

I Corps Detainee Release Operations: A Holistic Approach

By Major Lisa M. Gasque

The bilateral Iraq-U.S. Security Agreement, which marked the beginning of a new approach to detention operations in Iraq, was instituted on 1 January 2009. Article 22 of the agreement requires that all U.S.-held detainees be released in a safe and orderly manner or transferred to the care and custody of the government of Iraq (GOI) for prosecution and further detention. Detainees are transferred to the GOI only with a valid warrant, detention, or conviction order issued by an Iraqi judge. GOI-established detainee release and transfer benchmarks have been met by the I Corps Provost Marshal Office (PMO).

The release and transfer of detainees is a combined effort of the I Corps provost marshal, major subordinate commanders, Task Force 134, the GOI, and provincial Iraqi leaders. The requirement to release all detainees in U.S. custody (including those considered to be dangerous) necessitated the development of a plan that would ensure the safety of U.S. forces and the people of Iraq. Simply opening the doors of the theater internment facilities (TIFs) and releasing the detainees was not the answer. Rather, a safe, holistic approach was necessary. The resulting plan involves the categorization of detainees and the prioritization of their release.

The PMO Detainee Operations Cell provides coordination and oversight of the Multinational Corps-Iraq detainee release program. The I Corps PMO receives a list of detainees who are eligible for release and forwards the list to U.S. divisions (USDs) for local vetting through Iraqi provincial authorities to ensure that there are no local arrest warrants for the detainees. USDs also secure a guarantor—typically a GOI official or an *imam*¹—who takes responsibility for the detainees and their conduct upon their release. If the detainee continues to engage in criminally deviant behavior, the guarantor may be held liable and responsible. Once the guarantor is named, the USD returns the list of detainees for release—along with the name of their guarantor—to the I Corps PMO.

The I Corps PMO coordinates with the division level combatant commander and Task Force 134 regarding the date and location of the release to ensure maximum safety for the released detainee and the general public. Once a detainee is scheduled for release, the I Corps PMO tracks the detainee from the TIF to a release ceremony, which is conducted by the provincial Iraqi authorities at the detainee's home of record or point of capture. During the release ceremony, the guarantor speaks to the detainees about the need for reconciliation. The detainees swear to renounce terrorism and practice good behavior. They sign a statement, swearing their allegiance to the new and sovereign Iraq. They are then released to their guarantor.

Additional oversight of the detainee release program is provided by the Joint Subcommittee on Detainee Affairs. The I Corps PMO sends a representative to meetings of the Joint Subcommittee on Detainee Affairs to brief the Deputy Commanding General for Detention Operations, various GOI officials, and embassy personnel on the status of detainee releases and release ceremonies.

The release of detainees during Ramadan² has historically been viewed as an act of forgiveness and has even resulted in the resolution of tribal conflicts. As a gesture of goodwill in support of reconciliation efforts, the I Corps PMO facilitated the release of more than 200 “low threat” detainees during the Eid al-Fitr religious holiday that marks the end of Ramadan. The I Corps PMO coordinated with the Counter Improvised Explosive Device Operational Integration

“The U.S. forces shall provide the Iraqi government with the available information about all the detainees when this agreement is implemented. The specialized Iraqi authorities shall issue arrest warrants for those who are wanted. The U.S. forces will coordinate completely and effectively with the Iraqi government for the hand over of the wanted people to it, according to valid Iraqi arrest warrants and release all other detainees in an organized and secure way unless the Iraqi government requests otherwise under Article 4 of this agreement.”

—from Article 22,
Iraq-U.S. Security Agreement

Center to provide combatant commanders with a good idea of the number and types of detainees to be released in their areas of operation. This information allowed the commanders to better prepare their areas to receive the released detainees and maintain low recidivism rates. To date, none of the detainees who were released on Eid have been identified as recidivists.

The I Corps PMO has released or transferred custody of more than 6,700 TIF detainees. To facilitate low recidivism rates, the detainees are enrolled in training and education courses including basic education classes, computer classes, vocational training, and work programs that facilitate the reintegration of detainees into the community. The completion of these courses increases the detainees' opportunities for employment after their return home. Recidivism rates remain low.

The drawdown of U.S. forces in Iraq resulted in the need for a plan to transfer or release detainees under U.S. custody and control. Article 22 of the Iraq-U.S. Security Agreement has helped solidify the perception of a sovereign Iraq by halting the detention of Iraqis by U.S. forces. The I Corps PMO has played a fundamental role in enforcing the Security Agreement as it pertains to the safe and orderly release and transfer of U.S.-held detainees to the GOI.

Endnotes:

¹An *imam* is an Islamic leader who leads the prayer during religious gatherings.

²Ramadan, which takes place during the ninth month of the Islamic calendar, is a period of religious observance during which Muslims refrain from excess or ill-natured eating or drinking from dawn until sunset.

Reference:

Iraq-U.S. Security Agreement, 1 December 2008.

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