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# **FM 34-52**

# **INTELLIGENCE**

# **INTERROGATION**

HEADQUARTERS, DEPARTMENT OF THE ARMY

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# INTELLIGENCE INTERROGATION

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The GWS, GPW, GC, and US policy expressly prohibit acts of violence or intimidation, including physical or mental torture, threats, insults, or exposure to inhumane treatment as a means of or aid to interrogation.

Such illegal acts are not authorized and will not be condoned by the US Army. Acts in violation of these prohibitions are criminal acts punishable under the UCMJ. If there is doubt as to the legality of a proposed form of interrogation not specifically authorized in this manual, the advice of the command judge advocate should be sought before using the method in question.

Experience indicates that the use of prohibited techniques is not necessary to gain the cooperation of interrogation sources. Use of torture and other illegal methods is a poor technique that yields unreliable results, may damage subsequent collection efforts, and can induce the source to say what he thinks the interrogator wants to hear.

Revelation of use of torture by US personnel will bring discredit upon the US and its armed forces while undermining domestic and international support for the war effort. It also may place US and allied personnel in enemy hands at a greater risk of abuse by their captors. Conversely, knowing the enemy has abused US and allied PWs does not justify using methods of interrogation specifically prohibited by the GWS, GPW, or GC, and US policy.

Limitations on the use of methods identified herein as expressly prohibited should not be confused with psychological ploys, verbal trickery, or other nonviolent or noncoercive ruses used by the interrogator in the successful interrogation of hesitant or uncooperative sources.

The psychological techniques and principles in this manual should neither be confused with, nor construed to be synonymous with, unauthorized techniques such as brainwashing, physical or mental torture, or any other form of mental coercion to include drugs that may induce lasting and permanent mental alteration and damage.

Physical or mental torture and coercion revolve around eliminating the source's free will, and are expressly prohibited by GWS, Article 13; GPW, Articles 13 and 17; and GC, Articles 31 and 32. Torture is defined as the infliction of intense pain to body or mind

to extract a confession or information, or for sadistic pleasure.

Examples of physical torture include—

- Electric shock.
- Infliction of pain through chemicals or bondage (other than legitimate use of restraints to prevent escape).
- Forcing an individual to stand, sit, or kneel in abnormal positions for prolonged periods of time.
- Food deprivation.
- Any form of beating.

Examples of mental torture include—

- Mock executions.
- Abnormal sleep deprivation.
- Chemically induced psychosis.

Coercion is defined as actions designed to unlawfully induce another to compel an act against one's will. Examples of coercion include—

- Threatening or implying physical or mental torture to the subject, his family, or others to whom he owes loyalty.
- Intentionally denying medical assistance or care in exchange for the information sought or other cooperation.
- Threatening or implying that other rights guaranteed by the GWS, GPW, or GC will not be provided unless cooperation is forthcoming.

Specific acts committed by US Army personnel may subject them to prosecution under one or more of the following punitive articles of the UCMJ:

- Article 78 - Accessory after the fact.
- Article 80 - Attempts (to commit one of the following offenses).
- Article 81 - Conspiracy (to commit one of the following offenses).
- Article 93 - Cruelty and maltreatment.
- Article 118 - Murder.
- Article 119 - Manslaughter.
- Article 124 - Maiming.

- Article 127 - Extortion.
- Article 128 - Assault (consummated by battery; with a dangerous weapon; or intentionally inflicting grievous bodily harm).
- Article 134 - Homicide, negligent:

-- Misprision of a serious offense

(taking some positive act to conceal a serious crime committed by another).

-- Soliciting another to commit an offense.

-- Threat, communicating.

See Appendix A for the text of these offenses.

While using legitimate interrogation techniques, certain applications of approaches and techniques may approach the line between lawful actions and unlawful actions. It may often be difficult to determine where lawful actions end and unlawful actions begin. In attempting to determine if a contemplated approach or technique would be considered unlawful, consider these two tests:

- Given all the surrounding facts and circumstances, would a reasonable person in the place of the person being interrogated believe that his rights, as guaranteed under both international and US law, are being violated or withheld, or will be violated or withheld if he fails to cooperate.
- If your contemplated actions were perpetrated by the enemy against US PWs, you would believe such actions violate international or US law.

If you answer yes to either of these tests, do not engage in the contemplated action. If a doubt still remains as to the legality of a proposed action, seek a legal opinion from your servicing judge advocate.

## DEFINITION OF PRISONER OF WAR AND ENEMY PRISONER OF WAR

A PW is a US or allied person detained by an enemy power. An EPW is a person detained by US or allied powers. The first issue interrogators must deal with is who must be afforded PW treatment. Figure 1-3 paraphrases Article 4 of the GPW. In addition, the following personnel shall be treated as PWs: Persons belonging, or having belonged, to the armed forces of the occupied country, if—

The approaches, psychological techniques, and other principles presented in this manual must be read in light of the requirements of international and US law as discussed above.

Authority for conducting interrogations of personnel detained by military forces rests primarily upon the traditional concept that the commander may use all available resources and lawful means to accomplish his mission and to protect and secure his unit.

It is the stated policy of the US Army that military operations will be conducted in accordance with the law of war obligations of the US. The GWS, GPW, and GC establish specific standards for humane care and treatment of enemy personnel captured, retained, or detained by US military forces and its allies. Suspected or alleged violations of these standards will be reported, investigated and, if appropriate, referred to competent authority for trial or other disposition. Violations of the GWS, GPW, or GC committed by US personnel normally constitute violations of the UCMJ.

The commander is responsible for ensuring that the forces under his command comply with the GWS, GPW, and GC. Should violations occur in the conduct of warfare, the commander bears primary responsibility for investigating and prosecuting violations.

### SECURITY

The interrogator, by virtue of his position, possesses a great deal of classified information. He is aware his job is to obtain information, not impart it to the source. He safeguards military information as well as the source of that information.

This becomes very clear when one considers that among those persons with whom the interrogator has contact, there are those attempting to collect information for the enemy. The interrogator is alert to detect any attempt made by the source to elicit information.

- The occupying power considers it necessary by reason of such allegiance to intern them; in particular, if—
- Such persons have made an unsuccessful attempt to rejoin the armed forces to which they belong and which are engaged in combat; or