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**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).

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ASD SO/LIC
Reasons: 1.5(a) and (d)
Declassify on: August 25, 2013

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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) ~~(S)~~ 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.

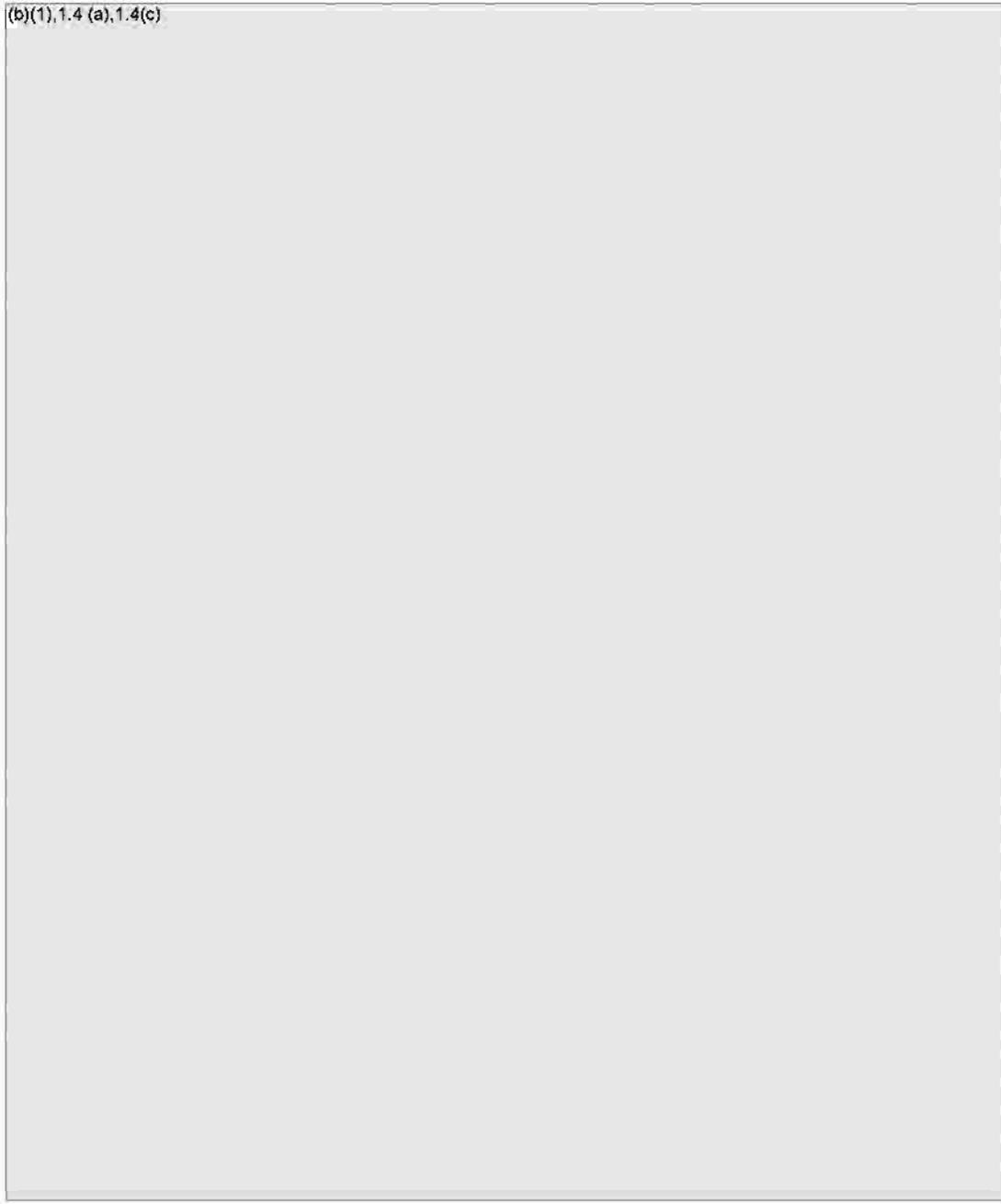
IV. PROCEDURES

- ~~(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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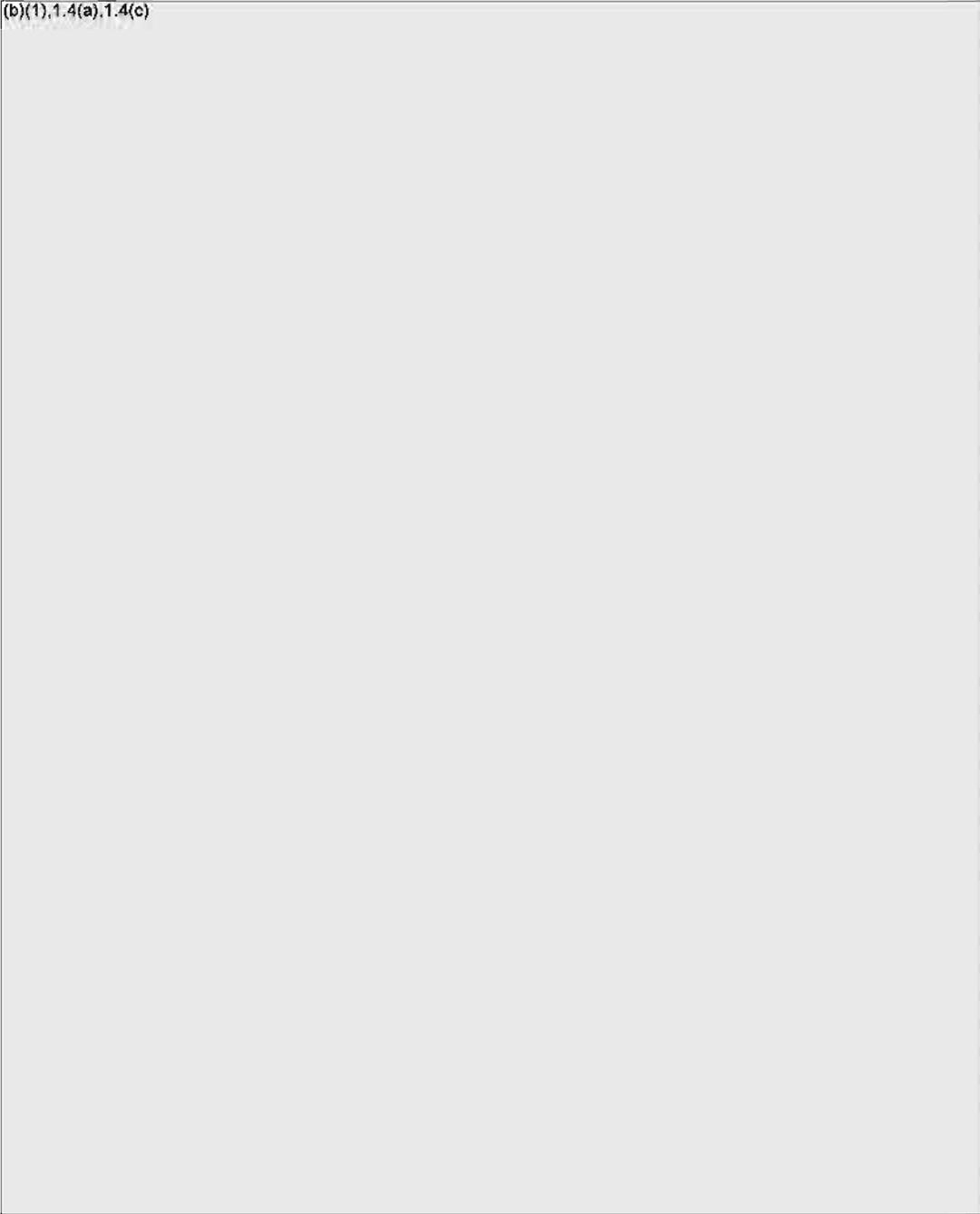
(b)(1), 1.4 (a), 1.4(c)



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



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(b)(1)

(b) ~~(S)~~ 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).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 [REDACTED]
(b)(1),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 [REDACTED]
(b)(1),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.

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-dominant 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), 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

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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), 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.

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