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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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