



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

APR 11 2005

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
COMMANDERS OF THE COMBATANT COMMANDS
DIRECTORS OF THE DEFENSE AGENCIES

SUBJECT: FY 2005 National Defense Authorization Act Provisions Regarding
Persons Detained by the Department of Defense

The guidance provided in enclosures (1) and (2) is intended to ensure effective implementation of the training and reporting requirements contained in the provisions of the Ronald W. Reagan National Defense Authorization Act (NDAA) for Fiscal Year 2005, Public Law 108-375, Sections 1091-1093.

The Deputy Assistant Secretary of Defense for Detainee Affairs, under the Under Secretary of Defense for Policy, is the primary contact for implementation of this guidance.

A handwritten signature in black ink, appearing to read "D. A. Feld", is located in the lower center of the page.

OSD 06748-05



Implementing Section 1092

- All Federal employees and civilian contractors engaged in the handling or interrogation of individuals detained by the Department of Defense, including employees from other government agencies working at DoD facilities, shall complete annual training on the law of war, including the obligations of the United States under domestic and international law.
- This training will be consistent with established Department directives, policies, and regulations concerning law of war training.
- The Secretaries of the Military Departments, the Commanders of the Combatant Commands, and other Department of Defense Components responsible for Federal employees or civilian contractors engaged in the handling or interrogation of individuals detained by the Department of Defense shall complete a report annually, no later than October 31, on the fulfillment of the annual training requirement for the fiscal year ending September 30 for purposes of making the certification under Section 1092(c).
- The Under Secretary of Defense for Acquisition, Technology and Logistics will establish procedures to ensure that each DoD contract for which contract personnel in the course of their duties interact with individuals detained by DoD includes a requirement that such contract personnel have received documented training regarding the international obligations and laws of the United States applicable to the detention of personnel.
- Combatant Commanders who have detention or interrogation facilities in their area of responsibility will ensure that standard operating procedures (SOPs) are established for the treatment of detainees, and that all assigned personnel are provided documented training regarding the law of war, including the Geneva Conventions.
 - Commander, U.S. Southern Command is responsible for complying with the provisions of this memorandum as they pertain to the Guantanamo Bay detention facility.
 - Commander, U.S. Joint Forces Command is responsible for complying with the provisions of this memorandum as they pertain to detainees held in the Charleston facility.

- **Combatant Commanders will ensure that detainees are provided with information, in their own language, on the applicable protections afforded under the Geneva Conventions.**
- **Combatant Commanders will ensure that periodic announced and unannounced inspections of detention facilities, including temporary holding areas, are conducted to provide continued oversight of interrogation and detention operations.**
- **Combatant Commanders, consistent with current policies, directives, and regulations, will ensure that, to the maximum extent practicable, detainees and detention facility personnel of a different gender are not alone together.**
- **Not later than two weeks from the date of this memorandum, you will report on the steps taken to date to implement Section 1092, NDAA.**

Implementing Section 1093—Reporting Requirements

- Reports providing the following information, required by Section 1093, shall be provided no later than July 1, 2005, for the 12 months preceding June 15, 2005, and then annually thereafter, until December 31, 2007:
 - Notice of any investigation into any violation of international obligations or U.S. laws regarding treatment of individuals detained by the U.S. Armed Forces or by a DoD contractor, if notice will not compromise any ongoing criminal or administrative investigation.
 - The following information on detainees under your control during the reporting period (U.S. Transportation Command excepted):
 - Number of detainees under your control as of June 15;
 - Total number of detainees released from your control during the period covered by the report;
 - Aggregate summary of the number of persons detained as enemy prisoners of war, civilian internees, and enemy combatants, and the average length of detention for persons in each category;
 - Aggregate summary of the nationality of the persons detained; and
 - Aggregate information on number of detainees transferred from your control to the jurisdiction of other countries, and the countries to which the detainees were transferred.
- Note: For this reporting, a “detainee” is defined as “a person in the custody or under the physical control of the Department of Defense as a result of armed conflict.”
- Note: Reports provided under this section shall be, to the extent practicable, in unclassified form, but may include a classified annex as necessary.