Each of the four conventions denominates offenses known as "grave breaches." Conventions I and II (protecting wounded and sick soldiers and sailors) state that:

Grave breaches * * * shall be those involving any of the following acts, if committed against persons or property protected by the Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.52
52 Convention I, art. 50; Convention II, art. 51.

Convention III (protecting prisoners of war) states that:

Grave breaches * * * shall be those involving any of the following acts, if committed against persons or property protected by the Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, compelling a prisoner of war to serve in the forces of the hostile Power, or wilfully depriving a prisoner of war of the rights of fair and regular trial prescribed in this Convention.53
53 Convention III, art. 130.

Convention IV (protecting civilians in time of war) states that:

Grave breaches * * * shall be those involving any of the following acts, if committed against persons or property protected by the present Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of protected persons, compelling a protected person to serve in the forces of a hostile Power, or wilfully depriving a protected person of the rights of fair and regular trial prescribed in the present Convention, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.54
54 Convention IV, art. 147.

The next definitional section that requires attention is (c)(2), relating to the articles of the Hague Convention. This subsection is less significant; the Hague Convention covers only conduct of armed forces during war. On this topic, House Report 105-204, the committee report for the Expanded War Crimes Act of 1997, is helpful in summarizing the applicable articles of the Hague Convention:

Article 23 of the Convention lists a series of acts prohibited in war, including, among other things, using poison weapons, killing individuals who have laid down their arms and surrendered, and employing arms calculated to cause unnecessary suffering. Article 25 prohibits the bombardment of undefended towns, villages, dwellings, or buildings. Article 27 requires forces to take steps to spare, as far as possible, buildings dedicated to religion, art, science, or charitable purposes, historic monuments, hospitals, and places where the sick and wounded are collected, provided they are not being used at the time for military purposes. Article 28 prohibits pillage.

The last definitional subsection of any relevance is (c)(3), relating to common Article 3 of the Geneva Conventions (subsection (c)(4), relating to use of mines and booby-traps is irrelevant). Common Article 3 is quoted here from House Report 105-204, the committee report for the Expanded War Crimes Act of 1997.

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

(1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion
or faith, sex, birth or wealth, or any other similar criteria.

To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

(a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
(b) taking of hostages;
(c) outrages upon personal dignity, in particular humiliating and degrading treatment;
(d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

(2) The wounded and sick shall be collected and cared for.
Provisions of Geneva IV proscribing relevant conduct:

ARTICLE 147: GRAVE BREACHES

"Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the present Convention: willful killing, torture or inhuman treatment, including biological experiments, willfully causing great suffering or serious injury to body or health, unlawful deportation or transfer, or unlawful confinement of a protected person, compelling a protected person to serve in the forces of a hostile power, or willfully depriving a protected person of the rights of fair and regular trial prescribed in the present Convention, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly (emphasis added)."

Pictet: "Unlawful deportation or transfer-This refers to breaches of the provisions of Articles 45 and 49... transfers are forbidden except in cases where the safety of the protected persons may make them absolutely necessary."

ARTICLE 45 (of Part III, "Status and Treatment of Protected Persons", § II, dealing with "Aliens in the Territory of a Party to the Conflict") permits transfer of protected persons who are aliens under certain circumstances: "Protected persons shall not be transferred to a Power which is not a party to the Convention. . . ."

"Protected persons may be transferred by the Detaining Power only to a Power which is a party to the present Convention and after the Detaining Power has satisfied itself of the willingness and ability of such transferee Power to apply the present Convention. . . ."

Pictet’s commentary on Art. 45: "any movement of protected persons to another state, carried out by the Detaining Power on an individual or collective basis, is considered as a transfer for the purposes of art. 45. "Transfer" may mean internment in the territory of another Power, repatriation, the returning of protected persons to their country of residence, or their extradition. . . . In the absence of any clause stating that deportation is to be regarded as a form of transfer, this Article would not appear to raise any obstacle to the right of Parties to the conflict to deport aliens individual cases when State security demands such action."

ARTICLE 49: DEPORTATIONS, TRANSFERS, EVACUATIONS

"Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive.

Nevertheless, the Occupying Power may undertake total or partial evacuation of a given area if the security of the population or imperative military reasons so demand."
Such evacuations may not involve the displacement of protected persons outside the bounds of the occupied territory except when for material reasons it is impossible to avoid such displacement. Persons thus evacuated shall be transferred back to their homes as soon as hostilities in the area in question have ceased.

Pictet: “The prohibition is absolute and allows of no exceptions, except for those stipulated in para. 2.”

(comments on para. 2) – “evacuation may only be ordered in two cases, which are defined in great detail, namely when the safety of the population or imperative military reasons so demand. .... It is stipulated that evacuation must not involve the movement of protected persons outside the occupied territory, unless it is physically impossible to do otherwise. Thus, as a rule evacuation must be to reception centers inside the territory.”

The detained individual has lost the privileges of a “protected person” because he is under definite suspicion of activity hostile to the security of the Occupying power. Though, see Pictet’s commentaries to evaluate the strength of this claim.

ARTICLE 5: DEROGATIONS. “Where in the territory of a Party to the conflict, the latter is satisfied that an individual protected person is definitely suspected of or engaged in activities hostile to the security of the State, such individual shall not be entitled to claim such rights and privileges under the present Convention as would, if exercised in the favour of such individual person, be prejudicial to the security of such State.

Where in occupied territory an individual protected person is detained as a spy or saboteur, or as a person under definite suspicion of activity hostile to the security of the Occupying Power, such person shall, in those cases where absolute military security so requires, be regarded as having forfeited rights of communication under the present Convention.

In such case, such persons shall nevertheless be treated with humanity and, in case of trial, shall not be deprived of the rights of fair and regular trial prescribed by the present Convention. They shall also be granted the full rights and privileges of a protected person under the Convention at the earliest date consistent with the security of the Occupying Power, as the case may be.”

Pictet: “The idea of activities prejudicial or hostile to the security of the State, is very hard to define. That is one of the Article’s weak points. What is meant is probably above all espionage, sabotage and intelligence with the enemy Government or enemy nationals. The clause cannot refer to a political attitude towards the State, so long as that attitude is not translated into action.

The Article, as it stands, is involved - one might even say, open to question...

What is most to be feared is that widespread application of the Article may eventually lead to the existence of a category of civilian internees who do not receive the normal treatment laid down by the Convention but are detained under conditions which are almost impossible to check. It must be emphasized most strongly, therefore, that Article 5 can only be applied in individual cases of an exceptional nature, when the existence of
specific charges makes it almost certain that penal proceedings will follow. This Article
should never be applied as a result of mere suspicion.”

Persons who commit offenses intended to harm the occupying power may be
interned under Article 68. Also, Article 78 sanctions internment in some circumstances.
Based on Pictet’s commentary to Article 78, however, internment must be within the
boundaries of the occupied country itself. Therefore transfers of civilians outside of the
occupied country would not be considered internment and would not be sanctioned under
Articles 68, 78, or 42.

ARTICLE 68 – PENAL LEGISLATION

“Protected persons who commit an offense which is solely intended to harm the
Occupyng Power, but which does not constitute an attempt on the life or limb of
members of the occupying forces or administration, nor a grave collective danger, nor
seriously damage the property of the occupying forces or administration or the
installation used by them, shall be liable to internment or simple imprisonment, provided
the duration of such internment or imprisonment is proportionate to the offence
committed.”

ARTICLE 78 – SECURITY MEASURES, INTERNMENT, AND ASSIGNED
RESIDENCE.

“If the Occupying Power considers it necessary, for imperative reasons of
security, to take safety measures concerning protected persons, it may, at the most,
subject them to assigned residence or internment.

Decisions regarding such assigned residence or internment shall be made
according to a regular procedure to be prescribed by the Occupying Power in accordance
with the provisions of the present Convention. . . .”

Pictet: “In occupied territories the internment of protected persons should be even more
exceptional than it is inside the territory of the Parties to the conflict; for in the former
case the question of nationality does not arise. That is why Art. 78 speaks of imperative
reasons of security; there can be no questions of taking collective measures: each case
must be decided separately.

“It will suffice to mention here that as we are dealing with occupied territory, the
protected persons concerned will benefit by the provisions of Art. 49 and cannot be
deported; they can therefore only be interned, or placed in assigned residence, within the
frontiers of the occupied country itself. In any case, such measures can only be ordered
for real and imperative reasons of security; their exceptional character must be preserved
(emphasis added).”

ARTICLE 41: ASSIGNED RESIDENCE, INTERNMENT
"Should the Power in whose hands protected persons may be considered the measure of control mentioned in the present Convention to be inadequate, it may not have recourse to any other measure of control more severe than that of assigned residence or internment, in accordance with the provisions of Articles 42 and 43."

**ARTICLE 42: GROUNDS FOR INTERNMENT OR ASSIGNED RESIDENCE. VOLUNTARY INTERNMENT**

"The internment or placing in assigned residence of protected persons may be ordered only if the security of the Detaining Power makes it absolutely necessary."

Pictet: "It is thus left very largely to Governments to decide the measure of activity prejudicial to the internal or external security of the State which justifies internment or assigned residence.

Subversive activity carried on inside the territory of a Party to the conflict or actions which are of direct assistance to an enemy Power both threaten the security of the country; a belligerent may intern people or place them in assigned residence if it has serious and legitimate reason to think that they are members of organizations whose object is to cause disturbances, or that they may seriously prejudice its security by other means, such as sabotage or espionage; the provisions of Article 5 of the present Convention may also be applied in such cases.

...To justify recourse to such measures the State must have reason to think that the person concerned, by his activities, knowledge, or qualifications, represents a real threat to its present or future security."
GCC (GENEVA IV) ARTICLES MENTIONED IN

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In such case, such persons shall nevertheless be treated with humanity and, in case of trial, shall not be deprived of the rights of fair and regular trial prescribed by the present Convention. They shall also be granted the full rights and privileges of a protected person under the Convention at the earliest date consistent with the security of the Occupying Power, as the case may be.”

Pictet: “It may, nevertheless, seem rather surprising that a humanitarian Convention should tend to protect spies, saboteurs, or irregular combatants. Those who take part in the struggle while not belonging to the armed forces are acting deliberately outside the laws of warfare. Surely they know the dangers to which they are exposing themselves. It might therefore have been simpler to exclude them from the benefits of the Convention,
if such a course had been possible, but the terms espionage, sabotage, terrorism, banditry and intelligence with the enemy, have so often been used lightly, and applied to such trivial offenses, that it was not advisable to leave the accused at the mercy of those detaining them."

ARTICLE 78 - SECURITY MEASURES, INTERNMENT, AND ASSIGNED RESIDENCE.

"If the Occupying Power considers it necessary, for imperative reasons of security, to take safety measures concerning protected persons, it may, at the most, subject them to assigned residence or internment.

Decisions regarding such assigned residence or internment shall be made according to a regular procedure to be prescribed by the Occupying Power in accordance with the provisions of the present Convention. . . ."

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(commentary on Para. 1) "It will suffice to mention here that as we are dealing with occupied territory, the protected persons concerned will benefit by the provisions of Art. 49 and cannot be deported; they can therefore only be interned, or placed in assigned residence, within the frontiers of the occupied country itself. In any case, such measures can only be ordered for real and imperative reasons of security; their exceptional character must be preserved."

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"Protected persons who commit an offense which is solely intended to harm the Occupying Power, but which does not constitute an attempt on the life or limb of members of the occupying forces or administration, nor a grave collective danger, nor seriously damage the property of the occupying forces or administration or the installation used by them, shall be liable to internment or simple imprisonment, provided the duration of such internment or imprisonment is proportionate to the offence committed."
The Convention

Annex to the Convention

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ENTERED INTO FORCE: 26 January 1910

[TRANSLATION]
CONVENTION RESPECTING THE LAWS AND CUSTOMS OF WAR ON LAND

Seeing that, while seeking means to preserve peace and prevent armed conflicts between nations, it is likewise necessary to bear in mind the case where the appeal to arms has been brought about by events which their care was unable to avert;

Animated by the desire to serve, even in this extreme case, the interests of humanity and the ever progressive needs of civilization;

Thinking it important, with this object, to revise the general laws and customs of war, either with a view to defining them with greater precision or to confining them within such limits as would mitigate their severity as far as possible;

Have deemed it necessary to complete and explain in certain particulars the work of the First Peace Conference, which, following on the Brussels Conference of 1874, and inspired by the ideas dictated by a wise and generous forethought, adopted provisions intended to define and govern the usages of war on land.

According to the views of the High Contracting Parties, these provisions, the wording of which has been inspired by the desire to diminish the evils of war, as far as military requirements permit, are intended to serve as a general rule of conduct for the belligerents in their mutual relations and in their relations with the inhabitants.

It has not, however, been found possible at present to concert regulations covering all the circumstances which arise in practice;

On the other hand, the High Contracting Parties clearly do not intend that unforeseen cases should, in the absence of a written undertaking, be left to the arbitrary judgment of military commanders.

Until a more complete code of the laws of war has been issued, the High Contracting Parties deem it expedient to declare that, in cases not included in the Regulations adopted by them, the inhabitants and the belligerents remain under the protection and the rule of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity, and the dictates of the public conscience.

They declare that it is in this sense especially that Articles 1 and 2 of the Regulations adopted must be understood.
The High Contracting Parties, wishing to conclude afresh Convention to this effect, have appointed the following as their Plenipotentiaries:

(List of Plenipotentiaries)

Who, after having deposited their full powers, found in good and due form, have agreed upon the following:

**Article 1.**

The Contracting Powers shall issue instructions to their armed land forces which shall be in conformity with the Regulations respecting the laws and customs of war on land, annexed to the present Convention.

**Art. 2.**

The provisions contained in the Regulations referred to in Article 1, as well as in the present Convention, do not apply except between Contracting Powers, and then only if all the belligerents are parties to the Convention.

**Art. 3.**

A belligerent party which violates the provisions of the said Regulations shall, if the case demands, be liable to pay compensation. It shall be responsible for all acts committed by persons forming part of its armed forces.

**Art. 4.**

The present Convention, duly ratified, shall as between the Contracting Powers, be substituted for the Convention of 29 July 1899, respecting the laws and customs of war on land.

The Convention of 1899 remains in force as between the Powers which signed it, and which do not also ratify the present Convention.

**Art. 5.**

The present Convention shall be ratified as soon as possible. The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a procès-verbal signed by
the Representatives of the Powers which take part therein and by the Netherlands Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification, addressed to the Netherlands Government and accompanied by the instrument of ratification.

A duly certified copy of the procès-verbal relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be immediately sent by the Netherlands Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference, as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph the said Government shall at the same time inform them of the date on which it received the notification.

Art. 6.

Non-Signatory Powers may adhere to the present Convention.

The Power which desires to adhere notifies in writing its intention to the Netherlands Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

This Government shall at once transmit to all the other Powers a duly certified copy of the notification as well as of the act of adhesion, mentioning the date on which it received the notification.

Art. 7.

The present Convention shall come into force, in the case of the Powers which were a party to the first deposit of ratifications, sixty days after the date of the procès-verbal of this deposit, and, in the case of the Powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherlands Government.

Art. 8.

In the event of one of the Contracting Powers wishing to denounced the present Convention, the denunciation shall be notified in writing to the Netherlands Government, which shall at once communicate a duly certified copy of the
notification to all the other Powers, informing them of the date on which it was received.

The denunciation shall only have effect in regard to the notifying Power, and one year after the notification has reached the Netherlands Government.

Art. 9

A register kept by the Netherlands Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article 5, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article 6, paragraph 2), or of denunciation (Article 8, paragraph 1) were received.

Each Contracting Power is entitled to have access to this register and to be supplied with duly certified extracts.

In faith whereof the Plenipotentiaries have appended their signatures to the present Convention.

Done at The Hague 18 October 1907, in a single copy, which shall remain deposited in the archives of the Netherlands Government, and duly certified copies of which shall be sent, through the diplomatic channel to the Powers which have been invited to the Second Peace Conference.

(List of Signatories)

Annex to the Convention

REGULATIONS RESPECTING THE LAWS AND CUSTOMS OF WAR ON LAND

SECTION I

ON BELLIGERENTS

CHAPTER I

The Qualifications of Belligerents

Article 1.

The laws, rights, and duties of war apply not only to armies, but also to militia and volunteer corps fulfilling the following conditions:

To be commanded by a person responsible for his subordinates;
To have a fixed distinctive emblem recognizable at a distance;

To carry arms openly; and

To conduct their operations in accordance with the laws and customs of war.

In countries where militia or volunteer corps constitute the army, or form part of it, they are included under the denomination "army."

**Art. 2.**

The inhabitants of a territory which has not been occupied, who, on the approach of the enemy, spontaneously take up arms to resist the invading troops without having had time to organize themselves in accordance with Article 1, shall be regarded as belligerents if they carry arms openly and if they respect the laws and customs of war.

**Art. 3.**

The armed forces of the belligerent parties may consist of combatants and non-combatants. In the case of capture by the enemy, both have a right to be treated as prisoners of war.

**CHAPTER II**

**Prisoners of War**

**Art. 4.**

Prisoners of war are in the power of the hostile Government, but not of the individuals or corps who capture them.

They must be humanely treated.

All their personal belongings, except arms, horses, and military papers, remain their property.

**Art. 5.**

Prisoners of war may be interned in a town, fortress, camp, or other place, and bound not to go beyond certain fixed limits, but they cannot be confined except as in indispensable measure of safety and only while the circumstances which
necessitate the measure continue to exist.

Art. 6.

The State may utilize the labour of prisoners of war according to their rank and aptitude, officers excepted. The tasks shall not be excessive and shall have no connection with the operations of the war.

Prisoners may be authorized to work for the public service, for private persons, or on their own account.

Work done for the State is paid for at the rates in force for work of a similar kind done by soldiers of the national army, or, if there are none in force, at a rate according to the work executed.

When the work is for other branches of the public service or for private persons the conditions are settled in agreement with the military authorities.

The wages of the prisoners shall go towards improving their position, and the balance shall be paid them on their release, after deducting the cost of their maintenance.

Art. 7.

The Government into whose hands prisoners of war have fallen is charged with their maintenance.

In the absence of a special agreement between the belligerents, prisoners of war shall be treated as regards board, lodging, and clothing on the same footing as the troops of the Government who captured them.

Art. 8.

Prisoners of war shall be subject to the laws, regulations, and orders in force in the army of the State in whose power they are. Any act of insubordination justifies the adoption towards them of such measures of severity as may be considered necessary.

Escaped prisoners who are retaken before being able to rejoin their own army or before leaving the territory occupied by the army which captured them are liable to disciplinary punishment.
Prisoners who, after succeeding in escaping, are again taken prisoners, are not liable to any punishment on account of the previous flight.

Art. 9.

Every prisoner of war is bound to give, if he is questioned on the subject, his true name and rank, and if he infringes this rule, he is liable to have the advantages given to prisoners of his class curtailed.

Art. 10.

Prisoners of war may be set at liberty on parole if the laws of their country allow, and, in such cases, they are bound, on their personal honour, scrupulously to fulfil, both towards their own Government and the Government by whom they were made prisoners, the engagements they have contracted.

In such cases their own Government is bound neither to require of nor accept from them any service incompatible with the parole given.

Art. 11.

A prisoner of war cannot be compelled to accept his liberty on parole; similarly the hostile Government is not obliged to accede to the request of the prisoner to be set at liberty on parole.

Art. 12.

Prisoners of war liberated on parole and recaptured bearing arms against the Government to whom they had pledged their honour, or against the allies of that Government, forfeit their right to be treated as prisoners of war, and can be brought before the courts.

Art. 13.

Individuals who follow an army without directly belonging to it, such as newspaper correspondents and reporters, sutlers and contractors, who fall into the enemy's hands and whom the latter thinks expedient to detain, are entitled to be treated as prisoners of war, provided they are in possession of a certificate from the military authorities of the army which they were accompanying.

Art. 14.
An inquiry office for prisoners of war is instituted on the commencement of hostilities in each of the belligerent States, and, when necessary, in neutral countries which have received belligerents in their territory. It is the function of this office to reply to all inquiries about the prisoners. It receives from the various services concerned full information respecting internments and transfers, releases on parole, exchanges, escapes, admissions into hospital, deaths, as well as other information necessary to enable it to make out and keep up to date an individual return for each prisoner of war. The office must state in this return the regimental number, name and surname, age, place of origin, rank, unit, wounds, date and place of capture, internment, wounding, and death, as well as any observations of a special character. The individual return shall be sent to the Government of the other belligerent after the conclusion of peace.

It is likewise the function of the inquiry office to receive and collect all objects of personal use, valuables, letters, etc., found on the field of battle or left by prisoners who have been released on parole, or exchanged, or who have escaped, or died in hospitals or ambulances, and to forward them to those concerned.

Art. 15.

Relief societies for prisoners of war, which are properly constituted in accordance with the laws of their country and with the object of serving as the channel for charitable effort shall receive from the belligerents, for themselves and their duly accredited agents every facility for the efficient performance of their humane task within the bounds imposed by military necessities and administrative regulations. Agents of these societies may be admitted to the places of internment for the purpose of distributing relief, as also to the halting places of repatriated prisoners, if furnished with a personal permit by the military authorities, and on giving an undertaking in writing to comply with all measures of order and police which the latter may issue.

Art. 16.

Inquiry offices enjoy the privilege of free postage. Letters, money orders, and valuables, as well as parcels by post, intended for prisoners of war, or dispatched by them, shall be exempt from all postal duties in the countries of origin and destination, as well as in the countries they pass through.

Presents and relief in kind for prisoners of war shall be admitted free of all import or other duties, as well as of payments for carriage by the State railways.
Art. 17.

Officers taken prisoners shall receive the same rate of pay as of officers of corresponding rank in the country where they are detained, the amount to be ultimately refunded by their own Government.

Art. 18.

Prisoners of war shall enjoy complete liberty in the exercise of their religion, including attendance at the services of whatever church they may belong to, on the sole condition that they comply with the measures of order and police issued by the military authorities.

Art. 19.

The wills of prisoners of war are received or drawn up in the same way as for soldiers of the national army.

The same rules shall be observed regarding death certificates as well as for the burial of prisoners of war, due regard being paid to their grade and rank.

Art. 20.

After the conclusion of peace, the repatriation of prisoners of war shall be carried out as quickly as possible.

CHAPTER III
The Sick and Wounded

Art. 21.

The obligations of belligerents with regard to the sick and wounded are governed by the Geneva Convention.

SECTION II
HOSTILITIES

CHAPTER I
Means of Injuring the Enemy,
Sieges, and bombardments
Art. 22.

The right of belligerents to adopt means of injuring the enemy is not unlimited.

Art. 23.

In addition to the prohibitions provided by special Conventions, it is especially forbidden -

To employ poison or poisoned weapons;

To kill or wound treacherously individuals belonging to the hostile nation or army;

To kill or wound an enemy who, having laid down his arms, or having no longer means of defence, has surrendered at discretion;

To declare that no quarter will be given;

To employ arms, projectiles, or material calculated to cause unnecessary suffering;

To make improper use of a flag of truce, of the national flag or of the military insignia and uniform of the enemy, as well as the distinctive badges of the Geneva Convention;

To destroy or seize the enemy's property, unless such destruction or seizure be imperatively demanded by the necessities of war;

To declare abolished, suspended, or inadmissible in a court of law the rights and actions of the nationals of the hostile party. A belligerent is likewise forbidden to compel the nationals of the hostile party to take part in the operations of war directed against their own country, even if they were in the belligerent's service before the commencement of the war.

Art. 24.

Ruses of war and the employment of measures necessary for obtaining information about the enemy and the country are considered permissible.

Art. 25.
The attack or bombardment, by whatever means, of towns, villages, dwellings, or buildings which are undefended is prohibited.


The officer in command of an attacking force must, before commencing a bombardment, except in cases of assault, do all in his power to warn the authorities.

Art. 27.

In sieges and bombardments all necessary steps must be taken to spare, as far as possible, buildings dedicated to religion, art, science, or charitable purposes, historic monuments, hospitals, and places where the sick and wounded are collected, provided they are not being used at the time for military purposes.

It is the duty of the besieged to indicate the presence of such buildings or places by distinctive and visible signs, which shall be notified to the enemy beforehand.

Art. 28.

The pillage of a town or place, even when taken by assault, is prohibited.

CHAPTER II
Spies

Art. 29.

A person can only be considered a spy when, acting clandestinely or on false pretences, he obtains or endeavours to obtain information in the zone of operations of a belligerent, with the intention of communicating it to the hostile party.

Thus, soldiers not wearing a disguise who have penetrated into the zone of operations of the hostile army, for the purpose of obtaining information, are not considered spies. Similarly, the following are not considered spies: Soldiers and civilians, carrying out their mission openly, entrusted with the delivery of despatches intended either for their own army or for the enemy's army. To this class belong likewise persons sent in balloons for the purpose of carrying despatches and, generally, of maintaining communications between the different parts of an army or a territory.

Art. 30.
A spy taken in the act shall not be punished without previous trial.

Art. 31.

A spy who, after rejoining the army to which he belongs, is subsequently captured by the enemy, is treated as a prisoner of war, and incurs no responsibility for his previous acts of espionage.

CHAPTER III
Flags of Truce

Art. 32.

A person is regarded as a parlementaire who has been authorized by one of the belligerents to enter into communication with the other, and who advances bearing a white flag. He has a right to inviolability, as well as the trumpeter, bugler or drummer, the flag-bearer and interpreter who may accompany him.

Art. 33.

The commander to whom a parlementaire is sent is not in all cases obliged to receive him.

He may take all the necessary steps to prevent the parlementaire taking advantage of his mission to obtain information.

In case of abuse, he has the right to detain the parlementaire temporarily.

Art. 34.

The parlementaire loses his rights of inviolability if it is proved in a clear and incontestable manner that he has taken advantage of his privileged position to provoke or commit an act of treason.

CHAPTER IV
Capitulations

Art. 35.

Capitulations agreed upon between the Contracting Parties must take into account the rules of military honour.
Once settled, they must be scrupulously observed by both parties.

CHAPTER V
Armistices

Art. 36.

An armistice suspends military operations by mutual agreement between the belligerent parties. If its duration is not defined, the belligerent parties may resume operations at any time, provided always that the enemy is warned within the time agreed upon, in accordance with the terms of the armistice.

Art. 37.

An armistice may be general or local. The first suspends the military operations of the belligerent States everywhere; the second only between certain fractions of the belligerent armies and within a fixed radius.

Art. 38.

An armistice must be notified officially and in good time to the competent authorities and to the troops. Hostilities are suspended immediately after the notification, or on the date fixed.

Art. 39.

It rests with the Contracting Parties to settle, in the terms of the armistice, what communications may be held in the theatre of war with the inhabitants and between the inhabitants of one belligerent State and those of the other.

Art. 40.

Any serious violation of the armistice by one of the parties gives the other party the right of denouncing it, and even, in cases of urgency, of recommencing hostilities immediately.

Art. 41.

A violation of the terms of the armistice by private persons acting on their own initiative only entitles the injured party to demand the punishment of the offenders or, if necessary, compensation for the losses sustained.
SECTION III
MILITARY AUTHORITY OVER THE TERRITORY
OF THE HOSTILE STATE

Art. 42.

Territory is considered occupied when it is actually placed under the authority of
the hostile army.

The occupation extends only to the territory where such authority has been
established and can be exercised.

Art. 43.

The authority of the legitimate power having in fact passed into the hands of the
occupant, the latter shall take all the measures in his power to restore, and ensure, as
far as possible, public order and safety, while respecting, unless absolutely
prevented, the laws in force in the country.

Art. 44.

A belligerent is forbidden to force the inhabitants of territory occupied by it to
furnish information about the army of the other belligerent, or about its means of
defense.

Art. 45.

It is forbidden to compel the inhabitants of occupied territory to swear allegiance
to the hostile Power.

Art. 46.

Family honour and rights, the lives of persons, and private property, as well as
religious convictions and practice, must be respected.

Private property cannot be confiscated.

Art. 47.

Pillage is formally forbidden.
Art. 48.

If, in the territory occupied, the occupant collects the taxes, dues, and tolls imposed for the benefit of the State, he shall do so, as far as is possible, in accordance with the rules of assessment and incidence in force, and shall in consequence be bound to defray the expenses of the administration of the occupied territory to the same extent as the legitimate Government was so bound.

Art. 49.

If, in addition to the taxes mentioned in the above article, the occupant levies other money contributions in the occupied territory, this shall only be for the needs of the army or of the administration of the territory in question.

Art. 50.

No general penalty, pecuniary or otherwise, shall be inflicted upon the population on account of the acts of individuals for which they cannot be regarded as jointly and severally responsible.

Art. 51.

No contribution shall be collected except under a written order, and on the responsibility of a commander-in-chief.

The collection of the said contribution shall only be effected as far as possible in accordance with the rules of assessment and incidence of the taxes in force.

For every contribution a receipt shall be given to the contributors.

Art. 52.

Requisitions in kind and services shall not be demanded from municipalities or inhabitants except for the needs of the army of occupation. They shall be in proportion to the resources of the country, and of such a nature as not to involve the inhabitants in the obligation of taking part in military operations against their own country.

Such requisitions and services shall only be demanded on the authority of the commander in the locality occupied.
Contributions in kind shall as far as possible be paid for in cash; if not, a receipt shall be given and the payment of the amount due shall be made as soon as possible.

Art. 53.

An army of occupation can only take possession of cash, funds, and realizable securities which are strictly the property of the State, depots of arms, means of transport, stores and supplies, and, generally, all movable property belonging to the State which may be used for military operations.

All appliances, whether on land, at sea, or in the air, adapted for the transmission of news, or for the transport of persons or things, exclusive of cases governed by naval law, depots of arms, and, generally, all kinds of munitions of war, may be seized, even if they belong to private individuals, but must be restored and compensation fixed when peace is made.

Art. 54.

Submarine cables connecting an occupied territory with a neutral territory shall not be seized or destroyed except in the case of absolute necessity. They must likewise be restored and compensation fixed when peace is made.

Art. 55. The occupying State shall be regarded only as administrator and usufructuary of public buildings, real estate, forests, and agricultural estates belonging to the hostile State, and situated in the occupied country. It must safeguard the capital of these properties, and administer them in accordance with the rules of usufruct.

Art. 56.

The property of municipalities, that of institutions dedicated to religion, charity and education, the arts and sciences, even when State property, shall be treated as private property.

All seizure of, destruction or wilful damage done to institutions of this character, historic monuments, works of art and science, is forbidden, and should be made the subject of legal proceedings.
Compiled under the direction of Charles I. Bevans LL.B.  
Assistant Legal Advisor Department of State  
Volume 1 Multilateral 1776-1917  
Department of State Publication 8407  

<table>
<thead>
<tr>
<th>Laws of War Page</th>
<th>19th Century Page</th>
<th>20th Century Page</th>
<th>Avalon Home Page</th>
</tr>
</thead>
</table>

© 1998 The Avalon Project.  
The Avalon Project - Laws of War: Laws and Customs of War on Land (Hague IV); October 18, 1907 was last modified on: 08/25/2004 15:58:46
Re: IMMEDIATE: SSCI Request for IG Briefing

and I will be doing this briefing. It looks like any time this week except Wed. afternoon would be okay.

Subject: Re: IMMEDIATE: SSCI Request for IG Briefing

SSCI staff (Corcoran) called today asking to reschedule your briefing. Please let me know what would work for you. thanks --

--- Forwarded by [Name] on 05/09/05 12:28 PM ---
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Thanks --

----- Forwarded by -- on 05/05/2005 11:52 AM -----

OK. I've asked them for Friday morning. I'll let you know soonest.

FYI: Jennifer Chartrand, SAC/D staffer, was also interested in a briefing on this matter: including any relationship(s) the deceased general. Thanks
and I are available to provide this briefing. [ ] has conducted the investigation of this matter. In terms of scheduling, Friday morning would be the best time for me, but I can juggle my schedule, if that time does not work.

Original Text of [ ]

DCI Office of Congressional Affairs
Liaison

05/04/05 10:41 AM

To: [ ]

cc: John L. Helgerson/STF/AGENCY@DCI,

Subject: IMMEDIATE: SSCI REquest for Briefing

SSCI Staff (Staffdir Duhnke) has reiterated request for a comprehensive IG briefing [ ] before the end of the week.

SSCI Staff's understanding is that while [ ] at the death of the Iraqi General who died in custody, [ ] Consequently, SSCI staff will want to know, inter alia, whether the General was abused [ ] (or any other) occasion.

Pls let us know when your folks would be available to brief. thanks.
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OIG

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Pleas let us know when your folks would be available to brief. Thanks.
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SSCI Staff's understanding is that while ___at the death of the Iraqi General who died in custody, consequently, SSCI staff will want to know, inter alia, whether the General was abused ___(or any other) occasion.

Pls let us know when your folks would be available to brief. thanks:
SSCI Tom Corcoran asked if the investigation determined whether involved in abuse of the General prior to the interrogation session in which the General died. I said I would pose the question. A few minutes later Corcoran called back and indicated that Bill Duhnke asked him to convey to us that he would like a briefing for Committee Staff on the matter. Can you provide a briefing to SSCI Staff on this issue or is this a Staff Directors briefing?

As I mentioned on the phone, I received a query from HPSCI staffer Dave Buckley concerning an OIG investigation into the death of an Iraq General. The query came in regard to an upcoming Wash. Post story in the General's interrogation. The language below is the classified level response to the HPSCI query. Thanks for your offer to transmit it to both staffs. Refer to you on whether it should go to the SSCI staff, too.
Hart Building, s-219 1100, on Thursday, 12 May.

Briefing will be at

Departure: 1015 from SW entrance on Thursday,

----- Forwarded by

05/10/05 11:29 AM

Okay, SSNs are: 

Original Text of

05/10/05 11:05 AM
Briefing is scheduled for THURSDAY, 1100 in HART 219.

Pis give me your and ssns asap. What level of clearance will be required for a good briefing for the wider SSCI staff?

Original Text of

SSCI staff (Corcoran) called today asking to reschedule your briefing. PIs let me know what would work for you. thanks ---

--- Forwarded by [Redacted] on 05/09/05 12:28 PM ---

---
WEEK

Corcoran at SSCI called to say they cannot do the briefing tomorrow. They'll revisit on Monday (9 May) to schedule something thereafter. I'll let you know soonest.

Thanks --

Forwarded by on 05/05/2005 11:52 AM

DCI Office of Congressional Affairs
Liaison

05/04/2005 05:05 PM

To: cc:

John L. Helgerson/STF/AGENCY

Subject: Re: IMMEDIATE: SSCI Request for Briefing

OK. I've asked them for Friday morning. I'll let you know soonest.

FYI: Jennifer Chartrand, SAC/D staffer, was also interested in a briefing on this matter: including any relationship(s) the deceased general. Thanks

Original Text of

05/04/2005 12:08 PM

To: cc:

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Subject: Re: IMMEDIATE: SSCI Request for Briefing

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Pls let us know when your folks would be available to brief. Thanks.
that's Thursday 12 May departing 101h from SW entrance.

We'll depart SW entrance at 1015 on Thursday, 11 May.

Subject: Re: IMMEDIATE: SSCI Request for IG Briefing
Briefing is scheduled for THURSDAY, 11:00 in HART 219.

Please give me your access numbers asap. What level of clearance will be required for a good briefing for the wider SSCI staff? Original Text of

To: John L.

Subject: Re: IMMEDIATE: SSCI Request for IG Briefing

SSCI staff (Corcoran) called today asking to reschedule your briefing. They would like to do it in the next WEEK.

Forwarded by [redacted] on 05/09/05 12:28 PM

Corcoran at SSCI called to say they cannot do the briefing tomorrow. They'll revisit on Monday (9 May) to

DCI Office of Congressional Affairs Liaison

05/05/05 11:54 AM

To: [redacted]

Subject: Re: IMMEDIATE: SSCI Request for Briefing

DCI Office of Congressional Affairs Liaison

05/09/05 12:30 PM

To: [redacted]

Subject: Re: IMMEDIATE: SSCI Request for IG Briefing

DCI Office of Congressional Affairs Liaison
schedule something thereafter. I'll let you know soonest.

Thanks --
----- Forwarded by [Redacted] on 05/05/2005 11:52 AM -----

DCI Office of Congressional Affairs
Liasion

05/04/2005 05:05 PM

To:

cc: John L. Helgerson/STF/AGENCY@DCI

Subject: Re: IMMEDIATE: SSCI Request for Briefing

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Original Text of [Redacted]

OIG

05/04/2005 12:08 PM

To:

cc: John L. Helgerson/STF/AGENCY@DCI

Subject: Re: IMMEDIATE: SSCI Request for Briefing

[Redacted] and I are available to provide this briefing. [Redacted] has conducted the investigation of this matter. In terms of scheduling, Friday morning would be the best time for me, but I can juggle my schedule, if that time does not work.

Original Text of [Redacted]
05/04/05 10:41 AM

To: [Blank]

cc: John L. Helgerson/STF/AGENCY@DCl]

Subject: IMMEDIATE: SSCI REQest for Briefing

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APPROVED FOR RELEASE
DATE: APR 2008

05/05/2005 17:08
To: John L. Helgerson/STF/AGENCY@DCI,
cc: 
Subject: Talking Points for SSCI Briefing, Case

Talking points on the General's death and are attached.

--- Forwarded by on 05/05/05 05:06 PM ---

Investigations Staff, Office of the Inspector General

05/05/05 05:05 PM
To: 
cc: 
Subject: Talking Points for SSCI Briefing, Case

As you requested:
A couple of questions occur to me after reading your TPs: What did the Army captain's comments are detailed, esp. his claim
What did the in this regard? what were instructions to the
Also, did either individual further define what constituted? You report what
the Army captain says it didn't include--which is a partial answer--but what was permissible?) Finally, what did in regard to the Army captain's claim that, in the end, what they see the US do.

It also would be good to include the DOJ declination.
05/12/2005 15:50

To:

cc:

Subject: Re: IMMEDIATE: SSCI Request for IG Briefing

Time is good; [_____] will be joining [_____] and I.

SSNs are:

Original Text of:

---

DCI Office of Congressional Affairs
Liaison

05/12/05 02:31 PM

To:

cc:

Subject: Re: IMMEDIATE: SSCI Request for IG Briefing

How about Wednesday, 1300-1430?

--- Forwarded by [_____] on 05/12/05 02:30 PM ---

DCI Office of Congressional Affairs
Liaison

05/11/05 11:08 AM

To:

cc:
I have an early morning briefing, consequently, I will meet you at Hart building rm SH 219 for your 1100 briefing on Thursday, 12 May.

What this means is that you'll meet the driver at 1015 from SW entrance tomorrow without an OCA escort. Just let driver know who you are and where you're going. He'll understand.

Thanks and see you at the Hart bldg tomorrow.

--- Forwarded by [signature] on 05/11/05 11:05 AM ---

DCI Office of Congressional Affairs
Liaison

05/11/05 11:03 AM

To: [signature]
cc: [signature]

Subject: Re: IMMEDIATE: SSCI Request for IG Briefing

That's Thursday 12 May departing 101h from SW entrance.

--- Forwarded by [signature] on 05/11/05 11:02 AM ---

DCI Office of Congressional Affairs
Liaison

05/10/05 11:06 AM

To: [signature]
cc: [signature]

Subject: Re: IMMEDIATE: SSCI Request for IG Briefing

Heigerson/STF/AGENCY@DCI

John L.

We'll depart SW entrance at 1015 on Thursday, 11 May.

--- Forwarded by [signature] on 05/10/05 11:05 AM ---
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Pls give me your and [ ] ssn asap. What level of clearance will be required for a good briefing for the wider SSCI staff?

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----- Forwarded by [Blank] on 05/05/2005 11:52 AM -----

05/04/2005 05:05 PM

To: [Blank]
cc: [Blank]

Subject: Re: IMMEDIATE: SSCI Request for Briefing

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05/04/2005 12:08 PM

To: [Blank]
cc: [Blank]

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DCI Office of Congressional Affairs Liaison

05/04/06 10:41 AM

To:  

cc: John L. Helgerson/STF/AGENCY@DCI

Subject: IMMEDIATE: SSCI REQUEST for Briefing

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----- Forwarded by on 05/11/05 11:05 AM -----
That's Thursday 12 May departing 101h from SW entrance.

----- Forwarded by __________________ on 05/11/05 11:02 AM -----

DCI Office of Congressional Affairs
Liaison

05/10/05 11:06 AM

To:

cc:

Helgerson/STF/AGENCY @ DCI

John L.

Subject: Re: IMMEDIATE: SSCI Request for IG Briefing

We'll depart SW entrance at 1015 on Thursday, 11 May.

----- Forwarded by __________________ on 05/10/05 11:05 AM -----

DCI Office of Congressional Affairs
Liaison

05/10/05 11:05 AM

To:

cc:

Helgerson/STF/AGENCY @ DCI

John L.

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05/04/2005 12:08 PM

To:  

cc: John L. Helgerson/STF/AGENCY@DCI.

Subject: Re: IMMEDIATE: SSCI Request for Briefing

___

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DNI Office of Congressional Affairs
Liaison

05/04/05 10:41 AM

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cc: John L. Helgerson/STF/AGENCY@DCI.

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Pls let us know when your folks would be available to brief. thanks.
How would you like to handle? Is pulling together talking points that cover the specifics of our investigation concerning the General, as well as the broader issue of what have told us about in interrogations and the instructions under which

—— Forwarded by on 05/04/05 11:05 AM ——


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Pls let us know when your folks would be available to brief. thanks.
Is the time okay for you?

----- Forwarded by [Name] on 05/12/05 03:28 PM -----

John L. Hdgerson
Inspector General

----- Forwarded by [Name] on 05/12/05 02:59 PM -----

Probably best for you to do this, [Name] accompanied by [Name] on the two cases. John

----- Forwarded by [Name] on 05/12/05 02:53 PM -----

The SSCI staff briefing [scheduled for today] was postponed. Per the note below, the
staff would like to reschedule. [Name] How would you like to proceed?

----- Forwarded by [Name] on 05/12/05 02:50 PM -----
DCI Office of Congressional Affairs
Liaison

05/12/05 02:31 PM

To:
cc:
Subject: Re: IMMEDIATE: SSCI Request for IG Briefing

How about Wednesday, 1300-1430? [Signature]

----- Forwarded by [Signature] on 05/12/05 02:30 PM -----

DCI Office of Congressional Affairs
Liaison

05/11/05 11:08 AM

To:
cc:
Subject: Re: IMMEDIATE: SSCI Request for IG Briefing

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DCI Office of Congressional Affairs
Liaison

05/11/05 11:03 AM

To:
cc:
Subject: Re: IMMEDIATE: SSCI Request for IG Briefing

[Signature]
that's Thursday 12 May departing 101h from SW entrance.

----- Forwarded by __________ on 05/11/05 11:02 AM -----

05/10/05 11:06 AM

To: __________
cc: __________ Helgerson/STF/AGENCY@DCI, John L,

Subject: Re: IMMEDIATE: SSCI Request for IG Briefing

We'll depart SW entrance at 1015 on Thursday, 11 May.

----- Forwarded by __________ on 05/10/05 11:05 AM -----

05/10/05 11:05 AM

To: __________
cc: __________ Helgerson/STF/AGENCY@DCI, John L,

Subject: Re: IMMEDIATE: SSCI Request for IG Briefing

Briefing is scheduled for THURSDAY, 1100 in HART 219.

Pls give me your and __________ sssns asap. What level of clearance will be required for a good briefing for the wider SSCI staff?

Original Text of

-----
SSCI staff (Corcoran) called today asking to reschedule your briefing. Please let me know what would work for you. Thanks.

----- Forwarded by [Redacted] on 05/09/05 12:28 PM -----

Corcoran at SSCI called to say they cannot do the briefing tomorrow. They'll revisit on Monday (9 May) to schedule something thereafter. I'll let you know soonest.

Thanks.

----- Forwarded by [Redacted] on 05/05/05 11:52 AM -----
Subject: Re: IMMEDIATE: SSCI Request for Briefing

OK. I've asked them for Friday morning. I'll let you know soonest.

FYI: Jennifer Chartrand, SAC/D staff, was also interested in a briefing on this matter: including any relationship(s) the deceased general. Thanks

Original Text of

OIG

05/04/2005 12:08 PM

To: John L. Helgerson/STF/AGENCY@DCI,

cc: John L. Helgerson/STF/AGENCY@DCI,

Subject: Re: IMMEDIATE: SSCI Request for Briefing

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Original Text of

DCI Office of Congressional Affairs
Liaison

05/04/05 10:41 AM

To: John L. Helgerson/STF/AGENCY@DCI,

cc: John L. Helgerson/STF/AGENCY@DCI,

Subject: IMMEDIATE: SSCI REquest for Briefing

SSCI Staff (Staffdir Duhnke) has reiterated request for a comprehensive IG briefing before the end of the week.
SSCI Staff's understanding is that [ ] at the death of the Iraqi General who died in custody [ ] Consequently, SSCI staff will want to know, inter alia, whether the General was abused [ ] (or any other) occasion.

Pls let us know when your folks would be available to brief. thanks.
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Thanks --

----- Forwarded by [Name] on 05/05/2005 11:52 AM -----

OK. I've asked them for Friday morning. I'll let you know soonest.

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SSCI Staff (Staffdir Duhnke) has reiterated request for a comprehensive IG briefing [redacted] before the end of the week.

SSCI Staff's understanding is that while the death of the Iraqi General who died in custody, [redacted] consequently, SSCI staff will want to know, inter alia, whether the General was abused [redacted] (or any other) occasion.

Pls let us know when your folks would be available to brief. thanks.
We'll depart SW entrance at 1015 on Thursday, 11 May.

Briefing is scheduled for Thursday, 1100 in HART 219.

Pls give me your and [redacted] ssn's asap. What level of clearance will be required for a good briefing for the wider SSCI staff?

Original Text of [redacted]
05/09/05 12:30 PM

To:
cc: John L.

Subject: Re: IMMEDIATE: SSCI Request for IG Briefing

SSCI staff (Corcoran) called today asking to reschedule your briefing. What would work for you? Thanks --

Pls let me know on 05/09/05 12:28 PM -----

05/05/05 11:54 AM

To:
cc: John L.

Subject: Re: IMMEDIATE: SSCI Request for Briefing NEXT WEEK

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Thanks --

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05/04/2005 05:05 PM

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Original Text of

05/10/2005 11:06
05/09/05 12:30 PM
To: 
cc: 
Subject: Re: IMMEDIATE: SSCI Request for IG Briefing

 SSCl staff (Corcoran) called today asking to reschedule your briefing. Pls let me know what would work for you. thanks --

----- Forwarded by on 05/09/05 12:23 PM -----

DCI Office of Congressional Affairs Liaison

05/05/05 11:54 AM
To: 
cc: 
Subject: Re: IMMEDIATE: SSCI Request for Briefing NEXT WEEK

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Thanks --

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DCI Office of Congressional Affairs Liaison

05/04/2005 05:05 PM
To: 
cc:

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Pls let us know when your folks would be available to brief. thanks.
The sender's identity cannot be verified. If you question the validity of this mail's content, please contact your [blank].

DCI Office of Congressional Affairs
Liaison
05/16/2005 16:22

To:
cc:

Subject: Re: SSCI's IG Briefing CLEARANCES, PLS 8 MAY (WED): PASS

This briefing is now scheduled for Wed, 18 May, at HART building rm. S-219, from 1300-1430h.

SUBJECTS: [blank]

Classification LEVEL: [blank]

Pls note we'll depart SW entrance at 1215h on Wed 18 May.

[blank] pls pass clearances to SSCI for the followign folks:

Briefers:

[blank]

thanks -- [blank]

Original Text of [blank]

[blank]

05/12/05 03:50 PM

To:
Subject: Re: IMMEDIATE: SSCI Request for IG Briefing

Time is good. [redacted] will be joining [redacted] and I.

SSNs are:

[redacted]

Original Text of [redacted]

DCI Office of Congressional Affairs
Liaison

05/12/05 02:31 PM

To:

cc:

Subject: Re: IMMEDIATE: SSCI Request for IG Briefing

How about Wednesday, 1300-1430? [redacted] Forwarded by [redacted] on 05/12/05 02:30 PM ----

DCI Office of Congressional Affairs
Liaison

05/11/05 11:08 AM

To:

cc:

Subject: Re: IMMEDIATE: SSCI Request for IG Briefing

[redacted]

I have an early morning briefing, consequently, I will meet you at Hart building rm SH 219 for your 1100 briefing on Thursday, 12 May.

What this means is that you'll meet the driver at 1015 from SW entrance tomorrow without an OCA escort. Just let driver know who you are and where you're going. He'll understand.

Thanks and see you at the Hart bldg tomorrow.
OK. I've asked them for Friday morning. I'll let you know soonest.

FYI: Jennifer Chartrand, SAC/D staffer, was also interested in a briefing on this matter: including any relationship(s) of the deceased general. Thanks

Original Text of

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Pls let us know when your folks would be available to brief. thanks.
Yes. I'm the Duty Officer on Wednesday the 18th, but I can switch with someone.

Original Text of

05/12/2005 15:28

Is the time okay for you?

----- Forwarded by [redacted] on 05/12/05 03:28 PM -----

John L. Hougerson
Inspector General
05/12/05 02:59 PM

To: 
cc: 
Subject: Re: IMMEDIATE: SSCI Request for IG Briefing

Probably best for you to do this, accompanied by on the two cases. John

05/12/05 02:53 PM

To: John L. Helgerson/STF/AGENCY@DCI.
cc: 
Subject: Re: IMMEDIATE: SSCI Request for IG Briefing

The SSCI staff briefing scheduled for today was postponed. Per the note below, the staff would like to reschedule. How would you like to proceed?

----- Forwarded by on 05/12/05 02:50 PM -----

DCI Office of Congressional Affairs 
Liaison

05/12/05 02:31 PM

To: 
cc: 
Subject: Re: IMMEDIATE: SSCI Request for IG Briefing

How about Wednesday, 1300-1430?  

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DCI Office of Congressional Affairs 
Liaison

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cc: 
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----- Forwarded by [Redacted] on 05/11/05 11:05 AM -----

DCI Office of Congressional Affairs
Liaison

05/11/05 11:03 AM
To: [Redacted]
cc: [Redacted]
Subject: Re: IMMEDIATE: SSCI Request for IG Briefing

that's Thursday 12 May departing 101h from SW entrance.

----- Forwarded by [Redacted] on 05/11/05 11:02 AM -----

DCI Office of Congressional Affairs
Liaison

05/10/05 11:06 AM
To [Redacted]
cc: [Redacted]

Helgerson/STF/AGENCY @ DCI

John L

Subject: Re: IMMEDIATE: SSCI Request for IG Briefing

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To: [redacted]
cc: [redacted]

Subject: Re: IMMEDIATE: SSCI Request for Briefing NEXT WEEK

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cc: [redacted]

Subject: Re: IMMEDIATE: SSCI Request for Briefing

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Pls let us know when your folks would be available to brief. thanks.
What level of classification for your briefing stuff right?

Thanks.
A little-noticed portion of the military's classified report on the abuse of prisoners in Iraq says that a number of prisoners were operated by the 800th Military Police Brigade "routinely held" such prisoners "without accounting for them, knowing their identities, or even the reason for their detention."

In one case, the report says, U.S. military police at the notorious Abu Ghraib prison near Baghdad shifted six to eight undocumented prisoners "around within the facility to hide them" from a visiting delegation from the International Committee of the Red Cross.

"This maneuver was deceptive, contrary to Army Doctrine and in violation of international law," the report adds.

Human rights groups said the practice of keeping prisoners off written lists and physically concealing them from humanitarian aid groups and independent monitors has been well known over the years in dictatorships from Guatemala to Sudan.

The CIA, which had the military bring some detainees into the prisons for questioning, has launched an internal review into what an agency official called "not enough accountability" by its operatives or contract employees. "It isn't part of agency doctrine regarding handling of prisoners," the official said.

"We have looked into ghost detainees," the official, who asked not to be identified, said Tuesday. He declined to whether the agency had taken any disciplinary action or changed policies or procedures so far.

The military report does not name the CIA, noting only that undocumented prisoners were brought by "other government agencies." But the official said the CIA had the military detain Iraqi suspects at several facilities, including about two dozen prisoners at Abu Ghraib.

"The vast majority of people were not of interest to us," he said. "There were a small number we had asked the military to bring in, then we conducted questioning of that small number."

Human rights groups said the expression "ghost detainees" is new but the practice is old.

"This is another way of saying a disappearance," said Kenneth Roth, executive director of Human Rights Watch, an independent group based in New York. "A ghost detainee is someone for whom there is no public accountability. That is by far the most dangerous condition to be in because there is no external restraint on the detainee's torture or murder."

"If a government subverts that key element of the process, you can almost guarantee there will be abuses," said Massimino, Washington director of Human Rights First. "If you don't have that, you don't have accountability."

Patrick Lang, former head of Middle East intelligence for the Pentagon's Defense Intelligence Agency, said the "government agency" mentioned in the report is almost certainly the CIA. Lang said he had never heard of "ghost detainees" or of a military prison accepting detainees from the CIA with little or no explanation of why they had been detained.

"You have no idea the provenance of these people," Lang said. "They could be picked up for any reason and you have no way of knowing, no control. That's just nuts to do something like that."
The CIA has an estimated 500 operatives, paramilitary officers and other staffers in Iraq, making it the largest in the agency's history, intelligence officials say. The spy service played a key role in finding Saddam Hussein in December and has helped round up other key leaders in the former regime and the current insurgency.

But the CIA's role once suspects are caught is less clear. The agency's inspector general is investigating the death of an Iraqi hours after the prisoner was taken to Abu Ghraib in November, CIA officials have said. Another CIA investigation is focusing on an Iraqi who died elsewhere in the country under circumstances the agency has declined to identify.

The role of the CIA and other intelligence agencies in the mounting scandal will be scrutinized today when the Senate Intelligence Committee holds a closed-door hearing. The committee chairman, Sen. Pat Roberts (R-Kan.), said his panel would seek to determine whether "intelligence professionals had anything to do with what I think everyone believes is absolutely unacceptable conduct by Americans."

Under the Geneva Convention, the Geneva-based Red Cross is entitled to unrestricted access to every part of military-run detention facilities in Iraq and has the right to interview every prisoner of war and detainee without outside witness, experts said.

A Red Cross spokeswoman said the organization was "aware of the allegation" that prisoners were moved to avoid detection, but she declined to comment on the matter.
31 January 2006

Dear [Name]

The Central Intelligence Agency's Office of Inspector General (CIA/OIG) investigates allegations of misconduct by Agency personnel. This office was informed that you may possess knowledge of such incidents and requested that the US Army Criminal Investigation Division (Army/CID) agents in your area make initial contact with you. Army CID agents, with whom you met in November 2005, reported that you described your information as "sketchy" and your memory regarding such incidents was limited. Reportedly, you further said that any information you may possess was "not actionable" and you did not care to be interviewed on this matter at this time or in the future.

The CIA/OIG understands your sentiments regarding further interviews. However, this office is committed to pursue all information concerning alleged misconduct by CIA personnel. In the event that you remember something involving CIA personnel that is relevant, I request that you contact OIG/CIA Special Agent [Name] at [Phone Number] with any such information.

Sincerely,

[Signature]

Assistant Inspector General
for Investigations