~~SECRET//NOFORN~~

DEPSECDEF
GE APPROVES
FEB 16 2007
HAS SEEN

ACTION MEMO

FOR: DEPUTY SECRETARY OF DEFENSE

FEB 12 2007

FROM: Joseph Benkert, Acting Principal Deputy Assistant Secretary of Defense (GSA)

FEB - 9 2007

SUBJECT: Transfer of Detainees to the Government of Afghanistan (FOUO)

- ~~(S/NF)~~ We recommend that you approve the Joint Staff request (Tab A) to transfer (b)(1),Sec. 1.4(a) Afghan Low-Level Enemy Combatants (LLEC) held by Combined/Joint Task Force (CJTF)-76 at Bagram Airfield, Afghanistan to the Government of Afghanistan (GOA).

- ~~(S)~~ This transfer is based upon guidance provided by the Deputies Committee on November 29, 2006 (Tab B), discussed with you subsequently, and reaffirmed by the Deputies Committee on February 7, 2007.

- ~~(S)~~ (b)(1),Sec. 1.4(a),Sec. 1.4(b)

- ~~(S)~~ (b)(1),(b)(5),Sec. 1.4(b)

- ~~(S)~~ As agreed by the Deputies, these transfers will be used in part (b)(1),Sec. 1.4(b),Sec. 1.4(d)

- ~~(S)~~ We notified State, DOJ, and CIA; they did not object to these transfers.

- ~~(S)~~ If approved, we expect these transfers to occur on or about February 26, 2007.

RECOMMENDATION: Authorize the transfer of (b)(1),Sec. 1.4(a) Afghan nationals from Bagram to the GOA.

APPROVE 2-16 **DISAPPROVE**_____ **DISCUSS**____

COORDINATION: Tab D
Attachment: As stated.

Prepared by: (b)(2),(b)(6) **Office of Detainee Affairs,** (b)(2), (b)(6)

Derived From: Multiple Sources
Declassify On: 20170108

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THE JOINT STAFF
WASHINGTON, DC

Reply ZIP Code:
20318-0300

DJSM 0032-07
12 Jan 2007

MEMORANDUM FOR THE DEPUTY ASSISTANT SECRETARY OF DEFENSE
FOR DETAINEE AFFAIRS

Subject: USCENTCOM Proposed List of Transfer Candidates for Pol-e-Charki (PeC) Prison (U)

1. ~~(S)~~ During its 29 November 2006 meeting on Afghanistan, the Deputies' Committee decided to begin transfers to PeC with low-risk, potentially prosecutable detainees currently being held at Bagram Theater Internment Facility. Enclosed for your consideration is USCENTCOM's proposed list of candidates best suited for the first transfers to PeC. I endorse their recommendation.

2. ~~(S)~~ Each candidate meets at least three of the below criteria set by the Principals' Coordinating Committee (additional detainee information is enclosed).

a. ~~(S)~~ "Low threat" or a low-level enemy combatant.

b. ~~(S)~~ Currently slated for continued detention.

c. ~~(S)~~ High or moderate prosecution value (CAT I or CAT II, respectively).

d. ~~(S)~~ Not under consideration for the Afghan Reconciliation Program.

(b)(1),Sec. 1.4(b),Sec. 1.4(d)

Classified By: Maj Gen Breedlove, USAF; VDJ-5
Reason: 1.4 (a, c)
Declassify On: 5 January 2017

REGRADED TO SECRET WHEN
[redacted]

[redacted]

Bagram-OSD 2

Afghanistan's capability and willingness to prosecute former detainees under its current legal system.

4. (U) The Joint Staff point of contact is (b)(6) J-5/DDWOT; (b)(2),(b)(6)

WALTER L. SHARP
Lieutenant General, USA
Director, Joint Staff

Enclosures

~~SECRET~~

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UNITED STATES CENTRAL COMMAND
OFFICE OF THE COMMANDER
7115 SOUTH BOUNDARY BOULEVARD
MACDILL AIR FORCE BASE, FLORIDA 33621-5101

INFO MEMO

18 September 2009

FOR: DEPUTY SECRETARY OF DEFENSE
CHAIRMAN, JOINT CHIEFS OF STAFF

FROM: General David H. Petraeus, Commander, United States Central Command

SUBJECT: Implementation of Deputy Secretary of Defense Policy Guidance on Detainee Review Procedures at Bagram Theater Internment Facility (BTIF), Afghanistan (U)

Mr. Deputy Secretary, Chairman,

~~(U//FOUO)~~ This provides the plan for implementation of the new Detainee Review Board (DRB) procedures established in your memorandum of 2 July 2009. (TAB A) Now that the 60-day Congressional notification period has elapsed, USCENTCOM will implement components of the new procedures per the attached Commander, USFOR-A memorandum (TAB B) with full implementation once the required additional manning is in place and trained.

BACKGROUND

- (U) On 15 September 2009, the 60-day Congressional notification period expired, clearing the way for USCENTCOM to begin implementing the new DRB procedure.

DISCUSSION

- ~~(U//FOUO)~~ The new DRB procedure is a significant improvement, but one that requires additional personnel to implement fully. USCENTCOM recently released a request for forces (RFF) to enable implementation of the new procedure, and the requested forces are expected to be in place by mid-November. USCENTCOM will work to ensure the RFF is resourced as soon as possible while also exploring options for interim support.

- ~~(U//FOUO)~~ Until the requested personnel are in place and trained, USFOR-A and CJTF-82 will implement transitional DRB procedures as described in TAB B. The transitional DRB immediately implements key components of the new requirements and phases in the remaining components as key billets are filled. It represents a meaningful change in current procedures and a significant step toward full implementation.

- ~~(U//FOUO)~~ USCENTCOM anticipates full implementation of the new DRB procedure no later than December 2009, and will report back once this is accomplished.

RECOMMENDATION

- (U) None, for information only.

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Without Attachments

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9/21/2009 5:18:26 PM

Bagram-OSD 4

Attachments:
TAB A: Deputy Secretary of Defense Memo, 2 July 2009 (S//NF)
TAB B: USFOR-A Memo, 15 September 2009 (S)

Copy to:
USD(P)
DOD/OGC
DASD/DA
J37/DAD
CJCS/LC

Classified by: MG Jay W. Hood, COS
Reason: 1.4 (a)
Declassify on: 17 September 2019

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ACTION MEMO

USD(P) APR - 4 2008

FOR: DEPUTY SECRETARY OF DEFENSE

FROM: Joseph Benkert, Principal Deputy Assistant Secretary of Defense (GSA) APR 2 2008

Robert Rangel 4/4

SUBJECT: Delegation of Authority to Transfer Detainees in Afghanistan (S)

- ~~(S)~~ Commander, USCENTCOM requests that you delegate to him, or his designee, your authority to transfer Afghan national Low-Level Enemy Combatants (LLECs) under DoD control in Afghanistan to the Government of Afghanistan (GoA) (Tab B).

  - ~~(S)~~ LLECs would be transferred to the GoA either for continued detention and prosecution at the Afghan National Detention Facility (ANDF) or for participation in President Karzai's national reconciliation program.

  - ~~(S)~~ The Joint Staff supports the request (Tab C).

- ~~(S)~~ Currently, Commander, USCENTCOM, or his designee, has authority to release Afghan national LLECs under DoD control in Afghanistan (Tabs D and E), but you are the approval authority for transfers to the GoA (Tab F).

  - ~~(S)~~ The Deputies Committee decided on February 7, 2007, that transfers of LLECs from Bagram to the GoA should proceed at the rate of (b)(1),Sec. 1.4(a) (Tab G).

  - ~~(S)~~ As agreed by the Deputies, the initial transfers were used in part (b)(1),Sec. 1.4(b),Sec. 1.4(d)

- ~~(S)~~ Since February 2007, the transfer process has gone smoothly, and the GoA's efforts to prosecute detainees have largely been successful.

  - ~~(S)~~ As of April 2008, CJTF-82 has transferred LLECs from Bagram to the GoA.

  - ~~(S)~~ Thus far, the GoA has initiated or completed prosecutions in over Sec 1 of the (b)(1) cases, with an overall conviction rate of (b)(1),Sec. 1.4(b) cases completed).

Prepared By: (b)(2),(b)(6) Office of Detainee Affairs (b)(2),(b)(6)

SD CA		USD I A	
SD SMA		USD SMA	
SD MA		USD A	
OSD		OSD	
ISS		ISD	
USD		USD	

Derived from: Multiple Sources
Reason or Reasons: 1.4 (a, d)
Declassify On: 26 March 2028

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4/4/2008 6:02:09 PM

Bagram-OSD 6

- ~~(S)~~ Of the (b)(1) detainees convicted, (b)(1) received additional prison sentences, while the remainder received sentences of time already served.

- ~~(S)~~ Policy and OGC support Commander, USCENTCOM's request for delegation of transfer authority.

  - ~~(S)~~ Delegation would streamline the process in Afghanistan, consistent with DoD policy and practice in Iraq, and (b)(1),Sec. 1.4(a)

~~(S)~~ RECOMMENDATION: Initial below and sign the memorandum at Tab A delegating to Commander, USCENTCOM, or his designee, authority to approve the transfer of Afghan national LLECs under DoD control in Afghanistan to the GoA for continued detention and prosecution at ANDF or participation in President Karzai's national reconciliation program.

APR 1 4 2008

Approve: ✓ Disapprove: _____ Other: _____

COORDINATION: TAB H

Attachments: As stated.

Bagram-OSD 7

~~SECRET~~

DEPUTY SECRETARY OF DEFENSE
1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010

APR 14 2008

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD AGENCIES

SUBJECT: Authority to Transfer Low-Level Enemy Combatants in Afghanistan (S)

(S) In accordance with the Deputy Secretary of Defense memorandum of December 10, 2002, Commander, USCENTCOM, or his designee, is authorized to approve the transfer of Afghan national low-level enemy combatants under DoD control in Afghanistan to the Government of Afghanistan.

(S) In exercising this authority, Commander, USCENTCOM, or his designee, will implement a process (b)(1),Sec. 1.4(a),Sec. 1.4(b),Sec. 1.4(d) Commander, USCENTCOM, or his designee, will also coordinate all such transfers with representatives of relevant U.S. Government agencies in theater and representatives of the Government of Afghanistan. Additionally, Commander, USCENTCOM, or his designee, will provide quarterly reports to the Under Secretary of Defense for Policy, through Director, Joint Staff, on how this authority is being exercised.

Derived from: Multiple Sources
Reasons: 1.4 (a), (c), (d)
Declassify on: 25 March 2028

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Bagram-OSD 8

~~SECRET~~

THE DEPUTY SECRETARY OF DEFENSE

WASHINGTON, D.C. 20301

NOV 17 2004

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
DIRECTORS OF THE DEFENSE AGENCIES

SUBJECT: Authority to Release Low-Level Enemy Combatants in Afghanistan (~~S~~)

(~~S~~) In accordance with my memorandums of December 10, 2002 and February 20, 2004, Commander, USCENTCOM, or his designee, is authorized to direct the release of Afghan national low-level enemy combatants under DoD control in Afghanistan.

(~~S~~) The release of low-level enemy combatants should be consistent with U.S. national security interests. In exercising this authority, Commander, USCENTCOM (or his designee) will implement a process

(b)(1),Sec. 1.4(a),Sec. 1.4(b),Sec. 1.4(d)

Commander, USCENTCOM (or his designee) will also coordinate with representatives of relevant agencies in theater and representatives of the Government of Afghanistan.

Paul Wolfowitz

2	GENERAL COUNSEL
1	DEPUTY GENERAL COUNSEL
3	IA

LC
INTEL

OSD 18420-04

Derived from: Multiple Sources
Reasons: 1.4 (a), (c), (d)
Declassify on: 18 October 2024

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DEPUTY SECRETARY OF DEFENSE

1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Authority to Release Low-Level Enemy Combatants in Afghanistan (~~S~~)

~~(S)~~ In accordance with my memorandums of December 10, 2002 and February 20, 2004, Commander, USCENTCOM, or his designee, is authorized to direct the release of Afghan national low-level enemy combatants under DoD control in Afghanistan.

~~(S)~~ The release of low-level enemy combatants should be consistent with U.S. national security interests. In exercising this authority, Commander USCENTCOM (or his designee) will implement a process

(b)(1),Sec. 1.4(a),Sec. 1.4(b),Sec. 1.4(d)

Commander, USCENTCOM (or his designee) will also coordinate with representatives of relevant agencies in theater. Relevant provisions of references (a) and (b) provide further guidance.

Derived from: Multiple Sources
Reasons: 1.4 (a), (c), (d)
Declassify on: 18 October 2024

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December 10, 2002

Implementing Guidance for Release or Transfer of Detainees under US Department of Defense Control to Foreign Government Control

REFERENCES

(A) ~~(S)~~ *Policy and Guidelines for Transfer of Detainees to Foreign Government Control*, Secretary of Defense, April 4, 2002.

(B) ~~(S)~~ *Implementing Guidance on Detainee Screening and Processing for Transfers of Detainees in Afghanistan, to Guantanamo Bay Naval Station (GTMO)*, Secretary of Defense, January 7, 2002.

(C) (U) *War Crimes and Related Investigations within the US Central Command Area of Operations*, Secretary of Defense, January 19, 2002.

PURPOSE

~~(S)~~ This guidance implements the Guidelines for Transfer of Detainees to Foreign Government Control of April 4, 2002 (DoD Detainee Transfer Policy), reference (A).

~~(S)~~ The guidance describes actions required by the DoD Detainee Transfer Policy when a detainee under Department of Defense control is identified for release or transfer consideration, as stated in reference (A).

~~(S)~~ This guidance addresses actions required (unless otherwise directed by the Secretary of Defense) to effect the release or the transfer of detainees to foreign government control once approved by the Secretary of Defense or his designee.

SCOPE

~~(S)~~ This implementing guidance applies to detainees under US Department of Defense control who have been screened by a combatant commander in accordance with reference (B), or other Secretary of Defense approved guidance or directives for screening individuals for continued detention, unless otherwise directed by the Secretary of Defense.

~~SECRET~~

Classified by: DASD, Stability Operations
Reason(s): 1.5(a)
Declassify on: 10 December 2012

DEFINITIONS

(U) The following definitions are applicable to this guidance:

1. An "enemy combatant" (EC) for purposes of this guidance is defined as any person that US or allied forces could properly detain under the laws and customs of war. For purposes of this conflict, an EC includes, but is not necessarily limited to, a member or agent of al Qaeda, the Taliban, or another international terrorist organization against which the United States is engaged in armed conflict.

2. "Under DoD Control" means that the individual is either in the physical control of DoD or, if in the physical control of another agency, has been designated by the President or his designee for transfer to DoD control.

3. "Release" is the process by which an individual, who has been determined no longer to pose a threat to the United States or US interests, is released to a foreign government with no promise, in return, for continued detention.

4. "Conditional release" is the release of an EC who has been determined no longer to pose a threat to the United States or US interests, under a promise or agreement of that EC not to take up arms, or participate in further fighting, against the United States or its allies in exchange for freedom.

5. "Transfer" is the process by which the control of an individual is transferred to a foreign government with the promise that certain conditions will be fulfilled, usually including the promise of continued detention as an EC until returned to US control or until his release is authorized by the United States.

PROCESS

(U) Unless otherwise directed by the Secretary of Defense, within 90 days of a detainee being brought under DoD control, the detaining combatant commander, or his designee, shall review the initial determination that the detainee is an EC. Such review shall be made based upon all available and relevant information available on the date of review and may be subject to further review based upon newly discovered evidence or information.

(U) The detaining combatant commander or his designee shall produce a written assessment regarding the detainee's EC status based upon his review of all available and relevant information concerning the detainee. The review shall be administrative in nature and shall not be deemed to create any right, benefit, or privilege, substantive or

Bagram-OSD 12

procedural, against the United States, its departments, agencies, or other entities, its officers or employees, or any other person. The detaining combatant commander shall be guided by the following:

(a) The detaining combatant commander shall consider all relevant and reasonably available information, including any new information that has been identified since the initial status determination.

(b) If necessary to make a proper review, the detaining combatant commander may interview witnesses, provided they are reasonably available and such interviews would not affect combat, intelligence gathering, law enforcement, or support operations.

(c) The detaining combatant commander may, at his discretion, convene a panel of commissioned officers to review the available evidence and reach a recommended determination.

(U) After the initial 90-day status review, the detaining combatant commander shall, on an annual basis, reassess the status of each detainee.

(U) If, as a result of a periodic EC status review (90-day or annual), a detaining combatant commander concludes that a detainee may no longer meet the definition of an EC, the detaining combatant commander shall identify that detainee for possible release or transfer as appropriate.

~~(S)~~ A detainee may also be considered for possible release, conditional release, or transfer when:

(b)(1),Sec. 1.4(a),Sec. 1.4(c)

- ~~(S)~~ A combatant commander, who has been authorized by the Secretary of Defense to conduct operations that may result in the detention of personnel or to take control of detained personnel, recommends release or transfer of a detainee under his control; or,

- ~~(S)~~ The Secretary of the Army, consistent with reference (C), recommends the release or transfer of a detainee following the conduct of a criminal investigation.

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(b)(1),Sec. 1.4(a),Sec. 1.4(c)

~~(S)~~ When a request conflicts with the requirements of a combatant commander or the Criminal Investigation Task Force (or DoD lead for criminal investigations for the region, when directed) concerning a particular detainee, the Secretary of the Army and the Director of the Joint Staff shall advise the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict when the case can be ready for interagency consideration. The process for determining readiness for interagency consideration shall be conducted in a manner consistent with paragraphs below concerning instances when a combatant commander or the Secretary of the Army identifies a detainee for release or transfer.

~~(S)~~ In the case of release, the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, in conjunction with the General Counsel of the Department of Defense, shall assess whether the detainee should still be detained as an EC or should be released (including whether any conditions should apply to his release, e.g., under a conditional release or other agreement).

(U) Recommendations for release or transfer, coordinated with the Department of State, Department of Justice and the Central Intelligence Agency as appropriate, shall be made to the Secretary of Defense or his designee for decision.

(U) In addition to other responsibilities prescribed herein, the Secretary of the Army and relevant combatant commanders shall assess detainees for potential release (including under conditional release or other agreements) or transfer on a comprehensive and ongoing basis.

~~(S)~~ When a combatant commander or the Secretary of the Army identifies a detainee for possible release or transfer to foreign government control, as set out in reference (A):

- ~~(S)~~ If the detaining combatant commander recommends release or transfer, he shall notify the Commander of the Criminal Investigation Task Force (or DoD lead for criminal investigations for the region, when directed) and forward a completed detainee file to the Director of the Joint Staff for review. The

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detainee file shall include all supporting documentation to provide the information specified in paragraphs 1, 2.a.-d., 3.a., 3.b., and 3.d. of Annex A.

- (S) If the Commander of the Criminal Investigation Task Force (or the DoD lead for criminal investigations for the region, when directed) recommends release or transfer, he shall prepare the file and forward to the Secretary of the Army the completed detainee file including all supporting documentation to provide the information specified in paragraphs 1, 2.e., 3.b. and 3.c. of Annex A.

- (S) If the case is under review and the file is not complete, the Secretary of the Army, or the Director of the Joint Staff, as appropriate, shall inform the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict of the status of the file.

- (S) In cases where a detaining combatant commander and/or the Commander of the Criminal Investigation Task Force (or the DoD lead for criminal investigations for the region, when directed) recommend release or transfer of a detainee, based on their respective mandates, the recommendation package shall include the following:

  - (S) the detainee file complete with all supporting documentation necessary for the Interagency Experts Group to make an informed recommendation (use information specified in the TAB to this document);

  - (S) any conditions the detaining combatant commander or the Commander of the Criminal Investigation Task Force (or the DoD lead for criminal investigations for the region, when directed) believes are necessary for the detainee to be held by a foreign government; and

  - (S) an assessment of the threat the detainee poses to the United States or US interests, and a recommendation concerning how to address that threat – with all supporting documentation so the Interagency Experts Group can make an informed recommendation (use information specified in Annex A to this document).

(S) The Secretary of the Army and the Director of the Joint Staff shall provide completed files with all supplementary materials and recommendations to the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.

- (S) The Detainee Policy Group in the Office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict has responsibility

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for reviewing each file for administrative completeness and ensuring each is consistent with current policy guidance.

~~(S)~~ The Assistant Secretary of Defense for Special Operations and Low Intensity Conflict shall provide completed files of detainees identified for possible release or transfer to foreign government control to the representatives of the following DoD organizations, at a minimum, for review and a recommendation on whether the case is appropriate for a coordinated release determination or further review by the Interagency Experts Group on Detainees (Interagency Experts Group):

- ~~(S)~~ the Office of the Secretary of the Army,
- ~~(S)~~ the Office of the General Counsel of the Department of Defense, and
- ~~(S)~~ the Joint Staff.

~~(S)~~ Note: If the case is determined at this point as not appropriate for review by the Interagency Experts Group, the case shall be returned to the Detainee Policy Group in the Office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict for further action.

~~(S)~~ The Interagency Experts Group consists of representatives from the Departments of Defense, State and Justice, and the Central Intelligence Agency, who are charged by their respective agencies with the review of cases involving the possible release or transfer of detainees. A representative of the Department of Defense shall chair the Interagency Experts Group.

~~(S)~~ The Detainee Policy Group in the Office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict shall provide to the Interagency Experts Group all the pertinent DoD information relevant to their consideration of each case proposed for release or transfer.

~~(S)~~ Representatives to the Interagency Experts Group will evaluate each case and recommend to their respective Deputies or, as appropriate, Principals, appropriate disposition of the detainee based on their assessment of the considerations in reference (A). As required, the case will be returned to the Detainee Policy Group in the Office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict for further action.

- ~~(S)~~ The Interagency Experts Group will evaluate cases based upon information in the packages and other information they may have developed on the cases. Specifically, the Interagency Experts Group will

(b)(1),Sec. 1.4(a)

Bagram-OSD 16

(b)(1),Sec. 1.4(a) **The Interagency Experts Group will either develop the recommendations on disposition of the detainee for recommendation by Deputies (or Principals, as appropriate) or refer the case back to the Office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict for additional information.**

- **(S) Consistent with reference (A), the Interagency Experts Group also will assess and recommend appropriate conditions that should be applied to the release or transfer of a detainee.**

(S) The Assistant Secretary of Defense for Special Operations and Low Intensity Conflict shall ensure that a written copy of the decision of the Secretary of Defense or his designee on release or transfer in each instance is provided to DoD Correspondence Control Division and the Director of the Joint Staff for appropriate dissemination and implementation.

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RESPONSIBILITIES

Under Secretary of Defense for Policy

(S) Maintain oversight of the policy and guidelines for release or transfer of detainees to the control of a foreign government.

Assistant Secretary of Defense for Special Operations and Low Intensity Conflict

(S) Responsible for overall development, coordination and promulgation of DoD policies and plans related to the possible release or transfer of persons detained in connection with the war on terrorism.

(S) Serve as the focal point for proposals for release or transfer of detainees and be responsible for forwarding the files to and informing other agencies of cases as appropriate.

- **(S) Notify the Secretary of the Army, the General Counsel of the Department of Defense, and the Director of the Joint Staff of any request for release or transfer of a detainee to the control of a foreign government.**

- **(S) Notify the requesting agency of case status and actions pending when a case is proposed for consideration and when a case cannot be completed expeditiously.**

- **(S) Monitor progress of proposed cases for release or transfer and provide a case status report to the Secretary of the Army, the General Counsel of the Department of Defense, and the Director of the Joint Staff twice each month.**

(S) Direct the Detainee Policy Group to support the administrative functions associated with the detainee release or transfer determination process.

(S) Provide an appropriate lead DoD representative to the Interagency Experts Group.

(S) Notify the Department of State, Office of War Crimes Investigations, of the detainee's location at the time the detainee is transferred to foreign government control or released.

(S) Take appropriate action when a case under consideration for transfer or release is returned by the Interagency Experts Group for further action.

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Detainee Policy Group within the Office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict

(S) Review each detainee file to ensure all documentation on the following is included:

- **(S) basic administrative data;**
- **(S) personnel and medical record;**
- **(S) summary of the detaining combatant commander's EC status review;**

(b)(1),Sec. 1.4(a),Sec. 1.4(c)

- **(S) record of criminal investigation interviews, reports and summaries on the detainee, and a statement assessing the sufficiency of the law enforcement investigation;**
- **(S) a legal opinion regarding the proposed recommended disposition of each case, including a review of any proposed actions by the receiving government pursuant to its laws;**
- **(S) an assessment of the threat the detainee poses to the United States or US interests;**

(b)(1),Sec. 1.4(a)

- **(S) a report of detainee conduct from the detaining combatant commander; and**

(b)(1),Sec. 1.4(b),Sec. 1.4(c),Sec. 1.4(d)

(S) Ensure each file is consistent with current policy guidance.

Bagram-OSD 19

~~(S)~~ Make detainee files expeditiously available to the Interagency Experts Group and no later than five working days before the group convenes, if a meeting is scheduled to consider a particular case or group of cases, unless this requirement cannot be met due to extraordinary circumstances. In that case, detainee files should be provided to the group as far in advance of its meeting as possible.

~~(S)~~ Establish the procedures and agenda for the Interagency Experts Group meetings.

~~(S)~~ Compile and maintain the records of deliberations by the Interagency Experts Group, record decisions, and prepare the final recommendation to the Deputy Secretary of Defense or Secretary of Defense, as appropriate.

~~(S)~~ Maintain records of Deputies' and/or Principals' recommendations and the decision of the Secretary of Defense or his designee in each case and promulgate as appropriate.

~~(S)~~ Create a compendium of all records relating to assessments of the detainees' ongoing threat to the United States and US interests.

~~(S)~~ Maintain a record of any foreign government request for release or transfer, and notify the Interagency Experts Group of the pending request when the file is forwarded for consideration.

~~(S)~~ Take action as requested by the Interagency Experts Group when a case under consideration for release or transfer is returned for further action.

Assistant Secretary of Defense for Public Affairs

(U) Monitor the public affairs aspects of potential and actual detainee transfers or releases, provide public affairs policy guidance as appropriate in coordination with the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict and the General Counsel of the Department of Defense, and provide coordination of public affairs matters with other Federal Departments and Agencies as appropriate.

General Counsel of the Department of Defense

~~(S)~~ Review and advise on all legal matters associated with possible release (including under conditional release or other agreements) or transfer of detainees, including with respect to the drafting and approval of international agreements, and the assessment of matters relating to criminal investigations and prosecutions of detainees.

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Director of the Joint Staff

~~(S)~~ Ensure appropriate coordination with combatant commanders and Services on matters affecting detainee release or transfer. Such coordination, where possible, will include notification to both the detaining combatant commander and the combatant commander into whose area of responsibility a detainee is to be transferred or released.

~~(S)~~ Notify the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict when requests for release or transfer of a detainee are made before interrogations, interviews and investigations are complete and advise when/if the case can be prepared for release or transfer consideration.

~~(S)~~ Forward combatant commanders' recommendations on detainee release (including under a conditional release or other agreement) or transfer to the Detainee Policy Group in the Office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict for processing with any supplementary materials and recommendations.

Combatant Commanders

~~(S)~~ Consistent with reference (A) and when authorized to conduct operations in the war on terrorism that may result in the detention of personnel, compile relevant information *concerning detainees under their control whom they intend to propose for release* (including under a conditional release or other agreement) or transfer to the control of a foreign government, and ensure, as appropriate, that the status of each detainee under their control is reassessed on an annual basis.

Secretary of the Army

~~(S)~~ Notify the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict when he receives requests for release or transfer of a detainee before final interrogations, interviews and investigations are complete and advise when/if the case can be prepared for consideration for release (including under a conditional release or other agreement) or transfer.

~~(S)~~ Provide the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict a review and recommendation of cases to be considered for release or transfer.

Bagram-OSD 21

Commander of the Criminal Investigation Task Force or DoD lead for criminal investigations for the region, when directed by Secretary of Defense

(S) Provide detainee information related to criminal investigations, as appropriate, for review by the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, the General Counsel of the Department of Defense, the Director of the Joint Staff, and the Interagency Experts Group.

Interagency Experts Group

(S) Provide any relevant information to the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict bearing on a determination whether a detainee should continue to be detained as an EC and whether a detainee should be released or transferred.

(S) Evaluate each case of proposed transfer or release in accordance with the applicable policy guidance and make recommendations to the Deputies or Principals as appropriate. Each agency represented will make a recommendation to its respective Deputy or Principal and provide recommendations for appropriate conditions, if any, for release or transfer.

(S) Return to the Detainee Policy Group in the Office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict any case that requires further action before considering the detainee for release or transfer, or any cases of detainees posing a continued threat to the United States or US interests.

National Detainee Reporting Center

(U) When directed by the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, provide information on release or transfer of detainees as appropriate to the International Committee of the Red Cross.

EXECUTION OF TRANSFER

(S) The US Government will facilitate air movement of detainees to approved foreign governments.

(b)(1),Sec. 1.4(a)

The Department of Defense or other agencies, as appropriate, will provide in-transit security for detainees being transferred on US Government aircraft.

(b)(1),Sec. 1.4(a)

(S) DoD shall maintain control and accountability of detainees until they are transferred to the designated foreign government.

Bagram-OSD 22

~~(S)~~ The manifest for flights transporting detainees for release or transfer shall identify, at a minimum, the following information on each detainee:

- ~~(S)~~ name;
- ~~(S)~~ internment serial number (ISN);
- ~~(S)~~ nationality; and
- ~~(S)~~ physical and mental condition.

~~(S)~~ The manifest shall be used as an official receipt of release or transfer. U.S. Transportation Command shall provide the National Detainee Reporting Center a copy of the manifest.

~~(S)~~ The detaining combatant commander responsible for detention prior to detainee movement for release or transfer shall:

- ~~(S)~~ ensure all detainees are medically screened for flight and transfer. Sick, wounded, or infirm detainees will not be transferred until certified "fit for movement" by competent medical authorities;
- ~~(S)~~ ensure copies of the detainee's medical records accompany him when he is transferred or released.

~~(S)~~ Unless otherwise provided (e.g., through a reimbursement agreement with the receiving government), the Department of Defense shall fund the activities necessary for Department of Defense to effect the release or transfer of detainees to the control of another government.

~~(S)~~ The personal effects and property of detainees approved for release or transfer shall be moved with the detainee. Appropriate US Government officials will retain effects offering continued intelligence or law enforcement value (or otherwise determined necessary for retention), or transfer them to the appropriate foreign government authority.

~~(S)~~ Detainees shall be transferred under security conditions deemed appropriate by the transferring and receiving combatant commanders until released/transferred to other authority. Detainees shall be provided a copy of the conditional release agreement or other such agreement that they sign prior to their release or transfer.

Bagram-OSD 23

ANNEX A

[*Outline of required information on a detainee whose release or transfer to the control of a foreign government is under consideration by the Interagency Experts Group*].

EXECUTIVE SUMMARY FOR [NAME/PHOTO]:

1. **Personal Information:**

   a. **Internment Serial Number:**

   b. **Citizenship:**

   c. ***Date Of Birth*:**

   d. **Medical/Psychiatric Records:**

   e. **Personnel Record:**

2. **Detention Information:**

   a. **Circumstances and place of capture:**

   b. **Basis for screening in detainee:**

   c. **Summary of conduct while in detention:**

   d. **Summary of intelligence interrogations and reports:**

   e. **Summary of law enforcement interviews and reports:**

3. **Assessments and Recommendations:**

   a. ***EC status* assessment.**

   b. **Combatant commander's recommendation based on assessment of the *detainee's remaining intelligence value to the United States* (*supporting* documentation appended).**

Bagram-OSD 24

c. Commander of the Criminal Investigation Task Force (or DoD lead for criminal investigations for the region) and Department of Justice assessment of detainee's remaining law enforcement interest to the United States, and the strength of any law enforcement case any other government could pursue (supporting documentation appended).

d. Combatant commander's and the Commander of the Criminal Investigation Task Force (or DoD lead for criminal investigations for the region) recommendation based on an assessment of the threat the detainee poses to the United States or to US interests (supporting documentation appended).

e. Department of State and Central Intelligence Agency assessment of the applicable foreign government's capability and willingness to meet the conditions of any potential transfer (supporting documentation appended).

4. **Conclusions:**

a. Whether the proposed release or transfer will constitute a threat to the United States or US interests.

b. Whether continued detention of this individual is required for a US criminal investigation or prosecution.

c. Whether the individual is of continuing intelligence value to the United States.

d. Legal basis to support the transfer or release (including conditional release).

e. Whether the proposed disposition of the individual by the receiving government is acceptable and sufficiently reliable to warrant transfer.

Bagram-OSD 25

(b)(1),Sec. 1.4(a),Sec. 1.4(c)

(b)(1),Sec. 1.4(a),Sec. 1.4(c)

THE SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

JUN - 5 2008

Lieutenant General Martin E. Dempsey, USA
Acting Commander
U.S. Central Command
7115 South Boundary Blvd.
MacDill AFB, FL 33621-5101

Dear General Dempsey:

Thank you for your recommendation regarding Pol-e-Charki (PeC) prison in Afghanistan. I am concerned about the conditions there, and agree that the Department of Defense needs to act swiftly to support efforts to renovate PeC.

To this end, I will strongly support your request for Security and Stabilization Assistance (also called Section 1207) to the Department of State to support their reconstruction and refurbishment of the maximum security wheel, and blocks one and two of PeC. Both my staff and I will work with the Department of State to press them to request this assistance.

My point of contact on this action is Mr. Bobby Wilkes, Deputy Assistant Secretary of Defense for Central Asian Affairs, (703) 614-5411.

Sincerely,

OSD 76195-08

~~SECRET//NOFORN~~

DEPSECDEF
JUL 16 2007
HAS SEEN

ACTION MEMO

JUL 18 2007

FOR DEPUTY SECRETARY OF DEFENSE

FROM: Joseph Benkert, Principal Deputy Assistant Secretary of Defense (SO/LIC) JUL - 6 2007

SUBJECT: Transfer of Detainees to the Government of Afghanistan (FOUO)

- ~~(S)~~ **Policy recommends that you approve the USCENTCOM request to transfer the** (b)(1),Sec **Afghan Low-Level Enemy Combatants held by Combined/Joint Task Force (CJTF)-82 at Bagram Airfield, Afghanistan to the Government of Afghanistan (GOA) (TAB A).**

  - ~~(S)~~ **The transfer is based upon guidance provided by the Deputies Committee (DC) on February 7, 2007 to proceed with transfers from Bagram to the Afghan National Detention Facility (ANDF) at the rate of** (b)(1),Sec. 1.4(a) **(TAB B).**

  - ~~(S//NF)~~ **Thus far, you have approved the transfer of** [redacted] **detainees from Bagram to the ANDF (TAB C and TAB D). CJTF-82 has transferred all of these detainees over a 3-month period (a rate of about** [redacted] **per month).**

(b)(1),Sec. 1.4(b) (b)(1),Sec. 1.4(b)

- ~~(S//REL GOA)~~ **The GOA intends to use its National Directorate of Security (NDS) *criminal justice system to investigate and prosecute detainees transferred from DoD.* The NDS has federal jurisdiction to prosecute internal and external security threats.**

  - ~~(S//REL GOA)~~ ***The*** **NDS has completed investigations on the** (b) [redacted] **detainees transferred in April and has referred charges against them to the GOA Attorney General's Office for the issuance of indictments.**

- ~~(S)~~ **Policy supports USCENTCOM's *request to transfer the*** (b)(1),Sec. 1.4(a) **detainees. "Baseball cards" pertaining to the proposed transferees are at TAB E.**

  - ~~(S)~~ **Approval will allow CJTF-82 to continue transfers from Bagram to the ANDF at the rate proposed by the DC.**

- (b)(1),Sec. 1.4(b)

SD CA		DSD LA	
SD EA/A		DSD SA/A	
SD MA		DSD MA	
TSA		DSD/A	
STP DIR		GSD/A	
ES		GSD/S	
ES/MA		ESD	

Prepared by: (b)(2),(b)(6) **, Office of Detainee Affairs,** (b)(2),(b)(6)

Derived from: Multiple Sources
Reason or Reasons: 1.4 (a, b, and d)
Declassify On: 20170209

~~SECRET//NOFORN~~

OSD 76354-07
7/13/2007 2:16:53 PM

(b)(1),Sec. 1.4(b)

(b)(1),Sec. 1.4(a)

(b)(1),Sec. 1.4(a)

- ~~(S)~~ CJTF-82 will continue to assess additional detainees for consideration to transfer to the ANDF as the GOA demonstrates progress in investigating, charging, and prosecuting previously transferred detainees.

- ~~(S)~~ State, DOJ, and CIA have been notified; they did not object to these transfers.

~~(S)~~ RECOMMENDATION: Initial below to authorize the transfer of the (b)(1), Afghan nationals at TAB E to the GOA.

APPROVE 7-16-07 DISAPPROVE_____ DISCUSS_____

Attachments: As stated.

COORDINATION: TAB F

~~SECRET//NOFORN~~

UNITED STATES CENTRAL COMMAND
7115 SOUTH BOUNDARY BOULEVARD
MACDILL AIR FORCE BASE, FLORIDA 33621-5101

CCJ3-JSO 7 Jun 07

MEMORANDUM FOR DEPUTY ASSISTANT SECRETARY OF DEFENSE (DETAINEE AFFAIRS)

THRU Director, Joint Staff

SUBJECT: Request to Transfer 50 Afghan Detainees

REF: Summary of National Security Council Deputies Committee Meeting on Afghanistan, 29 Nov 06

1. (S//NF) In accordance with the reference, USCENTCOM requests approval to transfer to the Government of Afghanistan (GOA) 50 Afghan detainees, identified in the Enclosures and currently held in the Bagram Theater Detention Facility, for further detention in the Afghan National Detention Facility.

2. (U) My POC for this action is Ms Marjorie Wimmer, CCJ3-JSSD, DSN 651-5332, Commercial (813) 827-5332.

ROBERT H. HOLMES
Brig Gen, USAF
Deputy Director of Operations

Encls:

1. Proposed Afghan Detainee List
2. Detainee Baseball Cards

~~SECRET//NOFORN~~

~~SECRET//REL USA and AFG~~

Proposed Afghan Detainees for Transfer to ANDF

The following are the Internment Serial Numbers (ISN) and names of the 50 Afghan detainees recommended for transfer to the Afghan National Detention Facility (ANDF). All detainees have an Enemy Combatant Review Board (ECRB) status of Low Level Enemy Combatant (LLEC)-threat only.

(b)(2)

a. [redacted]-002364DP, KHAN, Hayat
b. [redacted]-002366DP, KHAN, Shaesta
c. [redacted]-002639DP, AZIZ, Mohammed Sadiq
d. [redacted]-002678DP, MOHAMMED, Wali
e. [redacted]-002675DP, OBAIDULLAH, /fnu/
f. [redacted]-002791DP, HAYATULLAH, Mullah
g. [redacted]-002194DP, KHAN, Abdul
h. [redacted]-002663DP, KHAN, Tor
i. [redacted]-002717DP, NADIR, Haji
j. [redacted]-002456DP, NAQIBULLAH, /fnu/
k. [redacted]-002391DP, GUL Taza
l. [redacted]-002764DP, MALIK, Abdul
m. [redacted]-002831DP, BASHIR, /fnu/
n. [redacted]-002864DP, KHAIRULLAH, Gulab
o. [redacted]-002865DP, FAROQ, /fnu/
p. [redacted]-002912DP, SARWAR, Mohammad
q. [redacted]-001284DP, KHAN, Mangal
r. [redacted]-001723DP, SHARIFULLAH, /fnu/
s. [redacted]-002095DP, MALANG, Abdul Mohammed
t. [redacted]-002355DP, GUL, Sabar
u. [redacted]-002652DP, RAHIMULLA, /fnu/
v. [redacted]-002758DP, MATELKY, Raieece
w. [redacted]-002759DP, KHEL, Koochi Norullian Sadiq
x. [redacted]-002785DP, AMINULLAH, Naeem
y. [redacted]-002788DP, HAQ, Ziaul
z. [redacted]-002797DP, HABIBULLAH, /fnu/
aa. [redacted]-002800DP, YASSEIN, Mohammad
bb. [redacted]-002801DP, WALI, Shah
cc. [redacted]-002803DP, SADIGULLAH, /fnu/
dd. [redacted]-002818DP, MOHAMMED, Saleh
ee. [redacted]-002819DP, SEMEHULLAH, /fnu/
ff. [redacted]-002849DP, ASADULLAH, /fnu/
gg. [redacted]-002874DP, KHAN, Juma
hh. [redacted]-002924DP, BISMULLAH, Mullah
ii. [redacted]-002936DP, SHAFIQ, Mohammad
jj. [redacted]-002941DP, KAHN, Aziz
kk. [redacted]-001647DP, JALIL, Abdul
ll. [redacted]-002416DP, ULLAH, Hayat
mm. [redacted]-002526DP, AGHA, Gull

~~SECRET//REL USA and AFG~~

(b)(2)

nn. 002362DP, SHAH, Amad
oo. 002589DP, ASHRAF, Mohammed
pp. 002820DP, ULLAH, Khiar
qq. 002823DP, ALAM, Mohammad
rr. 002855DP, JAN, Alif
ss. 002434DP, BARI, Abdul
tt. 002455DP, MANAN, Abdul
uu. 002458DP, HASHIM, Mohammed
vv. 001225DP, RASUL, Gulam
ww. 002397DP, RAHMAN, Shams Ui
xx. 002264DP, LNU, Razaq

9/6
1315

~~SECRET~~

DEPSECDEF
GE APPROVES
SEP 10 2007
SEP 10 2007
HAS SEEN
USD(P)

9/6

SEP - 6 2007

ACTION MEMO

FOR DEPUTY SECRETARY OF DEFENSE

FROM: Joseph Benkert, Principal Deputy Assistant Secretary of Defense (USA)

SEP - 4 2007

Robert Rangel
9/6

SUBJECT: Government of Afghanistan Participation in the Enemy Combatant Review Board Process (FOUO)

- ~~(S)~~ Recommend you authorize the (b)(1),Sec. 1.4(a) participation of Government of Afghanistan (GOA) officials in the Enemy Combatant Review Board (ECRB) process used at the Bagram Theater Interment Facility (BTIF) for matters involving Afghan detainees.

  - ~~(S)~~ The ECRB process in Afghanistan assists Commander, USCENTCOM, or his designee, in making detainee status determinations and decisions on continued detention or release. The ECRB is comprised of U.S. military personnel, but routinely receives recommendations and input from other U.S. agencies.

  - ~~(S)~~ The ECRB process was established to implement policy guidance provided in "Global Screening Criteria for Detainees" (TAB A) and "Detainee Screening in Afghanistan" (TAB B). Existing policy guidance neither prohibits nor encourages GOA participation in the ECRB process.

- ~~(S)~~ In November 2005, USCENTCOM recommended, in the context of transfer of detainees to the GOA, establishing a collaborative enemy combatant review process that would include GOA participation.

  - ~~(S)~~ In July 2006, that recommendation and others were discussed at an OSD Detainee Affairs quarterly conference with USCENTCOM and Joint Staff. However, as the transfer of detainees had not yet begun, DASD Detainee Affairs considered a decision on the issue to be premature.

- ~~(S)~~ The Department has now initiated the transfer process in Afghanistan. There are a number of potential benefits to GOA involvement in the ECRB process.

SD CA		DSD SA	RE ASD
SD SMA		DSD SMA	
SD MA		DSD MA	
DSA		DSD MA	
STF DIR		DSD MA	
ES		1320	
ESR MA		ESD	

Prepared by: (b)(2),(b)(6) Office of Detainee Affairs, (b)(2),(b)

Derived from: Multiple Sources
Reason or Reasons: 1.4 (a, b, and d)
Declassify On: 20170529

~~SECRET~~

SEP 5 07 07:

OSD 76705-07

9/6/2007 11:30:43 AM

07/009079-DA

Bagram-OSD 44

- (b)(1),Sec. 1.4(a),Sec. 1.4(b),Sec. 1.4(c),Sec. 1.4(d)

- ~~(S)~~ **GOA involvement would resolve a GOA concern about the current detainee process.** (b)(1),Sec. 1.4(d)

(b)(1),Sec. 1.4(d)

- ~~(S)~~ **Implementation of this authorization should** (b)(1),Sec. 1.4(a) **GOA involvement** (b)(1),Sec. 1.4(a) **e.g., providing information about detainees, participating in ECRB discussions, and observing deliberations of the ECRB.**

~~(S)~~ **RECOMMENDATION: Initial below to authorize USCENTCOM, consistent with existing policy guidance, to include the GOA in the ECRB process at the BTIF for matters involving Afghan detainees.**

APPROVE DD 9-10 **DISAPPROVE**_____ **DISCUSS**_____

COORDINATION: TAB C

Attachments: As stated.

~~SECRET/NOFORN~~

EF-5620

DSD; SDR - FOR SIGNATURE

~~ACTION MEMO~~

USD(P) ~~ESR~~ I-03/000504

FOR: ~~SECRETARY OF DEFENSE~~ DepSecDef Action

FROM: Thomas W. O'Connell, Assistant Secretary of Defense (SO/LIC)

SUBJECT: Global Screening Criteria for Detainees (U)

- ~~(S/NF)~~ Currently, we don't have guidance for all Combatant Commanders on screening and processing individuals detained in the war on terrorism.
  - ~~(S/NF)~~ Current policy addresses solely those enemy combatants detained in Operation Enduring Freedom in Afghanistan (Tab A).
- ~~(S/NF)~~ The attached guidance (Tab B) broadens extant policy to cover enemy combatants regardless of where they are captured.
  - ~~(S/NF)~~ The screening criteria apply to all terrorists whom the President has so designated because they pose a threat to the United States or US interests, or are of strategic intelligence or law enforcement value to the United States.
- ~~(S)~~ Per our previous discussions, this guidance makes clear that "low-level" enemy combatants who represent only a tactical force protection threat are not eligible for movement to Guantanamo Bay.
- ~~(S/NF)~~ The Annex at Tab C provides supplemental guidance to Commander, US Central Command, for screening and processing individuals detained in Afghanistan.

RECOMMENDATION: Approve the attached guidance at Tab B and Annex at Tab C.

Approve 9/20/04 Disapprove _____ Other _____

COORDINATION: TAB D.

Attachments:
As stated.

SPL ASSISTANT DI RITA	
SR MA CRADDOCK	
MA BUCCI	
EXECSEC MARRIOTT	9/29

Prepared by: (b)(2),(b)(6) Detainee Policy Group, (b)(2),(b)

Classified by: Mr. Thomas W. O'Connell, ASD SO/LIC
Reasons: 1.5 (a) and (d)
Declassify on: August 25, 2013

~~SECRET/NOFORN~~

X03287 103

~~SECRET~~

Criteria and Guidelines for Screening and Processing Persons Detained by the Department of Defense in Connection with the War on Terrorism

I. REFERENCES

(A) (U) President's Military Order – *Detention, Treatment, and Trial of Certain Non-Citizens in the War Against Terrorism*, November 13, 2001.

(B) (U) "*Humane Treatment of al Qaeda and Taliban detainees*," Memorandum from the President, February 7, 2002.

(C) ~~(S)~~ SECDEF-APPROVED CJCS EXORD (*Execute Order establishing Joint Task Force Guantanamo Bay (JTF-GTMO)*, Chairman, Joint Chiefs of Staff, Washington, DC, 202335Z AUG 02.

(D) ~~(S)~~ *Implementing Guidance on Detainee Screening and Processing for Transfers of Detainees in Afghanistan, to Guantanamo Bay Naval Station*, Secretary of Defense, January 7, 2002 (rev. December 10, 2002).

(E) (U) *Comprehensive List of Terrorists and Terrorist Groups Identified Under Executive Order 13224* (updates at http://www.treas.gov/ofac/).

(F) ~~(S//NF)~~ "*Low Level Enemy Combatants*," Memorandum from the Secretary of Defense, April 21, 2003.

(G) (U) *Patterns of Global Terrorism*, Department of State, 2002 (updates at http://www.state.gov/s/ct/rls/pgtrpt/).

II. PURPOSE

~~(FOUO)~~ To provide criteria and guidelines for screening and processing individuals captured or taken under Department of Defense (DoD) control during Operation Enduring Freedom or other war-on-terrorism operations in accordance with references (A) (B) (C) (E) (F) and (G).

~~SECRET~~

Classified by: Thomas W. O'Connell,
ASD SO/LIC
Reasons: 1.5(a) and (d)
Declassify on: August 25, 2013

22 August 2003

III. POLICY

(a) (U) The United States is engaged in an armed conflict with al Qaeda, its supporters, and other designated terrorist organizations that have targeted the United States and its interests. This is an armed conflict against terrorist organizations of global reach and is not confined to one geographic area or one theater of operations.

(b) (U) It is the policy of the DoD to ensure that any individuals detained in war-on-terrorism operations and assessed to be Enemy Combatants are screened to ensure that they meet approved criteria for detention by the DoD.

(c) ~~(B)~~ Combatant Commanders performing war-on-terrorism missions shall screen individuals over whom they obtain control to determine whether they are Enemy Combatants and whether detention at Guantanamo Bay, Cuba, is warranted. Upon approval by the Secretary of Defense in applicable execute orders, Combatant Commanders may transfer to a DoD-approved facility for further detention those Enemy Combatants they determine are international terrorists or members of specified international terrorist organizations, pose a threat to the United States or US interests, and are of high operational or strategic intelligence or law enforcement value to the United States. Of those Enemy Combatants, Combatant Commander may only transfer to Guantanamo those whose exploitation requires the specialized capabilities available at Guantanamo.

(d) ~~(C)~~ When a Combatant Commander is conducting a non-war-on-terrorism mission and obtains control over a suspected Enemy Combatant who is an international terrorist, or a member of a specified international terrorist organization, as identified in references (E) or (G), poses a threat to the United States or US interests, and is of high operational or strategic intelligence or law enforcement value to the United States, he shall notify the Director of the Joint Staff by message and shall maintain control over this suspected Enemy Combatant until the Combatant Commander receives appropriate direction regarding the individual's ultimate disposition.

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(f) (U) Reference (C) remains in effect. This document supercedes the *Implementing Guidance on Detainee Screening and Processing for Transfers of Detainees in Afghanistan, to Guantanamo Bay Naval Station*, Secretary of Defense, January 7, 2002 [rev. December 10, 2002], reference (D).

(g) ~~(FOUO)~~ The availability of DoD detention facilities at Guantanamo Bay, or elsewhere, shall not be a determining factor in whether a Combatant Commander detains or obtains control over an individual. The detainee facilities at Guantanamo Bay, Cuba, function as a strategic intelligence gathering center and should be used for detaining those Enemy Combatants who meet the stated criteria, and are of high operational or strategic intelligence or law enforcement value, and not those Low-level Enemy Combatants who pose only a tactical force protection threat. Nothing in this guidance authorizes (1) the commencement of military operations, or (2) the transfer to Guantanamo Bay, Cuba, of an Enemy Combatant. Actions regarding specific terrorists and/or terrorist organizations will be authorized in execute orders approved by the Secretary of Defense.

IV. PROCEDURES

~~(S)~~ The following procedures shall be followed when a Combatant Commander obtains control of individuals in connection with Operation Enduring Freedom or other war-on-terrorism operations.

(a) ~~(S)~~ Screening: A Combatant Commander shall assess all individuals over whom he obtains control in connection with Operation Enduring Freedom or other war-on-terrorism operations to determine whether they are Enemy Combatants who are international terrorists or members of specified international terrorist organizations, pose a threat to the United States or US interests, and are of high operational or strategic intelligence or law enforcement value to the United States. A Combatant Commander shall request support from a Mobile Detainee Review and Screening Team (MDRST) (reference (C)), to conduct the screening. The detaining Combatant Commander shall collect and record to the maximum extent possible the following information about each Enemy Combatant under his control:

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(b)(1),Sec. 1.4(a),Sec. 1.4(c)

(b)(1),Sec. 1.4(a),Sec. 1.4(c)

(b)(1),Sec. 1.4(a),Sec. 1.4(c)

(b)(~~3~~) Requests for Screening Assistance by a Mobile Detainee Review and Screening Team (MDRST): The Combatant Commander shall request an MDRST review, or that an MDRST deploy to assist in, the screening process before recommending a detainee be sent to Guantanamo Bay or other detention facility. The MDRST will screen Enemy Combatants to determine whether they are international terrorists or members of specified international terrorist organizations identified in reference (E) and (G), pose a threat to the United States or US interests, and are of high operational or strategic intelligence or law enforcement value to the United States. The MDRST will advise the Combatant Commander whether an Enemy Combatant warrants transfer to, and detention at, Guantanamo Bay or at an alternative detention facility. In the event Commander, US Southern Command receives multiple requests for MDRST support, he shall prioritize the requests and, if unable to meet competing priorities, he shall notify the Director of the Joint Staff, who will establish priority of efforts among the Combatant Commanders.

(c) ~~(S)~~ Assignment of Internment Serial Numbers: When the Combatant Commander obtains control of an Enemy Combatant, he shall ensure that the relevant military police element assigns an Internment Serial Number (ISN) to the Enemy Combatant within five days or as soon as operationally practical. The purpose of the Internment Serial Number is to aid in maintaining accountability for detained persons. Once an Internment Serial Number is assigned, all further documentation and reporting will use only this number (no other numbering systems will be used).

(b)(1),Sec. 1.4(a)

The National Detainee Reporting Center shall issue separate blocks

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of Internment Serial Numbers to Combatant Commanders as required to support screening and detention operations.

(d) (S) Secretary of Defense Notification: The Combatant Commander shall notify the Secretary of Defense or his designee, and keep the Chairman of the Joint Chiefs of Staff informed, when:

- Recommending that an Enemy Combatant be transferred to Guantanamo Bay or other designated detention facility. Combatant Commanders shall include in the justification for the recommendation, the results of all screenings and the recommendation of the MDRST.

- Recommending against transferring a detained person (Enemy Combatant or other person) to Guantanamo Bay, or other designated detention facility, in cases where the MDRST recommends such transfer. Combatant Commanders shall include in the justification for the recommendation the results of all screenings and the recommendation of the MDRST.

- Obtaining control over any US citizen, or an individual claiming to have been born in or to be a national of, the United States, any citizen of a coalition partner nation, or a person whose transfer to a DoD detention facility is likely to raise significant policy concerns.

- An Enemy Combatant under DoD control will not be turned over to another U.S. government agency without authorization by the Secretary of Defense or his designee.

- Obtaining control over any individuals listed in references (E) or (G) and identified as international terrorists or members of an international terrorist organization, but not listed in the Execute Order approved by the Secretary of Defense for that operation.

- Identifying and obtaining control over any individual age 15 or younger. Transfer to Guantanamo of these individuals will proceed only upon a determination by the Secretary of Defense or his designee.

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- Obtaining control over any individual, regardless of age, having a life-threatening health condition or mental health condition that would require immediate psychiatric care upon arrival at the detention location, if transferred.

- Deciding, after an initial screening, that the individual does not meet the criteria and recommending/deciding to release the individual

(b)(1),Sec. 1.4(a)

- After review by the MDRST, agreeing with the MDRST that the individual does not meet the criteria and recommending/deciding to release the individual

(b)(1),Sec. 1.4(a)

(e) (S) Temporary Holding In-Theater: The detaining Combatant Commander shall designate as appropriate and consistent with military necessity a temporary holding area in-theater to house Enemy Combatants.

(f) (U) Medical Screening: Before movement of any Enemy Combatant to Guantanamo Bay or other designated detention facility, the detaining Combatant Commander shall ensure that the Enemy Combatant has been medically screened for, among other things, life-threatening medical conditions and infectious diseases (including tuberculosis and HIV infection), or having a mental health condition that would require immediate psychiatric care upon arrival at the detention facility, if transferred, and is fit for transport. If the Enemy Combatant is fit for transport, a medical summary will be written and forwarded to the receiving facility prior to transfer. Additionally, if the detaining Combatant Commander is unable to determine accurately whether a detainee is age 15 or younger, he shall solicit assistance from the Armed Forces Institute of Pathology for this determination.[6] The following procedures apply:

- Requests for assistance from Combatant Commanders will be routed via the Joint Staff to the Office of the Armed Forces Medical Examiner - Armed Forces Institute of Pathology, Special Investigations Division, and will include the detainee's name/aliases and ISN.

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[6] A review of radiological materials for age assessment will be made jointly by the Office of the Armed Forces Medical Examiner and the Musculoskeletal section of the Armed Forces Institute of Pathology.

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- Optimum records required for age estimation include a good quality anterior/posterior radiograph of the non-dominate hand (which will primarily be the left hand in most populations), and bitewing dental films picturing the second and third molars from one side of the jaw (maxillary and mandibular - one file each and should include molar root tips and surrounding alveolar bone).

- Film x-rays are preferred to digital, if possible. If digital radiographs are submitted, they are to be submitted on CD-ROM disk, including viewing program such as RVS (Rad info system), or in a Microsoft Windows compatible format.

(g) (S) Detainee Movement: The Secretary of Defense, or his designee, is the approval authority for the movement of all Enemy Combatants to Guantanamo Bay, or other designated detention facility, unless otherwise provided in applicable Execute Orders.

(b)(1),Sec. 1.4(a)

(h) (S) Detainee Assessment Team (DAT): The Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict, and the Deputy General Counsel (International Affairs) will co-chair a DAT comprising representatives of the CJCS and other appropriate DoD officials to review those Enemy Combatants recommended by the detaining Combatant Commander for transport to Guantanamo. This team will help coordinate issues with other agencies as appropriate.

V. DEFINITIONS

(a) (U) Enemy Combatant: Any person that US or allied forces could properly detain under the laws and customs of war. For purposes of the war on terrorism, an Enemy Combatant includes, but is not necessarily limited to, a member or agent of al Qaeda, the Taliban, or another international terrorist organization against which the United States is engaged in an armed conflict. This may include those individuals or entities designated in accordance with references (E) or (G), as identified in applicable Execute Orders approved by the Secretary of Defense.

(b) (U) International Terrorists and Specified International Terrorist Organizations, posing a threat to the United States or US interests: These groups will be identified in

Bagram-OSD 55

the applicable Execute Orders approved by the Secretary of Defense. They include, but are not necessarily limited to, those individuals or entities designated in accordance with references (E) or (G).

(c) ~~(S)~~ Intelligence Value: An assessment that the individual has information of operational or strategic value related to terrorist activities or actions, which includes, but is not limited to:

(b)(1),Sec. 1.4(a)

(d) (U) Law Enforcement Value: An assessment that the individual possesses information relevant to a criminal investigation or is a possible target for prosecution for alleged criminal activity.

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(e) ~~(FOUO)~~ Threat to the United States or US Interests: An individual poses a threat to the United States or US interests when there is reason to believe that such individual:

- is specifically listed in, or is a member of, a terrorist organization specified in the applicable Execute Order approved by the Secretary of Defense (this may also include, but is not limited to, those individuals or entities designated in accordance with references (E) or (G));

- has engaged in, aided, or conspired to commit, acts of international terrorism, or acts in preparation therefore, that have caused, threaten to cause, or have as their aim to cause, injury or adverse effects on the United States, its citizens, national security, foreign policy, or economy; or

- has knowingly harbored one or more of the above described individuals.

(f) (U) Screen: To obtain, corroborate as appropriate, and record to the maximum extent possible the information specified in paragraph IV(a) of this guidance.

(g) (U) Under DoD Control: When an individual is either in the physical control of DoD or, if in the physical control of another agency, has been designated by the President, or his designee, for transfer to DoD control.

(h) (U) DoD Detention Facility: As directed by the Secretary of Defense, or his designee, a facility to detain Enemy Combatants under DoD control in connection with Operation Enduring Freedom and other operations in the war on terrorism.

(i) (U) Low-level Enemy Combatant: Those individuals who are not a threat beyond the immediate battlefield or that do not have high operational or strategic intelligence or law enforcement value that requires the specialized type of exploitation capability available at Guantanamo.

VI. (U) These criteria and guidelines will be reviewed at least annually and updated and supplemented as necessary.

Bagram-OSD 57

~~SECRET~~

8 August 03

Detainee Screening in Afghanistan

I. REFERENCE

(S) *Criteria and Guidelines for Screening and Processing Persons Detained by the Department of Defense in Connection with the War on Terrorism,* Secretary of Defense, _____, 2003.

II. PURPOSE

(a) Per direction of the Secretary of Defense, this document supercedes the *Implementing Guidance on Detainee Screening and Processing for Transfers of Detainees in Afghanistan, to Guantanamo Bay Naval Station,* Secretary of Defense, January 7, 2002 [rev. December 10, 2002].

(b) In connection with the reference above, this document provides supplemental guidance to Commander, US Central Command, regarding screening and processing individuals detained in Afghanistan in connection with the war on terrorism.

III. PROCEDURES

(a) (S) Commander, US Central Command should, as necessary, obtain control over the following Enemy Combatants:

(b)(1),Sec. 1.4(c)

(4) any others whom screeners suspect may pose a threat to US interests, may have strategic intelligence value, or may be of law enforcement interest.

(b) (S) Consistent with the reference above, Commander, US Central Command shall collect and record, to the maximum extent possible, detailed information about each Enemy Combatant under his control.

Bagram-OSD 58

(c) ~~(S)~~ Commander, US Central Command will establish a Detainee Review and Screening Team (DRST) for Afghanistan, that will validate the information compiled on each individual for completeness and accuracy to the maximum extent possible. To the extent possible and appropriate, the team will include representatives of DoD (including CITF), DOJ, CIA, and the State Department to assist in evaluating and completing the information. In addition to ensuring all available information has been compiled as prescribed by the reference above, for each detainee, the team will determine the following:

(b)(1),Sec. 1.4(a),Sec. 1.4(c)

(d) ~~(S)~~ The DRST shall screen these Enemy Combatants in accordance with the reference above. If the DRST in Afghanistan is unable to perform the required screening procedures, Commander, US Central Command shall follow the procedures outlined in the reference above for requesting additional assistance from a Mobile Detainee Review and Screening Team (MDRST).

(e) ~~(S)~~ Following review by the DRST (or MDRST, if needed), the Commander, US Central Command shall follow the procedures outlined in the reference above for holding and moving Enemy Combatants.

IV. DEFINITIONS

(b)(1),Sec. 1.4(b),Sec. 1.4(c)

Bagram-OSD 59

9/26
12:17

~~SECRET//NOFORN~~

DEPSECDEF
GE APPROVE
SEP 27 2007
SEP 27 2007
HAS SEEN
USD(P) SEP 24 2007

9/26

ACTION MEMO

SEP 21 2007

FOR DEPUTY SECRETARY OF DEFENSE

Robert Rangel
9/26

FROM: Joseph Benkert, Principal Deputy Assistant Secretary of Defense (GSA)

SUBJECT: Transfer of Detainees to the Government of Afghanistan (FOUO)

- **(S//NF) Policy recommends you approve the USCENTCOM request to transfer (b) Afghan detainees designated as *Low-Level Enemy Combatants* (LLEC) held by Combined/Joint Task Force (CJTF)-82 at Bagram Airfield to the Government of Afghanistan (GOA) (TAB A).**

  - **~~(S//NF)~~ The transfer is based upon guidance provided by the Deputies Committee (DC) on February 7, 2007 to proceed with transfers from Bagram to the Afghan National Detention Facility (ANDF) at the rate of (b)(1),Sec. 1.4(a) (TAB B).**

  - **~~(S//NF)~~ Beginning in April 2007, you approved the transfer of three groups totaling 106 detainees from Bagram to the ANDF. The last transfer (b)(1) detainees) occurred on August 16, 2007.**

- **~~(S)~~ It is anticipated that the Afghan National Directorate of Security (NDS) criminal justice system will investigate and prosecute these detainees. To date, the NDS has investigated and charged (b)(1), 1. a detainees transferred (the first (b)(groups).**

  - **~~(S)~~ Charged offenses include (b)(1),Sec. 1.4(b) A typical minimum sentence for charged offenses is 5-7 years, but many charges carry more severe sentences.**

  - **~~(S)~~ The one detainee who was ultimately not charged was released by the GOA through the reconciliation program (PTS). This detainee had previously been assessed as low threat and nominated for PTS release by CJTF-82.**

- **~~(S//NF)~~** (b)(1),Sec. 1.4(b) (b) (b)(1),Sec. 1.4(d)

Prepared by: (b)(2),(b) **Office of Detainee Affairs,** (b)(1),(b)(6)

Derived from: Multiple Sources
Reason or Reasons: 1.4 (a, b, and d)
Declassify On: 20170917

SD CA		DSD SA	
SD SMA		DSD SMA	
SD MA		DSD MA	
CSA	9/24/07	DSD MA	
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ES	9/25/07	1250	1250
ESR MA		ESD	

~~SECRET//NOFORN~~

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9/25/2007 12:56:52 PM

(b)(1),Sec. 1.4(d)

- ~~(S//NF)~~ Approving this request will allow transfers of LLECs to continue into 2008 at the rate of transfer approved by the Deputies' Committee (b)(1),Sec. 1.4(a) In additional, we have begun to transfer detainees from GTMO to ANDF concurrently.

  – ~~(S)~~ Once prosecutions begin, DoD can better assess whether to accelerate the process (b)(1),Sec. 1.4(a)

- ~~(S)~~ State, DOJ, and CIA have been notified and do not object to these transfers.

~~(S)~~ RECOMMENDATION: Initial below to authorize the transfer of the (b)(1) Afghan nationals at TAB A to the GOA at the rate suggested by the Deputies Committee.

APPROVE 9-27-07 DISAPPROVE_____ DISCUSS_____

Attachments:
As stated

COORDINATION: TAB D

10/15
1130

~~SECRET//NOFORN~~

ACTION MEMO

USD(P)

FOR DEPUTY SECRETARY OF DEFENSE

RL → Robert Rehge! 10/16

FROM: Joseph Benkert, Principal Deputy Assistant Secretary of Defense (GSA) OCT 12 2007

SUBJECT: Transfer of Afghan National held at Bagram to Department of Justice (S/NF)

- (S//NF) Recommend that you approve the movement and transfer of Afghan detainee Khan Mohammed, ISN US9AF-003020DP, from DoD custody at Bagram, Afghanistan, to Department of Justice (DoJ) custody in the United States. (Tab A)

  — (FOUO) In December 2006, DoJ indicted Khan Mohammed in the U.S. District Court for the District of Columbia for charges related to the distribution of heroin (Tab B). DoJ is now prepared to prosecute this detainee.

- (S/NF) Drug Enforcement Administration (DEA) officials have requested that DoD transport detainee Khan Mohammed to the United States on a non-reimbursable basis. (Tab C)

  — (FOUO) Due to operational constraints and international flight restrictions, DEA cannot conduct this flight without external support.

  — (U) Khan Mohammed has waived any objection to his transfer to the United States, so his movement to the United States will be voluntary. (Tab D)

  — (U) DoS and DoJ have notified the Government of Afghanistan of our desire to transport this detainee to the U.S. for prosecution, and the GoA has not objected.

  — (U) Since DoD has custody of this detainee within the USCENTCOM area of responsibility (AOR) and has a Departmental interest in removing him from the USCENTCOM AOR to facilitate his transfer out of DoD custody, this movement would be a DoD mission and could be executed on a non-reimbursable basis.

- (S) You previously approved a movement of this nature in May 2007 for Afghan

Prepared by: (b)(2),(b)(6) Office of Detainee Affairs (b)(2),(b)(6)

Derived from: Multiple Sources
Reason or Reasons: 1.4 (a, c, d)
Declassify On: 20170922

SD CA		DSD SA	RE 16 OCT
SD SMA		DSD SMA	
SD MA		DSD MA	
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~~SECRET//NOFORN~~

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10/15/2007 7:59:44 AM

detainee Mohammad Issa, who is currently being prosecuted by DoJ officials. (Tab E)

~~(S)~~ If approved, Policy will coordinate with Joint Staff and DoJ to complete the transport and transfer of this detainee in conjunction with a Detainee Movement Operation scheduled for Afghanistan in late October.

~~(S//NF)~~ RECOMMENDATION: Initial to approve the transfer of detainee Khan Mohammed to DoJ custody and sign the memo at Tab A to authorize the movement of this detainee to the United States for prosecution.

APPROVE DCT 16 2007 DISAPPROVE_____ DISCUSS_____

COORDINATION: TAB F.

Attachments: As stated.

Bagram-OSD 63

~~SECRET//NOFORN~~

DEPUTY SECRETARY OF DEFENSE
1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010

OCT 16 2007

MEMORANDUM FOR CHAIRMAN, JOINT CHIEFS OF STAFF

SUBJECT: Detainee Movement Operation to the United States (S//NF)

~~(S//NF)~~ The following detainee is approved for movement to the United States and transfer to the Department of Justice:

ISN	Name
ISN US9AF-003020DP	Khan Mohammed

~~(S//NF)~~ Initiate necessary planning to transfer the above detainee to the United States upon receipt of this authorization. This memorandum serves as approval of the transfer of this detainee.

Classified by: Multiple Sources
Reason: 1.4 (a)
Declassify on: 20 September 2017

~~SECRET//NOFORN~~

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Bagram-OSD 64

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DEPSECDEF
APR 10 2007
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~~SECRET//NOFORN~~

ACTION MEMO

USD(P) APR 03 2007

FOR DEPUTY SECRETARY OF DEFENSE

FROM: Joseph Benkert, Acting Principal Deputy Assistant Secretary of Defense (SOLIC), APR - 2 2007

SUBJECT: Transfer Recommendation for Afghan National held at Bagram (S//NF)

- ~~(S//NF)~~ There has been a change to the plan to transfer Afghan detainee Mohammad Issa, ISN US9AF-003095DP (TAB B) out of DoD custody and control.

- ~~(S//NF)~~ On March 3, 2007, you approved Issa's transfer to the Government of Afghanistan (GOA) to facilitate his eventual extradition to the United States to stand trial in a U.S. District Court in New York for charges related to the importation and distribution of heroin (TAB C).

  - ~~(FOUO)~~ DOJ officials have informed us that they now need DoD to transport Issa to the United States and transfer him directly to DOJ instead of going through the GOA (TAB D).

  - ~~(FOUO)~~ DOJ's new request results from Issa's decision to waive any objection to his transfer to the United States. A direct transfer by DoD to DOJ is now the quickest and most efficient way to effectuate his transfer.

- ~~(S)~~ If approved, Policy will coordinate with Joint Staff and DOJ to complete the transfer.

~~(S//NF)~~ **RECOMMENDATION: Initial below and sign the memo at TAB A to authorize the movement of detainee Mohammed Issa directly to DOJ custody and to transport him to the United State for prosecution.**

APPROVE _____ **DISAPPROVE** _____ **DISCUSS** _____

COORDINATION: TAB E
Attachments: As stated.

Prepared by: (b)(2), (b)(6), **Office of Detainee Affairs,** (b)(2), (b)(6)

Derived from: Multiple Sources
Reason or Reasons: 1.4 (a, c, d)
Declassify On: 20170327

SD CA		DSD SA	9 APR
SD SMA		DSD SMA	9/3
SD MA		DSD MA	9/9
ISA	4/5	DSD CA	4/4
STP DIR			4/4
ES	4/5	4/5	
ESR MA	4/5	ESD	

~~SECRET//NOFORN~~

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~~SECRET//NOFORN~~

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GE APPROVES
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ACTION MEMO

NOV - 1 2007

FOR: DEPUTY SECRETARY OF DEFENSE

FROM: Joseph Benkert, Principal Deputy Assistant Secretary of Defense (G&A)

SUBJECT: Request to Transfer Afghan Detainee from Bagram (b)(1),Sec. 1.4(a),Sec. 1.4(b)

(b)(1),Sec. 1.4(a) Sec. 1

- ~~(S//NF)~~ **Request your approval of the USCENTCOM request to transfer an Afghan detainee,** (b)(1),Sec. 1.4(a),Sec. 1.4(b)

(b)(1),Sec. 1.4(a),Sec. 1.4(b)

(b)(1),Sec. 1.4(a),Sec. 1.4(b)

- ~~(S//NF)~~ **CJTF-82 assesses him as a Low-Level Enemy Combatant – Threat Only (Tab B).**

- (b)(1),Sec. 1.4(a),Sec. 1.4(b)

- (b)(1),Sec. 1.4(a),Sec. 1.4(b)

RECOMMENDATION: Approve USCENTCOM's transfer request by initialing below.

Approve: 11-1-07 **Disapprove:** _____ **Other:** _____

Prepared by: (b)(6) **Office of Detainee Affairs** (b)(6)

Derived from: Multiple Sources
Reasons: 1.4 (a and b)
Declassify On: October 24, 2017

SD CA		DSD SA	
SD SMA		DSD SMA	
SD MA		DSD MA	
SSA		DSD CA	11/2/06
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~~SECRET~~

DEPUTY SECRETARY OF DEFENSE
1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010

MEMORANDUM FOR CHAIRMAN, JOINT CHIEFS OF STAFF

SUBJECT: Detainee Movement Operation to Afghanistan (S)

~~(S)~~ The following detainee is approved for transfer by the Designated Civilian Official:

ISN	Name
US9AF-000942DP	RAZZAK, Abdul

~~(S)~~ Initiate necessary planning to return the above detainee to Afghanistan upon receipt of this authorization. This memorandum serves as approval of the transfer of this detainee, subject to coordination with the Office of General Counsel and the Department of Justice concerning the resolution of any litigation issues. The Deputy Assistant Secretary of Defense for Detainee Affairs will provide Joint Staff final confirmation of the completion of all litigation and national clearance issues prior to the movement of this detainee.

Classified by: Multiple Sources
Reason: 1.4 (a)
Declassify on: 14 March 2017

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16 APR 03

MEMORANDUM FOR COMMANDER, US CENTRAL COMMAND

SUBJECT: Counter-Resistance Techniques in the War on Terrorism ~~(S)~~

~~(S//NF)~~ I have considered the report of the Working Group on Detainee Interrogations in The Global War on Terrorism (GWOT), established January 15, 2003, and approve the use of specified counter-resistance techniques, subject to the following:

(U) a. The techniques I authorize are those lettered A-X, set out at Tab A.

(U) b. These techniques must be used with all the safeguards described at Tab B.

(U) c. Use of these techniques is limited to interrogations of unlawful combatants held at the Bagram Control Point, Bagram Air Base.

(U) d. Prior to the use of these techniques, the chairman of the Working Group on Detainee Interrogations in the Global War on Terrorism must brief you and your staff.

~~(S//NF)~~ I reiterate that US Armed Forces shall continue to treat detainees humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of the Geneva Conventions. In addition, if you intend to use techniques B, I, O or X, you should include those techniques as part of a detainee's initial interrogation strategy, and inform me five days in advance. Notification is not required if the application of the four techniques is within current doctrine (Field Manual 34-52). The use of maximum security units for force protection and security is not considered to be isolation for the purposes of interrogation. Sleep deprivation is defined as keeping a detainee awake for more than 16 hours or allowing a detainee to rest briefly and then repeatedly awakening him, not to exceed four days in succession. The least intrusive method is defined as the technique that has the least impact on a detainee's standard of treatment, while evoking the desired response from the detainee during interrogations.

~~(S//NF)~~ If, in your view, you require additional interrogation techniques for a particular detainee, you should provide me, via the Chairman of the Joint Chiefs of Staff, a written request describing the proposed technique, recommended safeguards, and the rationale for applying it with an identified detainee.

NOT RELEASABLE TO
FOREIGN NATIONALS

Classified By: Secretary of Defense
Reason: 1.5(a)
Declassify on: 15 April 2013

~~SECRET//NOFORN~~

~~(S//NF)~~ Nothing in this memorandum in any way restricts your existing authority to maintain good order and discipline among detainees.

Attachments:
As stated

Classified By: Secretary of Defense
Reason: 1.5(a)
Declassify On: April 15, 2013

NOT RELEASABLE TO
FOREIGN NATIONALS

TAB A

INTERROGATION TECHNIQUES ~~(S//NF)~~

~~(S//NF)~~ The use of techniques A - X is subject to the general safeguards as provided below as well as specific implementation guidelines to be provided by the appropriate authority. Specific implementation guidance with respect to techniques A - Q is provided in Army Field Manual 34-52. Further implementation guidance with respect to techniques R - X will need to be developed by the appropriate authority.

~~(S//NF)~~ Of the techniques set forth below, the policy aspects of certain techniques should be considered to the extent those policy aspects reflect the views of other major US partner nations. Where applicable, the description of the technique is annotated to include a summary of the policy issues that should be considered before application of the technique.

A. ~~(S//NF)~~ Direct: Asking straightforward questions.

B. ~~(S//NF)~~ Incentive/Removal of Incentive: Providing a reward or removing a privilege, above and beyond those that are required by the Geneva Convention, from detainees. (Caution: Other nations that believe that detainees are entitled to POW protections may consider that provision and retention of religious items (e.g., the Koran) are protected under international law (see Geneva III, Article 34). Although the provisions of the Geneva Convention are not applicable to the interrogation of unlawful combatants, consideration should be given to these views prior to application of the technique.)

C. ~~(S//NF)~~ Emotional Love: Playing on the love a detainee has for an individual or group.

D. ~~(S//NF)~~ Emotional Hate: Playing on the hatred a detainee has for an individual or group.

E. ~~(S//NF)~~ Fear Up Harsh: Significantly increasing the fear level in a detainee.

F. ~~(S//NF)~~ Fear Up Mild: Moderately increasing the fear level in a detainee.

G. ~~(S//NF)~~ Reduced Fear: Reducing the fear level in a detainee.

Classified By: Secretary of Defense
Reason: 1.5(a)
Declassify On: 15 April 2013

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H. ~~(S//NF)~~ Pride and Ego Up: Boosting the ego of a detainee.

I. ~~(S//NF)~~ Pride and Ego Down: Attacking or insulting the ego of a detainee, not beyond the limits that would apply to a POW. (Caution: Article 17 of Geneva III provides, "Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to any unpleasant or disadvantageous treatment of any kind." Other nations that believe that detainees are entitled to POW protections may consider this technique inconsistent with the provisions of Geneva. Although the provisions of Geneva are not applicable to the interrogation of unlawful combatants, consideration should be given to these views prior to application of the technique.)

J. ~~(S//NF)~~ Futility: Invoking the feeling of futility of a detainee.

K. ~~(S//NF)~~ We Know All: Convincing the detainee that the interrogator knows the answer to questions he or she asks the detainee.

L. ~~(S//NF)~~ Establish Your Identity: Convincing the detainee that the interrogator has mistaken the detainee for someone else.

M. ~~(S//NF)~~ Repetition Approach: Continuously repeating the same question to the detainee within interrogation periods of normal duration.

N. ~~(S//NF)~~ File and Dossier: Convincing detainee that the interrogator has a damning and inaccurate file, which must be fixed.

O. ~~(S//NF)~~ Mutt and Jeff: A team consisting of a friendly and harsh interrogator. The harsh interrogator might employ the Pride and Ego Down technique. (Caution: For other countries that believe that POW protections apply to detainees, this technique would be inconsistent with Geneva III, Article 13, which provides that POWs must be protected against acts of intimidation. Although the provisions of Geneva are not applicable to the interrogation of unlawful combatants, consideration should be given to these views prior to application of the technique.)

P. ~~(S//NF)~~ Rapid Fire: Questioning in rapid succession without allowing detainee to answer.

Q. ~~(S//NF)~~ Silence: Staring at the detainee to encourage discomfort.

R. ~~(S//NF)~~ Change of Scenery Up: Removing the detainee from the standard interrogation setting (generally to a location more pleasant, but no worse).

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S. ~~(S//NF)~~ Change of Scenery Down: Removing the detainee from the standard interrogation setting and placing him in a setting that may be less comfortable; would not constitute a substantial change in environmental quality.

T. ~~(S//NF)~~ Dietary Manipulation: Changing the diet of a detainee; no intended deprivation of food or water; no adverse medical or cultural effect and without intent to deprive subject of food or water, e.g., hot rations to Meals Ready to Eat.

U. ~~(S//NF)~~ Environmental Manipulation: Altering the environment to create moderate discomfort (e.g., adjusting temperature or introducing an unpleasant smell). Conditions would not be such that they would injure the detainee. Detainee would be accompanied by interrogator at all times. (Caution: Based on court cases in other countries, some nations may view application of this technique in certain circumstances to be inhumane. Consideration of these views should be given prior to use of this technique.)

V. ~~(S//NF)~~ Sleep Adjustment: Adjusting the sleeping times of the detainee (e.g., reversing sleep cycles from night to day.) This technique is NOT sleep deprivation.

W. ~~(S//NF)~~ False Flag: Convincing the detainee that individuals from a country other than the United States are interrogating him.

X. ~~(S//NF)~~ Isolation: Isolating the detainee from other detainees while still complying with basic standards of treatment. (Caution: The use of isolation as an interrogation technique requires detailed implementation instructions, including specific guidelines regarding the length of isolation, medical and psychological review, and approval for extensions of the length of isolation by the appropriate level in the chain of command. This technique is not known to have been generally used for interrogation purposes for longer than 30 days. Those nations that believe detainees are subject to POW protections may view use of this technique as inconsistent with the requirements of Geneva III, Article 13, which provides that POWs must be protected against acts of intimidation; Article 14, which provides that POWs are entitled to respect for their person; Article 34, which prohibits coercion; and Article 126, which ensures access and basic standards of treatment. Although the provisions of Geneva are not applicable to the interrogation of unlawful combatants, consideration should be given to these views prior to application of the technique.)

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TAB B

GENERAL SAFEGUARDS

~~(S/NF)~~ Application of these interrogation techniques is subject to the following general safeguards: (i) limited to use only at strategic interrogation facilities; (ii) there is a good basis to believe that the detainee possesses critical intelligence; (iii) the detainee is medically and operationally evaluated as suitable (considering all techniques to be used in combination); (iv) interrogators are specifically trained for the technique(s); (v) a specific interrogation plan (including reasonable safeguards, limits on duration, intervals between applications, termination criteria and the presence or availability of qualified medical personnel) has been developed; (vi) there is appropriate supervision; and, (vii) there is appropriate specified senior approval for use with any specific detainee (after considering the foregoing and receiving legal advice).

(U) The purpose of all interviews and interrogations is to get the most information from a detainee with the least intrusive method, always applied in a humane and lawful manner with sufficient oversight by trained investigators or interrogators. Operating instructions must be developed based on command policies to insure uniform, careful, and safe application of any interrogations of detainees.

~~(S/NF)~~ Interrogations must always be planned, deliberate actions that take into account numerous, often interlocking factors such as a detainee's current and past performance in both detention and interrogation, a detainee's emotional and physical strengths and weaknesses, an assessment of possible approaches that may work on a certain detainee in an effort to gain the trust of the detainee, strengths and weaknesses of interrogators, and augmentation by other personnel for a certain detainee based on other factors.

~~(S/NF)~~ Interrogation approaches are designed to manipulate the detainee's emotions and weaknesses to gain his willing cooperation. Interrogation operations are never conducted in a vacuum; they are conducted in close cooperation with the units detaining the individuals. The policies established by the detaining units that pertain to searching, silencing, and segregating also play a role in the interrogation of a detainee. Detainee interrogation involves developing a plan tailored to an individual and approved by senior interrogators. Strict adherence to policies/standard operating procedures governing the administration of interrogation techniques and oversight is essential.

Classified By: Secretary of Defense
Reason: 1.5(a)
Declassify On: 15 April 2013

NOT RELEASABLE TO
FOREIGN NATIONALS

Bagram-OSD 73

~~(S/NF)~~ It is important that interrogators be provided reasonable latitude to vary techniques depending on the detainee's culture, strengths, weaknesses, environment, extent of training in resistance techniques as well as the urgency of obtaining information that the detainee is known to have.

~~(S/NF)~~ While techniques are considered individually within this analysis, it must be understood that in practice, techniques are usually used in combination; the cumulative effect of all techniques to be employed must be considered before any decisions are made regarding approval for particular situations. The title of a particular technique is not always fully descriptive of a particular technique. With respect to the employment of any techniques involving physical contact, stress or that could produce physical pain or harm, a detailed explanation of that technique must be provided to the decision authority prior to any decision.

NOT RELEASABLE TO
FOREIGN NATIONALS

Bagram-OSD 74

~~SECRET//NOFORN~~
~~FOUO (when separate from attachments)~~

ACTION MEMO

DUSD (PI&CoS) Peter F. Verga
JAN 15 2010

FOR: Under Secretary of Defense for Policy

FROM: Alan Liotta, Principal Director Detainee Policy

SUBJECT: Afghanistan Independent Human Rights Commission Access to the United States Theater Internment Facility-Afghanistan (A-TIF) (U)

- (U) Recommend you approve an exception to the DoD Foreign Access to Detainees Policy Guidance (Tab A), which limits foreign government access to detainees to those visits conducted for intelligence or law enforcement purposes. The requested exception would allow access by the Afghanistan Independent Human Rights Commission (AIHRC) to the A-TIF, including access to Afghan detainees and to the Detainee Review Boards.

  - ~~(S//NF)~~ The limited access policy was designed to ensure the safety of detainees under DoD custody and requires USD (P) approval for official requests by foreign government to access their nationals detained at the A-TIF.

  - A Terms of Reference will be crafted to ensure that the AIHRC is in full compliance with DoD policy and procedures while visiting the A-TIF.

- (U) On October 21, 2009, the Chairperson of the AIHRC sent a letter to CDR, United States Forces-Afghanistan (USFOR-A) requesting AIHRC access to detainees at the A-TIF and to observe the Detainee Review Board proceedings (Tab B).

  - ~~(U//FOUO)~~ On November 5, 2009, CDR, USFOR-A endorsed the AIHRC request for access to Afghan detainees and to Detainee Review Boards, subject to visual monitoring (Tab C).

  - ~~(U//FOUO)~~ On November 18, 2009, CDR, USCENTCOM recommended that the AIHRC be granted access to the detention facility, detainee review board procedures, and Afghan detainees at the A-TIF, subject to visual monitoring (Tab D).

- (U) The AIHRC submitted a similar request to visit detainees in 2005; however, the

Prepared By: (b)(2),(b)(6) Office of Detainee Policy (b)(2),(b)(5)

Classified by: or Derived from: Multiple Sources
Reason or Reasons: 1.4 (b), (d)
Declassify On: (January 14, 2020)

USP01602-09.

~~SECRET//NOFORN~~
~~(FOUO when separate from attachments)~~

OSD-17786-09

AIHRC would not agree to Terms of Reference requiring auditory monitoring of AIHRC visits with Afghan detainees (Tab E).

- (U) The AIHRC is an official government body, established as an independent body pursuant to the Constitution of Afghanistan with a mandate to visit detention centers to monitor the implementation of laws on the treatment of prisoners (Tab F). Granting the AIHRC access to detainees is consistent with the USG's shift towards greater transparency in U.S. detention operations in Afghanistan. It is a positive step in promoting the eventual transfer of detention operations to the Government of the Islamic Republic of Afghanistan (GIRoA).

- ~~(U//FOUO)~~ OSD Policy has ascertained with reasonable confidence that the AIHRC representatives will act suitably and in accordance with their mandate when visiting Afghan detainees.

  - ~~(U//FOUO)~~ We believe that CDR, USFOR-A, is best positioned to negotiate Terms of Reference that address parameters for AIHRC access, including monitoring, confidentiality, and Detention Review Board access.

RECOMMENDATION: Approve an exception to policy to allow AIHRC access to A-TIF, Afghan detainees, and Detainee Review Board proceedings, based on Terms of Reference that CDR, USFOR-A will negotiate with the AIHRC to ensure the visit occurs in full compliance with DoD policies and procedures.

JAN 19 2010

Approve: _____ Disapprove: _____ Other: _____

COORDINATION: Tab G

Attachments:
As stated

Bagram-OSD 76

~~SECRET//NOFORN~~

2005 DEC 13 AM 6:01

ACTION MEMO

USD(P) DEC 12 2005
I-05/013759

DEC 12 2005

FOR ACTING DEPUTY SECRETARY OF DEFENSE

FROM: Ryan Henry, PD Under Secretary of Defense for Policy

SUBJECT: Request for Afghanistan Independent Human Rights Commission (AIHRC) Access (U)

- ~~(S)~~ The Afghanistan Independent Human Rights Commission (AIHRC) has requested access to theater internment facilities (TIFs) in Afghanistan and to meet with Afghan detainees under DoD control at the TIFs (TAB A)..

- (U) The AIHRC, established under the Bonn Agreement and the Afghan Presidential Decree of June 6, 2002, is recognized in Article 58 of the new Afghanistan Constitution.

  - (U) President Karzai appointed the eleven members of the AIHRC, whose responsibilities include human rights monitoring and investigation of violations in Afghanistan.

  - (U) All Afghan national authorities and institutions are required to cooperate fully with the AIHRC.

- ~~(S//NF)~~ Under existing DoD policy, foreign government access to detainees in Afghanistan is for law enforcement and intelligence purposes only.

  - ~~(S//NF)~~ The Joint Staff and USCENTCOM recommend approval as an exception to policy (TAB B). CFC-A has prepared draft classified Terms of Reference with strict procedures for the visit to address security concerns.

- ~~(S)~~ Allowing AIHCR access would further demonstrate USG transparency, improve cooperation between the U.S. and Afghan governments, and facilitate planned detainee transfer and release (reconciliation program) operations.

  - (b)(1),Sec. 1.4(a)

MA SD		SMA DSD	
TSA SD		SA DSD	
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ESR MA			

~~SECRET//NOFORN~~

OSD 78370-05

Bagram-OSD 77

RECOMMENDATION:

- (S) Initial below to approve the AIHRC request for access to the theater internment facilities in Afghanistan and to Afghan detainees, subject to the approval by the DASD Detainee Affairs of the CFC-A terms of reference (TAB A).

APPROVE JR DISAPPROVE_____ DISCUSS_____

DEC 1 4 2005

Attachments: As Stated

COORDINATION:

Joint Staff	LTG Sharp	October 13, 2005
OGC	Mr. Dell'Orto	November 17, 2005
USD(I)	Dr. Cambone	December 8, 2005

Prepared by: (b)(2),(b) Office of Detainee Affairs, (b)(2),(b)(6)

Bagram-OSD 78

DEP SEC DEF HAS SEEN OCT 26 2004

~~SECRET~~

ACTION MEMO

OCT 15 2004

OCT 15 200

USD(P) [illegible]

I-04/009478-DA

ES-0175

FOR DEPUTY SECRETARY OF DEFENSE

FROM: Ryan Henry, PD Under Secretary of Defense for Policy

SUBJECT: Two non-enemy combatants at Bagram (U)

- ~~(S)~~ We request that you authorize the release of two individuals held at Bagram, Afghanistan,

(b)(1),Sec. 1.4(b)

- ~~(S)~~ In March 2004, DoD determined that four detainees at GTMO were no longer enemy combatants.

(b)(1),Sec. 1.4(b)

- ~~(S)~~ Two of them have since been repatriated, (b)(1),Sec. 1.4(b)

- ~~(S)~~ (b)(1),Sec. 1.4(b)

(b)(1),Sec. 1.4(b)

- (b)(1),Sec. 1.4(b)

-

- ~~(S)~~ DoD does not have the authority to detain persons who are not enemy combatants. (b)(1),Sec. 1.4(b)

(b)(1),Sec. 1.4(b)

Derived from: Multiple sources
Reason: 1.5 (a) & (b)
Declassify: 21 September 2029

OSD 77828-04

~~SECRET~~

- ~~(S)~~ We have reaffirmed that the Department of State (b)(1),Sec. 1.4(b) (b)(1),Sec. 1.4(b)

  - ~~(S)~~ Ambassador Prosper, who supports the decision to release the individuals, agreed to address any concerns raised by the Afghan government.

  - ~~(S)~~ In addition, Ambassador Prosper has discussed the issue at length with Ambassador Khalilzad so that Khalilzad is prepared to intervene directly with President Karzai if necessary.

- ~~(S)~~ Based on previous discussions with the (b)(1),Sec. government, State advises that (b)(1),Sec. 1.4(b) now appears less likely to voice strong concerns about the release. The return of several (b) from Guantanamo and the conclusion of the (b) (b)(1),Sec. 1.4(b) in recent weeks may further mitigate government concerns.

RECOMMENDATION: Release the two non-enemy combatants from Bagram immediately upon your approval of this memo.

COORDINATION: Copy provided to Joint Staff and OGC. Coordination received on previous recommendation memos (Tab A).

Deputy's Decision:

Approve DW 10/26/04; Disapprove _____; Other _____

Attachment: As stated

Prepared by: (b)(2),(b)(6), **Detainee Affairs,** (b)(2),(b)(6)

ACTION MEMO

USDP JAN 25 2010

FOR: DEPUTY SECRETARY OF DEFENSE

FROM: Peter F. Verga, DEPUTY UNDERSECRETARY OF DEFENSE (PI&CoS) JAN 22 2010

SUBJECT: Response to Letter from ACLU Regarding Detention of Juveniles

- Attached at Tab A is a proposed response to a letter from the American Civil Liberties Union regarding its concern with the Department's detention of juveniles (Tab B).

- The letter from the ACLU requests very specific information, most of which is classified at the SECRET level. In addition, much of the letter focuses on the USG's responses to the Committee on the Rights of the Child, and the ACLU's June 2008 "Concluding Observations," to which the USG is currently in the process of responding. In the draft letter at Tab A, we have done our best to respond to the ACLU letter without getting ahead of the response to the Committee.

- The previous USG Responses to the Committee's Questions, submitted May 30, 2008, are at Tab C. The relevant section begins at the bottom of page 12. The Committee's June 2008 Concluding Observations are at Tab D.

RECOMMENDATION: Sign the letter at Tab A.

Approve: DSD signed letter as/s Disapprove: _____ Other: _____

COORDINATION: TAB E

Attachments:
As stated.

Prepared By: (b)(2),(b)(6) Detainee Policy, (b)(2),(b)(6)

SD CA		DSD SA	1/25
SD SMA		DSD SMA	
SD MA		DSD MA	
TSA	1/26	DSD CA	
TSA SA			
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ESR	1/25 1/26	ESB	

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1/26/2010 11:01:44 AM

OSD-12956-09

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~~SECRET~~

ACTION MEMO

USD(P) 2/2

FOR DEPUTY SECRETARY OF DEFENSE

FEB 14 ~~2007~~ 8 2007

FROM: Joseph Benkert, Acting Principal Deputy Assistant Secretary of Defense (G&AA)

SUBJECT: Amendment of the Foreign Access Policy for Theater Internment Facilities (TIFs) in Afghanistan (U)

- (S) Request you sign the memo at TAB A, amending the foreign access policy for detainees in TIFs in Afghanistan by deleting the phrase "no lower than the level of Commanding General, Combined Forces –Afghanistan (CFC-A)" (TAB B, 2nd page).

  — (S) CFC-A was inactivated on January 21, 2007. DJS endorsed USCENTCOM's request to re-delegate detention-related authorities that reference CFC-A (TAB C). The only authority that requires re-delegation is the authority to approve requests by the Governments of (b)(1),Sec. 1.4(d) for access to their nationals detained in Afghanistan.

- (S) The memo would authorize CDR, USCENTCOM to delegate, to a general or flag officer, approval authority for (b)(1),Sec. 1.4(d) We would expect CENTCOM to delegate approval authority to CJTF-76, the commander responsible for Bagram.

  — (b)(1),Sec. 1.4(a),Sec. 1.4(d)

RECOMMENDATION: Initial below and sign the memo at TAB A to amend the Foreign Access Policy for (b)(1),Sec. 1.4(b)

Approve 2-26 Disapprove _____ Discuss _____

COORDINATION: TAB D
Attachments: As stated.

Prepared by: (b)(2),(b)(6) Office of Detainee Affairs, (b)(2),(b)(6)

Derived from: Multiple Sources
Reasons: 1.4 (a, c, d)
Declassify On: (20170122)

SD CA		DSD SA	RE 24 Feb
SD SMA		DSD SMA	2/22
SD MA	2/21	DSD MA	2/22
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FEB 9 07 07:46

OSD 75290-07

2/15/2007 11:50:11 AM

~~SECRET~~

DEPUTY SECRETARY OF DEFENSE
1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010

FEB 26 2007

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
COMMANDER, U.S. CENTRAL COMMAND
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
DIRECTORS OF THE DEFENSE AGENCIES

SUBJECT: Amendment to Foreign Government Access to Theater Internment Facilities (TIFs) in Afghanistan (U)

~~(S)~~ The attached Foreign Access to Detainees Policy Guidance, dated May 20, 2006, is amended by deleting from the first bullet in the second paragraph thereof the phrase "no lower than the level of Commanding General, Combined Forces –Afghanistan (CFC-A)." All requests by foreign governments for access to their nationals detained at Theater Internment Facilities in Afghanistan in connection with Operation Enduring Freedom will continue to be processed as set out in the attached policy guidance, as amended. Please ensure this amendment is distributed within your organization.

~~(S)~~ The Under Secretary of Defense for Policy shall execute this policy for the duration of Operation Enduring Freedom, or until otherwise directed. The point of contact for further information regarding this policy is the Office of Detainee Affairs, OSD Policy (b)(2)

Attachment:
As stated

Derived from: Multiple Sources
Reasons: 1.4 (a), (c), (d)
Declassify on 7 March 2026

OSD 75290-07
2/26/2007 2:10:32 PM

Bagram-OSD 83

~~SECRET~~

DEPUTY SECRETARY OF DEFENSE
1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010

MAY 2 0 2006

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
COMMANDER, U.S. CENTRAL COMMAND
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
DIRECTORS OF THE DEFENSE AGENCIES

SUBJECT: Foreign Government Access to Theater Internment Facilities (TIFs) in Afghanistan (U)

~~(S)~~ All requests by foreign governments for access to their nationals detained at TIFs in Afghanistan in connection with Operation ENDURING FREEDOM will be processed as set out in the attached policy guidance. Please ensure this policy guidance is distributed within your organization.

~~(S)~~ The Under Secretary of Defense for Policy shall execute this policy for the duration of Operation ENDURING FREEDOM, or until otherwise directed. The point of contact for further information regarding this policy is the Office of Detainee Affairs, OSD Policy, (b)(2)

Attachment:
As stated

Derived from: Multiple Sources
Reasons: 1.4 (a), (c), (d)
Declassify on: 7 March 2026

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5/22/2006 10:25:44 AM

~~SECRET~~

FOREIGN ACCESS TO DETAINEES
POLICY GUIDANCE

(S) Providing access to detainees at Theater Internment Facilities (TIFs) in Afghanistan by official representatives of foreign governments can, in select cases, serve three key U.S. objectives: (1) obtaining intelligence information, (2) furthering criminal investigations and prosecutions, and (3) facilitating the transfer of detainees to the control of their governments. All requests for access to detainees at TIFs in Afghanistan will be assessed in terms of how such access furthers these objectives and reinforces coalition support for Operation Enduring Freedom. No access will be authorized for consular visits or for non-government officials, with the exception of the International Committee of the Red Cross.

(S) Requests from the Government of (b)(1),Sec. 1.4(b)

- The Commander, USCENTCOM, or his General/Flag officer designee, no lower than the level of Commanding General, Combined Forces –Afghanistan (CFC-A), is authorized to approve

(b)(1),Sec. 1.4(b),Sec. 1.4(d)

- (b)(1),Sec. 1.4(b),Sec. 1.4(d)

(S) Requests from all other foreign governments:

- The Under Secretary of Defense for Policy is authorized to approve all other foreign government requests for access to their nationals detained at TIFs in Afghanistan.

- Official requests from foreign governments for access to their nationals detained at TIFs in Afghanistan will be made to the Department of State.

- If foreign governments approach other USG entities (e.g., DoD components, Department of Justice, etc.), their requests should be referred to the Department of State. The Office of War Crime Issues at (202) 647-5072 is the point of contact at the Department of State for detainee policy.

Bagram-OSD 85

- The Department of State will forward the request to the DoD for approval on a case-by-case basis.

- Requests must list the purpose of the visit, proposed time frame, and names and positions of all government officials requesting travel, and the detainees they wish to see. DoD must be informed of languages to be used during interviews, special requirements (e.g., wheelchairs), and passport numbers of travelers prior to travel.

- Once DoD has made a decision regarding whether to grant access, DoD will notify the Department of State. The Department of State will notify the foreign government. DoD will consult with the Department of State as necessary.

(S) Conditions of Access:

- Requests for access to detainees by foreign governments shall be reviewed and approved separately (i.e., after access has been approved once, any successive requests for access also must be approved on a case-by-case basis).

- Foreign government visits are for intelligence or law enforcement purposes, not for consular purposes.

- The requesting government will be responsible for all costs associated with the visit (transportation, lodging, etc.).

- Foreign government officials will normally be permitted access to their nationals only and not to detainees of other nationalities. DoD must approve any exceptions.

- Timing and logistical arrangements of all visits will be controlled by U.S. Central Command to ensure non-interference with operations and security of U.S. personnel, facilities, and detainees.

(b)(1),Sec. 1.4(a)

- Visiting officials must have identification and are subject to search.

- Visiting officials will not be permitted to photograph, videotape, or make sound recordings of their nationals during interviews. Such devices are not authorized for use at the DoD base at Bagram.

- DoD will be provided copies of all records of conversations and other information gathered by the foreign government officials.

(b)(1),Sec. 1.4(a),Sec. 1.4(c)

- DoD security, law enforcement, and/or intelligence personnel will be present at all times during the interviews and may end an interview at any time when, in the opinion of the senior DoD representative, the security of U.S. personnel, facilities, or detainees is at risk.

- In all cases, interviews shall be governed by the guidelines outlined in DoD Directive 3115.09. Visiting officials will sign a written document agreeing to abide by DoD policies and procedures. A trained and certified DoD interrogator shall monitor all interviews. If an interrogator is not available, a DoD representative with appropriate training and experience shall monitor the interview. The DoD monitor shall terminate the interview if visiting officials do not adhere to DoD policies and procedures.

~~(S)~~ Any exceptions to this policy must be approved by the Under Secretary of Defense for Policy.

2/28
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~~SECRET~~

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3/2

ACTION MEMO

USDP FEB 26 2007

FEB 23 2007

FOR: DEPUTY SECRETARY OF DEFENSE

FROM: Joseph Benkert, Acting Principal Deputy Assistant Secretary of Defense (GSA)

SUBJECT: Request for Delegation of Authority to Approve Family and Village Elder Visits to Bagram Theater Internment Facility (S)

- ~~(S)~~ **Recommend you sign the memo at TAB A approving CDR, USCENTCOM's request for authority to approve visits of village elders and family members to detainees under DoD control at the Bagram Theater Internment Facility (Bagram) (TAB B). You are the approval authority for such visits.**

  - ~~(S)~~ **Village elders play a significant role in Afghan societal structure and in the Government of Afghanistan's (GOA) reconciliation program; approving their access could build additional support for the GOA and for the transition.**

  - ~~(S)~~ **Policy previously had been reluctant to approve family visits; however, as the pace of transition of detention in Afghanistan to the GOA has slowed, we now believe such visits could be conducted.**

- ~~(S)~~ (b)(1),Sec. 1.4(a) **Policy believes the benefits that CDR, USCENTCOM and CDR, CFC-A have described outweigh these concerns.**

  - ~~(S)~~ **Family visits are likely to be viewed positively by the Afghan public, the ICRC, and the international community.** (b)(1),Sec. 1.4(a),Sec. 1.4(c)

Prepared by: (b)(2),(b)(6) **Office of Detainee Affairs,** (b)(2),(b)(6)

Derived from: Multiple Sources
Reason or Reasons: 1.4 (a, c, d)
Declassify On: 24 January 2017

SD CA		DSD SA	RE for MOA
SD SMA		DSD SMA	3/2
SD MA		DSD MA	3/2
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RECOMMENDATION: Initial below and sign the memo at TAB A to delegate authority to Commander, USCENTCOM, or his General/Flag Officer designee, to approve access to Afghan village elders and to family members of detainees.

APPROVE 3-3 DISAPPROVE_____ DISCUSS_____

Attachments: As stated.

COORDINATION: TAB C

Bagram-OSD 89

~~SECRET~~

DEPUTY SECRETARY OF DEFENSE
1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010

MAR - 3 2007

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
COMMANDER, U.S. CENTRAL COMMAND
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
DIRECTORS OF THE DEFENSE AGENCIES

SUBJECT: Family and Village Elder Access to Detainees at the Bagram Theater Internment Facilities in Afghanistan ~~(S)~~

~~(S)~~ Commander, USCENTCOM, or his General/Flag Officer designee, is authorized to approve village elder and family member access to Afghan nationals detained at the Bagram Theater Internment Facility in Afghanistan.

~~(S)~~ The Under Secretary of Defense for Policy shall oversee this policy for the duration of Operation Enduring Freedom, unless otherwise directed. The point of contact for further information regarding this policy is the Office of Detainee Affairs, OSD Policy (b)(2)

Derived from: Multiple Sources
Reasons: 1.4 (a), (c), (d)
Declassify on 24 January 2017

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3/5/2007 1:42:59 PM

~~SECRET~~

(b)(1),(b)(2),(b)(3):10 Usc 130(c),Sec. 1.4(a),Sec. 1.4(d)

(b)(1),(b)(2),(b)(3):10 Usc 130(c),Sec. 1.4(a),Sec. 1.4(d)

(b)(1),(b)(2),(b)(3):10 Usc 130(c),Sec. 1.4(a),Sec. 1.4(d)

~~SECRET//NOFORN~~

DEPUTY SECRETARY OF DEFENSE
1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010

APR 19 2007

MEMORANDUM FOR CHAIRMAN, JOINT CHIEFS OF STAFF

SUBJECT: Detainee Movement Operation to Government of Pakistan (S//NF)

~~(S//NF)~~ The following detainee was approved for movement to Pakistan:

ISN	Name
(b)(2) -003043DP	HAMZA (LNU)

~~(S//NF)~~ Initiate necessary planning to transfer the above detainee to Pakistan upon receipt of this authorization. This memorandum serves as approval of the movement and release of this detainee.

Gordon England

Classified by: Multiple Sources
Reason: 1.4 (a), (b), and (d)
Declassify on: 30 March 2017

~~SECRET//NOFORN~~

OSD 75714-07
4/19/2007 1:04:21 PM

Bagram OSD 94

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HAS SEEN

USD(P) APR 13 2007

~~SECRET//NOFORN~~

ACTION MEMO

FOR DEPUTY SECRETARY OF DEFENSE

FROM: Joseph Benkert, Principal Deputy Assistant Secretary of Defense (G&A)) APR 13 2007

Robert Rangel 4/16

SUBJECT: Request to Release Third Country National Held at Bagram (FOUO)

- ~~(S//NF)~~ Recommend that you authorize the transfer and release of the (b)(1),(b)(6),Sec. 1.4(b) held by Combined/Joint Task Force (CJTF)-82 at Bagram Airfield, Afghanistan (b)(1),(b)(6),Sec. 1.4(b)

  – (FOUO) You are the approval authority to commit DoD resources to transport detainees from Bagram for the purpose of transfer or release.

- ~~(S//NF)~~ Per USCENTCOM's transfer request (TAB B), (b)(6) does not pose a threat to the Islamic Republic of Afghanistan or U.S. and coalition forces.

  – (b)(1),Sec. 1.4(b)

- ~~(S)~~ State, DOJ, and CIA do not object to his release.

~~(S)~~ RECOMMENDATION: Initial below and sign the memo at TAB A to authorize the movement and release of the (b)(1),Sec. 1.4(b) national to the Government of (b)(1),Sec. 1.4(b)

APPROVE 4-19-07 DISAPPROVE_____ DISCUSS_____

Attachments: As stated.

COORDINATION: TAB C

SD CA		DSD SA	RE 18 Apr
SD SMA		DSD SMA	2006 9/17
SD MA		DSD MA	
ISA	4/16	DSD MA	
STP DIR		DSD MA	4/16
ES	4/16	1315	
ESR MA	4/16	ESD	

Prepared by: (b)(2),(b)(6) Office of Detainee Affairs, (b)(2),(b)(6)

Derived from: Multiple Sources
Reason or Reasons: 1.4 (a, b, and d)
Declassify On: 20170330

~~SECRET//NOFORN~~

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4/16/2007 9:02:48 AM

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~~SECRET//NOFORN~~

4/16

DEPSECDEF
GE Decision
APR 19 2007
#1 - Approve #2 Disapprove
HAS SEEN

ACTION MEMO

(P) APR 13 2007

FOR DEPUTY SECRETARY OF DEFENSE

FROM: Joseph Benkert, Principal Deputy Assistant Secretary of Defense (GSA)

APR 13 2007

SUBJECT: Transfer of Detainees to the Government of Afghanistan (FOUO)

- ~~(S)~~ Policy recommends that you approve the USCENTCOM request to transfer (b)(1) Afghan Low-Level Enemy Combatants (LLEC) held by Combined/Joint Task Force (CJTF)-82 at Bagram Airfield, Afghanistan to the Government of Afghanistan (GOA) (TAB A).

  - ~~(S)~~ The transfer is based upon guidance provided by the Deputies Committee on November 29, 2006 (TAB B) to begin transfers of low-risk detainees from Bagram. An initial transfer of (b)(1) detainees from Bagram took place on April 2, 2007.

  - ~~(S)~~ The transfer will in part test the legal basis under which the GOA detains. (b)(1),Sec. 1.4(b)

- ~~(S//NF)~~ Of the (b)(1) Sec. 1 detainees, the GOA believes that (b)(1) Sec. 1 are prosecutable under Afghan law and that (b)(1) are not.

  - ~~(S//NF)~~ Of the (b)(1) Sec. 1 who are prosecutable, CJTF-82 assesses (b)(1),Sec. 1. as also appropriate for release into the GOA reconciliation program (TAB C); the other are not (TAB D).

(b)(1),Sec. 1.4(b)

  - ~~(S//NF)~~ The (b)(1) detainees who are not prosecutable were detained based on source information (TAB E).

(b)(1),Sec. 1.4(b)

- ~~(S)~~ State, DOJ and CIA have been notified; they did not object to these transfers.

- ~~(S)~~ Approval of this request will create a pool of detainees that CJTF-82 can transfer to the Afghan National Detention Facility located at Pol-e-Charki Block IV, following coordination with the GOA.

SD CA		DSD SA	
SD SMA		DSD SMA	
SD MA		DSD MA	
TSA		DSD MA	
STP DIR		DSD MA	
ES		ESD	
ESR MA			

Prepared by: (b)(2),(b)(6) Office of Detainee Affairs, (b)(2),

Derived from: Multiple Sources
Reason or Reasons: 1.4 (a, b, and d)
Declassify On: 20170309

~~SECRET//NOFORN~~

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Bagram-OSD 96

— (S) CJTF-82 will only transfer from this pool once the GOA demonstrates its capabilities to prosecute and detain previously transferred detainees.

~~(S)~~ RECOMMENDATION ONE: Initial below to authorize the transfer of the (b)(1),Sec. 1.4(b) Afghan nationals at TAB C and D from Bagram to the GOA.

APPROVE 4/19 DISAPPROVE_____ DISCUSS_____

~~(S)~~ RECOMMENDATION TWO: Initial below to authorize the transfer of the (b)(1),Sec. 1.4(b) Afghan nationals at TAB E from Bagram to the GOA, subject to the GOA demonstration of an adequate legal framework to detain those individuals who are deemed not prosecutable.

APPROVE_____ DISAPPROVE only after coordination w/ DEPSECDEF and clear explanation of GOA legal framework. DISCUSS_____

Attachments: As stated.

COORDINATION: TAB F