

Information Paper

SUBJECT: SECDEF Detention Criteria

1. Purpose. To clarify the SECDEF's detention criteria for battlefield detention and long-term detention at GTMO.

2. References. CENTCOM Message (091425ZJAN03), Modification 1 to SECDEF Implementing Guidance on Detainee Screening and Processing for Transfers of Detainees in Afghanistan to Guantanamo Bay Naval Base (GTMO)

3. The following is the SECDEF criteria for detention (para. 5 of above reference):

CENTCOM should, as necessary, obtain control over the following Enemy Combatants:

- a. (S) all al Qaeda personnel.
- b. (S) all Taliban leaders (Afghan and non-Afghan).
- c. (S) non-Afghan Taliban personnel (including named individuals as identified by the intelligence community; anyone with special skills or education, such as those known as "professor" or "engineer"; and anyone who speaks a western language).
- d. (S) any others whom screeners think may pose a threat to us interests, may have intelligence value, or may be of law enforcement interest.

4. The definitions applicable to this guidance are:

- a. (S) al Qaeda: Usama bin Laden and his supporters, mostly Arab but including many nationalities, fighting against the US and coalition forces.
- b. (S) Afghan Taliban: Afghan officials and fighters of the former regime.
- c. (S) Taliban leaders: political officials of the former regime, or commanders of battalion equivalent sized units, normally 05/06.
- d. (S) non-Afghan Taliban: foreign fighters for the former regime (other than al Qaeda).
- e. (S) Enemy Combatant (EC): for purposes of this guidance, any person that US or allied forces could properly detain under the laws and customs of war. For purposes of this conflict, an EC includes, but is not limited to, a member or agent of al Qaeda, the Taliban, or another international terrorist organization against which the United States is engaged in armed conflict.

5. This criteria applies to initial detention in the field and for continued long-term detention at GTMO. For those in the field, it is essential to understand that US forces are not authorized to detain "common criminals" that have no connection to combat activity as stated in the criteria.

6. The place of detention (Afghan prison, BCP, or GTMO) of low level ECs ("foot soldiers") who are a threat to US forces, yet have no intelligence value, is a separate and distinct issue currently being assessed at the highest levels. This will be addressed separately in the near future once a decision is made.

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