



OFFICE OF THE SECRETARY OF DEFENSE
WASHINGTON, DC 20301



ACTION MEMO

July 14, 2004

FOR: SECRETARY OF DEFENSE

DepSec Action _____

FROM: Peter Geren, Detainee Task Force *P Geren*
MG Maples, Detainee Task Force

SUBJECT: Establishing the Office of Detainee Affairs

- At the Geren/Maples Detainee meeting on July 1, 2004 you agreed with Under Secretary Feith's proposal to establish an office in Policy and assign it responsibility for *detainee affairs*. The attached memorandum for your signature directs establishment of that office.
 - *The Office of Detainee Affairs* would have responsibility for coordinating matters related to non-coalition personnel held in detention by DoD (e.g., unlawful combatants, EPWs and security internees under DoD control). The Office would respect the requirement to avoid unlawful command influence in military justice matters.
 - In addition to his responsibilities for advising you and the Department leadership on detainee policy matters, a DASD for Detainee Affairs would chair a DoD committee (with representatives of USD(P), USD(I), General Counsel, Joint Staff, Army, Navy, Public Affairs, Legislative Affairs, and others as needed) to coordinate all detainee matters within the Department and elevate issues for resolution.
- The Geren/Maples group will maintain primary responsibility for issues, including public and legislative affairs matters, related to past actions and ongoing reviews of DoD activities, whereas the Office of Detainee Affairs will handle current and future policy matters.
 - As discussed at the July 1 meeting, the Office of Detainee Affairs and the Geren/Maples group will work closely together and support each other, until such time as it is appropriate to merge them.

020 USR
19 Jul 04

RECOMMENDATION: Secretary of Defense sign correspondence at TAB A.

COORDINATION: TAB B

Attachments: As stated



Coordination of DoD Detainee Organization Memorandum:

USA	_____	<u>13 July 04</u> date
USN	_____	<u>9 July 04</u> date
USAF	_____	<u>8 July 04</u> date
OCJC	_____	<u>8 July 04</u> date
OUSD(P)	_____	<u>13 July 04</u> date
OUSD(I)	_____	<u>8 July 04</u> date
ASD(LA)	_____	<u>7 July 04</u> date
ASD(PA)	_____	<u>9 July 04</u> date
OGC	_____	<u>13 July 04</u> date
WHS	_____	<u>8 July 04</u> date





DEPARTMENT OF THE ARMY
WASHINGTON DC 20310-0200

JUL 13 2034

MEMORANDUM FOR DEPUTY SECRETARY OF DEFENSE

SUBJECT: DoD Detainee Organization

I have reviewed the proposed action memorandum and memorandum to be signed by the Secretary of Defense concerning establishing an office in Policy for Detainee Affairs. I concur with the following comments and recommendations.

- The implementing directive should reconcile the authority and responsibility to be exercised by the Office of Detainee Affairs with that of the Assistant Secretary of Defense for International Security Affairs and the Secretary of the Army as established in DoDD 23 10.1, DoD Program for Enemy Prisoners of ~~War~~ and Other Detainees, as well as that of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict as set forth in Under Secretary of Defense for Policy memorandum of January 17, 2002.
- The implementing directive should specify the Office of Detainee Affairs' role, if any, with regard to coordinating and interacting with the International Committee of the Red Cross.
- Since the proposal is for the Office of Detainee Affairs to concern itself with "all matters regarding detainees," it must be presumed that this includes the exploitation of detained personnel/EPWs for intelligence purposes. If it is not intended that the office should be involved in this area, it should be so stated in the implementing directive.
- Recommend rephrasing the third paragraph of the proposed SECDEF memo to state "Matters affecting DoD interests pertaining to detainees held by U.S. Government agencies other than DoD or DoJ shall be coordinated or overseen by the Under Secretary of Defense for Intelligence."

R. L. Brownlee
Acting Secretary of the Army



Coordination of DoD Detainee Organization Memorandum:

10/12

USA _____ date

USN _____ date 7-9-04

USAF _____ date

OCJC _____ date

OUSD(P) _____ date

OUSD(I) _____ date

ASD(LA) _____ date

ASD(PA) _____ date

OGC _____ date

WHS _____ date



Coordination of DoD Detainee Organization Memorandum:

USA	_____	_____
		date
USN	_____	_____
		date
USAF	<i>J. Rosta</i>	<i>8 July '04</i>
		date
OCJC	_____	_____
		date
OUSD(P)	_____	_____
		date
OUSD(I)	_____	_____
		date
ASD(LA)	_____	_____
		date
ASD(PA)	_____	_____
		date
OGC	_____	_____
		date
WHS	_____	_____
		date



Coordination of DoD Detainee Organization Memorandum:

USA _____ date

USN _____ date

USAF _____ date

OCJC _____ date

OUSD(P) Verbal concurrence from Ryan Henry 7/13/04 (Sarah Hagelma) date

OUSD(I) _____ date

ASD(LA) _____ date

ASD(PA) _____ date

OGC _____ date

WHS _____ date



Coordination of DoD Detainee Organization Memorandum:

USA	_____	_____
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USN	_____	_____
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USAF	_____	_____
		date
OCJC	_____	_____
		date
OUSD(P)	_____	_____
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OUSD(I)	_____ <i>SL</i> _____	_____
		date
ASD(LA)	_____	_____
		date
ASD(PA)	_____	_____
		date
OGC	_____	_____
		date
WHS	_____	_____
		date



Coordination of DoD Detainee Organization Memorandum:

USA _____ date

USN _____ date

USAF _____ date

OCJC _____ date

OUSD(P) _____ date

OUSD(I) _____ date

ASD(LA) _____ date

ASD(PA) _____ date

OGC *D. J. Bell* as *Principal Deputy* and to *assist* *concerning military justice* _____ date *7/13/04*

WHS _____ date



This needs to clear:

John Smith *JS*

Chuck Allen OK as ^{edited} called
7/13/04

John Sullivan *JS* 7/13/04

Paul Koffsky *PK* - ^{As edited}
PK
7/13/04



FOR OFFICIAL USE ONLY

DEPUTY SECRETARY OF DEFENSE

1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010,

JUL 2 2004



MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
ASSISTANT SECRETARY OF DEFENSE FOR
LEGISLATIVE AFFAIRS
GENERAL COUNSEL OF THE DEPARTMENT OF
DEFENSE
PRINCIPAL DEPUTY ASSISTANT SECRETARY OF
DEFENSE FOR PUBLIC AFFAIRS

SUBJECT: Sharing Detainee Abuse Investigation Material with the Detainee Task Force

There are numerous ongoing investigations and reviews regarding the treatment and handling of detainees in Department of Defense (DoD) custody around the world.

Some of the investigations and reviews may result in recommendations that military justice and/or administrative actions be taken against service members. To ensure transparency across DoD, I request that you keep the Detainee Task Force fully informed of developments pertaining to detainee treatment and handling. Significant actions you should report include disposition decisions regarding allegations of misconduct or substandard performance, and key rulings of disciplinary and administrative actions. I also request that you keep DoD legal and public affairs offices fully informed.

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.

A point of contact for the Detainee Task Force is CAPT Mike Lambert (703-697-0967; Mike.Lambert@o.d.mil).

Paul Wolfowitz

2	GENERAL COUNSEL
1	DEPUTY GENERAL COUNSEL
3	PCAD
	IA
	LC

OSD 09835-04

*insert in *
insert*



ACTION MEMO

July 6, 2004

FOR: SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARY OF DEFENSE FOR POLICY
UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE
-ASSISTANT SECRETARY OF DEFENSE FOR LEGISLATIVE-
AFFAIRS
ASSISTANT SECRETARY OF DEFENSE FOR FOR PUBLIC
AFFAIRS
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, WASHINGTON HEADQUARTERS SERVICES

FROM: PETE GEREN, DETAINEE TASK FORCE
MG MAPLES, DETAINEE TASK FORCE

SUBJECT: DoD Detainee Organization

- At the July 1, 2004 Geren/Maples meeting, we discussed Under Secretary Feith's proposal to establish an office in Policy for Detainee Affairs. The Secretary has concurred in principle with this reorganization.
- Attached at TAB A is a draft memorandum for the Secretary of Defense's signature that establishes that office.
- Please review the attached and provide your concurrence on the coordination sheet at TAB B no later than Thursday, July 8, 2004.
- My point of contact on this issue is Sarah Nagelmann. She can be contacted at (703) 697-0916 or at sarah.nagelmann2@osd.mil.

Attachments:
As stated



ACTION MEMO

July XX, 2004

FOR: SECRETARY OF DEFENSE

DepSec Action _____

FROM: Peter Geren, Detainee Task Force
MG Maples, Detainee Task Force

SUBJECT: Establishing the Office of Detainee Affairs

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- The Office of Detainee Affairs* would have responsibility for coordinating ~~of~~ matters related to non-coalition personnel held in detention by DoD (e.g. ¹ unlawful combatants, EPWs and security internees under DoD control).

- In addition to his responsibilities for advising you and the Department leadership on detainee policy matters, a DASD for Detainee Affairs would chair a DoD committee (with representatives of USD(P), USD(I), General Counsel, Joint Staff, Army, Navy, others as needed) to coordinate all detainee matters within the Department and elevate issues for resolution.

- The Geren/Maples group will maintain primary responsibility for issues, including public and legislative affairs matters, related to past actions and ongoing reviews of DoD ~~personnel conduct~~, whereas the Office of Detainee Affairs will handle current and future policy matters.

- As discussed ~~at~~ at the July 1 meeting, ~~The Office of Detainee Affairs and the Geren/Maples group will work closely together and support each other, until such time as~~ *it is appropriate to merge them.*

RECOMMENDATION: Secretary of Defense sign correspondence at TAB A.

COORDINATION: TAE :

Attachments:

As stated

The Office would request the committee to be composed of relevant personnel in military justice matters

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i

activities

merge them.



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 matters of law, including the procedural aspects of military commissions and other tribunals. The Secretaries of the Military Departments and the Combatant Commanders shall support detainee operations and administration as assigned and shall coordinate their activities with the USD(P) in accordance with DOD policy.

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

The head of the Office of Detainee Affairs shall convene and chair on a regular basis a committee of representatives from the Department components noted above. That committee will help coordinate detainee matters within the Department.

Shaw

Department of Justice

relevant

including USD(I), the DoD General

the Staff Joint Staff and others



DRAFT

7/7/2004 9:30 AM

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

[For SECDEF signature]
/



Certified as Unclassified
January 9 2009
IAW EO 12958, as amended
Chief, RDD, ESD, WHS

DRAFT

Coordination of DoD Detainee Organization Memorandum:

USA	_____	_____
		date
USN	_____	_____
		date
USAF	_____	_____
		date
OCJC	_____	_____
		date
OUSD(P)	_____	_____
		date
OUSD(I)	_____	_____
		date
ASD(LA)	_____	_____
		date
ASD(PA)	_____	_____
		date
OGC	_____	_____
		date
DA&M	<u>RF Duitson</u>	<u>7/8/04</u>
	Subject to incorporation of edits as highlighted.	date



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
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 DIRECTORS OF THE DEFENSE AGENCIES
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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.

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

Deleted: head of the Office of Detainee Affairs

Deleted: convene and chair on a regular basis

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DRAFT

1



DRAFT

7/7/2004 8:24 AM

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

[For SECDEF signature]

DRAFT

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Certified as Unclassified
January 9 2009
IAW EO 12958, as amended
Chief, RDD, ESD, WHS

ACTION MEMO

July 6, 2004

FOR: SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARY OF DEFENSE FOR POLICY
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ASSISTANT SECRETARY OF DEFENSE FOR LEGISLATIVE
AFFAIRS
ASSISTANT SECRETARY OF DEFENSE FOR PUBLIC
AFFAIRS
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT

Deleted: FOR

Deleted: WASHINGTON
HEADQUARTERS SERVICES

FROM: PETE GEREN, DETAINEE TASK FORCE
MG **MAPLES**, DETAINEE TASK FORCE

SUBJECT: DoD Detainee Organization

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- My point of contact on this issue is Sarah Nagelmann. She can be contacted at (703) 697-0916 or at sarah.nagelmann2@osd.mil.

Attachments:
As stated





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

020 USP

SUBJECT: Office of Detainee Affairs

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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).

16 July 04

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.

14 Jul 04



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", written in a cursive style.