



Introduction to Warrant-Based Targeting

Updated: July 2009

Previous Releases: December 2008; May 2009

This Briefing's Overall Classification: U//FOUO

"F3EAD 2.0"



No Picture Available

Target Identified & Developed



Testify-Warrant



Arrest-Exploit



Convict-Sentence



DISCLAIMER & ADMIN NOTES

- Print in “Notes Pages” format when used as a stand alone.
- *Disclaimer:* *This brief contains information gained during a limited timeframe in 2008. The knowledge was derived from personal experience, interviews, and shared information from training briefs and other reference materials. As more lessons are learned, guidance is disseminated, and Iraqi relationships evolve, key parts of this brief will be amended.*
- This brief does not constitute official guidance or policy.
- Consult your unit SJA for specific legal advice.



AGENDA

Warrant-Based Targeting (WBT)

- **Background**
 - Doctrine, Guidance
 - Next Generation F3EAD (2.0)
- **Implied Tasks: *Investigate, Arrest, Convict***
 - Command and Control (C2)
 - Intel and Ops
 - Focused Targeting Force (Time-Sensitive Targeting)
 - Prosecution Task Force (PTF)
- **Essential Practices**



COMMAND GUIDANCE

Background

❖ MNF-I, GEN Odierno, 16 Sep 08

“understand the complexity of the conflict...understand the culture”

“Defeat the *network*, not just the attack...by identifying the *network* behind the attack preparations – pursue and take apart the network’s leaders, bomb makers, financiers, suppliers, and operators. Use both lethal and non-lethal means to destroy the network and prevent it from regenerating.”

“share intelligence...up and down the chain...and with our Iraqi partners...small pieces of *information* paint the big picture”

“integrate civilian and military efforts”



COMMAND GUIDANCE

Background

❖ USF-A/ISAF, GEN McChrystal, 13 Jun 09

“protect and partner with the people”

“understand in detail the situation, however complex, and be able to explain it to others”

“rule of law and humanity don't end when fighting starts”

“constantly adapt...challenge your conventional wisdom and abandon practices that are ingrained into many military cultures...push me to do the same”

“partners must trust our commitment; enemies must not question our resolve”



EVOLUTION

Background

❖ What is “warrant-based” targeting (WBT)?

▪ *It’s foundations lie in:*

- counterinsurgency
- targeting
- stability operations
- rule of law
- military police operations
- BCT security assistance

COIN Resources

FM 3-24 (Dec 06), 3-24.2 (Apr 09)
JP 3-60 (Apr 07), JP 3-05.2 (May 03)
JP 3-0, FM 3-07 (Oct 08)
FM 3-07 (Oct 08), CLAMO (Jul 07)
FM 3-19.50 (Jul 06, rev. in draft)
The Modular Brigade Augmented for
Security Force Assistance Handbook
(Jun 09, USA Infantry School, FOUO)

❖ Why do I need to learn about WBT?

▪ *Critics say... “It has not been ‘codified’ into...”*

- doctrine (no)
- formal training guides (no)
- practice (yes!)



Warrant-Based Targeting: *a working definition*

Background

Goal: attack the insurgent *strategy* and bolster gov't legitimacy (FM 3-24.2)

WBT

Endstate: functioning Rule of Law institutions; lasting partnerships with the HN military and gov't.

...is a process

...for conducting COIN operations,

...combined with Host Nation military and police,

...specifically aimed at defeating insurgent strategies;

*...coordinated with Host Nation Authorities, the Judiciary,
and acting in compliance with Host Nation Laws.*

Warrant (Black's Law Dictionary): written order of the court, made on behalf of the state, based on a complaint issued pursuant to statute, which commands law enforcement to arrest a person and bring him before magistrate

Targeting (DoD, JP 3-0): process of identifying, selecting, and prioritizing an entity or object considered for possible engagement or other action



Warrant-Based Targeting: Outcome

Background

WBT directly impacts outcomes of...

1) the security of Soldiers;

...WBT facilitates offensive missions to kill or capture/convict

2) the effectiveness of COIN; and

...WBT prevents release of known extremists from detention

3) the legitimacy of the HN government.

...WBT separates extremists from the population



Same Basics: Targeting the Enemy

Background

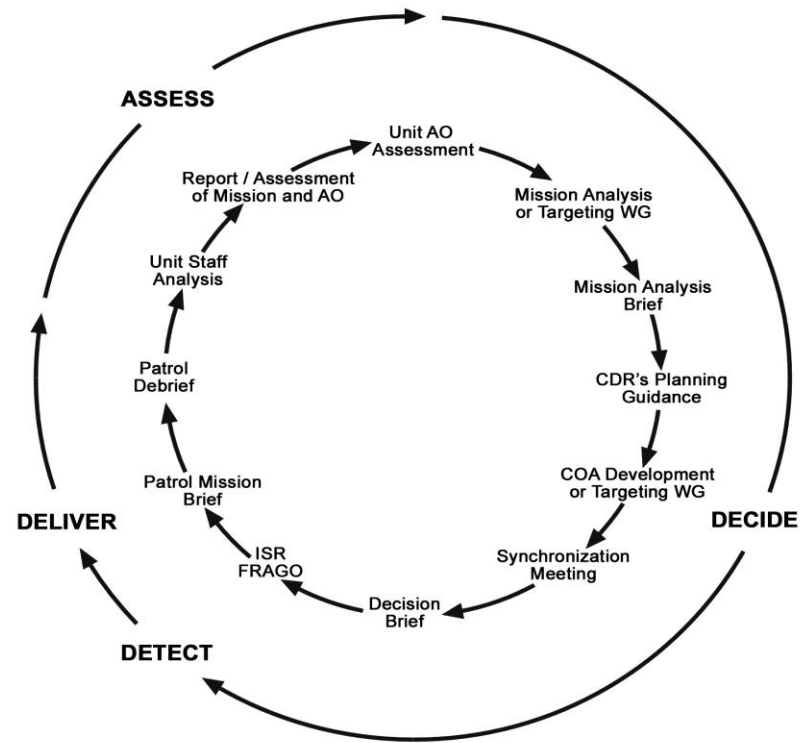
**Host Nation
Military
Civilian
Contractor**

LETHAL ← → NON-LETHAL

**Network leaders
Bomb makers
Financiers
Suppliers
Operators**

Right target, right time, appropriate assets.

*Counterinsurgency Targeting Process**



**From FM 3-24.2, Figure 4-7, Targeting and MDMP*



Conventional Targeting: F3EAD

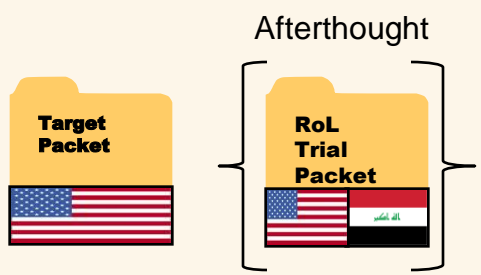
Background



FIX

FIND

FINISH



Military Civilian Contractor

Two small images: one showing soldiers in a field and another showing a building at night.

- MEDEX (Media)
- CEXC (EOD/Forensics)
- WEXC (Weapons)
- DOCEX (Docs)
- JIDC

DISSEMINATE

EXPLOIT

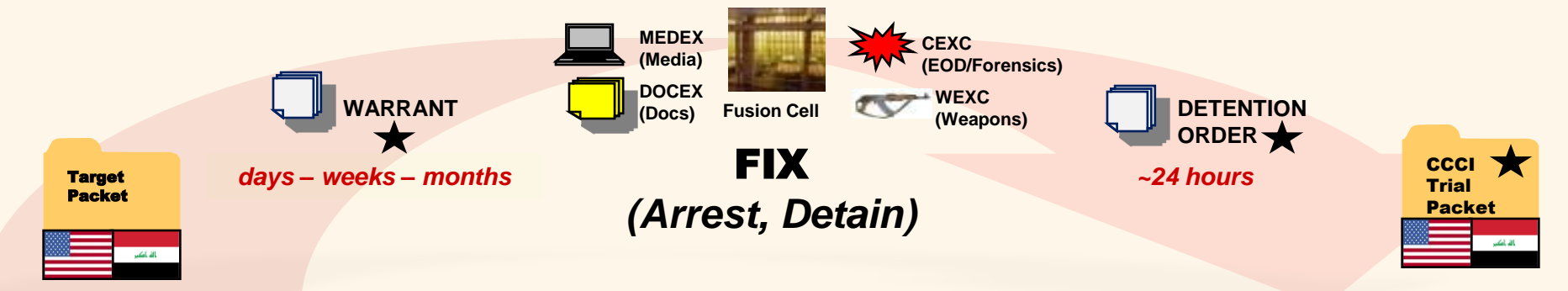


ANALYZE



Prosecution/Warrant-Based Targeting Evolved Methodology (F3EAD 2.0)

Background



FIX (Arrest, Detain)

FIND (Investigate)



BCT IMPLIED TASKS "CHALKBOARD"

C2, JAG, PRT, RoL **** Rapport with Judges, Prosecutors, Police	HUMINT **** Identify, Handle, Prepare Witnesses In & Around Insurgent Network	TSTs, QRFs, COs, PLTs **** Master Tactical Site Exploitation to Collect Intel & Evidence	INTEL OGAs **** Intel Guides Investigations managed By BCT PTFs	LINGUIST & Bilingual Bicultural Advisors **** Help to Overcome Language & Culture Barriers	PSYOPs **** Turn Successful Missions into IO Campaigns
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FINISH (Convict)



DISSEMINATE

NETWORK

ANALYZE

DECONFLICT

EXPLOIT



WBT: Implied Tasks

Background

Find

Investigate

Fix

Arrest

Finish

Convict

- ✓ Personal Relationships with HN Authorities / Judges
- ✓ Witness Testimony Leads to Convictions
- ✓ Mastery of Tactical Site Exploitation (TSE/TST/TQ)
- ✓ Intelligence Guides Investigations

CF ALWAYS HAVE THE RIGHT TO SELF-DEFENSE



WBT: Implied Tasks

Background

Exploit

IO

Analyze

***Witness & Conviction
Status Databases***

Disseminate

***Databases &
Information Sharing***

- ✓ Networking with CF Units and Forensic Resources
- ✓ Task Organization for Your Specific OE (e.g. PTF)
- ✓ Overcoming Language Barriers
- ✓ Quickly Turn Successes into IO Campaigns

Use successful actions to build momentum



TASK ORGANIZATION: The "Prosecution Task Force"

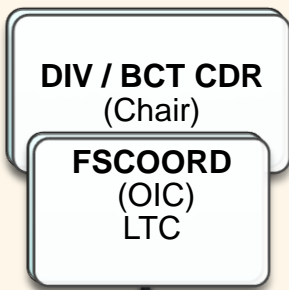
Background

PTF Role



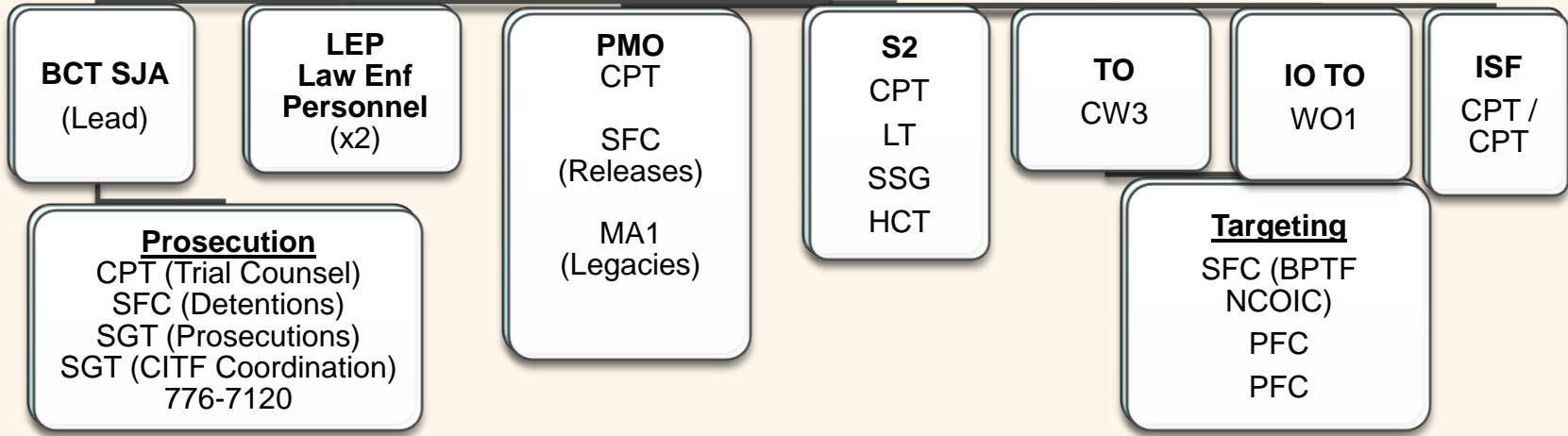
SAMPLE PTF SOP

- Assists in managing the MND or BCT's efforts at building cases for prosecution.
- Rapport with IJs, CIZA, ISF staff
- Manage case from capture to CCCI
- Lowest level of management allows flexibility and ingenuity*



Sample Brigade PTF Battle Rhythm

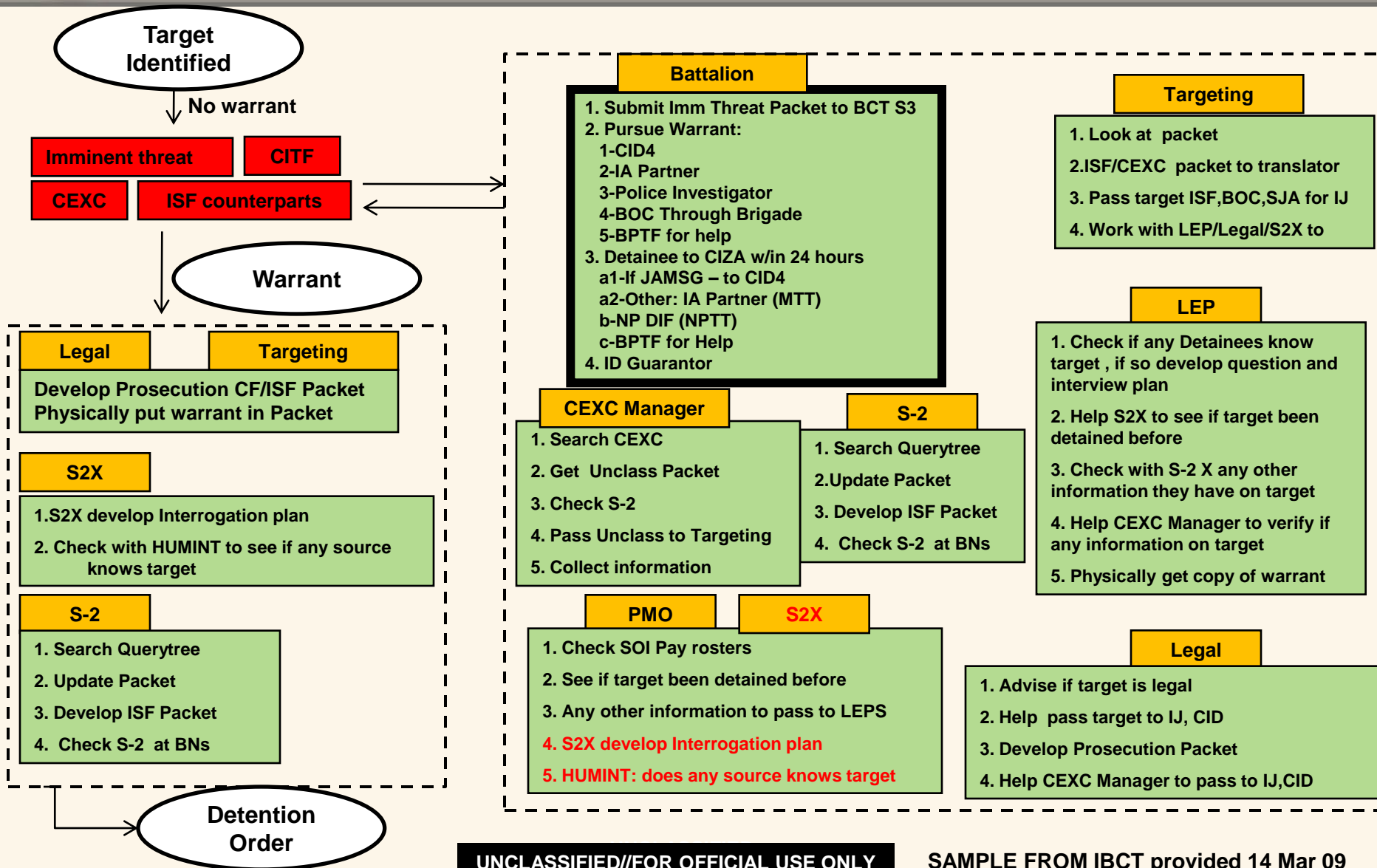
- SUN (1500):** BPTF Huddle
(Focus): Legacies / Top 10 Unwarranted
- TUE (1900):** BPTF Huddle
(Focus): Prep for Wed IJ/CID Mtg
- THUR (1000):** BPTF WG





What does the PTF do?

Background





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F3EAD 2.0

INVESTIGATE (FIND)

Fight the enemy's strategy, not his forces.

Kilcullen, Twenty-Eight Articles: Fundamentals of Company-Level Counterinsurgency, 2006

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INVESTIGATE

When and why does CF have to “investigate” the enemy?

- ❖ **It is not enough anymore to simply *know***

**COMBAT
OPERATIONS**

(intelligence to kill/capture)

**...who is the enemy
...what are they doing
...where are they located
...and how do we get there**

- ❖ **We have to prove what we *know* to a Competent HN Authority (Judge)**

**COUNTER-
INSURGENCY**

(evidence to kill/convict)

**...by advising and assisting HN
...personal relationships/rapport with IJs
...secure witnesses, physical evidence
...knowledge of HN Rule of Law**



Prove What? *Iraqi Crime Examples*

Investigation

Terrorism

- Sentence: Death

Evidence Required:

- Witnesses (usually 2):
 - Eyewitnesses
 - One corroborates
- Testimony must include:
 - Firsthand observation of acts or preparations
 - Overhearing orders to commit an act / preparation
 - Details of specific event tied to the suspect
- Proof of Terrorist Aim
 - Can be inferred
 - Propaganda in the suspect's possession
- Forensics / Circumstantial

**Anti-Terrorism Law,
Number 13 (2005),
Article 4**

Murder

- Sentence: 30 years or death

Evidence Required:

- Witnesses (usually 2):
 - Eyewitnesses
 - Complainant
 - Victim
 - Relative
 - CF Commander
- Death certificate for deceased victims
- Forensics / Circumstantial
- Can be charged as Terrorism

**Iraq Penal Code (IPC) 405, 406;
Anti-Terrorism Law**

Kidnapping

- Sentence: 30 years or death

Evidence Required:

- Witnesses (usually 2):
 - Eyewitnesses
 - Complainant
 - Victim
 - Relative
 - CF Commander
- Forensic / Circumstantial
- Can be charged as Terrorism

**IPC 421, 424, 425; Anti-
Terrorism Law**



Iraqi Criminal Offenses (fall-backs)

Investigation

Weapons

- Up to 30 years

Evidence Required:

- **Witnesses (usually 2):**
 - Eyewitnesses
 - Complainant
 - *Who discovered the weapons?*
- **Photographs**
 - Money shot
 - Weapons in proximity to house, school, children
- **Diagrams / Sketches**
 - Location of weapons in relation to house
 - Include walls around home; proximity to others
- **Weapons list**
 - Assist ISF with list
- **Forensic Evidence**
 - Explosive Residue Test is essential – even when obvious

Weapons Law Number 13 (1992); CPA Order 3 (31 Dec 03)

False ID

- 2-7 years (more if foreigner)

Evidence Required:

- **Witnesses (usually 2):**
 - Eyewitnesses
 - Complainant
- **All physical evidence:**
 - False IDs
 - False ID making equipment

IPC 292-299

Border Crossing

- Up to 15 years (more if foreigner)

Evidence Required:

- **Witnesses (usually 2):**
 - Eyewitnesses
 - Complainant
- **All physical evidence:**
 - Passports
 - Visas
 - Plane or bus tickets
- **IJ may determine status by:**
 - Accent
 - Ethnicity
 - Purpose of visit

CPA Orders 16, 26, 54, and 70; Iraqi Customs Law Number 23 of 1984



What about Classified Information?

Investigation

SHARING CLASSIFIED INFORMATION IS USUALLY PROHIBITED...

Why?

1) Operational Security (OPSEC)

- HN may have no “intelligence” laws to categorize, control, or issue clearances

2) Legal

- US laws control release of classified and/or technical military data

3) Unclassified information matters *more* in the HN legal system

- EXAMPLE - Iraqi judges care about two UNCLASSIFIED evidence sources:

Witnesses (*Direct Testimony and/or Confessions*)

Corroborating Evidence (*Xsray, Equipment, IDs, Contraband, Weapons*)



Information Sharing Process

Investigation

- **Original Classification Authority (OCA)**
 - Information classified in one of two ways: originally or derivatively
- **Foreign Disclosure Officer (FDO) review**
 - Authority? Strategic Implications?
 - “Disclose” (display or say) vs. “Release” (give away copies)
- **SIGINT: CANNOT DISCLOSE OR RELEASE**
- **Informants / sources: MAYBE**
 - Should a US informant / source be shared or handed over to ISF / Judge?
 - Depends on willingness, strategy, value, and personal relationship / trust – among others
 - Can/should an informant / source serve as a witness?
 - Depends on assessment of witness testimony weighed against value as confidential informant
 - How characterized? “informant” (FM 3-19.50) or “source” (FM2-22.3)



Think, Adapt, Anticipate...

Investigation

How can CF conduct combined ops without sharing?

1. Targeting

- Intelligence guides investigations of attacks/networks
- Investigate independently until enough unclassified information can be shared

2. Security

- Allocate assets to protect CF during COIN operations
 - use all technical INT forms to guide human collection and site exploitation
 - e.g. vet, protect, handle, prepare informants (“secret sources”) / witnesses

3. Reevaluate Classification TTPs -

- Attempt to originally classify “legally useful” information as U//FOUO
- Use proper classifications:
 - the **fact** that a random terrorist attack occurred is not sensitive



Key Players: *Lives are at Stake*

Investigation

Judges*

Judicial Investigators

PSD*

Drivers*

Interpreters

Sheiks, Mayors

Informants

Secret Sources

Witnesses

Family Members

HN Military Forces

HN Police Forces

Coalition Forces

OGAs/NGOs

Civilians

KEY TASKS WHEN DEALING WITH KEY PLAYERS

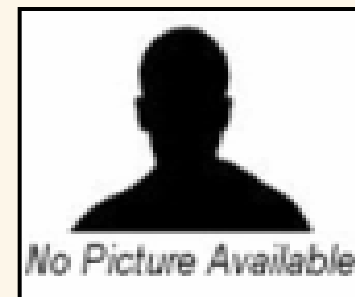
❖ Judiciary

- *Recent attacks
- Security is TOP PRIORITY



❖ Witnesses

- Ensure *relevance* (i.e. firsthand knowledge)
- Establish *confidence* in CF/ISF (Handling Team)
- Maintain *confidentiality* ("secret book")
- *Traditional* Iraqi process (trusted IJs)





Witness Identification TTPs

Investigation

INVESTIGATIONS TAKE TIME - DO A COST/BENEFIT FOR EACH WITNESS

- **Finding Witnesses:** often they will find you – *voluntary walk-ins*
 - Crime scene observers*
 - Goodwill meetings*
 - Neighborhood canvass*
 - Informants / “secret sources”*
 - *Can be IP / IA / ISF and CF (in CCCI courts)*
 - Civil Improvement Projects*
- **Identity (Verification)**
- **Vetting (Motive to Assist)**
- **Testimony (Significance)**
- **Conditions (Personal Situation)**
- **Ability to Communicate (without tipping off enemy)**

Witness Handling Teams:

- familiar face for witnesses
- knowledgeable about case
- sells witness on cooperation
- no promises cannot keep
- reliable point of contact
- coordinates with legal



Witness Handling TTPs

Investigation

WHEN YOU FIND A GOOD WITNESS, THE REAL WORK BEGINS

- ❖ **Witness Handling Teams (WHT)**: vital in Iraq COIN Operations
 - ✓ Won't testify unless trust handlers (IP, IA, NP, and/or CF/interpreter)
 - ✓ Witness must "get to know" handlers relationship lasts weeks/months
 - ✓ Face-to-face meetings; safe locations, times, routines
 - ✓ Skilled, trusted interpreter

- ❖ **WITHOUT DESIGNATED HANDLERS...**
 - ✓ No established relationship...
 - Witness has no confidence in security
 - *No-shows* at crunch-time (trial)
 - ✓ No preparation or background check...
 - If witness involved, gets arrested / jailed by IJ
 - Weak testimony frustrates IJ, denies future warrants

Ongoing Considerations:

- *Security
- *Logistics (escorts),
- *Interpreters
- *IJ Trust
- *Corroboration
- *Timing
- *Available assets
- *Conviction Likelihood



Witness Obligation TTPs

Investigation

IMAGINE YOU ARE THE WITNESS...ASSURANCES TO GET COMMITMENT?

❖ **Confidentiality**: “*Learn it, observe it, and thoroughly explain to witness*”

- 1) Witnesses can keep their identity secret – know your Judge
- 2) Will not have to confront detainee while on the stand

❖ **Compensation**

❖ **Protection**

❖ **Rapport (“Warm & Fuzzy”)**: *Get to know...*

- 1) Exact name (copy of Jinsea) and family
- 2) Phone numbers (cell, home, relatives)
- 3) Residence (grid, directions to, map of)
- 4) Send routine email or texts (new intel?)
- 5) *Quality witness handoffs during RIP/TOA*

Reasons to Keep

Updated Contact Information:

- ✓ *Judge may require additional testimony weeks or months later*
- ✓ *WHT contacts witnesses because of rapport established*
- ✓ *Many cases dismissed b/c we lose track of witnesses*
- ✓ *CF members involved in capturing the insurgent should be included*



Witness Preparation TTPs

Investigation

WHEN YOU GO BEFORE THE IJ FOR A WARRANT, IT'S SHOWTIME

❖ Testimony Preparation: Review & Rehearse...

- 1) What the witness will say – *practice exactly as though testifying*
- 2) How he/she will say it – *practice out-loud, with interpreter*
- 3) How to respond to IJ's inquisitorial questions – *get CCCI guidance on IJ quirks*
- 4) With CCCI or BCT JAG attorney present

❖ Iraqi Judge Guidance: “Witness to the actual crime...”

- 1) directly observe all / part (past or future)
- 2) corroborate (victim / police / witness)
- 3) anticipate detainee's excuse, counter
- 4) avoid disclosing witness' crimes
(i.e. don't take a witness to a judge that has as many or more skeletons than suspect/detainee)

Testimony Preparation:

Who - all parties involved
What - all events leading up to/including crime
When - dates, times
Where - actual address, landmark, reference point
Why - motive, why witness was there
How - mode of attack, weapon used, type and number of vehicles used,
first person that detained the insurgent
**Call CCCI for updates, advice*



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ARREST (Fix)

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Capture in COIN (Stability Ops)

Arrest

- **Capture called “Arrest”**
 - must comply with HN law
 - self-defense exceptions in law
- **Warrants**
 - Required to arrest, search*
 - Tactical units prepare, execute
 - Combined effort (CF, HN)
- **Procedures**
 - Law is clear; judges not always
- **Flexibility is key**
 - Build rapport with judges
 - Give them what they want to see

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Republic of Iraq
Higher Judicial Council
Central Investigative Court /AL- khark

جمهورية العراق
مجلس القضاء الأعلى
محكمة التحقيق المركزية في الكركم

رقم القضية / تحالت

CASE NO /

مذكرة قبض
Arrest Warrant

To all justice personal and police
you are authorized to arrest

إلى أعضاء الضبط القضائي وأفراد الشرطة كافة
إنكم مأذونون بالقبض على المتهم :-

١. الاسم الثلاثي واللقب :: **خضير حبيبر محمود السليمان**

١. Full name : **alim orni**

٢. محل إقامته ::

٣. مهنة ::

٤. نوع الجريمة والمادة القانونية :: ١/٤ / ١/٤ المادة ١/٤ الفقرة ١/٤ من قانون مكافحة الإرهاب

٤. Kind of crime & Article penal
Article 4/1 proof of Counterinsurgency Law

٥. أوصاف (Counter Terrorism) لمتهم

٥. Description

Bring him to this court
as he accused

وإحضاره أمامنا في الحال
لكونه متهمًا في الشكوى المقامة ضده في

Judge

القاضي

Date : ٢٠٠٨ / ١٠ / ٢٤

التاريخ :

Court seal

ختم المحكمة



“Warrant” Preparation

Arrest

FRONT-LOADING CONCEPT: prepare for prosecution at warrant stage

Minimum For Warrant (arrest)

- MNFI Coalition Apprehension Form (CAF)
- Witness Statement (to Judge, in Arabic)*

Materials for Success

- Baseball cards or Link Diagram (unclass)
- Forensic CEXC Memo (signed / translated)

Minimum for Detention Order (hold)

- Statement of LN Witness (Forms in Arabic)*
- Photographs (mug shot, crime scene, detainee)
- Diagrams (objective/scene, surrounding area)
- Weapons Inventory (English/Arabic)
- Evidence/Property Custody (DA Form 4137)

For Investigative Hearing, include:

- Complaint (by Commander, or appointee**)
- Medical Screening Report (demonstrating intake health)
- Forensic Documents (i.e. results, lab tech affidavit)

* For CCCI cases, CF should fill out Sworn Statements (DA Form 2823):

- ✓ Doesn't matter if sworn or witnessed
- ✓ For informational purposes only to preserve memory; review before trial
- ✓ CF with first-hand knowledge (at least two); not every unit member
- ✓ Include information: name, unit, telephone, email (AKO), redeploy month



Warrants: Execution (by, with, through HN)

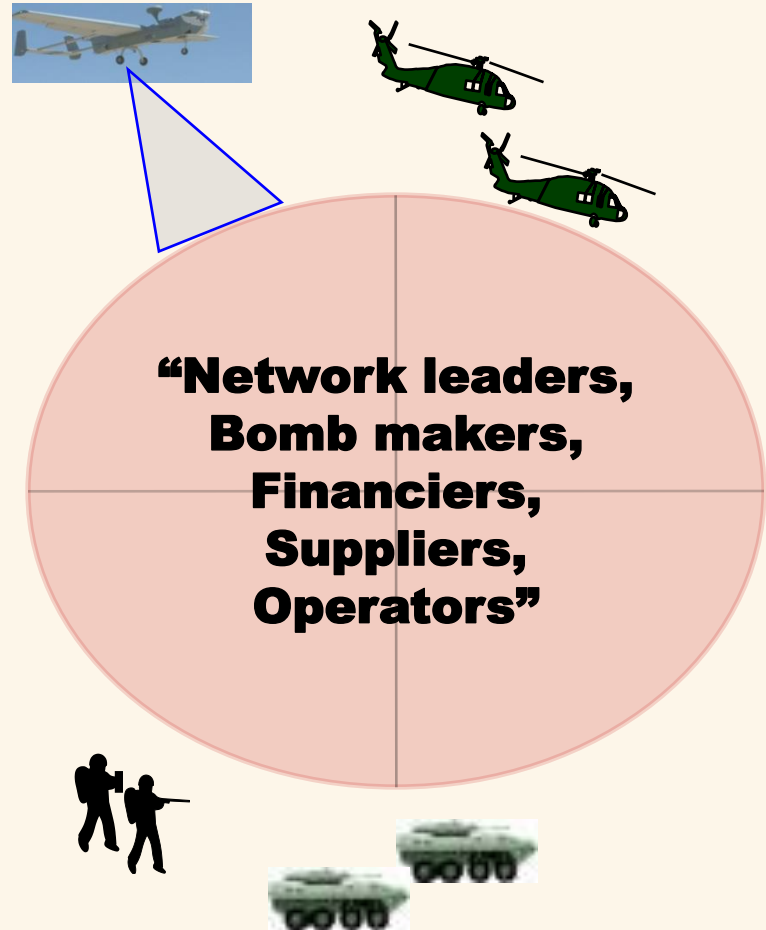
Arrest

❖ In COIN Operations (FM 3-24.2):

- Search and Attack
- Cordon and Search / Knock / Enter
- Clear, Hold, Build
- Raid
- Checkpoints / Patrols

❖ Ongoing Bases to Kill-Capture (Arrest)

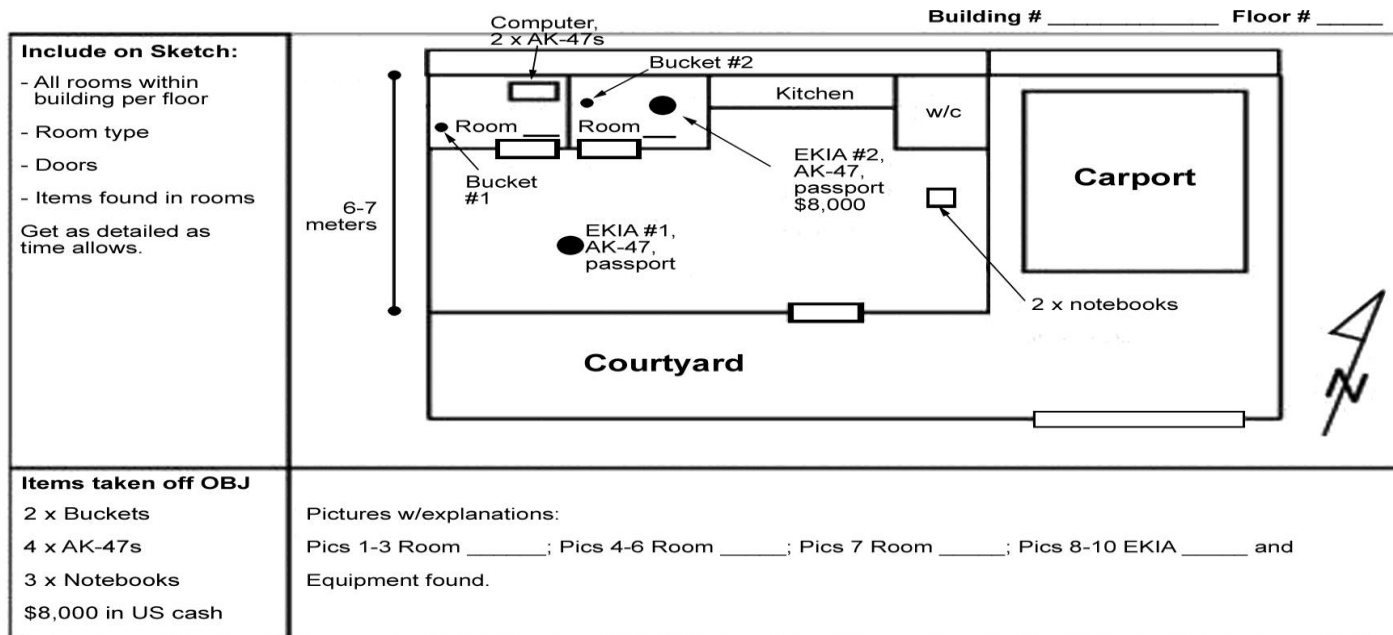
- Observe crime (serious threat)
- Force Protection
- Self-Defense / Troops-in- Contact





Execution: Tactical Site Exploitation

Arrest



❖ Find the Evidence (time on target):

- FIREARMS AND COMPONENTS
- RIFLE SCOPE DEVICE
- NIGHT VISION DEVICES
- AMMUNITION
- BULLETS (FROM SCENE, WOUNDED, OR KIA)
- CARTRIDGE/SHELL CASES (AROUND SCENE)
- MAGAZINES
- ARTICLES OF CLOTHING/MASKS/GLOVES
- HAIR W/ BULB (ROOT) ATTACHED
- FLESH (VBIED, SVIED, ETC.)
- VEHICLES USED AS SNIPER HIDES/PLATFORMS
- CIGARETTE PACKS / BUTTS
- SODA CANS, DRINK CONTAINERS
- DOCUMENTS (ID CARDS, FAKE ID'S, JINSEA CARDS AND WEAPONS PERMITS, ETC.)
- INDIRECT FIRE WEAPONS AND THEIR COMPONENTS
- COMPUTERS, PROPAGANDA, COMMO, CASH, LITERATURE
- OTHER EVIDENCE WHICH CAN TIE THE SUSPECT TO THE CRIME/INCIDENT SCENE



Preparing Witness Testimony

Pre-trial

The most important evidence in Iraq law!

The path to getting a conviction starts with quality eyewitness testimony!

- **Rehearse, rehearse, rehearse...**
 - ✓ ***Testifying is intimidating – like being “inquisitioned”***
 - ✓ ***DO NOT LIE***
 - ✓ ***DO embellish (as you would to friends, avoid military acronyms)***
- **Two witnesses – rule or guideline? Depends on the judge...**
 - ✓ **Back-up witnesses, if possible**
 - Victim is essential (aka “Complainant”)***
 - Local nationals (neighbors, conspirators, detainees)***
 - ISF, CF (depends on which court; CCCI or local)***
- **Forensics experts? *HN trained? Is the judge trained?***

Iraq Law: “One testimony is not sufficient for a ruling if it is not corroborated by other convincing evidence or a confession from the accused.” ILCP, 213(B)

Forensic Evidence

Pre-trial

What resources are out there?



Combined Explosive Exploitation Cell (CEXC)



Joint Expeditionary Forensic Facility (JEFF) labs 1-4



Weapons Intelligence (WIT) Teams



Task Force Troy (Counter IED)



Training for CF / HN:

- ✓ Exchange opportunity with your HN counterpart
- ✓ Register on SIPR
- ✓ Call DSN 485-4327



Forensic Evidence

Pre-trial

How are forensics / biometrics used?

- **Actual admission as evidence by CCCI judges (case-by-case)**
 - ✓ *CEXC latent fingerprint examiner provided testimony 22 times in CCCI and once in Rusafa*
 - ✓ *Joint Expeditionary Forensic Facility (JEFF): latent print and ballistics examiners testified*
 - ✓ *Now CCCI judges ALWAYS expect chemical spray test if an IED/bomb is involved*

- **Tactical Biometric Systems (3 most prevalent in OEF, OIF)**
 - (1) *Biometric Automated Toolset (BAT)*, (2) *Handheld Interagency Identity Detection Equipment (HIIDE)*, (3) *Biometric Identification System for Access (BISA)*
 - *Updates: CALL article - Biometrics in Support of Identity Dominance, No. 09-35, May 09*
 - *Map the Population, Deny the Enemy Mobility*
 - *Leader and Staff Responsibilities*
 - *Current Tactical Biometric Systems*
 - *Lessons Learned*





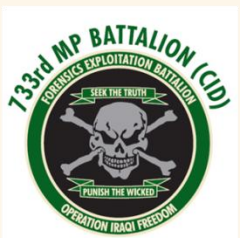
Forensic Evidence

Pre-trial

How is it accepted by HN?

- **Trained CCCI judges (case-by-case)**
 - ✓ *Untrained Judges are still skeptical – “could be manipulated to say whatever we want”*
 - ✓ Foreign Training Opportunities – improves forensic acceptance, elevates HN prestige
 - ❖ Jordan: Iraqi Judges and NP (British Forensic Science team)
 - ❖ Dubai

- **How it is presented is as important as the evidence itself**
 - ✓ Rehearse with CEXC Lab Techs
 - ✓ Seek out a Host Nation-trained Tech to testify





F3EAD 2.0

CONVICT (Finish)

Seek the truth, punish the wicked.

733d MP Battalion (CID) coin





CONFESSIONS

Convict

#1 way to secure a conviction (it's the culture)

- Different than a “statement” or “admission”
- Confessions are given to a Judge
- Admissions to anyone else are just statements that can be recanted

How can we obtain a confession? (Prepare)

- Segregate from other insurgents (i.e. “Jihad University”)
- Quality interrogation – get suspect to the HN judge faster
- Host Nation Interpreters (know cultural mannerisms)
- Admits to *part of the crime*, if not *all of the crime*



How does a confession lead to a conviction?

- Judge is *convinced* the suspect committed the crime (not beyond reasonable doubt)
- “Re-enactment”: *Judges may make the suspect re-enact the crime*
- Corroboration: *by witness or physical evidence (e.g. photograph with cache)*

Can confessions be written or videotaped?

- Yes, but not sufficient by itself
- Different IJs have different approaches - predispositions
- Depends on IJ relationship with CF and HN forces



FORUM SHOPPING

Convict

❖ DON'T fish for a judge to issue warrant

- CCCI focused on current and legacy detainees
- LN Judges concerned about security, corruption, overworked, or just don't care (live outside wire)
- ISF network with LN judges for *warrants*; but unlikely to get a conviction

❖ Solutions today:

- Traveling Judges
- Visiting Judges
- RoL Complexes (IJ secure house / office near jail)
- Personal Relationships

❖ Solutions for tomorrow:

- FISA-style (vetted) judges
- Judges on-call 24 hours for warrants



Outcome: Death, Confinement, or Release

Convict

- **Death sentences**
 - *Legal and practiced*, automatic appeals, recent delays
- **Release**
 - frequent due to lack of evidence
 - #1 reason is lack of witnesses (or quality testimony)
 - #2 reason is lack of corroboration
- **Confinement (custody): *coordinate with HN***
 - Who takes custody if HN jails are full?
 - HN has legal custody, HN could grant CF physical custody
 - What if we want custody longer than 24 hours?
 - Request to HN counterpart (personal relationship)
 - IRAQ: 3 Forms REQUIRED (*Detention Order, Gol request, CF approval*)
 - *WITHOUT THE FORMS, CF FACILITY WILL NOT TAKE DETAINEE*
- **Feedback – THE CAPTURING UNIT NEEDS TO KNOW**



TRANSFER OF PRISONER

Bottom Line: complete intake paperwork before transporting transferee to CF facility

Sample “Detention Order” (translated) from Iraqi Judge to transfer to CF

Higher Judicial Council:
Directorate of Federate Appeal Baghdad-Russafa
Central Investigative Court-Russafa

Date: 2008-11- 25.

Subject: Detention Note:

To the officer of the Center: I decided to detain the accused [REDACTED] ‘Abbas according to article 4 of the anti-terrorist law till 2008-12-03, and you have to accept, and keep it., and if you do not receive another note about it you have to notify us, or a judged of authority to find out about the decision in his case.

A stamp of the court with the judge signature dated on 2008-11-25.



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Essential Practices

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Essential Practices: *Get Personal*

- ❖ **Personal Relationships with HN counterparts (Judges, Police, Mil)**
 - ✓ *Gifts – ask cultural advisor for appropriate gesture (e.g. holidays)*
 - ✓ *Learn Arabic phrases, culture, mannerisms, holidays*
- ❖ **BCT Commanders meet with Judges - *prestige / status matters***
 - ✓ *Immediately set tone*
 - ✓ *Personal, then business*
 - ✓ *Periodic return visits*
 - ✓ *Legal Representative (appoint JAG)*
- ❖ **Interpreter compatibility – no longer just a linguist or translator**
- ❖ **Refine cultural awareness – work within HN legal processes**



Essential Practices: *Take Initiative*

- ❖ **Advise, exchange, and train with HN, especially Police and Judiciary, on:**
 - ✓ ***TSE skills: photographs, diagrams, other physical evidence – STAY AHEAD OF TRENDS***
 - ✓ ***TQ skills: confessions, victim/witness statements – KNOW YOUR INTERPRETER***
 - ✓ ***Forensics: prints, DNA, tool markings, Chem Spray – BRIEF YOUR JUDGES (rapport)***
 - ✓ ***Intelligence cycle: releasable baseball cards, network diagrams***
 - ✓ ***Targeting process: judges need to know what operators need to do to kill/capture***

- ❖ **Synchronize Key Players – PROSECUTION TASK FORCE, FUSION CELLS**
 - ✓ ***PTF: S2 (S2X), S3, JAG, PMO, LEP, Bn/Co reps, Linguists/Cultural Advisors***
 - ✓ ***MTT, PTT, NPTT, BTT, ODA, HCT***
 - ✓ ***Interagency (e.g. PRT representatives)***
 - ✓ ***CCCI (Rule of Law) LNO***
 - ✓ ***Forensics experts / LNO***
 - ✓ ***Detention/Confinement Facility LNO***



AWG Contacts

WARRANT-BASED TARGETING & PROSECUTION TASK FORCE

NIPR: <https://portal.awg.army.mil>

SIPR: <http://army.daiis.mi.army.smil.mil/org/aawo/awg/default.aspx>