



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

JUL 16 2004

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
DIRECTOR, DEFENSE RESEARCH AND ENGINEERING
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF
DEFENSE
INSPECTOR GENERAL OF THE DEPARTMENT OF
DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, PROGRAM ANALYSIS AND EVALUATION
DIRECTOR, FORCE TRANSFORMATION
DIRECTOR, NET ASSESSMENT
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Office of Detainee Affairs

Effective today, I hereby establish the Office of Detainee Affairs under the authority, direction, and control of the Under Secretary of Defense for Policy (USD(P)) to serve as the Department's single focal point for all matters regarding detainees. This office will develop policy recommendations and oversee detainee affairs, which include matters related to any detained, non-coalition personnel under DoD control.

The DoD Component Heads and the OSD Principal Staff Assistants shall support the USD(P) in overseeing detainee-related functions within their areas of responsibility. The DOD General Counsel shall advise on all matters of law, including the procedural aspects of military commissions and other tribunals. The Secretaries of the Military Departments and the Combatant Commanders, through the Joint Staff, shall support detainee operations and administration as assigned and shall coordinate their activities with the USD(P).

This memorandum is not intended, and should not be construed, to inhibit in any way the unfettered discretion of commanders at all levels to exercise their independent professional judgment in taking action under the Uniform Code of Military Justice, or to interfere with the professional actions of other participants in the military justice process.



OSD 10559-04

— ENCL (5)

Matters pertaining to detainees held by U.S. Government agencies other than DoD or the Department of Justice shall be coordinated or overseen by the Under Secretary of Defense for Intelligence (USD(I)).

The USD(P) shall establish a committee comprised of representatives of the OSD Principal Staff Assistants and DoD Components with responsibilities in detainee affairs – including USD(I), the DoD General Counsel, the Joint Staff and others as appropriate – to coordinate actions, share information, and provide advice on detainee matters.

The Director of Administration and Management shall incorporate these responsibilities in the DoD Directives System and take the actions necessary to implement this directive.

A handwritten signature in black ink, appearing to be "D. M. R. Kelly", is written on the right side of the page.