SJS 03-06026

24 September 2003 DISTRIBUTION J-5

SECRETARY, JOINT STAFF DIRECTIVE

on

/O/ IMPLEMENTING GUIDANCE RELATED TO THE CAPTURE OF SADDAM HUSSEIN

1. The attached is referred to J-5 for APPROPRIATE ACTION.

2. The suspense for this action is 29 September 2003, unless an extension is coordinated with the Secretary, Joint Staff.

Joint Secretariat

UNCLASSIFIED WITHOUT ATTACHMENT

ACB 9/23

CHAIRMAN'S ACTION ASSIGNMENT

Reviewed by _____ Date SEP 22 2001

Assigned Action to		
SJS/CPCB	SJS/ACB	Protocol
LA	LC	Speechwriter
Aides	JHO	NG/RA
PA	Other	

Action DJS

J	1	2	3	4	5	6	7	8

CJCS Reply	See CJCS Note	Info Only
Scan & File/Note & File	Direct Reply	Appropriate Action
Condolence	BSA/GSA	Translation

Recommendations:

Forward to: / Purple note:

Amplifying Information

Personal friend/salutation is:

Comments:

Enclose w/letter		
Photo	Bio	CJCS Book
Autographed Card	CJCS Functions Sheet	
Other		

Gifts(s) Received

SUSPENSE:	CONTROL #

JS Form 12, Feb 01 (EG)

Ref J-5A 00206-03

DS — Previous guidance as discussed at roundtable. Have our people look at it and suggest any changes. MG/22

PRECEDENCE: Immediate

SEP 2 2 2003

DATE TIME GROUP: 022010Z APR 03

FROM: CJCS Washington DC

CLASSIFICATION: ~~SECRET~~

SUBJECT: Implementing Guidance Related to the Capture of Saddam Hussein

1 ~~(S/REL)~~ This message provides SECDEF guidance to Commander, USCENTCOM (CDRUSCENTCOM), to assist in the execution of Operation Iraqi freedom.

2. ~~(S/REL)~~ The following guidance is provided concerning the event of capturing Saddam Hussein and his inner circle (top nine people on the black list) by US or coalition forces. Objectives:

   a. ~~(S/REL)~~ Maximize intelligence exploitation.

   b. ~~(S/REL)~~ Use his capture to achieve military objectives.

   c. ~~(S/REL)~~ Determine when and how he will be held accountable for possible war crimes and regime atrocities.

   d. ~~(S/REL)~~ Do not allow him to become a martyr for Arab Nationalism.

   e. ~~(S/REL)~~ Delegitimize his ruling authority in the eyes of all Iraqis, Arabs and Muslims.

3. ~~(S/REL)~~ Courses of action

   a. ~~(S/REL)~~ Verify identity.

      1. ~~(S/REL)~~ Compile and evaluate information available to Identify Saddam positively.

      2. ~~(S/REL)~~ Establish additional resources that could be used to identify Saddam.

      3. ~~(S/REL)~~ Remain skeptical about any captive purported to be Saddam until identity is verified.

   b. ~~(S/REL)~~ Manage public perception. Do not announce that we have captured Saddam until his identity is verified and it is determined that the benefits of 'going public' outweigh the benefits of not revealing his capture:

1. (~~S/REL~~) Keeping silent may offer opportunities for military deception operations.

2. (~~S/REL~~) Keeping silent may help efforts to capture other regime elites.

3. (~~S/REL~~) Lack of certainty over Saddam's whereabouts and status may 'freeze' decision-making by the Iraqi regime (e.g., Is there a plan to use weapons of mass destruction (WMD) if he is captured or killed).

4. (~~S/REL~~) In all cases, we should neither confirm nor deny that we are holding someone reported to be Saddam until we have confirmed his identity.

c. (~~S/REL~~) Use capture to achieve military objectives.

1. (~~S/REL~~) Seek to have Saddam immediately issue a surrender message.

2. (~~S/REL~~) Inform Saddam's military, intelligence and security force commanders that Saddam's regime is over and that there is no point in using WMD, destroying dams or oilfields, etc. Clarify that they will personally be held accountable for any such acts.

3. (~~S/REL~~) Send targeted messages to the remaining Iraqi leadership that Saddam's fate is sealed, but theirs is not.

4. (~~S/REL~~) Show Iraqis rejoicing over the fall of Saddam's regime.

d. (~~S/REL~~) Detention and interrogation

1. (~~S/REL~~) If apprehended, Saddam should be treated as an enemy prisoner of war and accorded protections of the Geneva Convention III provisions.

2. (~~S/REL~~) Saddam should be held as long as is required for military purposes (e.g., intelligence collection) and/or until he is turned over to the appropriate authority for prosecution.

3. (~~S/REL~~) Protect against Saddam's escape, vigilante justice/mob violence and assassination.

4. (~~S/REL~~) Establish where Saddam will be detained and the special security needs required. Prepare immediate, short-term facility and a secure longer-term facility. Detention location of inner circle is at the discretion of CDRUSCENTCOM.

(b)(1)

OSD Policy
29 Jul 03, 2000

Capturing or Killing Saddam: Immediate Considerations

- Following are directives for dealing with the immediate questions that would arise in the case Saddam is captured. If you agree, you may wish to issue these instructions ahead of time.

Immediate Actions.

- **No immediate announcement.**
  - Delay any announcement or confirmation until airtight identification is obtained.
- **Isolate Saddam.**

(b)(1)

  - Establish a suicide watch, with 24-hour video surveillance.
  - Keep videotape record.
- **Obtain airtight identification.**
  - What forensic techniques are available (e.g., DNA, medical records)?
  - Visual identification by high-value detainees.
  - Are any friendly Iraqis able to make a visual identification?
- **Immediate notification.**
  - President.
  - Prime Minister Blair (President may wish to notify him personally).
  - NSC Principals.
  - NOTE: CENTCOM will presumably notify Amb. Bremer.
- **Determine whether President will wish to make the eventual public announcement.**
  - If not, plan to follow model used for Uday and Qusay: CENTCOM announcement followed by Presidential comment.

Once Positive Identification Has Been Obtained

- **Notifications hours prior to public announcement.**
  - Key members of Congress.
  - Other coalition members (Australia, Poland, Spain, Italy).
  - Iraqi Governing Council.
- **Public announcement.**
  - Saddam is being held as EPW. (ICRC will be notified.)

- He will be brought to justice for his many crimes.
  - Leave open options for trying him (Iraqi court with or without international participation; U.S. court).
- In the interests of security, showing Saddam's photograph to confirm his capture would be permissible.
  - We could also have detainees personally acquainted with him, or other Iraqis, publicly confirm his identity.

<u>If Saddam is killed</u>

- **Same procedures with respect to announcement, notifications and identification.**

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THE JOINT STAFF
WASHINGTON, DC

Reply ZIP Code:
20318-0300

DJSM-0939-03
8 October 2003

MEMORANDUM FOR THE UNDER SECRETARY OF DEFENSE FOR POLICY

Subject: Implementing Guidance Related to Capture of Saddam Hussein (U)

1. (U) Thank you for the opportunity to review and suggest changes to the policy guidance[1] related to the capture of Saddam Hussein. Based on our review, CJCS message remains valid in all respects but two.

a. (U) Page 2, subparagraph 3c. Delete, and renumber subsequent paragraphs.

REASON: (U) Overcome by events following completion of major combat operations.

b. (U) Page 3, subparagraph 3d5. Changes as follows: "... If captured by ~~UK~~ Coalition forces ... ."

REASON: (U) The Coalition presence in Iraq has grown to include many different nations. It is possible that a Coalition country other than the UK could capture Saddam.

(b)(1)

Approved & Secured with ApproveIT
by: GEORGE W. CASEY, JR., 10/8/03, 06:45

GEORGE W. CASEY, JR.
Lieutenant General, USA
Director, Joint Staff

References:
1 CJCS WASHINGTON DC 022010ZAPR03, "Implementation Guidance Related to the Capture of Saddam Hussien"
2 OSD(P) draft policy paper, 29 July 2003, "Capturing or Killing Saddam: Immediate Considerations"

Classified By: LTG Walter L. Sharp, USA; DJ-5
Reason: 1.5(c)
Declassify On: X1

~~SECRET~~