



SECRETARY OF THE ARMY  
WASHINGTON

17 SEP 2021

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Army Directive 2021-32 (Detainee Operations Update)

1. References. See references enclosed.
2. Purpose. This directive updates policies, procedures, and planning guidance for detainee operations during armed conflict and other military operations to comply with provisions of international law applicable to the United States, provisions of executive orders, and Department of Defense (DoD) directives and policies, including DoD Directive 2310.01E (DoD Detainee Program).
3. Applicability. The provisions of this directive apply to the Regular Army, Army National Guard/Army National Guard of the United States, and U.S. Army Reserve.
4. Policy.
  - a. Pursuant to references 1a and 1e, the Secretary of the Army serves as the Executive Agent for the DoD Detainee Operations Program. The Provost Marshal General (PMG) serves as the principal military advisor to Secretary of the Army and Chief of Staff of the Army for detainee operations, including exercising authority, direction, and control over the National Detainee Reporting Center.
  - b. Army commands must be in compliance with DoD Directive 2310.01E within 180 days of this directive to ensure our Army is trained and fully prepared to conduct effective and lawful detainee operations during both competition and conflict against hybrid threats and during limited contingency operations, security cooperation/engagements, and Large Scale Combat Operations (LSCOs). Army commands (ACOMs) and Army service component commands (ASCCs) will develop detainee operations programs and policies that comply with DoD Directive 2310.01E, addressing planning, exercises, training, and other standards and readiness requirements.
    - (1) ASCCs will coordinate closely with combatant commands to conduct deliberate planning to develop detainee operations annexes and/or appendices for their Campaign Plans and Integrated Contingency Plans, ensuring coordination between G-34 Detention Operations and G-2X Interrogation Operations.
    - (2) ASCCs, in close coordination with the Office of the Provost Marshal General (OPMG), will develop compliance inspection programs to ensure that their

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policies and procedures for detainee operations are consistent with DoD Directive 2310.01E.

(3) As the Army transitions from operations against hybrid threats to LSCOs, there is a greater need to conduct realistic LSCO training to prepare forces to fight and win our Nation's wars against near-peer competitors outlined in the National Military Strategy. Commands will increase opportunities for detainee operations training and implement detainee operations scenarios in support of LSCOs within their operational exercise programs, at all levels, in both live and simulated training environments. Exercises must reinforce the integration of all warfighting functions in planning and execution of detainee operations. Commanders must ensure that detainee operations are incorporated into their Commander's Training Objectives and Guidance.

c. All ACOMs; ASCCs; direct reporting units; and Headquarters, Department of the Army principal officials will ensure that units, Soldiers, and assigned personnel are made aware of the following changes to Army regulations (ARs), the DoD Detainee Program, and Detainee Operations-specific responsibilities, definitions, principles, and procedures:

(1) The Commander, Detainee Operations (CDO) exercises operational control over all detention and interrogation facilities in a theater of operations as directed by the theater commander. The CDO is responsible for establishing procedures for medical and military intelligence assets operating within detention facilities and for direct liaison to support the routine flow of functional or technical information from higher echelons and external elements to the execution level. CDOs exercise command authority over all detainee operations in a theater of operations in accordance with AR 600–20. However, Military Intelligence Battalion (Interrogation) retains authority over intelligence interrogation and debriefing functions, intelligence reporting, and coordination with other agencies involved in the intelligence process. CDOs will enforce effective communication between MI BN (Interrogation) and detention facility commanders (DFCs), and ensure that the personnel primarily responsible for the security and health care of detainees do not directly participate in the conduct of intelligence interrogations or engage in any action that prepares detainees mentally or physically for any interrogation activities. Such actions include the use of military working dogs. This does not prohibit furnishing appropriate medical care for treatment of illness or injury, or other actions taken for health and welfare of the detainee.

(2) MI BN (Interrogation) commanders are responsible for matters related to intelligence interrogations, intelligence collection and reporting, and interaction with other agencies involved in the intelligence or evidence-gathering process. The MI BN (Interrogation) commander is responsible for interrogation operations, including the prioritization of effort and control of interrogation or other intelligence operations, such as:

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(a) developing and implementing synchronized interrogation tactics, techniques, and procedures (TTPs) that comply with the law of war, U.S. law, DoD detention policy, and other applicable policies and regulations

(b) coordinating with the DFC to ensure that the distinct roles and responsibilities of intelligence collectors and detention facility guard force personnel are understood and applied throughout all phases of detainee operations

(c) informing the CDO and J2X about interrogation operations

(d) prioritizing collection efforts

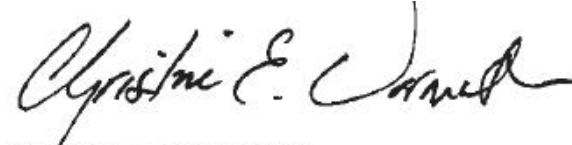
(3) The term “Unprivileged Enemy Belligerent (UEB)” identifies an individual who is not entitled to the distinct privileges of combatant status (such as combatant immunity), but who, by engaging in hostilities, has incurred the corresponding liabilities of combatant status. UEB replaced the detainee category of Detained Person (DP), which was typically used to identify terrorists, insurgents, or asymmetric fighters. UEBs are not protected persons as defined by the Geneva Conventions of 1949; therefore, they are not entitled to Enemy Prisoner of War (EPW), Retained Personnel (RP), or Civilian Internee (CI) status, including treatment or protections on a provisional basis pending a status determination, under reference 1g or any other authority. Although individuals identified as UEBs are not entitled to CI status, for administrative and operational purposes, the DFC should look to CI treatment procedures as guidance, in accordance with reference 1g. Deviations on the treatment of individuals identified as UEBs from established standards should be justified by tactical, operational, or strategic security concerns or the need to protect them, other detainees, or U.S. forces.

(4) CIs detained for reasons of operational security or probable cause incident to criminal investigation should be detained or transferred to local law enforcement authorities as appropriate. In this case, the convening authority should prepare the appropriate detention order. In all criminal trials, a CI will be entitled to a fair and regular trial as prescribed by Army regulations.

5. Proponent. The Provost Marshal General is the proponent for this policy, responsible for providing implementing guidance and incorporating its provisions into Army Regulation 190–8 within 2 years from the date of this directive.

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6. Duration. This directive is rescinded on publication of the revised regulation.



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## REFERENCES

- a. Department of Defense (DoD) Directive 2310.01E (DoD Detainee Program), 19 August 2014, incorporating Change 2, effective 18 September 2020
- b. DoD Directive 2311.01E (DoD Law of War Program), 2 July 2020
- c. DoD Directive 3115.09 (DoD Intelligence Interrogations, Detainee Debriefings, and Tactical Questioning), 11 October 2012, incorporating Change 3, effective 29 October 2020
- d. DoD Instruction 2310.09 (Behavioral Science Support (BSS) for Detainee Operations and Intelligence Interrogations), 5 September 2019
- e. Headquarters, Department of the Army, General Orders 2020–01 (Assignment of Functions and Responsibilities Within Headquarters, Department of the Army), 6 March 2020
- f. Army Regulation (AR) 10–90 (Department of Defense Executive Agent Responsibilities of the Secretary of the Army), 9 February 2018
- g. AR 190–8 (Enemy Prisoners of War, Retained Personnel, Civilian Internees, and Other Detainees), 1 October 1997
- h. AR 600–20 (Army Command Policy), 24 July 2020
- i. Army Field Manual 2-22.3 (Human Intelligence Collector Operations), 6 September 2006

Enclosure