Procedure on detaining or capturing people

START HERE

Have you detained someone?

- Yes -> Are they a fighter?
  - Yes -> See reverse of this card [for rules on the treatment of detainees]
  - No -> Are they suspected of having committed an "ordinary" criminal offence under Libyan law?
    - Yes -> Can they be seen by a judge in the next [48] hours?
      - Yes -> Release / no further action
      - No -> Follow Libyan Criminal Code on due process, subject to international human rights law
    - No -> No further action required
- No -> Can they be seen by a judge in the next [48] hours?
  - Yes -> Release on bail / subject to guarantee
  - No -> Release / no further action

Has the judge charged them?

- Yes -> Release / no further action
- No -> No further action required
Rules on the treatment of detainees

Detainees must receive humane treatment AT ALL TIMES, from the moment of capture. DO respect detainees and protect them from harm.

### Humane Treatment:
- **DO NOT** use any form of physical, sexual or mental violence against any detainee. No form of torture or intimidation is allowed.
- **DO NOT** subject detainees to humiliating or degrading treatment such as displaying them in a publicly humiliating fashion.
- **DO NOT** take revenge on detainees.
- **DO NOT** hold individuals answerable for acts for which they are not personally responsible.
- **DO NOT** remove personal property from the detainees unless this is for security reasons. If any property is removed, a receipt must be provided to the detainee.
- **DO NOT** obey an order to carry out any of these prohibited acts. That order is unlawful.
- REPORT ANY INCIDENTS OF INHUMANE TREATMENT TO A SUPERIOR OFFICER.

### Medical treatment:
- Necessary and additional medical treatment should be available and accessible.
- Attempt to identify the dead. If this is not possible, then record (and if possible, photograph) the personal possessions with which the body is buried. This is to help with subsequent attempts to identify the person. Records of the dead and the location of their burial should be sent to the ICRC.

### Detention Centres must:
- Be located away from the battlefield, be healthy and hygienic
- Be segregated according to gender and age (children (people under 18 years of age) must not be held with adults) and criminal offenders must be held separately
- Provide sufficient food, water, clothing and medical treatment to ensure the health of the detainees

### Capture Card:
- This is necessary to safeguard you from war crimes charges (enforced disappearance of detainees)
- Any change in the detainee’s place of detention and/or date of release must be recorded and notified to the ICRC
- Captured fighters have no obligation to give any information beyond name, rank (if military), date of birth and identification number.

### Interrogation:
- Any physical or mental coercion is prohibited to obtain statements. Detainees must not be subjected to violence or intimidation of any kind.

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1. Give immediate medical treatment/first aid to anyone who needs it. There is a duty to search for, collect, and aid the injured and wounded from the battlefield of both sides. The dead must also be collected, treated with respect, and buried.

2. Take detainees to a safe place of detention

3. Once at a place of detention follow these steps:
   a: Provide any further necessary medical treatment.
   b: A capture card must be made and a copy sent to the ICRC
   c: Interrogate if necessary. HUMANE TREATMENT must be observed at ALL times

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Rules on targeting and the use of violence

- ONLY target Qadhafi forces and others using force against you. Permissible targets include fighters, buildings, facilities and means of transportation being used or could be used for a military purpose.
- DO NOT allow persons who are less than 18 years of age to fight, even if they have volunteered to do so.
- AVOID as far as possible any effect on civilians of an attack against Qadhafi forces.
- DO NOT target fighters who are surrendering or are no longer fighting.
- DO NOT target civilians or places where there are only civilians.
- DO NOT target medical personnel, facilities, transports or equipment. These may be searched if you need to verify they are genuine, but REMEMBER that medical personnel are allowed by law to carry small arms to protect their patients.
- DO NOT target religious personnel.
- DO NOT target UN / ICRC / Red Crescent personnel or facilities.
- DO NOT harm cultural, educational and religious buildings and historic sites unless Qadhafi forces are using them for hostile purposes, and such harm is absolutely necessary.
- Only use the Red Crescent symbol to indicate medical personnel, facilities and transport and under direction of the competent authorities.

REMEMBER!
FIGHT ONLY FIGHTERS.
ATTACK ONLY MILITARY TARGETS.
SPARE CIVILIANS.
Protections of detainees
Summary of requirements to be observed by the detaining authority

Detainees are entitled to:
- Adequate medical care
- Access to exercise
- Freedom to practice their religion
- Family contact
- Food and water sufficient for good health
- Safe and adequate housing
- Adequate sanitary facilities
- A procedure to register complaints regarding conditions of their captivity (see following card)
- An independent agent to monitor compliance with these guidelines

The detaining authority must ensure detainees are not subjected to:
- Any acts of violence, intimidation, or humiliation
- Cruel, inhumane, humiliating, or degrading treatment
- Slave labour
- Dangerous work (for example, mine clearing)
- Any work which assists your military effort

SPECIAL PROVISIONS FOR WOMEN
- Female prisoners MUST have separate accommodation under female supervision
- Female prisoners may be searched ONLY by females
- Female prisoners MUST be especially protected against sexual violence

SPECIAL PROVISIONS FOR CHILDREN (PEOPLE UNDER 18 YEARS OF AGE)
- Children MUST have accommodation apart from adults unless with their families
- Children MUST have food, hygiene and medical care suited to their age
- Children MUST be able to continue their schooling

REMEMBER!
THE PURPOSE OF DETENTION IS NOT TO PUNISH BUT TO PREVENT FROM FIGHTING
Procedure in the case of suspected breaches of the rules set out in these guidelines

Anyone who wishes to complain about a suspected violation of these rules, and in particular the mistreatment of detainees or the use of fighters who are less than 18 years of age, should be told the name and contact details of the person who has been designated to deal with complaints.

The complaints will be made in confidence. The person providing the information will be informed before being called as a witness.

Complaints must be investigated promptly, thoroughly, and in an impartial manner by an independent body.