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**UNDER SECRETARY OF DEFENSE**  
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SEP 20 2007

**MEMORANDUM FOR UNDER SECRETARY OF DEFENSE FOR POLICY  
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DEFENSE  
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RECONNAISSANCE, U.S. AIR FORCE  
DIRECTOR OF INTELLIGENCE, HEADQUARTERS, U.S.  
MARINE CORPS  
DIRECTOR, COUNTERINTELLIGENCE FIELD ACTIVITY**

**SUBJECT: Clarification of Intelligence Interrogation Policy—Detainee Status  
Determinations and the Conduct of Interrogations during Segregation and  
Separation**

- References:** (a) U.S. Army Field Manual (FM) 2-22.3, *Human Intelligence Collector Operations*, September 6, 2006  
(b) Deputy Secretary of Defense memorandum, "Global Screening Criteria for Detainees," February 20, 2004  
(c) Deputy Secretary of Defense memorandum, "Enemy Combatant Status Determinations," January 19, 2007  
(d) DoD Directive 2310.01E, "The Department of Defense Detainee Program," September 5, 2006

The purpose of this memorandum is to (1) explain the difference between segregation and the restricted interrogation technique of separation, (2) clarify that detainees segregated for security or other valid purposes may be interrogated, (3) restate the requirements governing the use of separation as a restricted interrogation technique, (4) underscore the requirement that separation may be used only in conjunction with interrogation of a detainee previously determined to be an unlawful enemy combatant, and (5) identify those policy documents available for use in making enemy combatant status determinations.

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Detainees may be segregated from other detainees for purposes unrelated to interrogation, including administrative, health, safety, or security reasons. Although segregation may not be requested or conducted for the purpose of facilitating interrogation, interrogators may interrogate detainees who have been properly segregated.

The restricted interrogation technique of separation involves removing the detainee from other detainees and their environment, while still complying with all applicable standards of humane treatment and prohibitions against torture or cruel, inhumane, or degrading treatment or punishment. Interrogators seeking to interrogate a detainee, who is not already segregated from other detainees, may employ the separation interrogation technique only after receiving prior approval in accordance with U.S. Army Field Manual (FM) 2-22.3, *Human Intelligence Collector Operations*, September 6, 2006, Appendix M (Reference (a)). Before approving the use of the separation technique, a competent authority (i.e., a person designated by a combatant commander) must determine that the detainee is an unlawful enemy combatant. Separation is not an authorized interrogation technique for lawful enemy combatants.

In making unlawful enemy combatant status determinations, the competent authority will follow the guidance and definitions contained in the following memoranda and directive: Deputy Secretary of Defense memorandum, "Global Screening Criteria for Detainees," February 20, 2004 (Reference (b)); Deputy Secretary of Defense memorandum, "Enemy Combatant Status Determinations," January 19, 2007 (Reference (c)); and DoD Directive 2310.01E, "The Department of Defense Detainee Program," September 5, 2006 (Reference (d)).

The global screening criteria and the enemy combatant status determination memoranda apply to the Global War on Terrorism and provide criteria for making enemy combatant status determinations of suspected members of the Taliban, al Qaeda, or specified international terrorist organizations. DoD Directive 2310.01E defines who is an unlawful enemy combatant. In accordance with the two applicable Deputy Secretary of Defense memoranda referenced above, and applying the definition of unlawful enemy combatant contained in DoD Directive 2310.01E, a competent authority may determine that suspected members of the Taliban, al Qaeda, or specified international terrorist organizations are unlawful enemy combatants and may authorize use of separation as a technique in connection with their interrogation for the purposes of the Global War on Terrorism.

DoD Directive 2310.01E applies during all armed conflicts, regardless of how the armed conflicts are characterized, and during all other military operations. Therefore, competent authority may also authorize the use of separation against detainees who may not be members of the Taliban, al Qaeda, or associated terrorist organizations, but who have been determined to be unlawful enemy combatants as that term is defined in DoD

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Directive 2310.01E. For example, insurgents operating in Iraq who target U.S. forces might fall into this category.

In all cases, a status determination that a detainee is an unlawful enemy combatant must occur prior to employing the separation interrogation technique. Again, if the detainee is already being segregated for legitimate administrative, health, safety, or security reasons unrelated to interrogation, the detainee may be interrogated in accordance with FM 2-22.3.

In accordance with FM 2-22.3, Appendix M, combatant commanders must authorize the use of the separation interrogation technique in their areas of responsibility prior to subordinate commanders approving requests to implement separation. Trained and certified interrogators will submit requests to employ separation in accordance with applicable law and policy, including FM 2-22.3, Appendix M, and applicable combatant command interrogation policies. The officer in charge of interrogations must maintain accurate records regarding requests for use of separation, regardless of whether the requests are approved.

  
James R. Clapper, Jr.

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