. [S//REL]

Pre-deployment Training

20. Prior to deploying to the AO, all ADF personnel are to receive instruction from an ADF legal officer covering the Laws of Armed Conflict and Geneva Conventions (including protocols) as they relate to the capture and treatment of PW and detainees. [S//REL]