

Enemy Prisoners of War and Civilian Internees



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DEPARTMENT OF THE NAVY
Headquarters United States Marine Corps
Washington, DC 20380-0001

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FOREWORD

1. PURPOSE

Fleet Marine Force Reference Publication (FMFRP) 4-26, *Enemy Prisoners of War and Civilian Internees*, describes enemy prisoner of war (EPW) classification criteria and provides guidance on EPW treatment. This publication is intended to provide information to Marines assigned the task of controlling the movement and actions of individuals captured or acquired during combat.

2. SCOPE

FMFRP 4-26 provides specific guidance on legal and tactical requirements for EPW handling procedures. This publication also defines procedures for handling civilian internees and states the Geneva Convention guidelines that are to be followed.

3. SUPERSESION

None.

4. CHANGES

Recommendations for improvements to this publication are encouraged from commands as well as from individuals. Forward suggestions using the User Suggestion Form format to ---

Commanding General
Doctrine Division (C 424)
Marine Corps Combat Development Command
3300 Russell Road
Quantico, Virginia 22134-5021

5. CERTIFICATION

Reviewed and approved this date.

BY DIRECTION OF THE COMMANDANT OF THE MARINE CORPS



C. J. STANK
Lieutenant General, U. S. Marine Corps
Commanding General
Marine Corps Combat Development Command
Quantico, Virginia

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Chapter I

Categories of Prisoners of War and Civilian Internees

1. Types of People to be Controlled or Guarded

One of the many tasks you may be asked to perform during combat operations is to control the movement and actions of individuals you have captured or individuals turned over to you to guard. In general there are two types of people you will be tasked to guard:

- a. Prisoners of War.
- b. Civilian Internees.

According to the Geneva Conventions, a prisoner of war is a person belonging to one of the categories listed in section 2 of this chapter who has fallen into the power of the enemy. To avoid confusion with references to American POWs, the prisoners of war discussed in this booklet will be referred to as "enemy prisoners of war" (EPWs).

A civilian internee is a person in your custody who is not entitled to EPW status. This term will be further explained in section 3 of this chapter.

2. Categories of Prisoners of War

The following people are entitled to prisoner of war status if they fall into the power of the enemy:

- a. Members of the armed forces (soldiers in uniform).

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- b. Civilians who are authorized to accompany the armed forces in the field.

For example, on enemy ships you may find civilians who assist in the ship's operations or maintain its weapon systems. (These people are sometimes called "tech reps.") If an enemy ship is captured, the enemy sailors and marines on board would clearly be entitled to prisoner of war status. The Geneva Conventions require the people who capture the enemy ship to treat the tech reps aboard with the same high level of care as the enemy sailors and marines would receive. If you capture a tech rep, you never have the option of executing him as a spy just because he was not wearing a uniform at the moment of capture. In addition, you are prohibited from putting the tech rep into a civilian internment camp or a civilian jail.

The rule concerning the treatment of civilians who are authorized to accompany the armed forces also applies to:

- ▶ War correspondents.
- ▶ Red Cross or USO-type personnel.
- ▶ Civilian members of military aircraft crews.
- ▶ Supply contractors.
- ▶ Labor units.
- ▶ Merchant Marine crews.
- ▶ Crews of civilian ships and aircraft which support the military.

These civilians should have some type of identification or documentation to show that they are authorized to accompany the armed forces in the field. For example, the enemy government may charter a civilian aircraft to transport its soldiers. If you capture the aircraft, the enemy soldiers will be put into a camp for prisoners

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of war. How the civilian crew is treated will be determined by higher military authority. The civilian crew may be released or kept in custody; if kept, the civilians are considered EPWs as opposed to spies or unprivileged combatants (people who are not authorized to take part in armed conflict).

c. Members of a military organization that does not require its members to wear formal military uniforms (for example, a militia or volunteer corps, including organized resistance movements). The members of this type of military organization will be entitled to EPW status if their military organization follows the following rules:

- (1) It is commanded by a person responsible for the actions of his subordinates;
- (2) The members wear or display a fixed distinctive sign (for example, a particular type or color of shirt) recognizable at a distance. The sign should clearly distinguish them from civilian noncombatants;
- (3) The members carry their weapons openly; and;
- (4) conduct their operations in accordance with the laws (Geneva Conventions) and customs of war.

If the military organization meets all four rules, its members will be entitled to EPW status if captured. Some military organizations refuse to take prisoners of war due to their "live off the land" style of operations. Other military organizations allow their members to attempt to trick their enemy by waving a white flag and then continuing to fight. Military organizations like the ones described above have failed to conduct their operations in accordance with the laws and customs of war (which is

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one of the four rules). Because the organization fails the test, none of its members are entitled to EPW status if captured. However, Marine Corps policy is to still treat them as EPWs as long as they are in your custody. Higher military authority will decide at a later date whether the members of military organizations that refuse to abide by the law of war should continue to be treated as if they are

entitled to EPW status.

3. Civilian Internees

According to Joint Pub 1-02, a "civilian internee" is a civilian who is interned during armed conflict or occupation due to---

- ▶ Operations security considerations of the armed force that took the civilian into custody.
- ▶ A need to protect the civilian.
- ▶ Alleged unauthorized participation in hostile acts such as sabotage, attacking U.S. forces, and storing weapons in their home. These people are sometimes called "unprivileged combatants."

Civilian internees are not entitled to EPW status; however, they still are protected to a lesser degree by the Geneva Conventions. (There is a separate Geneva Convention concerning the protection of civilians.)

The Geneva Conventions list the duties you have in dealing with civilian internees. Civilian internees may take the following forms:

- ▶ Unprivileged combatant.
- ▶ Displaced person.

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- ▶ Refugee.
- ▶ Evacuee.
- ▶ Detainee.

The Geneva Convention concerning civilians refers to a civilian internee as a "protected person." If the Geneva Convention concerning civilians did not exist, a civilian in the custody of an unfriendly force would be at the mercy of his captors.

4. Protection of Individuals in Your Custody

As a rule of thumb, you should initially treat all people in your custody as if they are entitled to EPW status. People who are determined by higher military authority to be unprivileged combatants can be separated from the EPWs at a later date. As a general rule, all individuals in your custody should receive humane treatment. In other words, treat them as well as you would want to be treated if you were captured by an enemy force. Once someone is in your custody, you have a duty to protect him from ---

- ▶ The dangers of the battlefield.
- ▶ Natural dangers such as quicksand, wild animals, etc.; and
- ▶ The attempts (by your fellow Marines, allied troops, fellow EPWs, and civilians) to harm the EPWs based on a desire for revenge.

In addition to protecting an EPW from acts of violence, you have a duty to protect him against acts of intimidation, and against insults and public curiosity. This means that you should not allow anyone (including the news media) to take photographs or videotapes of EPWs

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unless this is approved by the highest possible military authority. Any media contact with EPWs in your custody should be conducted in compliance with guidance from higher military authority.

You should never allow anyone to pose for any type of photographs that indicate an EPW has been or is about to be mistreated. An example of this is a photograph of a Marine holding a gun to the head of a blindfolded EPW.

Chapter II

Legal Requirements

1. Geneva Conventions and Other Laws Concerning the Treatment of EPWs and Civilian Internees

You are expected to treat all people in your custody firmly and fairly. One of the reasons you are expected not to mistreat an EPW or civilian internee is because these people are protected by the Geneva Conventions. The Geneva Conventions are treaties between the U.S. and over 100 other nations. A U.S. treaty is a Federal law, and just like any other Federal law you are required to obey it. Some of the rules found in the Geneva Conventions (for example, the rule against torturing EPWs or civilian internees) are repeated in the UCMJ as well as Marine regulations, directives, and orders. All Marines are required to obey these rules. If you mistreat an EPW or civilian internee, you would be in violation of ---

- ▶ A Marine Corps regulation, or order, and
- ▶ Federal law (the UCMJ and the Geneva Conventions).

2. The Geneva Conventions are Like the U.S. Bill of Rights

The Geneva Conventions could be compared to the U.S. Bill of Rights. Just as the U.S. Bill of Rights gives American citizens certain rights and protection, the Geneva Conventions give people who become "war victims" (for example, sick, wounded, or shipwrecked

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soldiers or sailors, prisoners of war, and civilian internees) protection from the enemy soldiers who take them into custody. The Geneva Conventions even protect civilians who give up their status as noncombatants by taking part in the battle.

While the Geneva Conventions do not allow them to take part in the battle, it does give them certain rights when they are apprehended for their improper involvement in hostile acts. For example, even if you apprehend a civilian who was shooting at Marines, you may not execute him on the spot. (You should never execute any person, military or civilian, who is in your custody.) You should send him to the rear where he will receive a trial or hearing.

Chapter III

Handling EPWs

1. Treatment of an EPW at Time of Capture

As soon as you capture someone or accept custody of an EPW, you should start to think of several routine security guidelines. These guidelines are: Search, Silence, Segregate, Safeguard, and Speed. They are sometimes called the "five S's".

- a. SEARCH. Each EPW should be thoroughly searched for weapons and for intelligence material.
 - b. SILENCE. EPWs should not be allowed to talk except to answer your questions. Talk among recently captured individuals tends to center around plans to overpower their captors or to escape. By insisting on silence, you will cut down on their ability to plan an escape. Operational considerations may also dictate that EPWs in your custody remain silent. While gagging an EPW is not necessarily illegal, it should be used only in extreme circumstances.
 - c. SEGREGATE. Whenever possible, officer EPWs should be separated from enlisted EPWs; SNCO EPW's should be separated from junior enlisted ranks. The purpose for separating the EPWs according to rank is to break up the enemy chain of command in order to decrease their military effectiveness during the early stages of captivity. Once they are interned in an EPW facility there is less need to segregate different ranks.
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- d. SAFEGUARD. As mentioned above, you have a duty to safeguard everyone in your custody. There also is a duty to safeguard intelligence material found on an EPW.
 - e. SPEED. As soon as possible after you capture an EPW (keeping in mind tactical and security considerations), he should be sent to the rear for interrogation and processing. You should make maximum use of available transportation returning to the rear. Speedy removal from familiar surroundings, and their own units, will lesson the likelihood of an attempted escape.

2. Capture Tags

As soon as you capture an EPW, you should complete a capture tag. The capture tag should show the following information:

- a. Name of the EPW.
- b. Rank.

- c. Service number.
- d. Date of birth.
- e. Date of capture.
- f. EPWs unit.
- g. Location of capture.
- h. Capturing unit.
- i. Special circumstances of capture.
- j. Description of weapons/documents.

A capture tag should have three parts, each of which includes the 10 items listed above. Part #1 should be attached (by string or stapled to the uniform) to the EPW. Part #2 should be forwarded to the MAGTF holding facility or released to the U.S. Army or U.S. Navy when they take custody of the EPWs. Part #3 should be attached to captured weapons or documents taken from the EPW.

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Due to the confusion that is normally present on the battlefield, front-line Marines are not always able to complete the capture tag.

If the Marine who captured the EPW has been unable to fill out the capture tag, you as the person who accepts custody of the EPW for purposes of guarding or transporting him should attempt to fill in the missing information as soon as you take custody of the EPW.

Although the capture tag is the only documentation required by the U.S. Army before transferring custody of an EPW to them, each MP collection point and holding facility must maintain a log of all EPWs passing through their facility. The log should show the following information:

- a. Name.
- b. Rank.
- c. EPWs unit.
- d. From whom the EPW is received.
- e. To whom the EPW is transferred.
- f. Personal property (with chain of custody).
- g. Appropriate dates.

3. Equal Treatment for All EPWs

The Geneva Conventions require that all EPWs be treated equally. You may not single out a class of EPWs (e.g., members of a particular battalion) for harsh treatment based on misdeeds of the past.

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4. No Collective Punishment

The Geneva Conventions forbid any type of collective punishment directed toward EPWs. An EPW

may be punished only for his own misconduct.

If the individual in your custody is entitled to EPW status, he is, in the eyes of the law, a "war victim" and a "noncombatant" because his status as an EPW deprives him of his lawful authority to fight. He has lost his "license to kill."

While you retain your license to kill enemy soldiers not yet wounded or captured, you may not harm any noncombatants including an EPW who, prior to his capture, had attempted to kill you and your fellow Marines.

You owe him the same duty of care as you would owe a Marine prisoner in your custody.

5. Questioning an EPW

When questioning an EPW, certain rules should be followed. The Geneva Conventions require an EPW to provide his name, rank, service number (or serial or social security number), and date of birth.

If an EPW refuses to give this information, he may not be threatened or punished; however, his privileges (benefits over and above the minimum rights provided by the Geneva Conventions) may be restricted or forfeited.

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6. Movement of EPWs to the Rear Area

You should evacuate EPWs in your custody from the combat zone as soon as you can, keeping in mind security considerations and the requirements of your mission. During the evacuation, EPWs may not be placed at greater risk than the Marines guarding them. You may not force an EPW to "take the point" in order to navigate your through a mine field. EPWs should not be consider expendable human resources. The purpose of this to avoid a situation like the World War II "Death March" from Bataan in the Philippines. When evacuating EPWs you may use blindfolds if security considerations require it; however, this is considered an extreme measure. Standard metal or disposable handcuffs or similar restraints are permitted if there is a high likelihood an EPW will attempt to escape while in transit.

7. Use of Riot Control Agents

In dealing with large numbers of EPWs, there may be a need to use non-lethal riot control agents. Riot control agents are an effective tool to protect the lives of the people guarding the EPWs as well as the EPWs themselves. As part of your planning for the control of EPWs, you should determine whether you are allowed to use riot control agents, and also, where they are kept. Advance Presidential approval is required before riot control agents are employed in wartime (including instances of armed conflict short of a declared war). Check with your chain of command to learn whethe Presidential authority has been granted.

Chapter IV

EPW Property

1. Taking Property From an EPW

When searching an EPW, you must decide what things an EPW should be allowed to keep in his possession. Items of identification such as military ID card, dogtag, 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. You may take documents from an EPW if they have some potential military intelligence value.

2. Confiscating or Impounding Property

If an EPW has an expensive watch, it may not be confiscated (taken away without an obligation to return it) because it has no military intelligence value. However, if an EPW has in his possession an item of high monetary value, 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, perhaps 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 general 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.

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3. Tagging Property Taken From an EPW

As mentioned earlier, if you take documents or personal property from an EPW, you should attach a capture tag to the items in order to maintain a record of ownership and to provide information for intelligence personnel.

These tags should be provided at the local level; however, if tags are not available, substitute tags will have to be used.

4. Property That Should Be Confiscated

In addition to confiscating weapons, you should confiscate any item which may facilitate escape (for example, a compass or map). 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. Items of personal protection like their helmets may be retained by an EPW because the Geneva Conventions forbid 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.

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5. Property an EPW May Keep

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.

Taking these items would be characterized as looting EPWs, which could be considered a violation of the Geneva Conventions and the UCMJ. You should not confiscate personal field rations, winter coats, shelter halves, and 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.

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Chapter V

Collection Points and EPW Facilities

1. Definition

Collection points are areas where EPWs are held temporarily while awaiting evacuation to the rear. At collection points EPWs are sometimes interrogated for intelligence information which may help Marines in the ongoing battle. Sick or seriously wounded EPWs can be cared for by corpsmen or transferred to the closest medical facility.

2. Selecting a Location for a Collection Point

In selecting a collection point, several things should be taken into consideration:

- a. It should be near a main supply route (MSR) for ease of transportation.
- b. It should not put an EPW in a position to gather intelligence or to commit acts of sabotage.
- c. It should not expose an EPW to health hazards (natural or man-made).
- d. It should not be near a legitimate military target (e.g., placing EPWs near your artillery or ammo dump as "human shields").

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3. Who is in Charge of Collection Points

Collection points may be set up at any unit level depending on the number of EPWs. At the company level, tactical troops will guard the EPWs. Collection points are usually established at the battalion level.

Capturing units evacuate EPWs to a battalion collection point established at a central location designated by the ground combat element (GCE) commander. This collection point is usually operated by the military police. From the GCE and Aviation combat element (ACE) collection points, EPWs are transported to various transfer points and from there to an MP operated MAGTF holding facility.

4. Transferring EPWs to U.S. Army

In most cases, the EPWs captured by Marines eventually will be transferred to the U.S. Army for processing and internment. In the event the U.S. Army is not involved in the operation, the Marines will have to process the EPWs and guard them until they either are authorized to release the EPWs, or higher military authority makes arrangements to take the EPWs off the Marines' hands.

5. Transferring EPWs to Allied Armed Forces

If Marines are involved in an operation with allied troops, there may be an agreement between the U.S. and an allied nation that allows U.S. forces to transfer their EPWs to the allied nation. Even if an agreement like this exists, you should not automatically transfer your EPWs to the custody of allied troops. You should not transfer

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EPWs out of U.S. control unless you receive specific orders from higher military authority.

According to the Geneva Conventions, EPWs, in the custody of the U.S. may be transferred to an allied force only if the U.S. government is satisfied that the allied force is willing and able to provide the protection of the Geneva Conventions to the transferred EPWs. The purpose of this rule is to stop individuals who have captured EPWs from washing their hands of their responsibilities under the Geneva Conventions by turning over their EPWs to anyone who will take them. For example, if you were a captured pilot whose payload had missed the target and destroyed a schoolhouse, would you want to be turned over to the local villagers?

Another example is the case where EPWs of one religion are transferred to the custody of members of a rival religion whose beliefs call for the killing of the EPWs. In this case, the U.S. government would not be able to determine that the allied force is able and willing to protect the EPWs. In many cases the U.S. and an allied nation will sign an agreement allowing U.S. armed forces to transfer their EPWs to the allied nation. As mentioned above, even if there is a transfer agreement, do not give up custody of your EPWs to allied troops unless you have specific orders to do so.

6. Location of Internment Facility

The Geneva Conventions and U.S. policy require that when it can be avoided, EPWs should not be imprisoned on ships. However, there are exceptions to this general rule. EPWs picked up at sea may be temporarily held aboard ship based on operational requirements, until there is a reasonable opportunity to transfer them ashore

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to an EPW facility or to another ship for evacuation to a shore facility. EPWs may be temporarily held aboard ship while being transported between land facilities.

EPWs may be temporarily held aboard ship if this would greatly improve the safety or health prospects of the EPWs, such as avoidance of exposure to severe environmental or combat conditions, or improved access to medical care for those requiring it.

7. Work You May Assign to an Enlisted EPW

You may order an enlisted EPW to work; however, there are certain restrictions. An EPW may be assigned to public works projects (for example, roads, reservoirs, etc.) as long as the project is not designed primarily to help the enemy military forces. An EPW may be forced to build EPW barracks, medical facilities, and other structures designed for the benefit of war victims such as EPWs, sick and wounded, civilian refugees, etc. An EPW may be ordered to carry sick and wounded Marines to medical facilities.

Because Marines like this are considered "war victims," the assistance provided by EPWs to the Marines is not considered aiding an enemy armed force. Just because an EPW obeys your order to work does not mean he is guilty of collaboration with his enemy. An EPW may not be forced to participate in jobs which assist his enemy in support of military operations. Examples are digging artillery emplacements, transporting ammunition and building a bridge designed primarily for military use (like the movie "Bridge on the River Kwai").

Officers may not be required to work; however, they may volunteer to work. NCOs may be required to perform

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supervisory work only. As mentioned above, other enlisted ranks may be required to work. However, unless he volunteers, an enlisted EPW may not be employed in work which is unhealthy or dangerous.

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Chapter VI

EPW Discipline

1. Types of Punishment

In order to fulfill your duty to protect EPWs, you must be able to control the movement and actions of each EPW in your custody. According to the Geneva Conventions an EPW must obey all laws, regulations, and orders in effect for the armed forces of his captor (for example, an EPW captured by Marines is subject to the UCMJ). If an EPW violates one of these rules, he may be given judicial or nonjudicial punishment. For example, if an EPW under your custody killed a Marine, a civilian, or another EPW, he would be charged with violation of the UCMJ and tried by a court martial just as a Marine would be treated if he murdered another Marine, a civilian, or an EPW. In addition to the laws, regulations and orders in effect for the armed forces of the EPWs captor (for example, the UCMJ if the U.S. is the captor), the person who is in charge of guarding EPWs may issue rules designed to regulate the conduct of EPWs (for example, a rule prohibiting escape attempts).

2. Nonjudicial Punishment

If an EPW disobeys one of the rules that applies only to EPWs, the punishment is limited to NJP. For example, the rule against trying to escape from an EPW facility only applies to EPWs, not to MPs or other Marines. (if a Marine left the EPW facility without authorization, he would be charged with desertion or unauthorized absence, not with attempting to escape from an EPW camp.)

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Certain offenses which would ordinarily result in judicial punishment (e.g., theft or destruction of government or civilian property) will be treated as NJP matters if they were committed during an escape attempt.

For example, if a Marine in the brig stole a set of civilian clothing, attacked and seriously harmed an MP, stole a jeep, escaped from the base, but was recaptured after crashing into a civilian vehicle, he would face a court martial on all five acts. If convicted, he could receive judicial punishment for his crimes. On the other hand, if an EPW stole a set of civilian clothing, attacked and seriously harmed an MP, stole a jeep, escaped from the custody of the MPs, but was recaptured after destroying the jeep as well as a civilian vehicle, he would face judicial punishment only for the attack on the MP. The rule against EPW escapes is one of the rules directed only at EPW conduct; so the punishment is limited to NJP. Because stealing the civilian clothing and the jeep, as well as destroying the jeep and a civilian vehicle ---

►Were acts committed as part of the escape attempt;

- ▶ Were not committed in order to enrich the EPW; and
- ▶ Did not involve an act of violence (like attacking the MP), these acts are treated as NJP matters.

Chapter VII

Protection of Civilian Internees

1. Humane Treatment for Civilian Internees

The Geneva Convention concerning civilians provides a list of actions you may not take against a civilian in your custody, as well as a list of actions you must take to help the civilian internees. The Geneva Convention provides a "safety net" for those civilians who are taken into custody by their enemy. A good rule of thumb for treating civilian internees is to treat them as if they were EPWs.

At the time a civilian first comes into your custody, it would be wise to keep a record of why you apprehended/detained the civilian. Examples of why you would apprehend a civilian are:

- a. He shot at Marines, or
- b. While searching his home, you find a cache of weapons.

In some instances, you may be ordered to forcibly evacuate a group of families from their homes for security reasons (for example, a Marine convoy would be passing through their hamlet, and you do not want anyone to learn about the convoy). If you are going to turn the civilian internees over to other Marines, U.S. Army personnel or allied forces, it would be helpful if you inform the leader of these forces whether the civilian internees are suspected of criminal acts, or if they are innocent civilians who are being temporarily evacuated for security reasons.

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2. "Military Necessity" is No Excuse for Mistreating Civilian Internees

You may not ignore the Geneva Convention concerning civilians based on the dictates of "military necessity." For example, you may not use physical force to get information from a civilian in your custody no matter how much you need the information. As a general rule, civilian internees must be treated in a humane manner at all times. However, you may control the actions and movements of civilian internees, not as punishment, but as a security measure. In selecting a collection point or a field expedient brig for civilian internees, you should avoid a site that would expose the civilians to harm due to its closeness to a legitimate target, such as an ammo dump.

3. Transferring Civilian Internees to Allied Armed Forces

Handling and protecting civilian internees may be burdensome. There may be allied military forces or civilian authorities that are willing to take the civilians off your hands. You should not transfer

civilian internees out of U.S. custody unless you receive express orders to do so from higher military authority.

You may accept help from non-U.S. forces or civilian authorities in your handling of civilian internees, but as long as they are still in your custody, you are responsible for their safety. If you are looking for someone to help you in controlling civilian internees, you must consider whether the people you are asking for help are willing and able to provide humane treatment to civilians under your control. For example, if you are responsible for the protection of civilian internees of one religion\tribe\

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political persuasion, you should determine whether the people you are asking for help have an old score to settle or whether their religion or tribe requires them to injure or kill the civilian internees you are trying to help.

4. Rule Against Forcing Civilian Internees to Assist You

While you may ask the civilian internees for help, you may never force them to act as guides or to do other dangerous acts. You may not force them to give you information. As a general rule, there should be no corporal punishment, torture, or collective punishment for past deeds or as warnings against future actions.

5. Forcible Relocation of Civilian Internees

From time to time, military considerations such as combat preparations or maintenance of security will require you to relocate civilian internees. This type of forcible relocation is not a violation of the Geneva Convention. If you must search a village for enemy troops or supplies, you may forcibly evacuate the village. When the danger is over, the civilian internees should be allowed to return to their homes. If there is an ongoing security problem with the village, you may force the civilian internees to evacuate and relocate permanently. Hopefully, the host nation will provide for them. In times of armed conflict, a certain amount of disruption is unavoidable.

As long as you attempt to limit to the minimum extent possible the adverse effects of war, you will not be faulted.

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6. Work You May Assign to a Civilian Internee

You may not force civilian internees to work for you if it would involve their taking part in battle or battle preparations, or if it would subject them to the dangers of the battlefield. However, you would be allowed to compel them to assist you in providing assistance to war victims such as the sick and wounded. For example, you could force the local civilian internees to work as stretcher bearers in a field hospital provided it was in a safe location.

You could not force civilian internees to retrieve the wounded during the battle because this would put them in a dangerous position. You could force them to carry to the rear, food and supplies intended for sick or wounded Marines or for EPWs because those Marines and EPWs are considered war victims.

Chapter VIII

Civilian Property

1. Destruction of Property

While military necessity is not an excuse for harming a civilian internee, it could be a justification for the destruction of civilian property. Keep in mind that there is a distinction between the duty of care you owe a civilian in your custody (a civilian internee) and the duty you owe to civilians you do not have in your custody. If a sniper shoots at you from a house, you are allowed to damage or destroy the house if there is no other way to neutralize the sniper. If you later learn that the sniper was a civilian shooting from his own home, you may not destroy the home as an act of revenge or as an object lesson for other civilians. Once the sniper has vacated the home (due to capture, death, or retreat), there is no military advantage to destroying the home. Any type of property regardless of its ownership, civilian (private property) or state (public property), may be destroyed if there is a clear showing of military necessity (as opposed to convenience of the military) for this action.

2. Taking Civilian Property

In addition to destroying civilian property, you may have reason to confiscate, seize or requisition civilian property. To confiscate something means to take away without an obligation to return it or to pay for it. To seize something means to take away (permanently or temporarily) with an obligation to pay an amount of money to be determined at the end of the war. To requisition something means to take, with or without the permission

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of the owner, with an obligation to pay for it at the time the property is taken.

There are two possible reasons for taking or destroying civilian property:

- a. you need the property, or
- b. you want to deny your enemy the use of the property.

If there is damage or destruction to any civilian property as a result of military operations (before, during or after the battle), there is neither a violation of the Geneva Convention nor an obligation to pay for any damage or destruction. To prevent civilian property which has military value (vehicles, airplanes, ammunition, etc.) from falling into the hands of the enemy, you may destroy this property without obligation to compensate anyone.

For example, if:

- a. You decide to redeploy from an area populated by civilians;
- b. You suspect the enemy will follow you into the area and take civilian property like trucks, gasoline, aircraft, ammo, etc.; and
- c. Your enemy will use these things against you then, you are allowed to destroy the civilian property. Under these circumstances, you may destroy the property regardless of who owns it. There is no duty to compensate the civilian owners of this property.

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DUTIES OF A MILITARY POLICEMAN CONCERNING ENEMY PRISONERS OF WAR AND CIVILIAN INTERNEES

This booklet was prepared for military police as a guide for the treatment of enemy prisoners of war and civilian internees. It can be used by any Marine tasked with the handling of enemy prisoners of war or civilian internees, or assigned to augment a military police company. If you have any questions concerning enemy prisoners of war and civilian internees, contact the Law Enforcement and Physical Security Section at Headquarters, U.S. Marine Corps. The mailing address and telephone numbers are as follows:

COMMANDANT OF THE MARINE CORPS
Law Enforcement Section
(POS-40)
Security Branch
Operations Division
Headquarters, U.S. Marine Corps
Washington, D.C. 20380-0001
Commercial: (703) 614-2180, 614-4177
DSN: 224-2180, 224-4177

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