



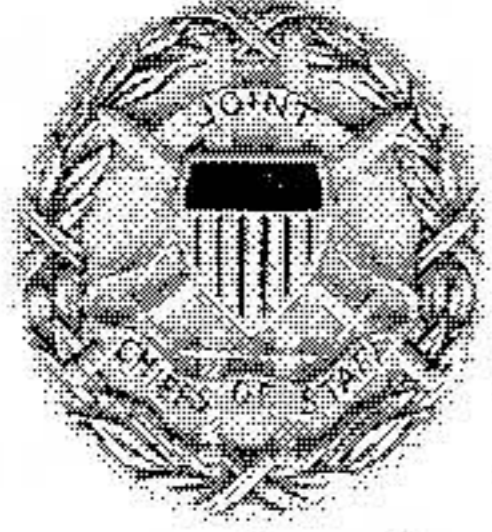
# *MILITARY COMMISSIONS*

## **Military Commissions are used to prosecute enemy combatants who violate the laws of war**

- **Issues**

- Commissions apply to non-U.S. citizens subject to POTUS's 13 Nov 01 military order. POTUS must find "reason to believe" individual was a member of Al Qaeda, committed acts of international terrorism against the U.S., or harbored such an individual
- POTUS has, so far, determined 15 detainees at GTMO are subject to commissions; 3 detainees have since been returned to their home country (2 to UK, 1 to Australia); charges have been referred to trial in 4 cases
- Commissions provide a full and fair trial, while protecting national security and safety of all involved, including accused
- Commissions and their procedures are the subject of several federal court lawsuits brought by detainees

- **Way Ahead:** Military Commissions at GTMO are currently suspended pending ongoing litigation. A federal appeals court declared them constitutional, but an appeal to the U.S. Supreme Court is likely. Plan is to resume Commissions as soon as legally feasible



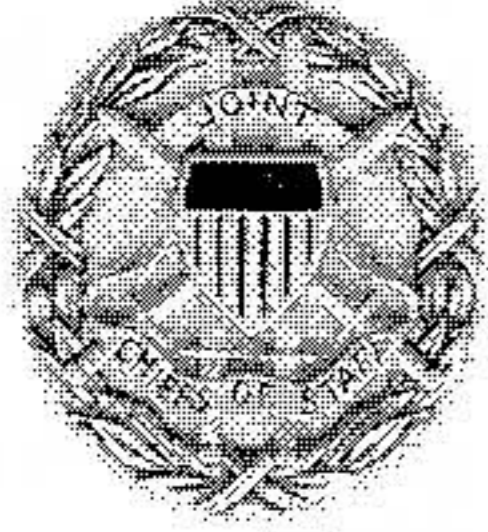
# *INTERNMENT SERIAL NUMBER POLICY*

**Internment Serial Numbers (ISNs) are issued to detainees as soon as possible, normally within 14 days of capture**

- **Issues**

- Assignment of ISN triggers detention notification to International Committee of Red Cross, with appropriate follow-on access





# *GUANTANAMO (GTMO) WAY AHEAD*

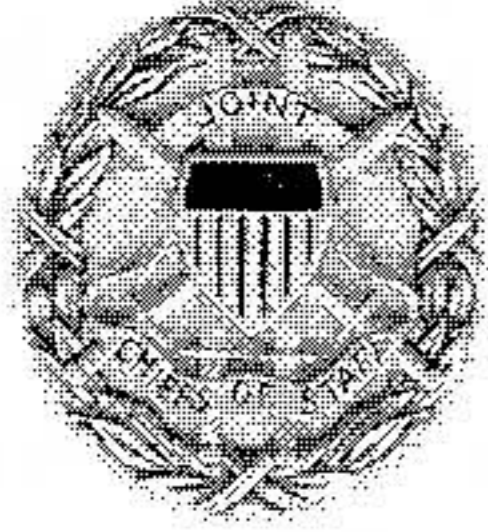
**Foreign and domestic critics have called for closure of GTMO and relocation or release of detainees**

- **Issues**

- GTMO is specifically designed to support the detention and interrogation missions at the strategic level
- Over the past year the mission has evolved more into one emphasizing detention, with interrogations focused on a subset group of detainees

– (b)(5)

(b)(1)




# *PUBLIC DIPLOMACY*

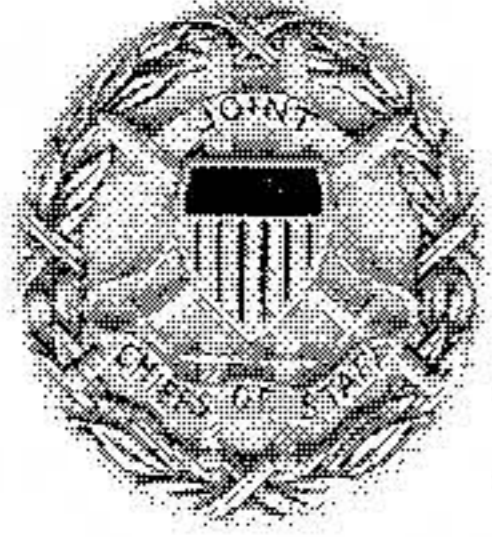
**Public Diplomacy (PD) efforts on detention operations are being spearheaded by Department of State (DOS); Department of Defense (DOD) to support**

- **Issues**

- DOS's PD efforts will provide information on topics such as results of abuse investigations, US Government (USG) position on mistreatment, legal basis for detention, value of intelligence derived from detainees, etc.

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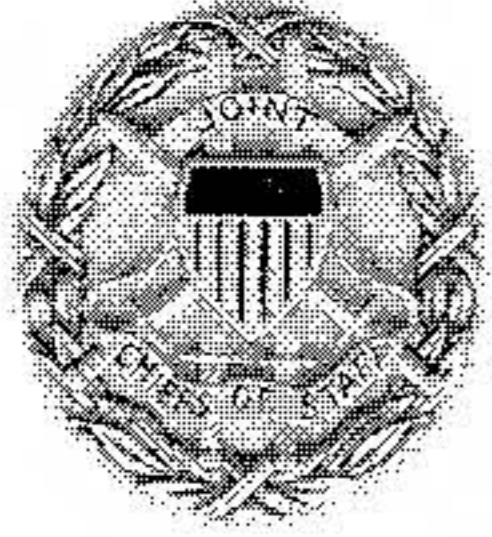
# *TRANSFERS FROM GTMO*

**Strong DOS efforts are necessary to transfer detainees out of GTMO**

- **Issues**

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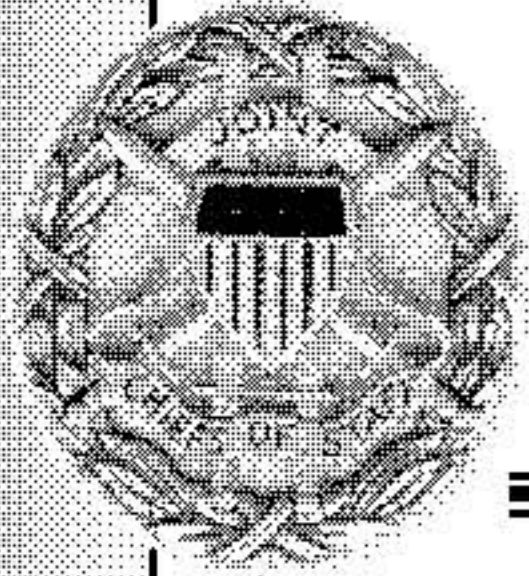
# *IRAQ DETAINEE OPERATIONS TRANSITION*

**Efforts are underway to transition Iraq detention operations from MNF-I to Iraqi control**

- **Issues**

(b)(1)





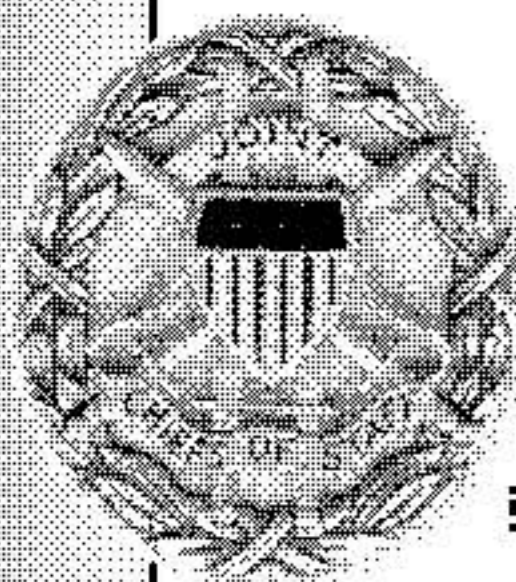
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# MILITARY COMMISSIONS

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- **Bottom Line Up Front: Military Commissions (MC's) are used to prosecute enemy combatants who violate the laws of war.**
- **Issues**
  - MC's apply to non-U.S. citizens subject to POTUS's 13 Nov 01 military order. POTUS must find "reason to believe" individual was a member of Al Qaeda, committed acts of international terrorism against the U.S., or harbored such an individual.
    - POTUS has, so far, determined 15 detainees at GTMO are subject to commissions; charges have been referred to trial in four cases.
  - Commissions provide a full and fair trial, while protecting national security and safety of all involved, including accused.
  - MCs and their procedures are the subject of several federal court lawsuits brought by detainees.
- **Way Ahead: MCs at GTMO are currently suspended pending ongoing litigation. A federal appeals court declared them constitutional, but an appeal to the U.S. Supreme Court is likely. Plan is to resume MC process as soon as legally feasible.**

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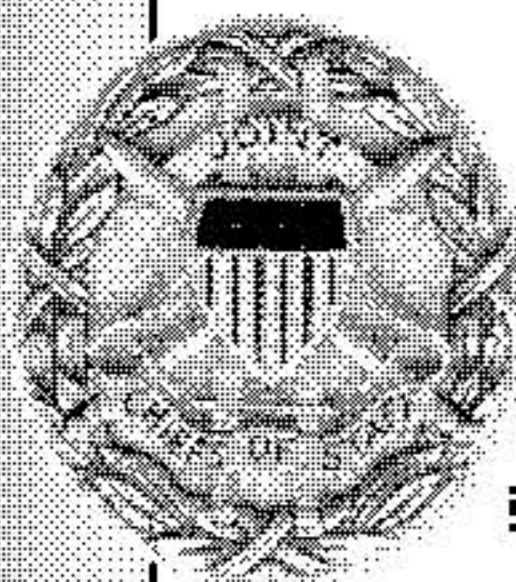
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## *INTERNEE SERIAL NUMBER POLICY*

- **Bottom Line Up Front: Internee Serial Numbers (ISNs) are issued to detainees as soon as possible, normally within 14 days of capture.**
- **Issues**
  - Assignment of ISN alerts International Committee of Red Cross of detention, and follow-on access.
  - COCOMs want flexibility to deviate from 14-day assignment timeline for reasons of imperative operational necessity and to maximize intelligence collection efforts; OSD concerned this will lead to loss of accountability and “ghost detainees.”
  - Proposed policy change delegates authority to CENTCOM Commander for approval to assign an ISN beyond 14 days with notification requirements to SecDef. DOD does not intend to approve any requests beyond 30 days.
- **Way Ahead: SecDef has referred the proposed change to the interagency for coordination and approval. There is some disagreement as to legal basis to go beyond 14 days.**

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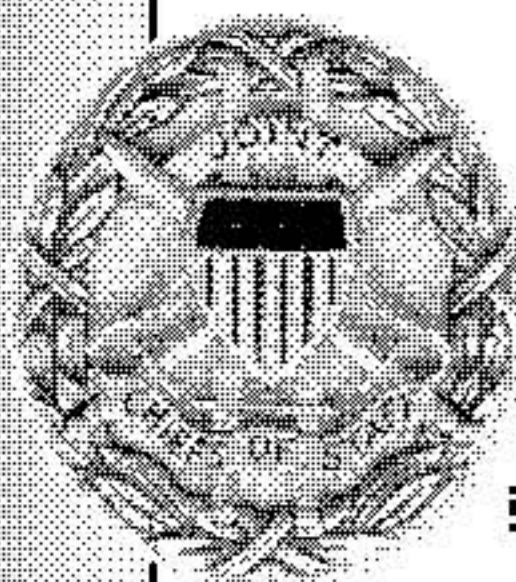


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## *GUANATANAMO (GTMO) WAY AHEAD*

- **Bottom Line Up Front: GTMO is the best choice for continued long-term detention because of its location and the significantly reduced risk of challenge to US actions in Federal courts.**
- **Issues**
  - GTMO has the infrastructure and expansion capability to support the detention mission. Its proximity to the US facilitates logistical and other support. It can accommodate military commissions.
  - GTMO is outside US territory, so challenges to the basis for, and conditions of, detention before Federal courts are significantly reduced.
  - Under terms of the lease agreement with Cuba, the US has exclusive jurisdiction and control over the land and facilities at GTMO.
- **Way Ahead: GTMO will continue to be the site for long-term detention for the foreseeable future.**

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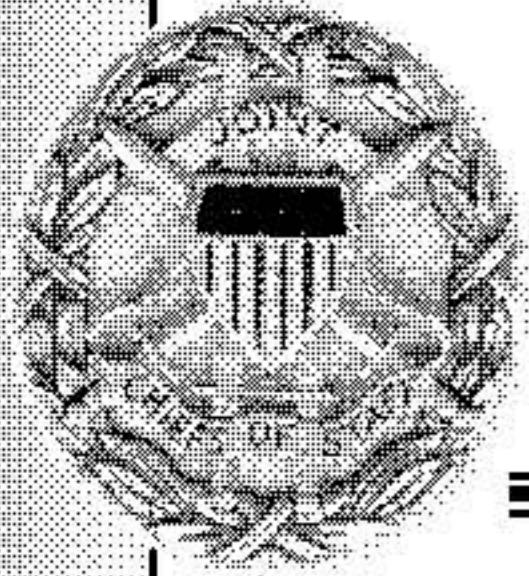
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# PUBLIC DIPLOMACY

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- **Bottom Line Up Front:** Public Diplomacy (PD) efforts on detention operations are to be initiated and spearheaded by Department of State (DOS); Department of Defense (DOD) to support.
- **Issues**
  - DOS's PD efforts will provide information on topics such as results of abuse investigations, US Government (USG) position on mistreatment, legal basis for detention, value of intelligence derived from detainees, etc.
  - DOS has proposed creation of a PD Working Group to lead all PD efforts concerning detainees.
  - DOD will be proactive in addressing negative press arising in the media, Congressional inquiries, and Freedom of Information Act (FOIA) releases.
- **Way Ahead**
  - DOD fully supports DOS's efforts.

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## *TRANSFERS FROM GTMO*

- **Bottom Line Up Front:** Interagency cooperation is necessary between DOS and DOD to create an integrated USG plan.
- **Issues**
  - Non-enemy combatants (NECs) depart GTMO via Detainee Movement Operations (DMO's). 49 have been conducted to date.
  - Transfer of NECs to other governments relieves USG forces (e.g., MPs) of the responsibility to guard them.
  - When detainees at GTMO are identified as transfer candidates, they are ready to go when conditions in the receiving host nation(s) are met.
- **Way Ahead**
  - Strong US commitment goes a long way to achieve receiving host nation buy-in to accept the NEC responsibility.

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THE JOINT STAFF  
WASHINGTON, DC

Reply ZIP Code:  
20318-0300

DJSM-0523-03  
03 June 2003

MEMORANDUM FOR THE GENERAL COUNSEL, DEPARTMENT OF DEFENSE

Subject: Baghdad Interrogations

1. In response to your request for information on interrogations in Baghdad, the enclosed information paper is provided.

2. The Joint Staff point of contact is

(b)(6)

3. Without enclosure, this memorandum is UNCLASSIFIED.

JAMES A. HAWKINS  
Major General, USAF  
Vice Director, Joint Staff

Enclosure

NOT RELEASABLE TO  
FOREIGN NATIONALS

~~SECRET//NOFORN~~

JS GHOST DOCS 1052

3 June 2003

INFORMATION PAPER

Subject: Baghdad Interrogations (U)

1. (U) Purpose. To provide information on Baghdad interrogations to DOD General Counsel.

2. (U) Key Points

(b)(1)

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Prepared by: (b)(6)

Classified By: Maj Gen Glen Shaffer, USAF, DJ-2  
Reason: 1.5(c)  
Declassify On: X1



~~SECRET//NOFORN~~  
THE VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF  
WASHINGTON, D.C. 20318-9999

# 176

INFO MEMO

FOR: SECRETARY OF DEFENSE

FROM: General Peter Pace, VCJCS *VP 16 Feb 02*

SUBJECT: CIA Involvement in Detainee Interrogations (U)

- ~~(S)~~ For your information, the following is provided in response to your

(b)(1),(b)(5)

(b)(1)

- (U//~~FOUO~~) Information obtained during interrogation is published as an Intelligence Information Report (IIR) and is widely disseminated to multiple DOD, Intelligence Community and Law Enforcement consumers.

COORDINATION: None.

Prepared By: RADM L. E. Jacoby; Director, Intelligence; 697-9773

Classified By: RADM L.E. Jacoby, USN, J2  
Reason: 1.5(c)  
Declassify On: 15 February 2012

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FOREIGN NATIONALS~~

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THE JOINT STAFF  
WASHINGTON, DC

Reply ZIP Code:  
20318-0300

DJSM-1208-04  
20 November 2004

MEMORANDUM FOR THE UNDER SECRETARY OF DEFENSE FOR POLICY

Subject: Special Interrogation Plans ~~(S//NF)~~

1. ~~(S//NF)~~ Thank you for the opportunity to respond to your proposed process for handling special interrogation plans.<sup>1</sup> The Joint Staff concurs in the process; however, it should emphasize a goal of notifying the Secretary of Defense within seven days.

2. (U) The Joint Staff point of contact for this action is

(b)(6)

(b)(6)

NORTON A. SCHWARTZ  
Lieutenant General, USAF  
Director, Joint Staff

Reference:

- 1 DASD(DA) memorandum, "Process for Handling Special Interrogation Plans ~~(S//NF)~~"

Classified By: RADM William D. Sullivan, USN; VDJ-5  
Reason: 1.4 (a,c)  
Declassify On: 12 November 2014

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FOREIGN NATIONALS~~

~~SECRET//NOFORN~~



**THE JOINT STAFF**  
WASHINGTON, DC

Reply ZIP Code:  
20318-0300

DJSM 0956-04  
03 September, 2004

MEMORANDUM FOR THE ASSISTANT SECRETARY OF DEFENSE (SPECIAL  
OPERATIONS AND LOW-INTENSITY CONFLICT)

Subject: Letters From UN Special Rapporteurs Concerning Detainee Affairs (Re:  
Allegation Clarifications)

1. Thank you for the opportunity to provide input to your response to the UN Special Rapporteur.<sup>1</sup> While the Joint Staff appreciates the Special Rapporteur's concerns, answering specific questions regarding any detainee at Guantanamo Bay, Cuba (GTMO), would violate the security guidance provided by ASD (SO/LIC) memorandum I-04/000720-SO. According to this memo, discussing names and locations of detainees of enemy combatants is classified SECRET or TOP SECRET.
2. The Special Rapporteur should be assured that all detainees are being treated humanely in accordance with applicable US law, including the Convention Against Torture and other US treaty obligations. The US Government maintains a bilateral dialogue with those governments that have nationals detained at GTMO. In many, if not most cases, governments have sent representatives to GTMO to observe the condition and treatment of their nationals. In addition, the International Committee of the Red Cross visits regularly. Recommend no further comment on the specifics of those visits.
3. Recommend the following standard statement be inserted into the response: "The United States Government does not provide specific information on any individual detainee, to include name and nationality, due to operational security concerns, as well as to maintain the safety and privacy of those who have been detained as part of the global war against terrorists. We have no further comments on your specific request for information."
4. The Joint Staff point of contact is (b)(6)

MICHAEL D. MAPLES Approved & Secured with Appr  
by MICHAEL D. MAPLES 03 September, 2004 09:1

MICHAEL D. MAPLES  
Major General, USA  
Vice Director, Joint Staff



Reference:

| 1 ASD(SO/LIC) memorandum, I-04/010379-SO, 17 August 2004, "Letters from  
UN Special Rapportuers Concerning Detainee Affairs"

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