

ACTION MEMO

I-04/007303-SO

FOR UNDER SECRETARY OF DEFENSE FOR POLICY

FROM: Thomas W. O'Connell, Assistant Secretary of Defense (SO/LIC)

SUBJECT: Coordination on ASD Health Affairs Procedures for Investigation into Deaths of Detainees in the Custody of the Armed Forces of the United States

- The Assistant Secretary of Defense (Health Affairs) requested your coordination on procedures for investigating the deaths of detainees in DoD custody (Tab A).
- The attached guidance will require that the commander of the facility or unit exercising custody over the detainee immediately notify the investigative agency of the appropriate Service component.
- We concur with the proposed guidance. However, in light of recent events, we also recommend that the appropriate investigative authority immediately notify the SecDef via the CJCS, with copy provided to ASD (SO/LIC), of the detainee death and related investigation.

RECOMMENDATION: Sign memo at Tab B to concur with comments.

COORDINATION: None.

Attachments:

As stated.

Prepared by: (b)(6) SO/LIC Detainee Policy Group, (b)(2)

- Additional information on the death at Bagram. Once an official copy of the death certificate is received along with an acknowledgement of no property in storage on this individual, I believe that all will be in order. Although this individual was not formally processed, his capture date was on or about 11 MAR 02. In this instance, it would be administratively reasonable to conclude that the individuals physical condition, routine pre-screening activity, time, etc., would have negated transfer to the STHF in Kandahar for formal processing. (source: NDRC, 13 Mar)
- Amplifying information on detainee tuberculosis casualty: preliminary reports state that the detainee died of TB, pneumonia, and kidney failure. While the chance is minuscule, CFLCC FWD is taking all necessary precautions to safeguard our forces from possible contamination. (CAT TMCHF) 122139z ICRC will be involved with the remains of the deceased detainee. ICRC will coordinate with CFLCC mortuary affairs on the morning of 13 MAR at Bagram to coordinate turnover of remains. (source: CAT CFLCC, 13 Mar)
- As of 1357L / 0927Z DOC (MAJ) (b)(6) provided us with this verbal report via landline to myself with the following information:
 1. ACHMED ((KHAN))
 2. Pronounced dead by: DOC (MAJ) (b)(6)
 3. Time of Death: 1258L / 0828Z
 4. Location of Death: Bagram Detention Facility
 5. Early diagnosis without autopsy by DOC (b)(6) is Sepsis (bacteria in the blood) due to Pneumonia possible TB Pneumonia. Detainee/Patient has a significant medical history of Renal (kidney failure) as well.
 6. DOC is currently engaged in treating some other patients and issues and will do his notification to the Surgeon department as well as the DA FM 2669 R. Once completed I will ensure you are provided with everything you need.
 7. The TF Warrior PMO will initiate an SIR and it will be sent as soon as complete.
 8. Mortuary Affairs, S-1, and the Base Commander have been notified.(Source: CFLCC PMO, 12 Mar)

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MEMORANDUM FOR ASSISTANT SECRETARY OF DEFENSE FOR
HEALTH AFFAIRS

FROM: Douglas J. Feith, Under Secretary of Defense for Policy

SUBJECT: Coordination on Procedures for Investigation into Deaths of Detainees
in the Custody of the Armed Forces of the United States

Thank you for the opportunity to coordinate on the proposed guidance on procedures for the investigation into deaths of detainees under DoD control.

I concur with the proposed guidance subject to the inclusion of a provision to notify the Secretary of Defense via the Joint Staff, with a copy provided to the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, that a death has occurred and that an investigation has been initiated.

Attachment:
None.

Prepared by: (b)(6) SO/LIC Detainee Policy Group, (b)(2)

SJS 04-04042

16 June 2004

DISTRIBUTION J-4, J-3, J-
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SECRETARY, JOINT STAFF DIRECTIVE

on

PROCEDURES FOR INVESTIGATION INTO THE DEATHS OF DETAINEES IN
THE CUSTODY OF ARMED FORCES OF THE UNITED STATES

The attached correspondence is circulated for information.

Joint Secretariat

CHAIRMAN'S ACTION ASSIGNMENT

Reviewed by *BY* Date *6/10/04*

Assigned Action to								
SJS/CPCB			SJS/ACB			Protocol		
LA			<u>LC</u>			Speechwriter		
Aides			JHO			NG/RA		
PA			Other <u>VDJS</u>					
Action								
J	1	2	3	<u>4</u>	5	6	7	8
CJCS Reply			<u>See CJCS Note</u>			Info Only		
Scan & File/Note & File			Direct Reply			Appropriate Action		
Condolence			BSA/GSA			Translation		
Recommendations:								
Forward to:						Purple note:		
Amplifying Information								
Personal friend/salutation is:						<i>Ensure CCs know their responsibilities</i>		

Received JUN 10
 Deputy EA *MA* EA *TA*
 CJCS Decision **CJCS HAS SEEN**
 Prepare for my Signature JUN 14 2004
 Prepare for SOMing
 Let Staff Reply
 Send to Staff for Info
 No Reply Required
 Copy to: LC, J-4, VDJS

Ensure CCs know their responsibilities

bio	CJCS Book
CJCS Functions Sheet	
CONTROL #	