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POLICY

THE UNDER SECRETARY OF DEFENSE
2100 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-2100



APR 4 2002

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Policy Statement and Guidelines for Transfer of Detainees under US Department of Defense Control to Foreign Government Control

Transfers of detainees under US Department of Defense control, in connection with the global war on terrorism, to foreign government control shall be conducted in accordance with the attached policy guidance approved by the Secretary of Defense. My office will lead the implementation of this policy in coordination with appropriate components for the duration of Operation Enduring Freedom, or until otherwise directed.

Attachment:
As stated

Douglas J. Feith

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~~Classification: Unclassified~~
~~Reason: E.O. 13526~~
~~Declassify on: 26 March 2019~~



0604-0047

**Policy Statement on Transfer of Detainees under
US Department of Defense Control to
Foreign Government Control**

The US has interests in not retaining control over large numbers of detainees from the war against terrorism. The objective of the US transfer policy is to reduce the number of individuals under US control in the course of the Global War on Terrorism, consistent with the national security, (b)(1) interests of the United States. In executing this policy, our paramount goal is to ensure, to the maximum extent reasonably possible, that transferring a detainee out of US government control will not increase the risk of further attacks on the United States or US interests.

The US Government normally will consider transfer of a detainee to the control of another government only after the United States determines that US control of that detainee no longer is necessary (b)(1) (b)(1) to protect US security interests. We will work to make these determinations as to each detainee as quickly as possible, although we anticipate that making these determinations will be a lengthy process in most cases.

Determining whether a detainee should be transferred to foreign government control involves legal, investigative, intelligence, operational, and foreign policy assessments. The attached guidelines will be used to assist in making these assessments and reaching a determination in each case.