Department of Defense
DIRECTIVE

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USD(I)

SUBJECT: DoD Intelligence Interrogations, Detainee Debriefings, and Tactical Questioning

References: (a) Title 10, United States Code
(b) Title 50, United States Code
(c) Executive Order 12333, "United States Intelligence Activities," December 4, 1981, as amended
(d) DoD Directive 2310.01, "DoD Detainee Program," August 18, 1994, under revision
(e) through (j), see enclosure 1

1. PURPOSE

By the authority vested in the Secretary of Defense under references (a) through (c), this Directive:

1.1. Consolidates and codifies existing Departmental policies, including the requirement for humane treatment during all intelligence interrogations, detainee debriefings, or tactical questioning to gain intelligence from captured or detained personnel.

1.2. Assigns responsibilities for intelligence interrogations, detainee debriefings, tactical questioning, and supporting activities conducted by DoD personnel.

1.3. Establishes requirements for reporting violations of the policy regarding humane treatment during intelligence interrogations, detainee debriefings, or tactical questioning.

2. APPLICABILITY AND SCOPE

This Directive:

2.1. Applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Inspector General of the Department of Defense (DoD IG), the Defense Agencies, the DoD Field Activities, and all other

organizational entities in the Department of Defense (hereafter referred to collectively as the "DoD Components").

2.2. Applies to all intelligence interrogations, detainee debriefings and tactical questioning conducted by DoD personnel (military and civilian), contractor employees under DoD cognizance, and DoD contractors supporting such interrogations, to the extent incorporated into such contracts.

2.3. Applies to DoD contractors assigned to or supporting DoD Components, to the extent incorporated into such contracts.

2.4. Applies to non-DoD civilians as a condition of permitting access to conduct intelligence interrogations, debriefings, or other questioning of persons detained by the Department of Defense.

2.5. Does not apply to interrogations or interviews conducted by DoD law enforcement or counterintelligence personnel primarily for law enforcement purposes. Law enforcement and counterintelligence personnel conducting interrogations or other forms of questioning primarily for intelligence collection are bound by the requirements of this Directive.

3. POLICY

It is DoD policy that:

3.1. All captured or detained personnel shall be treated humanely, and all intelligence interrogations, debriefings, or tactical questioning to gain intelligence from captured or detained personnel shall be conducted humanely, in accordance with applicable law and policy. Applicable law and policy may include the law of war, relevant international law, U.S. law, and applicable directives, including DoD Directive 2310.01, (under revision) (reference (d)), instructions or other issuances. Acts of physical or mental torture are prohibited.

3.2. All reportable incidents, as defined in enclosure 2, allegedly committed by any DoD personnel or DoD contractors, shall be:

3.2.1. Promptly reported as outlined in enclosure 3.

3.2.2. Promptly and thoroughly investigated by proper authorities, and

3.2.3. Remedied by disciplinary or administrative action, when appropriate. On-scene commanders and supervisors shall ensure measures are taken to preserve evidence pertaining to any reportable incident.

3.3. Reportable incidents allegedly committed by non-DoD U.S. personnel or by coalition, allied, host nation, or any other persons shall be reported as outlined in this Directive and referred to proper authorities for investigation. Any additional DoD investigation of such

incidents shall be conducted only at the direction of the appropriate Combatant Commander, the DoD IG, the Under Secretary of Defense for Intelligence (USD(I)), or higher authority.

3.4. All DoD Components shall comply with the following general principles of interrogation operations:

3.4.1. Intelligence interrogations will be conducted in accordance with applicable law, this Directive and implementing plans, policies, orders, directives, and doctrine developed by the DoD Components and approved by USD(I), unless otherwise authorized, in writing, by the Secretary of Defense or Deputy Secretary of Defense.

3.4.2. Tactical questioning may be conducted by any DoD personnel trained in accordance with subparagraph 4.6.5. Intelligence interrogations will be conducted only by interrogators properly trained and certified in accordance with subparagraph 4.1.9.2.

3.4.3. Medical Issues. Decisions regarding appropriate medical treatment of detainees and the sequence and timing of that treatment are the province of medical personnel. Medical program support for detainee operations is governed by policies set forth by the Assistant Secretary of Defense for Health Affairs (ASD(HA)), under the Under Secretary of Defense for Personnel and Readiness (USD(P&R)). Detainees determined by medical personnel to be medically unfit to undergo interrogation will not be interrogated.

3.4.3.1. Reporting. Medical personnel will promptly report suspected abuse to the proper authorities, as outlined in medical policies issued by the ASD(HA) and specified in enclosure 3.

3.4.3.2. Medical Information. Generally, information pertaining to medical conditions and care provided to patients, including medical care for detainees, is handled with respect for patient privacy. Under U.S. and international law, there is no absolute confidentiality of medical information for any person, including detainees. Release of medical information for purposes other than treatment is governed by standards and procedures set forth by the ASD(HA). Medical information may be released for all lawful purposes, in accordance with such standards and procedures, including release for any lawful intelligence or national security-related activity.

3.4.3.3. Behavioral Science Consultants. Behavioral science consultants are authorized to make psychological assessments of the character, personality, social interactions, and other behavioral characteristics of interrogation subjects, and to advise authorized personnel performing lawful interrogations regarding such assessments in accordance with subparagraph 4.3.3. Those who provide such advice may not provide medical care for detainees except in an emergency when no other health care providers can respond adequately.

3.4.4. Detention Operations Issues. DoD personnel responsible for detention operations, including Military Police, Security Forces, Master at Arms, and other individuals providing security for detainees are responsible for ensuring the safety and well being of detainees in their custody. They shall not directly participate in the conduct of interrogations.

3.4.4.1. The detention facility commander or designee, in accordance with applicable law and policy, may cooperate in responding to requests to facilitate interrogation operations. Applicable law and policy may include U.S. law, the law of war, relevant international law, and applicable directives, instructions or other issuances. Disagreements concerning such requests shall be resolved by the Joint Task Force Commander, the Combatant Commander, or other designated authority, after consultation with the servicing Staff Judge Advocate. Any remaining disagreements shall be resolved by the Under Secretary of Defense for Policy (USD(P)), after consultation with the USD(I) and the DoD General Counsel (GC).

3.4.4.2. Detention personnel shall report information and observations relevant to interrogation operations, such as detainee behavior, attitudes, and relationships, in accordance with procedures established by the detention facility commander or higher authority.

3.4.4.3. Any other U.S. Government agencies, foreign government representatives, or other parties who request to conduct intelligence interrogations, debriefings, or other questioning of persons detained by the Department of Defense must agree to abide by DoD policies and procedures before being allowed access to any detainee under DoD control. Such agreement shall be formalized in a written document signed by the agency, government representative, or party requesting access to a detainee. A trained and certified DoD interrogator shall monitor all interrogations, debriefings, and other questioning conducted by non-DoD or non-U.S. Government agencies or personnel. If an interrogator is not available, a DoD representative with appropriate training and experience shall monitor the interrogation, debriefing, or other questioning. The DoD monitor shall terminate the interrogation, debriefing, or other questioning, and report to higher authorities if the other party does not adhere to DoD policies and procedures.

3.4.4.4. Military working dogs, contracted dogs, or any other dog in use by a government agency shall not be used as part of an interrogation approach nor to harass, intimidate, threaten, or coerce a detainee for interrogation purposes.

4. RESPONSIBILITIES

4.1. The Under Secretary of Defense for Intelligence shall:

4.1.1. Exercise primary staff responsibility for DoD intelligence interrogations, detainee debriefings, and tactical questioning and serve as the advisor to the Secretary and Deputy Secretary of Defense regarding DoD intelligence interrogations policy.

4.1.2. Serve as primary DoD liaison between the Department and the Intelligence Community on matters related to intelligence interrogations, detainee debriefings, and tactical questioning.

4.1.3. Provide oversight of operations concerning intelligence interrogations, detainee debriefings, and tactical questioning, and ensure overall development, coordination, approval,

and promulgation of DoD policies and implementation plans related to intelligence interrogations, detainee debriefings, and tactical questioning, including coordination of such proposed policies and plans with other Federal departments and agencies as necessary.

4.1.4. Review, approve, and ensure coordination of all DoD Component implementation plans, policies, orders, directives, and doctrine related to intelligence interrogation operations. DoD Components will forward two copies of implementing documents to the USD(I) for review and to the Director of DIA, as the Defense HUMINT Manager.

4.1.5. Refer reportable incidents not involving DoD personnel to applicable Federal agencies, foreign governments, or other authorities. Coordinate with appropriate OSD entities and other Federal agencies, as appropriate, prior to referral.

4.1.6. Review proposed funding by the Military Departments according to subparagraph 4.4.2., in coordination with the Military Departments, the USD(P&R), the Under Secretary of Defense (Comptroller), and the DoD GC.

4.1.7. Develop policies and procedures, in coordination with the Under Secretary of Defense for Acquisition, Technology, and Logistics, the DoD GC, and the appropriate DoD Components, to ensure all contracts in support of intelligence interrogation operations and detainee debriefings include the obligation to abide by the standards in this Directive and exclude performance of inherently governmental functions in accordance with DoD Directive 1100.4 (reference (e)) and that all contractor employees are properly trained.

4.1.8. Ensure the Director of the Defense Intelligence Agency (DIA):

4.1.8.1. Plans, executes, and oversees DIA intelligence interrogation operations.

4.1.8.2. Issues appropriate intelligence interrogation implementing guidance and forwards it for review in accordance with subparagraph 4.1.4.

4.1.8.3. Institutes programs within DIA to:

4.1.8.3.1. Comply with this Directive.

4.1.8.3.2. Ensure all plans, policies, orders, directives, training, doctrine, and tactics, techniques, and procedures issued by DIA or its subordinate elements are in accordance with this Directive and subject to periodic review and evaluation, particularly considering any reported violations.

4.1.9. Ensure the Defense Human Intelligence (HUMINT) Manager, in accordance with USD(I) memorandum dated December 14, 2004 (reference (f)):

4.1.9.1. Includes DoD intelligence interrogations and detainee debriefings in the periodic assessment of DoD HUMINT enterprise activities, including an assessment of the effectiveness of intelligence interrogations.

4.1.9.2. Establishes interrogation training and certification standards, in coordination with applicable DoD Components, to ensure all personnel who conduct DoD intelligence interrogations are properly trained and certified, including appropriate training in applicable laws and policies in accordance with paragraph 3.1.

4.2. The Under Secretary of Defense for Policy shall coordinate with the USD(I) on all detainee-related policies and publications that affect intelligence interrogations and detainee debriefings. The USD(P) retains primary staff responsibility for DoD policy oversight of the DoD detainee program.

4.3. The Under Secretary of Defense for Personnel and Readiness shall:

4.3.1. Coordinate with USD(I) and the Secretaries of the Military Departments to ensure interrogators have appropriate language skills and training to support interrogation operations and trained and professional interpreters and other personnel are available to augment and support interrogation operations.

4.3.2. Provide overall guidance in accordance with reference (e), including on the performance of inherently governmental functions.

4.3.3. Ensure the ASD(HA) develops policies, procedures and standards for medical program activities affecting intelligence interrogation activities, in accordance with this Directive and in coordination with USD(I).

4.4. The Secretaries of the Military Departments shall:

4.4.1. Implement policies in accordance with this Directive. To the extent required, forward two copies of implementing documents to the USD(I) for review in accordance with paragraph 4.1.4., and to the Director of DIA, as the Defense HUMINT Manager.

4.4.2. Plan, program, and budget for adequate resources to ensure sufficient numbers of trained interrogators, interpreters, and other personnel are available to conduct intelligence interrogation operations.

4.4.3. Train and certify interrogators in accordance with the standards established pursuant to this Directive.

4.4.4. Provide training on the conduct of tactical questioning for appropriate personnel.

4.4.5. Coordinate with the Combatant Commanders or other appropriate authorities to ensure prompt reporting and investigation of reportable incidents committed by members of their respective Military Departments, or persons accompanying them, in accordance with the requirements of enclosure 3, and ensure the results of such investigations are provided to appropriate authorities for possible disciplinary or administrative action as appropriate.

4.5. The Chairman of the Joint Chiefs of Staff shall provide appropriate oversight to the Commanders of the Combatant Commands to ensure their intelligence interrogation operations, detainee debriefings, and tactical questioning policies and procedures are consistent with this Directive.

4.6. The Commanders of the Combatant Commands shall:

4.6.1. Develop and submit Combatant Command level guidance, orders, and policies (to include policies governing third-party interrogations) implementing this Directive through the Chairman of the Joint Chiefs of Staff to USD(I) for review in accordance with paragraph 4.1.4., and to the Director of DIA, as the Defense HUMINT Manager.

4.6.2. Plan, execute, and oversee Combatant Command intelligence interrogation operations, detainee debriefings, and tactical questioning in accordance with this Directive.

4.6.3. Ensure all intelligence interrogation and detainee debriefing plans, policies, orders, directives, training, doctrine, and tactics, techniques, and procedures issued by subordinate commands and components are consistent with this Directive and USD(I) approved policies, and that they and are subject to periodic review and evaluation.

4.6.4. Ensure personnel who may be involved in intelligence interrogations have been trained and certified consistent with the standards established according to this Directive.

4.6.5. Ensure personnel who may be involved in detainee debriefings and tactical questioning have been appropriately trained.

4.6.6. Ensure third-party interrogations are conducted in accordance with subparagraph 3.4.4.3.

4.6.7. In coordination with the Secretaries of the Military Departments, ensure reportable incidents involving DoD personnel or coalition, allied, host nation, or any other persons are promptly reported to appropriate authorities in accordance with enclosure 3, that violations by DoD personnel are properly and thoroughly investigated, and the results of such investigations are provided to appropriate authorities for possible disciplinary or administrative action.

4.6.8. Coordinate with USD(I) and DoD GC, through the Chairman of the Joint Chiefs of Staff, regarding whether a DoD investigation is required for reportable incidents involving non-DoD personnel.

5. INFORMATION REQUIREMENTS

The reporting requirements in this Directive are exempt from licensing according to paragraphs C4.4.7. and C4.4.8. of DoD 8910.1-M (reference (g)).

6. EFFECTIVE DATE AND IMPLEMENTATION

6.1. This Directive is effective immediately.

6.2. The policy in the Directive shall be disseminated at all levels of command and to all DoD Components that conduct intelligence interrogations, detainee debriefings, or tactical questioning, to gain intelligence from captured or detained personnel. DoD Components will comply with paragraph 4.1.4, as required.

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Enclosures – 3
- E1. References, continued
- E2. Definitions
- E3. Reportable Incident Requirements

E1. ENCLOSURE 1

REFERENCES, continued

(e) DoD Directive 1100.4, "Guidance for Manpower Management," February 12, 2005
(f) Under Secretary of Defense for Intelligence Memorandum, "Guidance for the Conduct and Oversight of Defense Human Intelligence (HUMINT)," December 14, 2004
(g) DoD 8910.1-M, "DoD Procedures for Management of Information Requirements," June 1998
(h) DoD Directive 5100.77, "DoD Law of War Program," December 9, 1998
(i) DoD 5240.1-R, "Procedures Governing the Activities of DoD Intelligence Components that Affect United States Persons," December 1982
(j) DoD Instruction 5240.4, "Reporting of Counterintelligence and Criminal Violations," September 22, 1992

E2. ENCLOSURE 2

DEFINITIONS

Terms listed below are defined as used in this Directive.

E2.1.1. Captured or Detained Personnel. For the purposes of this Directive, "captured or detained personnel" or "detainee" refers to any person captured, detained, held, or otherwise under the control of DoD personnel (military and civilian, or contractor employee). It does not include DoD personnel being held for law enforcement purposes.

E2.1.2. Debriefing. The process of questioning cooperating human sources to satisfy intelligence requirements, consistent with applicable law. The source may or may not be in custody. His or her willingness to cooperate need not be immediate or constant. The debriefer may continue to ask questions until it is clear to the debriefer that the person is not willing to volunteer information or respond to questioning.

E2.1.3. Intelligence Interrogation. The systematic process of using approved interrogation approaches to question a captured or detained person to obtain reliable information to satisfy intelligence requirements, consistent with applicable law.

E2.1.4. Law of War. The part of international law that regulates the conduct of armed hostilities and occupation. It is often called the "law of armed conflict" and encompasses all international law applicable to the conduct of hostilities that is binding on the United States or its individual citizens, including treaties and international agreements to which the United States is a party, and applicable customary international law.

E2.1.5. Reportable Incident. Any suspected or alleged violation of DoD policy, procedures, or applicable law relating to intelligence interrogations, detainee debriefings or tactical questioning, for which there is credible information.

E2.1.6. Tactical Questioning. Direct questioning by any DoD personnel of a captured or detained person to obtain time-sensitive tactical intelligence, at or near the point of capture or detention and consistent with applicable law.

E3. ENCLOSURE 3

REPORTABLE INCIDENT REQUIREMENTS

E3.1.1. Reports of Incidents. All military and civilian personnel and DoD contractors who obtain information about a reportable incident will immediately report the incident through their chain of command or supervision. Interrogation support contracts will require contractor employees to report reportable incidents to the commander of the unit they are accompanying, the commander of the installation to which they are assigned, or to the Combatant Commander. Reports also may be made through other channels, such as the military police, a judge advocate, a chaplain, or an Inspector General, who will then forward a report through the appropriate chain of command or supervision. Reports made to officials other than those specified in this paragraph shall be accepted and immediately forwarded through the recipient's chain of command or supervision, with an information copy to the appropriate Combatant Commander.

E3.1.2. Initial Report. Any commander or supervisor who obtains credible information about a reportable incident shall immediately report the incident through command or supervisory channels to the responsible Combatant Commander, or to other appropriate authority for allegations involving personnel who are not assigned to a Combatant Commander. In the latter instance, an information report shall also be sent to the Combatant Commander with responsibility for the geographic area where the alleged incident occurred.

E3.1.3. The Combatant Commanders, the Secretaries of the Military Departments, and similar authorities shall establish procedures and report, by the most expeditious means available, all reportable incidents to the Chairman of the Joint Chiefs of Staff, the USD(I), the DoD GC, the Director of DIA, and the DoD IG. Reports shall specify any actions already taken and identify the investigating authority, or explain why an inquiry or investigation is not possible, practicable, or necessary.

E3.1.4 The Combatant Commander or other appropriate authority shall ensure an appropriate inquiry or investigation is conducted. Final reports will be forwarded consistent with the procedures established in paragraph E3.1.3.

E3.1.4.1. When appropriate, submit a report, in accordance with DoD Directive 5100.77 (reference (h)) concerning any reportable incidents under the DoD Law of War Program; when intelligence component personnel are involved in any questionable activity, submit a report to the appropriate intelligence component General Counsel or Inspector General or to the Assistant to the Secretary of Defense for Intelligence Oversight under Procedure 15 of DoD 5240.1-R (reference (i)) for the identification, investigation, and reporting of questionable intelligence activities. When appropriate, submit a report in accordance with DoD Instruction 5240.4 (reference (j)). Multiple reporting may be required for a single credible allegation. The Commanders or supervisors shall coordinate with legal counsel to determine whether a single inquiry or investigation is appropriate.