



CHAIRMAN OF THE JOINT CHIEFS OF STAFF INSTRUCTION

J-5
DISTRIBUTION: A, B, C, J, S

CJCSI 3290.01B
9 February 2007

PROGRAM FOR DETAINEE OPERATIONS

References: See Enclosure.

1. Purpose. To designate a single point of contact within the Joint Staff for matters pertaining to the implementation of DOD detainee policy, assign other joint staff responsibilities, and provide guidance regarding detainee operations. This instruction implements reference a, which provides policy guidance and assigns responsibilities within the Department of Defense (DOD) regarding detainee matters.
2. Cancellation. CJCSI 3290.01A, 15 October 2000, is canceled.
3. Applicability. This instruction applies to military, civilian, and contractor personnel within the Department of Defense assigned to the Services, Joint Staff, combatant commands, Defense Intelligence Agency (DIA), and other subordinate agencies, organizations, or units thereof.
4. Policy
 - a. Pursuant to reference a, it is DOD policy that all:
 - (1) Detainees shall be treated humanely and in accordance with US law, the law of war, and applicable US policy.
 - (2) Persons subject to reference a will receive instruction and complete training, commensurate with their duties, in the laws, regulations, policies, and other issuances applicable to detainee operations, prior to conducting, participating in, or supporting detainee operations, and annually thereafter.
 - (3) Persons subject to reference a shall report -- in accordance with references b and c and combatant command directives -- possible, suspected,

or alleged violations of the law of war and/or detention operations laws, regulations, or policy, for which there is credible information or conduct during all military operations.

b. As directed in reference a, the Secretary of the Army is the DOD Executive Agent for the Administration of DOD Detainee Operations Policy. In coordination with the Under Secretary of Defense for Policy (USD(P)), the Secretary of the Army develops and promulgates guidance, regulations, and instructions necessary for the DOD-wide implementation of detainee operations policy. Guidance provided under the authority of the Secretary of the Army is found in reference d.

c. Joint detainee operations doctrine is currently under development in Joint Publication 3-63, "Detainee Operations."

5. Responsibilities

a. Chairman of the Joint Chiefs of Staff. The Chairman of the Joint Chiefs of Staff will:

(1) Ensure the Joint Staff acts on policy, political-military, and other issues involved in the execution of the DOD Detainee Program.

(2) Provide appropriate oversight to commanders of the combatant commands to ensure detainee operations policies and procedures are consistent with reference a.

(3) Ensure Joint Staff directorates provide guidance and support within their respective functional areas as follows:

(a) Director for Manpower and Personnel (J-1) will monitor and staff all joint manning requirements for detainee operations.

(b) Director for Intelligence (J-2) serves as the CJCS senior intelligence advisor on all matters. Related to this instruction, J-2:

1. Tasks the DIA and the other DOD intelligence components, as appropriate, to provide intelligence staff support in accordance with Joint Staff policy and procedures.

2. Coordinates on intelligence issues related to detainee assessments, transfers, and movement orders.

3. Advises J-5 on USD(I) intelligence interrogation, detainee debriefings, and tactical questioning policy changes that may influence detention operations.

(c) Director for Operations (J-3) promulgates transfer and release guidance via SecDef-approved Transfer and Release Execution Order (EXORD). J-3 will initiate and coordinate a detainee movement operation pursuant to EXORD guidance.

(d) Director for Logistics (J-4) will coordinate on issues relating to detention facility construction, logistics, and medical support to detainees.

(e) Director for Strategic Plans and Policy (J-5) serves as the Joint Staff single point of contact for the DOD Detainee Affairs Program. The Detainee Affairs Division (DAD), under the Deputy Director, War on Terrorism Directorate (DDWOT), is the J-5 element responsible for developing policy recommendations and overseeing detainee operations. The DAD shall also:

1. Provide liaison with the Deputy Assistant Secretary of Defense for Detainee Affairs (DASD(DA)), OSD, the Department of State, Services, combatant commands, and Joint Staff directorates to coordinate plans, policy, operations, and other activities within the context of the DOD Detainee Program.

2. Represent the Joint Staff on negotiating, coordinating, and advising on detainee transfer and release issues.

3. Provide necessary inputs to any Congressional inquiries.

4. Receive International Committee of the Red Cross reports concerning detention facilities and detainee treatment, provide advice, and assist in development of solutions.

(f) Director for Operational Plans and Interoperability (J-7) will:

1. Conduct the review of operational plans of commanders of combatant commands to ensure conformance with the standards in reference a.

2. Ensure that operational exercises routinely test capabilities to conduct, participate in, and support detainee operations, consistent with reference a.

(g) Legal Counsel to the Chairman of the Joint Chiefs of Staff will provide legal review of Joint Staff recommendations on detainee issues, provide appropriate legal advice regarding laws, policies, directives, and instructions pertaining to detainee operations, and attend DOD and Interagency detainee working group meetings.

b. Services. Coordinate with the Secretary of the Army and the Joint Staff on detainee operations training and certification standards.

c. Commanders of Combatant Commands. Responsible for the overall execution of the DOD Detainee Program within their respective commands. Combatant commanders shall:

(1) Plan, execute, and oversee detainee operations in accordance with reference a, this instruction, and applicable laws, policies, directives, and instructions.

(2) As required, develop programs and issue appropriate implementing policy or guidance in accordance with reference a. Implementing policy or guidance will be forwarded to USD(P) through the Director, Joint Staff, for review and approval.

6. Summary of Changes. This revision:

a. Updates references, policies, and responsibilities consistent with DODD 2310.01E and the creation of the Joint Staff DAD.

b. Employs the term “detainee,” which pursuant to reference a includes enemy combatant, enemy prisoner of war, retained person, and civilian internee.

c. Deletes responsibilities of the J-1 for joint reporting.

d. Deletes the responsibilities of Commander, United States Special Operations Command, to provide civil affairs and psychological operations support to the DOD Detainee Program.

7. Releasability. This instruction is approved for public release; distribution is unlimited. DOD components (to include the combatant commands), other federal agencies, and the public may obtain copies of this instruction through the Internet from the CJCS Directives Home Page--
http://www.dtic.mil/cjcs_directives.

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ENCLOSURE A

REFERENCES

- a. DOD Directive 2310.01 Series, "The Department of Defense Detainee Program"
- b. DOD Directive 2311.01 Series, "DoD Law of War Program"
- c. DOD Directive 3115.09, 3 November 2005, "DoD Intelligence Interrogations, Detainee Debriefings, and Tactical Questioning"
- d. AR 190-8, 1 October 1997, "Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees"
- e. The Geneva Conventions for the Protection of War Victims of August 12, 1949, which include these treaties to which the US government is a party:
 - (1) Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (GWS]
 - (2) Geneva Convention for the Amelioration of the Condition of Wounded, Sick, and Shipwrecked Members of Armed Forces at Sea (GWS Sea]
 - (3) Geneva Convention Relative to the Treatment of Prisoners of War (GPW)
 - (4) Geneva Convention Relative to the Protection of Civilian Persons in Time of War (GC)
- f. CJCSI 5810.01 Series, "Implementation of the DOD Law of War Program"
- g. The Detainee Treatment Act of 2005, Pub. L. No. 109-163 (119 STAT. 3474-3480), Section 1401-1406, Title XIV

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