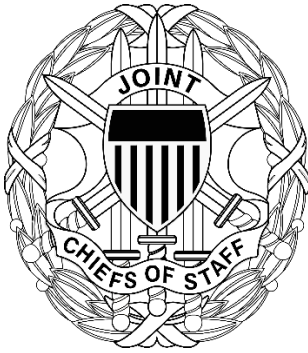


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CHAIRMAN OF THE JOINT CHIEFS OF STAFF INSTRUCTION



J-3

DISTRIBUTION: A, B, C, S

CJCSI 3290.01F

15 April 2025

PROGRAM FOR DETAINEE OPERATIONS

References:

See Enclosure A

1. Purpose. This instruction designates a Joint Staff office of primary responsibility (OPR) and assigns Joint Staff, Service, and Combatant Command responsibilities for implementing the Department of Defense (DoD) Detainee Program.

2. Superseded/Cancellation

a. Chairman of the Joint Chiefs of Staff (CJCS) Instruction 3290.01E, "Program for Detainee Operations," 30 December 2022, is hereby superseded.

b. Special Note: Joint Publication (JP) 3-63 "Detainee Operations," was canceled within Joint Doctrine process channels in June 2022. Relevant portions are captured in JP 3-31, "Joint Land Operations," and applicable U.S. Army doctrine.

3. Applicability. This instruction applies to military, civilian, and contractor personnel within the DoD, Joint Staff, Combatant Commands (CCMDs), Services, National Guard Bureau, and subordinate agencies, organizations, and units thereof.

4. Policy

a. Pursuant to reference (e), it is DoD policy that all:

(1) Detainees shall be treated humanely in accordance with (IAW) U.S. law, the law of war, and applicable U.S. policy.

(2) Persons subject to reference (d) will receive instruction and complete training commensurate with their duties in the laws, regulations, policies, and

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other issuances applicable to detainee operations prior to conducting, participating in, or supporting detainee operations and annually thereafter.

(3) Persons subject to reference (d) shall report possible, suspected, or alleged violations, for which there is credible information, of the law of war and/or detention operations laws, regulations, or policy.

b. As designated in reference (d), the Secretary of the Army (SecArmy) is the DoD Executive Agent for the administration of the DoD Detainee Program. In coordination with the Under Secretary of Defense for Policy (USD(P)), SecArmy develops and promulgates guidance, regulations, and instructions necessary for the DoD-wide implementation of the DoD Detainee Program. Guidance provided under the authority of the SecArmy is found in reference (j).

5. Responsibilities

a. The Joint Staff Director for Manpower and Personnel, J-1 will monitor all joint manning requirements necessary for the conduct of detainee operations.

b. The Joint Staff Director for Intelligence, J-2 will serve as the senior intelligence advisor to the CJCS on all matters related to intelligence interrogations that take place during detainee operations. Additionally, the J-2 will:

(1) Coordinate with the Defense Intelligence Agency and other DoD intelligence components, as appropriate, to provide intelligence staff support IAW Joint Staff policy and procedures.

(2) Advise on intelligence issues related to detainee assessments, transfers, and movement orders.

(3) Advise the Joint Staff Directorate for Operations, J-3 on Under Secretary of Defense for Intelligence and Security intelligence interrogation, detainee debriefings, and tactical questioning policy changes that may affect detention operations.

(4) Ensure Combatant Commanders' policies and procedures for intelligence interrogations, debriefings, and tactical questioning of detainees are consistent with relevant law and policy as listed in Enclosure A and as otherwise supplemented.

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c. The Joint Staff Director for Operations, J-3 is the Joint Staff OPR for matters pertaining to implementation of the DoD Detainee Program. The J-3 Detainee Affairs Division, under the Deputy Director for Special Operations and Counterterrorism, J-37, is the J-3 element responsible for developing policy recommendations and coordinating joint detainee operations policy. Additionally, the J-3 will:

(1) Initiate and coordinate detainee movement operations pursuant to Secretary of Defense-approved transfer and release execute orders.

(2) In conjunction with the Joint Staff Directorate for Strategy, Plans, and Policy, J-5, review CCMD operations plans to ensure compliance with DoD policy established in reference (e) and as otherwise supplemented.

(3) In conjunction with the Joint Staff Directorate for Joint Force Development, J-7, ensure joint exercises routinely test capabilities to conduct, participate in, and support detainee operations, consistent with relevant law and policy as listed in Enclosure A.

(4) In conjunction with the Joint Staff J-7, review and update (as required) the Uniform Joint Task List to ensure detainee operations considerations are addressed across the spectrum of conflict.

(5) In conjunction with the Joint Staff J-7, ensure that CCMD detainee operations consider the implication of the Joint Warfighting Concept when planning and executing detainee operations.

(6) In conjunction with Joint Staff J-7 and SecArmy, review after action reports (AARs) from CCMD joint exercises concerning the conduct of detention operations, provide advice related to matters identified in such reports, and assist in the development of solutions to challenges identified.

(7) Liaise with CCMDs, Joint Staff Directorates (J-Dirs), and interagency and intergovernmental partners to coordinate plans, policies, operations, and other activities related to the DoD detainee program.

(8) Represent the Joint Staff in coordinating and advising on detainee transfer and release issues.

(9) Provide necessary inputs to congressional inquiries.

(10) Provide advice related to matters identified in International Committee of the Red Cross reports concerning detention facilities and

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detainee treatment and, where applicable, assist in the development of solutions to the identified challenges.

(11) Liaise with the Deputy Assistant Secretary of Defense for Irregular Warfare and Counterterrorism; the National Security Council staff; Department of State; Department of Justice; Department of Homeland Security; Office of the Director of National Intelligence; Military Departments; CCMDs; and J-Dirs to coordinate plans, policy, operations, and other activities related to the DoD Detainee Program.

d. The Joint Staff Director for Logistics, J-4 will coordinate on sustainment issues related to the execution of detention operations.

e. The Joint Staff Director for Strategy, Plans, and Policy, J-5 will coordinate on detainee operations policy matters, to include country or region-specific issues, as required. In conjunction with the J-3, review Geographic CCMD's operational plans to ensure compliance with references (a)–(t).

f. The Joint Staff Director of Joint Force Development, J-7, in coordination with the J-3 and SecArmy, will recommend joint exercises incorporate detention operations, and catalog and submit AARs to the J-37 and SecArmy to inform future operations.

g. The Office of the Joint Staff Surgeon (OJSS) will coordinate on issues related to Health Service Support and Force Health Protection for detainees.

h. The Office of the Chairman of the Joint Chiefs of Staff (OCJCS) Legal Counsel will provide legal review of Joint Staff recommendations on detainee issues; provide appropriate legal advice regarding laws, policies, directives, international agreements, and instructions pertaining to detainee operations; and attend DoD, interagency, and allied meetings on detainee matters.

i. OCJCS Public Affairs will provide public affairs advice to the CJCS on detainee matters, and coordinate public affairs guidance with the Office of the Secretary of Defense.

j. The Military Services will coordinate with SecArmy and the Joint Staff on detainee operations training, certification standards, and Service policy development. Military Services will man joint requirements IAW published Service manning guidance.

k. CCMDs are responsible for the effective execution of the DoD Detainee Program within their commands. CCMDs will:

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(1) Plan, execute, and oversee detainee operations IAW this instruction and applicable law and policy as listed in Enclosure A.

(2) Develop plans and issue appropriate implementing policy, as required, IAW reference (e).

(3) Forward implementing policy or guidance through the Director, Joint Staff to USD(P) for review and approval.

(4) Designate a staff section with the primary responsibility for developing plans and drafting appropriate implementing policy, and forward the contact information to the Joint Staff J-37 Detainee Affairs Division.

(5) Conduct operational exercises to assess capability to conduct, participate in, and support detainee operations, consistent with applicable law and policy, and forward after-action assessments to the SecArmy, USD(P), and Joint Staff J-37 Detainee Affairs Division.

6. Summary of Changes. This instruction:

- a. Adds tasks for the J-2, J-4, J-5, J-7, and OJSS.
- b. Clarifies the roles of the J-3, CCMDs, and Military Services.
- c. Updates references in Enclosure A.

7. Releasability. UNRESTRICTED. This directive is approved for public release; distribution is unlimited on the Non-classified Internet Protocol Router Network (NIPRNET). DoD Components (to include the CCMDs), other Federal agencies, and the public may obtain copies of this directive through the internet from the CJCS Directives Electronic Library at <<http://www.jcs.mil/library>>. Joint Staff activities may also obtain access via the SECRET Internet Protocol Router Network (SIPRNET) directives Electronic Library web sites.

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8. Effective Date. This INSTRUCTION is effective upon signature.

For the Chairman of the Joint Chiefs of Staff:

A handwritten signature in black ink, appearing to read 'Stephen E. Liszewski', written over the printed name.

STEPHEN E. LISZEWSKI, MajGen, USMC
Vice Director, Joint Staff

Enclosure
A – References

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DISTRIBUTION

Distribution A, B, C plus the following:

Secretary of State
Secretary of Defense
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SHAPE Liaison Office
Chairman, U.S. Section, Canada-United States Military Cooperation Committee

The OPR for the subject directive has chosen electronic distribution to the above organizations via e-mail. The Joint Staff Information Management Division has responsibility for publishing the subject directive to the SIPRNET and NIPRNET Joint Electronic Library web sites.

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ENCLOSURE A

REFERENCES

- a. E.O. 13491, 22 January 2009, “Ensuring Lawful Interrogations”
- b. E.O. 13492, 22 January 2009, “Review and Disposition of Individuals Detained at the Guantanamo Bay Naval Base and Closure of Detention Facilities”
- c. E.O. 13567, 7 March 2011, “Period Review of Individuals Detained at Guantanamo Bay Naval Station Pursuant to the Authorization for Use of Military Force”
- d. E.O. 13823, 30 January 2018, “Protecting America Through Lawful Detention of Terrorists”
- e. DoDD 2310.01E, 15 March 2022, “The Department of Defense Detainee Program”
- f. DoDD 2311.01E, 2 July 2020, “DoD Law of War Program”
- g. DoDD 3115.09, 11 October 2012 incorporating Change 3, 29 October 2020, “DoD Intelligence Interrogations, Detainee Debriefings, and Tactical Questioning”
- h. DoDD 3115.13, 9 December 2010 incorporating Change 3, 26 August 2020, “DoD Support to the High-Value Detainee Interrogation Group (HIG)”
- i. CJCSI 5810.01E, 9 August 2023, “Implementation of the DoD Law of War Program”
- j. JP 3-31, 3 October 2019 incorporating Change 1, 16 November 2021, *Joint Land Operations*
- k. JP 2-0, 26 May 2022 incorporating Change 1, 5 July 2024, *Joint Intelligence*
- l. *Joint Warfighting Concept* 3.0, 8 March 2023
- m. AR 190-8, 1 October 1997, “Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees”
- n. FM 3-84, 1 September 2023, “Legal Support to Operations”

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- o. FM 2-22.3, 6 September 2006, “Human Intelligence Collector Operations”
- p. FM 3-39, 9 April 2019, “Military Police Operations”
- q. FM 3-63, 2 January 2020, “Detainee Operations”
- r. The *Geneva Conventions for the Protection of War Victims* of August 12, 1949, which include these treaties to which the U.S. Government is a party:
 - (1) *Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field* (GWS)
 - (2) *Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea* (GWS Sea)
 - (3) *Geneva Convention Relative to the Treatment of Prisoners of War* (GPW)
 - (4) *Geneva Convention Relative to the Protection of Civilian Persons in Time of War* (GC)
- s. Article 75 of Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), “Fundamental Guarantees,” 8 June 1977
- t. Title 42, U.S. Code, Chapter 21D, “Detainee Treatment”

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