



COMBINED FORCES COMMAND - AFGHANISTAN
KABUL, AFGHANISTAN
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Full Release

CFC-A

15 May 2004

**GENERAL ORDER NUMBER 2 (COE) DETAINEE PROCEDURES IN COMBINED
FORCES COMMAND AFGHANISTAN (CFC-A)**

STATEMENT OF MILITARY PURPOSE AND NECESSITY: The citizens of Afghanistan remain CFC-A's center of gravity. CFC-A personnel have a responsibility to treat all Afghani citizens with utmost respect and courtesy. This moral and legal obligation as a member of the United States and Coalition armed forces is necessary to ensure the partnership of the Afghani people in CFC-A's counterinsurgency campaign. The requirements set forth in paragraphs 2 and 3 are essential to preserving U.S. / Host Nation (HN) relations, combined operations between U.S. and friendly forces, and to maintain good order and discipline and protect human rights within the CFC-A AOR. This General Order Number 2 underscores conduct which is prejudicial to the maintenance of good order and discipline of CFC-A forces and ensures the appropriate level of policy uniformity throughout the CFC-A AOR.

AUTHORITY: Title 10, United States Code, Section 164 (c) and the Uniform Code of Military Justice (UCMJ); Title 10 United States Code, Sections 801-940.

1. APPLICABILITY: This General Order Number 2 is applicable to all United States (U.S.) military personnel; all U.S. civilians serving with, employed by, or accompanying the Armed Forces of the United States; and all Coalition Forces while present anywhere in the CFC-A AOR. All alternative or less restrictive guidance with regard to detainee and PUC handling in Combined Joint Operating Area-Afghanistan are hereby revoked. JSOTF forces and all forces operating under CFC-A command in CJOA-A will fully comply with the letter and intent of this policy. All CFC-A military and civilian personnel will be briefed on this order NLT 1 Jun 04. This order supplements USCENTCOM General Order Number 1A and CFC-A General Order Number 1. This General Order Number 2 reflects the fact that the Afghan people remain the center of gravity of our operations, and that we remain guests in their country as we conduct a counter-insurgency campaign in partnership with them.

2. GENERAL REQUIREMENTS:

a. All detainees collected as a result of Coalition operations in Combined Joint Operations Area-Afghanistan (CJOA-A) will be treated with dignity and respect. Any potential intelligence value from detainees will remain subordinate and secondary to treating all detainees with dignity and respect.

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b. All detainees will be considered as potential supporters of the Afghan Transitional Authority (ATA) and the Coalition until substantial evidence is clearly established otherwise. Treatment of detainees will reflect this characterization at all times.

3. REQUIREMENTS / PROHIBITED ACTIVITIES: The specific requirements and prohibited activities listed in this document supplement and are in addition to those activities specifically proscribed by USCENTCOM General Order 1A and CFC-A General Order 1.

a. Detainees will not be held at remote detainment sites for processing beyond 96 hours from time of detainment. Exceptions to this rule require COMJTF 78 approval at the Major General level, and is non-delegable. Under no circumstances will detainees be held outside the Bagram Collection Point (BCP) cumulatively beyond one week (168 hours). Detainees who exceed this time limit will be unconditionally released, unless COMCFC-A personally determines otherwise.

b. Intelligence questioning of detainees will be conducted strictly IAW the Geneva Conventions. Physical abuse of any type, any form of intentional humiliation, verbal abuse, or deprivation of sleep, food or water are explicitly forbidden. Intelligence value remains secondary to treating all detainees humanely with a view to their ultimate release and reconciliation as a part of Afghanistan's future.

c. Detainees will not be completely stripped of their clothing at any time, with particular consideration given to Muslim sensitivities with regard to covering of private parts. Private parts will always remain covered for all detainees. Security wand type devices will be used to insure detainees are not concealing weapons or other dangerous items in areas that remain covered. Body cavity searches will not be performed unless security wand evidence indicates the presence of concealed items.

d. Restraints on detainees will be the minimum required by the tactical situation and threat. Hoods will not be used. Blindfolds consisting of bandages, goggles or like items are permissible for limited periods of time to maintain operational security. Blindfolds will never be used to disorient detainees or deny light over extended periods. Flexcuffs will be used for limited periods only when detainees are judged a threat to Coalition forces.

e. Photography will only be allowed to record the identity of detainees while fully clothed. Detainees who become Persons Under Control (PUCs) may be photographed over their exposed body less private parts to establish a record of scars, pre-existing injuries, identifying marks, etc. At no time will the dignity of the individual be compromised.

f. Any required medical examination of a detainee will be accomplished at the BCP only. Exceptions will only be made in the event of obvious injury requiring immediate medical aid. Medical attention will never be denied, but medical exams

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beyond immediate treatment needs of the detainee will be restricted to the BCP only.

g. Detainees undergoing medical exams at the BCP will be fully informed of the purpose and nature of the exam in a language they understand. All medical procedures will be fully explained prior to initiation.

h. Interrogations will be conducted by trained and certified military intelligence personnel only. Additional CJOA-A-wide certification training of all in-country military intelligence interrogators will be completed under CJTF-76 control NLT 15 Jun 04 with update reports to CFC-A when accomplished. The concept of using other elements (e.g. military police, guards) to "soften up" detainees prior to interrogation is absolutely prohibited. No interrogation techniques will take precedence over treating all detainees with dignity and respect.

i. All individuals participating in questioning detainees are prohibited from concealing their identities from the detainees being questioned, to include by wearing masks, causing the detainee to be blindfolded or in the dark during interrogations, or by concealing themselves in any other way.

j. Interpreters interacting with detainees will be trained and counseled on their duties to set a proper tone of professionalism, dignity and respect during all interactions with detainees. Laughter, taunting, seeking detainee embarrassment or humiliation as a form of leverage is absolutely prohibited. Coalition soldiers and leaders will be held accountable for the demeanor and performance to standards of their interpreters. Frequent cross-checks of interpreter translation are required.

k. Photography of detainees, holding facilities, interrogations, and the BCP are expressly forbidden except as noted above for identity and documentation purposes. Personal possession of cameras or photography equipment of any type is prohibited on the grounds of any detainee holding or transfer facility. Detainees will not be photographed by service members or civilians during the course of any military operations at any time.

4. PUNITIVE ORDER: Paragraph 3 of this General Order Number 2 is punitive. Persons subject to the UCMJ may be punished thereunder. Civilians serving with, employed by, or accompanying the Armed Forces of the United States in the CFC-A AOR may face criminal prosecution or adverse administrative action for violation of this General Order.

5. INDIVIDUAL DUTY: All persons, military and civilian, subject to this General Order Number 2 are charged with the individual duty to become familiar with and respect the laws, regulations, and customs of Afghanistan insofar as they do not interfere with the execution of their official duties. Acts of disrespect or violations of Afghan law, regulation or customs may be punished under applicable criminal statutes and administrative regulations.

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6. UNIT COMMANDER RESPONSIBILITY: Commanders, Security Assistance Office Chiefs, and military/civilian supervisors are charged with ensuring that all personnel are briefed on the prohibitions and requirements of this General Order Number 2. Commanders and supervisors are expected to enforce both the letter and the spirit of this General Order.

7. EFFECTIVE DATE / EXPIRATION: This General Order is effective immediately and will expire only when rescinded by Commander, Combined Forces Command – Afghanistan or higher authority.

DAVID W. BARNO
Lieutenant General, USA
Commanding