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THE DEPUTY SECRETARY OF DEFENSE

WASHINGTON, D.C. 20301



JAN 27 2005

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
COMMANDERS OF THE COMBATANT COMMANDS
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Department of Justice Memorandum on the U.S. Statute Implementing the Convention Against Torture (FOUO)

(U) Enclosed is a December 30, 2004, Department of Justice (DoJ) memorandum that constitutes a binding interpretation of the United States Government's criminal prohibition against torture.

(FOUO) I request that you promptly review all relevant directives, regulations, policies, and procedures to ensure current practice for treatment of detainees is consistent with the DoJ December 2004 memorandum. Your review should address activities related to detention operations including, but not limited to, interrogation operations, transfer of detainees, medical care of detainees and involvement of medical personnel, reporting potential violations of the Geneva Conventions and other relevant international obligations, and training of military and civilian interrogators, guards and contractors. The DoJ memorandum may supplement existing guidance regarding the humane treatment of all detainees in all circumstances and compliance with the law of war.

(FOUO) Simply stated, our policies regarding the treatment of detainees continue to require that, at a minimum, all detainees must be treated humanely. The explanations in the DoJ December 2004 memorandum should not be viewed as a minimum standard of conduct that the United States Government endorses, but rather an explanation of specific criminal conduct which a particular law prohibits.

(FOUO) Please direct your reply and account of action taken, including a reply of "reviewed and no effect" where applicable, to the Deputy Assistant Secretary of Defense (DASD) for Detainee Affairs, within the Office of the Under Secretary of Defense for Policy no later than two weeks from the date of this memorandum. The DASD for Detainee Affairs may be reached at (b)(2)

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