## Joint Publication 3-63





## **Detainee Operations**





13 November 2014





# **Detainee Operations Joint Publication 3 63**

Jianjun Gao

#### **Detainee Operations Joint Publication 3 63:**

**Detainee Operations** U.s. Joint Force Command, 2014-07-27 U S forces must be prepared to properly control maintain protect and account for all categories of detainees in accordance with applicable U S law the law of war and applicable U S policy The challenges of today's security environment and the nature of the enemy require clear operational and strategic guidance for detainee operations in a joint environment Department of Defense Directive DODD 2310 01E The Department of Defense Detainee Program establishes the overarching Department of Defense DOD detainee policy and directs that all detainees shall be treated humanely at all times during all armed conflicts however characterized and in all other military operations The standards of treatment set forth in the directive apply to all DOD components and DOD contractors assigned to or supporting the DOD components engaged in conducting participating in or supporting detainee operations These standards also apply to all non DOD personnel as a condition of permitting access to internment facilities or to detainees under DOD control Inhumane treatment of detainees is prohibited by the Uniform Code of Military Justice domestic and international law and DOD policy There is no exception to this humane treatment requirement Accordingly the stress of combat operations the need for intelligence or deep provocation by captured and or detained personnel does not justify deviation from this obligation Detainee Operations Joint Chiefs of Staff, 2014-12-04 This book has been prepared under the direction of the Chairman of the Joint Chiefs of Staff CJCS It sets forth joint doctrine to govern the activities and performance of the Armed Forces of the United States in joint operations and provides the doctrinal basis for interagency coordination and for US military involvement in multinational operations It provides military guidance for the exercise of authority by combatant commanders and other joint force commanders JFCs and prescribes joint doctrine for operations education and training It provides military quidance for use by the Armed Forces in preparing their plans It is not the intent of this book to restrict the authority of the IFC from organizing the force and executing the mission in a manner the IFC deems most appropriate to ensure unity of effort in the accomplishment of the overall objective **Detainee Operations** (Joint Publication 3-63) Chairman of the Joint Chiefs of Staff, 2012-10-30 This publication Detainee Operations Joint Publication 3 630 provides guidelines for planning and executing detainee operations It outlines responsibilities and discusses organizational options and command and control considerations across the range of military operations U S forces must be prepared to properly control maintain protect and account for all categories of detainees in accordance with applicable U S law the law of war and applicable U S policy The challenges of today s security environment and the nature of the enemy require clear operational and strategic quidance for detainee operations in a joint environment Department of Defense Directive DODD 2310 01E The Department of Defense Detainee Program establishes the overarching Department of Defense DOD detained policy and directs that all detained shall be treated humanely at all times during all armed conflicts however characterized and in all other military operations The standards of treatment set forth in the directive apply to all

DOD components and DOD contractors assigned to or supporting the DOD components engaged in conducting participating in or supporting detainee operations These standards also apply to all non DOD personnel as a condition of permitting access to internment facilities or to detainees under DOD control Inhumane treatment of detainees is prohibited by the Uniform Code of Military Justice domestic and international law and DOD policy There is no exception to this humane treatment requirement Accordingly the stress of combat operations the need for intelligence or deep provocation by captured and or detained personnel does not justify deviation from this obligation Often referred to as the law of armed conflict the law of war encompasses all international law for the conduct of hostilities binding on the United States or its individual citizens including treaties and international agreements to which the United States is a party The four Geneva Conventions of 1949 are fully applicable as a matter of international law to all military operations that qualify as international armed conflicts These treaties are intended to provide comprehensive humanitarian standards for the treatment of war victims without discrimination There are three categories of detainees Enemy combatants are personnel engaged in hostilities against the United States or its coalition partners during an armed conflict Retained personnel are enemy medical personnel and medical staff administrators who are engaged in either the search for collection transport or treatment of the wounded or sick or the prevention of disease chaplains attached to enemy armed forces or the staff of national Red Cross Societies and that of other volunteer aid societies duly recognized and authorized by their governments to assist medical service personnel of their own armed forces provided they are exclusively engaged in the search for or the collection transport or treatment of the wounded or sick or in the prevention of disease and provided that the staff of such societies are subject to military laws and regulations Civilian internees are civilians who are interned during an armed conflict occupation or other military operation for security reasons for protection or because he or she has committed an offense against the detaining power **Ioint** Publication Jp 3-63 Detainee Operations 30 May 2008 United States Government US Army, Us Army, 2012-11-15 This publication provides guidelines for planning and executing detainee operations It outlines responsibilities and discusses organizational options and command and control considerations across the range of military operations This publication has been prepared under the direction of the Chairman of the Joint Chiefs of Staff It sets forth joint doctrine to govern the activities and performance of the Armed Forces of the United States in operations and provides the doctrinal basis for interagency coordination and for U S military involvement in multinational operations It provides military guidance for the exercise of authority by combatant commanders and other joint force commanders JFCs and prescribes joint doctrine for operations and training It provides military guidance for use by the Armed Forces in preparing their appropriate plans It is not the intent of this publication to restrict the authority of the JFC from organizing the force and executing the mission in a manner the JFC deems most appropriate to ensure unity of effort in the accomplishment of the overall objective Joint doctrine established in this publication applies to the commanders of combatant commands subunified commands joint task forces

subordinate components of these commands and the Services The guidance in this publication is authoritative as such this doctrine will be followed except when in the judgment of the commander exceptional circumstances dictate otherwise If conflicts arise between the contents of this publication and the contents of Service publications this publication will take precedence unless the Chairman of the Joint Chiefs of Staff normally in coordination with the other members of the Joint Chiefs of Staff has provided more current and specific guidance Commanders of forces operating as part of a multinational alliance or coalition military command should follow multinational doctrine and procedures ratified by the United States For doctrine and procedures not ratified by the United States commanders should evaluate and follow the multinational command s doctrine and procedures where applicable and consistent with U S law regulations and doctrine and Information Policy for National Security Jan Goldman, Susan Maret, 2016-08-08 Building on Goldman's Words of Intelligence and Maret's On Their Own Terms this is a one stop reference tool for anyone studying and working in intelligence security and information policy This comprehensive resource defines key terms of the theoretical conceptual and organizational aspects of intelligence and national security information policy It explains security classifications surveillance risk technology as well as intelligence operations strategies boards and organizations and methodologies It also defines terms created by the U S legislative regulatory and policy process and routinized by various branches of the U S government These terms pertain to federal procedures policies and practices involving the information life cycle national security controls over information and collection and analysis of intelligence information This work is intended for intelligence students and professionals at all levels as well as information science students dealing with such issues as the Freedom of Information Act

Review of Department of Defense Compliance with President's Executive Order on Detainee Conditions of Confinement
Barry Leonard,2009-12 The Sec of Defense tasked a special DoD team to review the conditions of confinement at
Guantanamo Bay Naval Base to ensure that all detainees there are being held in conformity with all applicable laws
governing the conditions of confinement including Common Article 3 of the Geneva Conventions pursuant to the President's
Executive Order dated Jan 22 2009 The Review Team conducted 13 days of investigation on site It also solicited a sampling of
opinion studies and published works which reflected the perspective of detainees and other concerned interest groups It is
the Review Team's judgment that the conditions of confinement in Guantanamo are in conformity with Common Article 3 of
the Geneva Conventions The Army Lawyer, 2009 Democracy Detained Barbara Olshansky, 2011-01-04 Democracy
Detained exposes the deplorable secret crimes committed by the Bush administration in their war on terror Prominent legal
activist Barbara Olshansky documents the assault on our constitutional democracy since 9 11 meticulously analyzing the
unlawful justifications made by the U S government for covert actions at home and abroad She reports on current shocking
practices from the outsourcing of torture through extraordinary rendition to first person testimony from innocent men
imprisoned without charge at Guant namo Bay to revelations of a surveillance network tapped into the homes of average

citizens Democracy Detained is an essential resource for Americans concerned about their civil rights The Middle East, Commentary on the Second Geneva Convention, 2017-12-21 The application and **Abstracts and Index** ,2006 interpretation of the four Geneva Conventions of 1949 have developed significantly in the sixty years since the International Committee of the Red Cross ICRC first published its Commentaries on these important humanitarian treaties To promote a better understanding of and respect for this body of law the ICRC commissioned a comprehensive update of its original Commentaries of which this is the second volume Its preparation was coordinated by Jean Marie Henckaerts ICRC legal adviser and head of the project to update the Commentaries The Second Convention is a key text of international humanitarian law It contains the essential rules on the protection of the wounded sick and shipwrecked at sea those assigned to their care and the vessels used for their treatment and evacuation This article by article Commentary takes into account developments in the law and practice to provide up to date interpretations of the Convention The new Commentary has been reviewed by humanitarian law practitioners and academics from around the world including naval experts It is an essential Why Not Torture Terrorists? Yuval Ginbar, 2008-03-27 The book tool for anyone working or studying within this field addresses a dilemma at the heart of the War on Terror is it ever justifiable to torture terrorists in order to save the lives of innocent civilians the so called ticking bomb scenario. The book first analyzes the ticking bomb dilemma as a pure moral one facing the individual would be torturer A never say never utilitarian position is pitted against a minimal absolutist view that some acts are never justifiable and that torture is one such act It then looks at the issues that arise once a state has decided to sanction torture in extreme situations when how and whom to torture the institutionalization of torture its effects on society and its efficacy in combatting terrorism in the shorter and longer runs Four models of legalized torture are next examined including current ones in Israel and the USA and the idea of torture warrants Finally related legal issues are analyzed among them the lawfulness of coercive interrogation under international law and attempts to allow torture only after the fact for instance by applying the criminal law defence of necessity A minimal absolutist view under which torture whether by private individuals or by state officials must be prohibited absolutely in law policy and practice and allowing no exceptions for ticking bomb situations is defended throughout Lewis & Clark Law Review ,2007 The War in **Afghanistan** Naval War College (U.S.),2009 Provides legal examination of the armed conflict in Iraq during the secondd Gulf War that began in 2003 Discusses legal issues associated with the initial decision to use armed force the manner in which force was employed the legal framework and evolution of military activities from invasion to occupation detention and counterinsurgency operations as well as policy and legal issues associated with the establishment of the rule of law and return of governance to the people of Iraq International Law Studies Naval War College (U.S.),2009 International Law Discussions ,2009 □□□□ ,2006 The United States Army in Operation Iraqi Freedom, May 2003-January 2005 Donald P. Wright, Timothy R. Reese, 2008 On Point II is a comprehensive balanced and honest account of the Army s

role in a particularly significant period in Operation IRAOI FREEDOM It is neither triumphant nor defeatist On Point II provides Soldiers and other military professionals with a means to understand important and relevant lessons from the Army s recent operational experience The story of the Army in this period of Operation IRAQI FREEDOM is one filled with many transitions many successes and with significant challenges <u>Internment and Resettlement Operations</u> United States. Department of the Army, 2010 Field manual FM 3 39 40 is aligned with FM 3 39 the military police keystone FM FM 3 39 40 provides guidance for commanders and staffs on internment and resettlement I R operations This manual addresses I R operations across the spectrum of conflict specifically the doctrinal paradigm shift from traditional enemy prisoner of war EPW operations to the broader and more inclusive requirements of detainee operations Additionally FM 3 39 40 discusses the critical issue of detainee rehabilitation It describes the doctrinal foundation principles and processes that military police and other elements will employ when dealing with I R populations As part of internment these populations include U S military prisoners and multiple categories of detainees civilian internees CIs retained personnel RP and enemy combatants while resettlement operations are focused on multiple categories of dislocated civilians DCs Military police conduct I R operations during offensive defensive stability or civil support operations I R operations include military police support to U S military prisoner and detainee operations within operational environments OEs ranging from major combat operations to humanitarian assistance missions in support of a host nation HN or civil agency I R operations are a major subordinate Army tactical task under the sustainment warfighting function See FM 7.15 Placement under the sustainment warfighting function does not mean that I R operations do not have relevance in the other warfighting functions While I R is listed under the sustainment warfighting function it should be noted this is not a specified or implied mission of all sustainment units or commands Most sustainment units provide logistics personnel services and health service support to I R operations Military police are uniquely qualified to perform the full range of I R operations. They have the requisite skill sets provided through specific training and operational experience The skills necessary for performing confinement operations for U S military prisoners in permanent facilities are directly transferable and adaptable for tactical confinement of U S military prisoners and detention of detainees All military police units are specifically manned equipped and trained to perform I R operations across the spectrum and those identified as I R units are the specialists within the Army for this role FM 3 39 40 depicts the changes in terminology from the focus on the contiguous battlefield to reflect the types of operations being conducted in today s OEs These changes address the modifications made to previous EPW processing operations The terms division forward central collection point and corps holding area no longer apply They have been replaced with the terms detainee collection point DCP brigade level detainee holding area DHA division level theater internment facility TIF and strategic internment facility SIF This manual recognizes the role of police intelligence operations in I R operations and enhances the critical importance of military police and military intelligence interaction at all echelons It further highlights the long

standing requirement to treat all individuals humanely according to applicable U S laws and regulations international laws execution orders fragmentary orders FRAGOs and other operationally specific guidelines such as Department of Defense DOD policies Moreover it stipulates that ill treatment of U S military prisoners detainees EPWs CIs and RP and DCs is strictly prohibited regardless of any circumstances or the chaos of major operations FM 3 39 40 aligns with FM 3 0 FM 3 39 FM 7 15 and other Army and joint doctrine to include Joint Publication JP 3 63 This manual is organized into 10 chapters with 14 appendixes to provide additional details on I R topics Chapters 1 through 3 follow the flow of FM 3 39 and describe the military police function of I R operations Chapters 4 through 6 focus primarily on detainee operations to include planning preparing executing and sustaining all I R operations Chapters 7 through 10 focus on the confinement of U S military prisoners rehabilitative programs for U S military prisoners and detainees parole and release or transfer programs and Enemy Combatants, Terrorism, and resettlement operations for DCs Preface Florida Administrative Register, 2006-07 Armed Conflict Law David K. Linnan, 2008-01-30 With a renewed emphasis on national and homeland security the United States is once again seeking to balance the needs of the state with both the rights of its citizens as well as those of other nations This book represents an interdisciplinary approach to the legal dilemmas borne out by the war on terror against the specific background of Afghanistan Iraq and this new kind of conflict It is a strong contribution to a broader debate visible since 9 11 which will remain in the public eye for the foreseeable future It addresses the overlap between religion ethics armed conflict and law within the context of the current conflict While many issues in areas such as intelligence reconciliation of civil liberties dealing with terrorist threats and the permissible bounds of interrogation treatment of prisoners and laws governing armed conflict have long standing precedents under domestic and international law this war has challenged even long standing legal interpretations. The contributors to this volume explore those precedents and contemporary challenges to them Now that traditional wars between nation states are no longer the rule the terrorist threat has gained credence popularly terrorism and its claimed breeding ground in failed states linked in practice to issues of intervention on the territory of states harboring such groups In military circles the idea of armed struggle between modern military forces and what were formerly called guerillas has now largely been replaced by asymmetric warfare and the concept of intelligence and preventive action interchangeably within U S borders and overseas Opposing views contemplate that different and presumably lower legal standards may apply in internal armed conflicts Such legal issues are visible under current circumstances of asymmetric warfare in conjunction with questions about prisoner status and detentions including the permissible bounds of interrogation versus torture following the Abu Ghraib prison scandal in Iraq but also the treatment at the Guantanamo Bay facility of alleged Al Q aeda captives from Afghanistan All of the contributors in this book explore the changing circumstances against which these contentious new legal issues now unfold The experts strike no consensus Indeed one of the work s many strengths can be attributed to the fact that the many facets of the ongoing debate are represented

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