

PRECEDENCE: Routine

DTG: 111124Z JAN 02

FROM: SECDEF WASHINGTON DC//OASD-PA//

CLASSIFICATION: **Unclassified**

UNCLAS

SUBJECT: SUPPLEMENTAL PUBLIC AFFAIRS GUIDANCE (PAG) ON  
DETAINEES.

REFERENCES: A. SECDEF MESSAGE 072300Z JAN 02, PUBLIC AFFAIRS  
GUIDANCE (PAG) FOR NEWS MEDIA COVERAGE OF DETAINEE OPERATIONS IN  
NAVAL BASE GUANTANAMO BAY, CUBA IN SUPPORT OF OPERATION ENDURING  
FREEDOM (OEF). B. SECDEF MESSAGE 072020 DEC 01, CONSOLIDATED  
PUBLIC AFFAIRS GUIDANCE (PAG) FOR NEWS MEDIA COVERAGE OF  
OPERATION ENDURING FREEDOM.

1. PURPOSE: TO CLARIFY AND SUPERCEDE PAG ON COVERAGE OF  
DETAINEES AND DETAINEE FACILITIES.
2. EXTERNAL NEWS MEDIA COVERAGE OF DETAINEES:
  - 2.A. GROUP OR WIDE AREA PHOTO/VIDEO COVERAGE OF DETAINEES IN  
AND ABOUT DETAINEE FACILITIES MAY BE PERMITTED BY THE CAMP  
COMMANDER, SUBJECT TO SECURITY REQUIREMENTS AND THE FOLLOWING  
RESTRICTIONS. INSERT THESE RESTRICTIONS IN NEWS MEDIA GROUND  
RULES.
    - 2.A.1. NEWS MEDIA COVERAGE, INCLUDING PHOTO/VIDEO COVERAGE,  
WILL NOT IDENTIFY INDIVIDUAL DETAINEES, BY NAME(S) OR BY IMAGE  
(I.E., CLOSE-UP IMAGES OF INDIVIDUAL FACE(S) THAT WOULD ALLOW  
INDIVIDUALS TO BE IDENTIFIED WILL NOT BE PERMITTED.)
    - 2.A.2. COVERAGE MAY SHOW GROUPS OF DETAINEES, BUT ONLY IN  
COMPLIANCE WITH THE RESTRICTION IN PARA. 2.A.1.
    - 2.A.3. COVERAGE OF DETAINEES IN TRANSIT IS NOT PERMITTED,  
INCLUDING GROUND AND AIR MOVEMENT BETWEEN DETENTION FACILITIES,  
OR MOVEMENT BETWEEN DETENTION FACILITIES AND TRANSPORTATION  
(BUSES, FERRIES, PLANES, ETC.).
  - 2.B. COVERAGE OF DETAINEE INTERROGATIONS OR INTERVIEWS IS NOT  
PERMITTED. NEWS MEDIA INTERVIEWS WITH DETAINEES ARE NOT  
PERMITTED.
  - 2.C. INTERVIEWS WITH SENIOR COMMANDERS, SUPPORT STAFF, AND  
DETENTION CAMP PERSONNEL ARE PERMITTED, CONSISTENT WITH THE  
GUIDANCE IN PARA. 6. OF REF A.
3. INTERNAL NEWS, COMBAT CAMERA COVERAGE: INTERNAL NEWS  
COVERAGE OF DETAINEE ACTIVITIES IS PERMITTED, SUBJECT TO THE  
RESTRICTIONS IN PARAS. 2.A. THROUGH 2.C. OF THIS PAG. PARAS.  
2.A. THROUGH 2.C. OF THIS PAG DO NOT APPLY TO COMBAT CAMERA.

ANY COMBAT CAMERA OR INTERNAL NEWS IMAGERY, OR INTERNAL NEWS STORIES, MUST BE CLEARED THROUGH OASD-PA TO ENSURE COMPLIANCE WITH PARAS 2.A. THROUGH 2.C. BEFORE PUBLIC RELEASE.

4. ACCESS BY NON-GOVERNMENTAL ORGANIZATIONS: CONSISTENT WITH THE THIRD GENEVA CONVENTION OF 1949 AND WHEN CIRCUMSTANCES PERMIT, INTERNATIONAL COMMITTEE OF THE RED CROSS/RED CRESCENT PERSONNEL WILL BE PERMITTED TO VISIT AND OBSERVE DETAINEES. ONLY ICRC PERSONNEL WILL BE PERMITTED TO VISIT/OBSERVE DETAINEES.

5. CHANGES TO PREVIOUS PAG:

5.A. PARAGRAPH 5.E. OF REF. A IS DELETED IN ITS ENTIRETY AND SUPERCEDED BY THIS PAG.

5.B. PARAGRAPH 8, 8.A., 8.C. AND 8.D. OF REF. A IS DELETED AND SUPERCEDED BY PARA. 3 OF THIS PAG. NEWS AND IMAGERY OF SPECIAL OPERATIONS FORCES WILL BE COORDINATED BY THE REGIONAL CINC'S PA OFFICE THROUGH US SPECIAL OPERATIONS COMMAND BEFORE FORWARDING TO OASD-PA FOR RELEASE APPROVAL.

5.C. QUESTION-AND-ANSWER 8 OF REF. A. IS DELETED AND SUPERCEDED BY THE FOLLOWING:

Q8. WILL THE DETAINEES HAVE ACCESS TO NON-GOVERNMENTAL ORGANIZATIONS?

A8. CONSISTENT WITH THE GENEVA CONVENTIONS AND WHEN CIRCUMSTANCES PERMIT, INTERNATIONAL COMMITTEE OF THE RED CROSS/RED CRESCENT PERSONNEL WILL BE PERMITTED TO VISIT AND OBSERVE DETAINEES. ONLY ICRC PERSONNEL WILL BE PERMITTED TO VISIT/OBSERVE DETAINEES.

6. THE FOLLOWING ADDITIONAL BACKGROUND INFORMATION IS PROVIDED FOR USE AS APPROPRIATE:

6.A. BASED ON THE DEPARTMENT'S EXISTING GUIDANCE, DETAINEES AT GUANTANAMO WILL BE TREATED AS THEY WERE TREATED UPON COMING UNDER U.S. CONTROL IN AFGHANISTAN: HUMANELY AND CONSISTENT WITH THE PROTECTIONS PROVIDED UNDER THE THIRD GENEVA CONVENTION OF 1949. WITHIN THIS GUIDANCE, THE SPECIFIC CONDITIONS OF DETENTION AT GUANTANAMO MAY BE AFFECTED BY SECURITY NEEDS AND THE TEMPORARY NATURE OF THE AVAILABLE FACILITIES AT GUANTANAMO.

6.B. EVEN THOUGH DETAINEES AT GUANTANAMO HAVE BEEN REMOVED FROM THE THEATER OF OPERATIONS, THEY ARE ENEMY PERSONS CAPTURED DURING THE ONGOING COALITION CONFLICT AGAINST TERRORISM.

6.C. NO PUBLIC ACCESS TO THE DETAINEES WILL BE ALLOWED. THIS IS CONSISTENT WITH LONGSTANDING U.S. PRACTICE, INCLUDING OPERATION DESERT STORM, AND CONSISTENT WITH THE GENEVA CONVENTIONS, WHICH PROHIBIT DETAINED PERSONS FROM BEING SUBJECTED TO PUBLIC CURIOSITY OR HUMILIATING TREATMENT.

6.D. THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) HAS HAD ACCESS TO DETAINEES WHILE THEY WERE IN THE CENTRAL COMMAND AREA OF OPERATIONS. THIS, TOO, IS CONSISTENT WITH THE GENEVA CONVENTION PROVISIONS. AT GUANTANAMO, WHEN CIRCUMSTANCES

PERMIT, ICRC REPRESENTATIVES WILL BE PERMITTED TO VISIT THE DETAINEES.

6.E. NONGOVERNMENTAL ORGANIZATIONS (NGOS) WILL NOT HAVE ACCESS TO DETAINEES. THIS, TOO, IS CONSISTENT WITH THE GENEVA CONVENTIONS, WHICH RECOGNIZE THE SPECIAL ROLE OF THE ICRC FOR PURPOSES OF ENSURING HUMANE TREATMENT AND MONITORING CONDITIONS OF DETAINEES.

6.F. DETAINED PERSONS HAVE BEEN AND WILL CONTINUE TO BE TREATED HUMANELY. HUMANE TREATMENT MEANS, AMONG OTHER THINGS, THAT THEY WILL BE GIVEN ADEQUATE FOOD, WATER, SHELTER, CLOTHING AND MEDICAL TREATMENT. WITHIN THIS GUIDANCE, THE SPECIFIC CONDITIONS OF DETENTION AT GUANTANAMO MAY BE AFFECTED BY SECURITY NEEDS AND THE TEMPORARY NATURE OF THE AVAILABLE FACILITIES AT GUANTANAMO.

6.G. THE POLICY ON LIMITING PHOTOGRAPHY IS IN ACCORD WITH TREATING DETAINEES CONSISTENT WITH THE PROTECTIONS PROVIDED UNDER THE THIRD GENEVA CONVENTION. THIS IS NOT A CHANGE IN POLICY. IT IS IN CONFORMITY WITH LONG-STANDING U.S. PROCEDURES AND PRACTICE.

6.H. THE POLICY OF LIMITING THE RELEASE FOR PUBLICATION OF PHOTOGRAPHY OF DETAINEES IS CONSISTENT WITH ARTICLE 13 OF THE THIRD GENEVA CONVENTION OF 1949. THAT ARTICLE STATES: '[P]RISONERS OF WAR MUST AT ALL TIMES BE PROTECTED, PARTICULARLY AGAINST ACTS OF VIOLENCE OR INTIMIDATION AND AGAINST INSULTS AND PUBLIC CURIOSITY.' WHILE THIS RULE DOES NOT EXPLICITLY FORBID THE TAKING OF PICTURES AND PUBLICATION OF PHOTOGRAPHS OF SUCH INDIVIDUALS, THE UNITED STATES GOVERNMENT HAS INTERPRETED IT TO MEAN THAT TAKING PICTURES OF INDIVIDUAL PRISONERS OF WAR OR DETAINEES AND PUBLISHING THEM IN NEWSPAPERS OR JOURNALS WOULD BE HOLDING THEM UP TO PUBLIC CURIOSITY AND IS THEREFORE FORBIDDEN.

6.I. THE UNITED STATES HAS HISTORICALLY FORBIDDEN THE RELEASE OF PHOTOGRAPHS OF INDIVIDUAL PRISONERS OF WAR, AND HAS OBJECTED WHEN HOSTILE POWERS HAVE PUBLISHED PHOTOGRAPHS OF, OR HELD PRESS BRIEFINGS SHOWING DETAINED U.S. MILITARY PERSONNEL.

6.J. AS WE PROCEED, WE WILL REVIEW APPLICABLE POLICIES, INCLUDING THIS ONE, AS APPROPRIATE.

7. OASD (PA) CONTACT IS THE DOD PRESS OFFICE, DSN 227-5131, COMM 703-796-5131, E-MAIL NEWSDESK@OSD.MIL.