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DEPARTMENT OF DEFENSE
CRIMINAL INVESTIGATION TASK FORCE
6010 6TH STREET
FORT BELVOIR, VIRGINIA 22060

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(1 of 4)

REPLY TO
ATTENTION OF

CITF-CDR

3 October 2003

MEMORANDUM FOR ALL PERSONNEL ASSIGNED TO THE DOD CRIMINAL INVESTIGATION TASK FORCE

Subject: Interrogation Procedures Guidance (S) (U)

1. (U)(S) References:

- a. (U) Presidential Order Concerning Detention, Treatment and Trial of Certain Non-Citizens in the War Against Terrorism, 13 Nov 01.
- b. SECDEF Memo, 16 Apr 03, Counter-Resistance Techniques in the War on Terrorism (S). (U)

2. (U) The purpose of this memorandum is to reiterate my previous guidance to Criminal Investigation Task Force (CITF) personnel, related to the conduct of interrogations of detainees or persons under custody. For the purpose of this memorandum all references to detainees will also apply to persons under custody.

3. (U)(S) The President's order of 13 Nov 01 sets forth certain policy guidelines regarding the treatment of persons detained by DoD who are subject to the order. Specifically, the order states that detainees will be treated humanely, without any adverse distinction based on race, color, religion, gender, birth, wealth, or similar criteria. The general guidelines provided are consistent with the criminal investigator's objectives in eliciting information from the detained persons during interrogation and the Secretary of Defense Guidance, dated 16 April 2003, concerning Counter-Resistance Techniques in the War on Terrorism (S). (U)

4. (U)(S) Interrogation:

a. (U)(S) Detainees will be treated humanely. Physical torture, corporal punishment and mental torture are not acceptable interrogation tactics and are not allowed under any circumstances. Basic human needs, such as food and water, will not be withheld as a means to obtain information. CITF will not arbitrarily limit the duration of the interrogation as a matter of policy. The interrogator may discontinue interrogation when he deems that continued efforts would be unproductive.

DRV-FM: SECDEF MEMO X01310

Dated: April 16, 2003
DECL ON: 2 April 2013

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b. (U) CITF personnel will not participate in any interrogation that violates this policy. When CITF personnel are conducting a joint interrogation with another U.S. government organization, and a member of that other organization employs tactics that are, or appear to the investigator to be, inhumane or cruel and unusual, the CITF personnel will immediately disengage from the interrogation, report the incident to their CITF chain of command, and document the incident in a memorandum for record to the CITF Resident Agent in Charge (RAC), who will then forward a memorandum for record to the CITF Deputy Special Agent in Charge (DSAC).

(U) c. (S)(NF) The use of isolation facilities will not be employed as an interrogation tactic; however, on a case-by-case basis it can be used as an incentive. The use of isolation as an incentive must be approved by the DSAC, and will only be used with the consent of the detainee.

(U) d. (S)(NF) The use of deception or ruse may be employed as an interrogation tactic. Examples of deception tactics include but are not limited to the use of false intelligence, false information attributed to other detainees, false identification of physical or forensic evidence and false representations as to the identity of the interrogator. The Interrogator may not employ a deception or ruse in any manner that would constitute inhumane treatment of the detainee.

e. (U) All interrogations will be documented on a CITF Form 40 that will include the ISN of the detainee, time and date of the interrogation, duration of the interrogation and either the identities or organizations of all persons present for the interrogation. All CITF personnel participating in the interrogation must be documented appropriately in the case file, either in the investigative notes or on the Form 40.

f. (U) Photographs and or video recordings of interrogations are not required as a matter of policy; however, they may be generated at the discretion of the agent conducting the interview with the concurrence of the RAC. CITF personnel may consider videotaping the final interview with detainees who are to be released/transferred and will strongly consider videotaping a final interview of any detainee who is being transferred who has possible value as a witness. Exceptions to this policy must be approved by CITF-HQ at the Commander (CDR) or Deputy Commander (DCO) level. The DCO is also the Senior Agent in Charge (SAC).

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5. (U) CITF agents will not participate in the use of any non-law enforcement (LE) interrogation techniques for which they are not trained, or any techniques they feel are questionable, as defined by law, regulation, and as interpreted by the CDR and SAC. All CITF agents have the authority to withdraw from any environment or action that they believe is inappropriate. CITF agents must report any such action to their RAC immediately, and the RAC will provide a MFR on the incident to the DSAC.
6. (U) CITF agents will not observe interviews by other agencies where it is known that non-LE techniques will be used. Only the CITF CDR or DCO may grant exceptions to this policy.
7. (U) CITF agents or analysts will request and obtain transcripts, reports, and after-action reviews of any and all interviews conducted by other agencies and entities to determine the law enforcement value of the information and the effectiveness of the interrogation strategies employed. All interrogations of detainees will be documented in the CITF case file.
8. (U) The CITF-G RAC, Operations Officer, or CITF-G Legal Advisor will coordinate with Joint Task Force (JTF) GTMO and will represent CITF in all discussions of interrogation strategies and approaches. CITF-G will notify CITF-HQ of issues raised during these discussions that have the potential to impact the CITF mission. If the CITF-G representative disagrees with an approach being considered by the JTF, the CITF-G representative should inform the JTF of the objection in a professional manner and continue participating in the discussion. The obligation of the CITF-G representative at any discussion/meeting is two-fold: to raise a professional objection as necessary, and to report the issue to the CDR or DCO/SAC through the DSAC.
9. (U) In Iraq and Afghanistan, similarly, the RAC, Operations Officer, or Legal Advisor will represent CITF in discussions with other organizations' representatives related to interrogation strategies and approaches. The discussions and reporting requirements will follow the same parameters outlined above.

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10. (U) The POC for this memorandum is LTC [REDACTED], Chief Legal Advisor,

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Brittain P. Mallow

BRITTAIN P. MALLOW
COL, MP
Commanding

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