

Mr Army G3/AOC

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From: [REDACTED] MAJ PMG (b)(6)-2
Sent: Friday, May 14, 2004 7:16 AM
To: [REDACTED] Mr PMG (b)(6)-2
Subject: FW: Info paper and talking points Executive Agent

Attachments: Info paper on executive agency.doc; talking points Executive agent.doc

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add these to the books

MAJ [REDACTED] (b)(6)-2
HQDA, OPMG (DAPM-ZC)
Strategic Planner/Integration
Pentagon RM [REDACTED]

Comm: [REDACTED] DSN [REDACTED] (b)(6)-2
Email to: [REDACTED]@HQDA.Army.mil (b)(6)-2

-----Original Message-----

From: [REDACTED] COL PMG (b)(6)-2
Sent: Tuesday, May 11, 2004 5:58 PM
To: [REDACTED] MAJ PMG (b)(6)-2
Subject: FW: Info paper and talking points Executive Agent

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COL, MP
XO
Office of the Provost Marshal General

DSN [REDACTED] (b)(6)-2
FAX: [REDACTED]
Pentagon Room [REDACTED]
[REDACTED]@us.army.mil (b)(6)-2

-----Original Message-----

From: [REDACTED] COL Army G3/AOC (b)(6)-2
Sent: Monday, May 03, 2004 7:57 PM
To: [REDACTED] LTC DAS (b)(6)-2
Cc: [REDACTED] LTC VDAS; Ryder, Donald J. MG; [REDACTED] COL PMG; [REDACTED] CPT PMG (b)(6)-2
Subject: Info paper and talking points Executive Agent

Classification: UNCLASSIFIED
Caveats: FOUO



Info paper on
executive agency...



talking points
Executive agent...

The other pieces will be to you shortly.

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COL MP
Branch Chief, National Detainee Reporting Center
Office of the Provost Marshal General

DSN: [REDACTED] 2 (b)(6)-2
[REDACTED]@hqda-aoc.army.pentagon.mil <mailto:[REDACTED]@hqda-aoc.army.pentagon.mil>> (b)(6)-2

"Development of a culture of innovation will not be advanced by panels, studies or this paper. Cultural change begins with behavior and the leaders who shape it." Gen Peter J. Schoomaker, Chief of Staff, Army

Classification: UNCLASSIFIED
Caveats: FOUO

INFORMATION PAPER

DAPM-MPD-ND
03 MAY 2004

SUBJECT: Army Executive Agency for Detainee Operations

1. Purpose: The Purpose of the information paper is to provide background on the Army as Executive Agent (EA) for detainee operations.

2. Facts:

a. DoD Directive 2310.1, DoD Program for Enemy Prisoner of War (EPOW) and Other Detainees designates the Secretary of the Army as the Executive Agent for DoD for the administration of the DoD EPOW Detainee Program in paragraph 1.2 of the directive. Paragraph 3.4 specifically states that persons captured or detained by the U.S. Military Services shall normally be handed over for safeguarding to the U.S. Army Military Police...as soon as practical. The Secretary's responsibilities includes:

- 1) Administration of the DoD EPOW Detainee Program.
- 2) Develop and provide policy and planning guidance for the treatment, care, accountability, legal status, and administrative procedures.
- 3) Provide for transfer of persons captured or detained by the U.S. Military Services.
- 4) Plan for and operate a U.S. EPOW and CI Information Center and its branches both in theater and at the national -level.
- 5) Provide, in coordination with the ASD(ISA) (currently being performed by OSD SO/LIC) appropriate reports.
- 6) Designate a single point of contact to provide necessary advice and technical assistance to the ASD(ISA), the Military Departments, and the Chairman of the Joint Chiefs of Staff.
- 7) Ensure that the Judge Advocate General of the Army, and the Army General Counsel provides legal guidance, to include review of plans and policies developed in connection with the program, and coordination of special legislative proposals and other legal matters with other Federal Departments, Agencies, or Components.

b. AR 190-8, Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees, the Army Regulation that governs Detainee Operations. The regulation further designates DCSOPS as having primary staff responsibility the following areas:

1) Develop and disseminate policy guidance for the treatment, care, accountability, legal status, and processing of EPW, CI, RP, and ODs.

2) Report suspected or alleged violations of law committed by or against military personnel or civilians.

3) Provide HQDA staff supervision for National Prisoner of War Information Center (NPWIC now designated the NDRC).

4) Develop plans for the initial assignment and replacement of block internment serial numbers (ISNs) from the NPWIC to the Branch PWIC and for the assignment of the theater code section of the ISN.

5) Provide necessary reports, coordination, technical advice, and staff assistance as required.

c. Primary staff responsibility for detainee operations was reassigned to the Office of the Provost Marshal General upon its activation in October 2003.

Prepared by: COL [REDACTED]

Approved by:

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Army as Executive Agent for Detainee Operations Talking Points

3 May 04

Situation

- In preparation for the VCSA press release on 4 May 2004 at 1330 hours on the status of the Army's detainee operations this paper provides talking points on the Army as the Executive Agent for Detainee Operations.

Background

- DoD Directive 2310.1, DoD Program for Enemy Prisoner of War (EPOW) and Other Detainees designates the Secretary of the Army as the Executive Agent for DoD for the administration of the DoD EPOW Detainee Program in paragraph 1.2 of the directive. Paragraph 3.4 specifically states that persons captured or detained by the U.S. Military Services shall normally be handed over for safeguarding to the U.S. Army Military Police...as soon as practical. The Secretary's responsibilities are outlined in paragraph 4.2 and subparagraphs 4.2.1 —4.2.7 as shown below.

- 4.2. The Secretary of the Army, as the DoD Executive Agent for the administration of the DoD EPOW Detainee Program, shall act on behalf of the Department of Defense in the administration of the DoD EPOW Detainee Program to:

4.2.1. Develop and provide policy and planning guidance for the treatment, care, accountability, legal status, and administrative procedures to be followed about personnel captured or detained by, or transferred from the care, custody, and control of, the U.S. Military Services.

4.2.2. Provide for an EPOW and CI camp liaison and assistance program on transfer of persons captured or detained by the U.S. Military Services.

4.2.3. Plan for and operate a U.S. EPOW and CI Information Center and its branches.

4.2.4. Under the Geneva Conventions Relative to the Treatment of Prisoners of War and for the Protection of Civilian Persons in Time of War (references (d) and (e)), on the outbreak of an armed conflict, or when persons are captured or detained by the U.S. Military Services in the course of the full range of military operations, ensure that a national-level information center exists that can fully serve to account for all persons who pass through the care, custody, and control of the U.S. Military Services.

4.2.5. Provide, in coordination with the ASD(ISA), appropriate reports to the OSD, the Chairman of the Joint Chiefs of Staff, and information or reports to other U.S. Government Agencies or Components,

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to include the Congress of the United States, or to the International Committee of the Red Cross.

4.2.6. Designate a single point of contact to provide necessary advice and technical assistance to the ASD(ISA), the Military Departments, and the Chairman of the Joint Chiefs of Staff.

4.2.7. Ensure that the Judge Advocate General of the Army, in coordination *DODD 2310.1, August 18, 1994* with the Army General Counsel and the General Counsel of the Department of Defense, provides legal guidance within the Department of Defense about the DoD EPOW Detainee Program, to include review of plans and policies developed in connection with the program, and coordination of special legislative proposals and other legal matters with other Federal Departments, Agencies, or Components.

- Further, AR 190-8, Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees, the Army regulation that governs Detainee Operations confirms this designation in paragraph 1-4 sub b. and c. Sub paragraph c. further designates DCSOPS as having primary staff responsibility for these programs included in the 5 sub-paragraphs below.

1-4. Responsibilities

b. The Secretary of the Army (SA). The Secretary of the Army is the DOD Executive Agent (EA) for administering the DOD EPW, CI and RP Program. The SA, in coordination with the Assistant Secretary of Defense, International Security Affairs (ASD-ISA), will plan and develop the policy and coordinate the operation of the programs.

c. The Army Deputy Chief of Staff for Operations and Plans (DCSOPS). DCSOPS has primary Headquarters, Department of the Army (HQDA) staff responsibility for the EPW, CI and RP programs. The DCSOPS will-

(1) Develop and disseminate policy guidance for the treatment, care, accountability, legal status, and processing of EPW, CI, RP, and ODs.

(2) Report suspected or alleged violations of law committed by or against military personnel or civilians.

(3) Provide HQDA staff supervision for National Prisoner of War Information Center (NPWIC).

(4) Develop plans for the initial assignment and replacement of block internment serial numbers (ISNs) from the NPWIC to the Branch PWIC and for the assignment of the theater code section of the ISN.

(5) Provide necessary reports, coordination, technical advice, and staff assistance to:

(a) The Office of the Secretary of Defense (OSD).

(b) The Joint Chiefs of Staff (JCS).

(c) The military departments.

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- (d) Unified commands.
- (e) Department of State and other Federal agencies.
- (f) The International Committee of the Red Cross (ICRC).
- (g) Protecting powers.

Key Messages

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

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Possible questions and Proposed Responses

Q1: [REDACTED]

A1: [REDACTED]

Q2: [REDACTED]

A2: [REDACTED]

Q3: [REDACTED]

A3: [REDACTED]

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