

DOC #8



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

19 JUN 02

MEMORANDUM FOR SECRETARIES OF THE MILITARY  
DEPARTMENTS  
CHAIRMAN OF THE JOINT CHIEFS OF STAFF  
UNDER SECRETARY OF DEFENSE FOR POLICY  
UNDER SECRETARY OF DEFENSE  
(COMPTROLLER)  
GENERAL COUNSEL OF THE DEPARTMENT OF  
DEFENSE  
COMMANDER, U.S. CENTRAL COMMAND  
COMMANDER, U.S. SOUTHERN COMMAND  
DIRECTORS OF THE DEFENSE AGENCIES  
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: War Crimes and Related Investigations within the U.S. Central Command  
Area of Operations

In view of the special circumstances associated with Operation Enduring Freedom, I direct the Secretary of the Army to exercise overall responsibility and direction within the Department of Defense for all matters pertaining to the investigation of alleged or suspected war crimes, acts of terrorism, and other related offenses committed against the United States or U.S. personnel. This responsibility is limited to investigating offenses committed against U.S. military and civilian personnel, other U.S. nationals, or U.S. interests (e.g., U.S. property located in or outside the United States) by members of the Taliban, Al-Qaeda and other terrorist organizations or individuals located or found within the U.S. Central Command area of operations, or at U.S. Naval Base at Guantanamo Bay, Cuba. This responsibility does not apply to matters of discipline related to the camp operations at the Guantanamo Naval Base. The investigative responsibility includes the authority to interview witnesses, conduct searches and seizures, obtain intelligence information, maintain custody of evidence, and support prosecution in accordance with applicable laws and regulations. The Secretary of the Army shall execute this responsibility for the duration of Operation Enduring Freedom, or until otherwise directed.

In executing this mission, the Secretary of the Army shall coordinate directly with and be supported by Commander, U.S. Central Command, and Commander, U.S. Southern Command. The Secretary of the Army is authorized to coordinate, as appropriate, DoD's investigative efforts with the Federal Bureau of Investigation and other law enforcement and intelligence agencies to ensure that the investigation is as thorough and exhaustive as possible under the circumstances. Further, in taking these actions, the Secretary of the Army shall consult regularly with the Under Secretary of Defense for Policy and the General Counsel of the Department of Defense. All DoD



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components shall support the Secretary of the Army in accomplishing this mission, as the Secretary of the Army may require. The Secretary of the Army shall ensure the capabilities of all the Services are considered in performing this mission. The Secretary of the Army shall inform the Under Secretary of Defense for Policy and the Under Secretary of Defense (Comptroller) of his short and long-term funding requirements and any additional requirements to ensure adequate resourcing of the mission. The Secretary of the Army will coordinate procedures for obtaining in-theater support with Commander, U.S. Central Command and Commander, U.S. Southern Command. Any support requiring deployment of combatant commander-assigned forces or equipment must be coordinated with the Chairman of the Joint Chiefs of Staff, in accordance with established procedures.

The Secretary of the Army shall report regularly to the Secretary of Defense on the status of his investigations of war crimes and related offenses under this directive and shall consult with the Secretary of Defense before any significant investigations are closed as unsubstantiated.

A handwritten signature in black ink, appearing to be "D. H. ...", is centered on the page.

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SECRETARY OF THE ARMY  
WASHINGTON

JAN 29 2002



MEMORANDUM THRU CHIEF OF STAFF, ARMY

FOR DEPUTY CHIEF OF STAFF, G-3

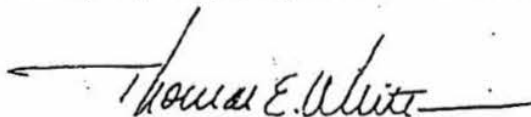
SUBJECT: War Crimes and Related Investigations within the U.S. Central  
Command Area of Operations

The Secretary of Defense has directed me to exercise overall responsibility and direction within the Department of Defense (DoD) for all matters pertaining to the investigation of alleged or suspected war crimes, acts of terrorism, and other related offenses committed against the United States or U.S. personnel (enclosure).

You will implement this directive with the assistance of the G-2 and The Judge Advocate General and will coordinate with the OSD/Joint Staff for funding, resourcing, and otherwise supporting this mission. The U.S. Army Criminal Investigation Command (CID) will prepare an implementation plan that maximizes the capabilities of other DoD Components that will provide support. CID is authorized to exercise all the investigative responsibilities and coordinate directly with USCENTCOM, USSOUTHCOM, and law enforcement and intelligence investigative agencies, as outlined in the enclosure. CID will receive the results of intelligence gathering efforts from the Joint Interrogation Facility, which has been tasked to support these investigations.

The Army General Counsel will be responsible for overseeing compliance with this directive and will consult and coordinate with the Under Secretary of Defense for Policy, the DoD General Counsel, and other senior legal and policy officials as appropriate. To that end, the Army General Counsel will be included in all interagency discussions and negotiations with senior officials.

Prepare an operational order, consistent with this memorandum and the guidance that I provided on January 23, 2002, to implement the enclosure.

  
Thomas E. White

Enclosure

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