



# DoD DIRECTIVE 2310.01E

## DoD DETAINEE PROGRAM

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<b>Originating Component:</b>	Office of the Under Secretary of Defense for Policy
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<b>Cancels:</b>	Deputy Secretary of Defense Memorandum, "Amended Policy Guidance on International Committee of the Red Cross (ICRC) Communications," October 5, 2007 Deputy Secretary of Defense Memorandum, "Guantanamo Detainee Telephone Policy," January 7, 2008 Deputy Secretary of Defense Memorandum, "Screening of Foreign Nationals Prior to Granting Them Access to DoD Detention Facilities for Official Visits," August 4, 2011
<b>Approved by:</b>	Kathleen H. Hicks, Deputy Secretary of Defense

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**Purpose:** This issuance:

- Establishes policy and assigns responsibilities for the DoD Detainee Program, to ensure compliance with the laws of the United States; the law of war, including the Geneva Conventions; and all applicable policies.
- Designates the Under Secretary of Defense for Policy (USD(P)) as the lead proponent for developing, coordinating, and implementing policies and guidance pertaining to detainee operations.
- Designates the Secretary of the Army as the DoD Executive Agent (DoD EA) for the Administration of the DoD Detainee Program in accordance with DoD Directive (DoDD) 5101.01.

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## SECTION 1: GENERAL ISSUANCE INFORMATION

### 1.1. APPLICABILITY.

This issuance:

a. Applies to:

(1) OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff (CJCS) and the Joint Staff, the Combatant Commands, the Office of Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this issuance as the “DoD Components”).

(2) All DoD personnel (military and civilian) who engage in, conduct, or otherwise support detainee operations in any capacity.

(3) All DoD contractors and subcontractors who support detainee operations in any capacity.

(4) Non-DoD personnel (including foreign partner representatives) as a condition of permitting access to DoD detention facilities or to detainees under DoD control.

(5) All detainee operations conducted by DoD personnel (military and civilian) or supported by DoD contractors and contractor employees.

b. Is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States; its departments, agencies, or entities; its officers, employees, or agents; or any other person.

### 1.2. POLICY.

a. All persons subject to this issuance will comply with the law of war with respect to the treatment of all detainees.

b. All detainees will be treated humanely and with respect in accordance with applicable U.S. law and policy and the law of war.

c. In accordance with DoDD 2311.01, all persons subject to this issuance will report possible, suspected, or alleged violations of the law of war, for which there is credible information, that occur in the context of detainee operations.

d. No person subject to this issuance will accept the transfer of a detainee from another U.S. Government department or agency, coalition force, allied personnel, foreign partner, or other personnel not affiliated with the DoD, except in accordance with applicable law, regulation, and policy.

e. The direction and control of DoD detainee operations is an inherently governmental function and may only be performed by U.S. Government civilian or military personnel in accordance with the Federal Acquisition Regulation, Part 7.503.

## **SECTION 2: RESPONSIBILITIES**

### **2.1. USD(P).**

The USD(P):

- a. Develops policy and guidance pertaining to all detainee matters, including access, detainee review processes, transfer and release authority, photos, and biometrics.
- b. Prepares, coordinates, reviews, and approves all implementing OSD policies and guidance developed pursuant to the DoD Detainee Program, including all detainee matters involving interaction between the DoD and other U.S. Government departments or agencies.
- c. Reviews, ensures coordination of, and approves all implementing policy or guidance that DoD Components develop pursuant to this issuance.
- d. Serves as the principal DoD coordinator with the International Committee of the Red Cross (ICRC) or with protecting powers (PPs) for detainee issues. Develops policy and procedures to ensure the proper handling and timely reporting of ICRC and PP communications regarding detainees to appropriate DoD and U.S. Government officials.
- e. Serves as the Principal Staff Assistant overseeing the activities of the DoD EA for the Administration of the DoD Detainee Program in accordance with DoDD 5101.01.

### **2.2. ASSISTANT SECRETARY OF DEFENSE FOR HEALTH AFFAIRS.**

Under the authority, direction, and control of the Under Secretary of Defense for Personnel and Readiness (USD(P&R)), the Assistant Secretary of Defense for Health Affairs, in accordance with DoDD 5136.01:

- a. Serves as the principal advisor to the Secretary of Defense and USD(P&R) for all DoD health policies, programs, and activities.
- b. Develops policies, procedures, and standards and conducts oversight for medical program activities required by the DoD Detainee Program.
- c. Ensures the effective execution of the DoD medical mission, which includes those held in the control of the Military Services.

### **2.3. UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND SUSTAINMENT (USD(A&S)).**

The USD(A&S):

a. Establishes policies and procedures, in coordination with the USD(P), the General Counsel of the Department of Defense (GC DoD), and the appropriate DoD Component heads, to ensure all DoD contracts involving contractor employee interaction with detainees include a requirement that such contractor employees receive training regarding international and U.S. law applicable to detainee operations.

b. Ensures any solicitations and contracts providing contractor employees to accompany DoD Components in conducting, participating in, or supporting detainee operations:

(1) Require the contractor employees to complete training and receive information on the laws, regulations, and policies applicable to detainee operations and the requirements to report possible, suspected, or alleged violations that arise in the context of detainee operations.

(2) Prohibit contractor employees from performing inherently governmental functions in accordance with Paragraph 1.2.e. of this issuance.

(3) Include provisions and clauses as required by the Defense Federal Acquisition Regulation Supplement, Part 237.173-3.

#### **2.4. UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE AND SECURITY (USD(I&S)).**

The USD(I&S):

a. Establishes policy pertaining to DoD intelligence interrogations, detainee debriefings, and tactical questioning in accordance with DoDD 3115.09.

b. Acts as the primary liaison between the DoD and other agencies of the Intelligence Community on intelligence matters pertaining to detainees.

#### **2.5. GC DOD.**

The GC DoD:

a. Provides legal advice on detainee matters to OSD organizations and, as appropriate, to other DoD Components.

b. Coordinates with the Department of Justice and other agencies regarding detainee-related litigation matters and on matters pertaining to detainees who may be U.S. citizens, dual-nationals with U.S. citizenship, or U.S. resident aliens, as appropriate.

#### **2.6. DOD COMPONENT HEADS.**

The DoD Component heads:

- a. Ensure all DoD Component personnel are properly trained in accordance with Paragraph 3.1.
- b. Forward copies of all implementing DoD Component policy or guidance developed pursuant to this issuance to the USD(P) for review before publication. Orders issued by Combatant Commanders pursuant to such policy and guidance do not require USD(P) review before distribution, but are subject to periodic review in accordance with Paragraph 2.9.
- c. Ensure plans provide for qualified interpreter and translator personnel to support the conduct of detainee operations.

## **2.7. SECRETARY OF THE ARMY.**

In addition to the responsibilities in Paragraph 2.6., and in their capacity as DoD EA for the Administration of the DoD Detainee Program, the Secretary of the Army:

- a. Ensures all DoD EA responsibilities and functions for the administration of DoD detainee operations policy are assigned and executed in accordance with DoDD 5101.01 and this issuance.
- b. Develops and publishes guidance necessary for the DoD-wide implementation of detainee operations in coordination with the USD(P) or the Assistant Secretary of Defense for Health Affairs if applicable.
- c. Communicates directly with the other DoD Component heads as necessary to carry out assigned functions. The Secretary of the Army will inform the CJCS of communications to the Combatant Commanders.
- d. Designates a single point of contact within the Department of the Army for detainee operations who will also provide advice and assistance to the USD(P).
- e. Plans for and operates a national-level detainee reporting center and its subordinate elements (e.g., theater and lower levels) to account for detainees. Coordinates with the USD(P) to provide reports on detainee operations to the Secretary of Defense and others as appropriate.
- f. Provides DoD-wide detainee operations-related planning and programming guidance to the USD(P); the USD(A&S); the USD(I&S); the USD(P&R); the Under Secretary of Defense (Comptroller)/Chief Financial Officer, Department of Defense; the Director, Cost Analysis and Program Evaluation; and the CJCS. Provides copies of such guidance to the other Secretaries of the Military Departments for information.
- g. Establishes detainee operations training and certification standards, in coordination with the other Secretaries of the Military Departments and the CJCS.
- h. Develops programs to ensure all DoD detainee operations; doctrine; tactics, techniques, and procedures; and regulations or other issuances are subject to periodic review, evaluation, and inspection for effectiveness and compliance with this issuance.

i. As practicable, conducts periodic reviews, evaluations, and inspections of the Combatant Commands' overall effectiveness and compliance with this issuance.

j. Provides implementing regulations to the USD(P) for review and coordination with the Senate Armed Services Committee and House Armed Services Committee.

## **2.8. CJCS.**

In addition to the responsibilities in Paragraph 2.6., the CJCS:

a. Provides appropriate guidance and oversight of the Combatant Commanders to ensure their detainee operations policies and procedures are consistent with this issuance.

b. Designates a single point of contact within the Joint Staff for matters pertaining to the implementation of this issuance.

c. Ensures operational joint exercises routinely test the DoD Components' capabilities to conduct, participate in, and support detainee operations.

## **2.9. COMBATANT COMMANDERS.**

In addition to the responsibilities in Paragraph 2.6., the Combatant Commanders:

a. Plan, execute, and oversee Combatant Command detainee operations in accordance with this issuance and implementing issuances.

b. Develop programs and issue appropriate guidance and orders implementing this issuance. Periodically submit all such programs and guidance to the DoD EA for the Administration of the DoD Detainee Program for review and evaluation of compliance and efficacy.

(1) These programs, guidance, and orders must be implemented in the development of a theater-level detainee operations policy for the Combatant Command.

(2) Where applicable, these programs, guidance, and orders must be further included in Combatant Commands' operations and concept of operations plans as an annex or appendix and routinely tested in operational joint exercises to evaluate DoD Components' capabilities.

c. Ensure operational joint exercises routinely test the capabilities of the DoD Components to conduct, participate in, and support detainee operations.

d. For detention facilities in their area of responsibility, ensure:

(1) Procedures for the treatment of detainees are established consistent with the law of war, this issuance, and related guidance, as applicable.



(2) Detainees are provided with information, in an appropriate language, concerning the rights, duties, and obligations with regard to their detention, which may include applicable provisions of the Geneva Conventions.

(3) Periodic inspections of detention facilities are conducted to provide continued oversight of detainee operations. Inspections may be announced or unannounced.

(4) Intelligence interrogations, detainee debriefings, and tactical questioning operations are conducted in accordance with DoDD 3115.09.

e. Report to the Secretary of Defense and the CJCS when capturing, detaining, or accepting custody under the law of war of any person:

(1) Who may be a U.S. citizen or national, a citizen of a coalition or ally nation, or an individual under the age of 18 years old;

(2) Who is suspected of having committed a serious violation of the law of war (e.g., war crimes, intentional acts such as murder, torture, rape, pillage, extensive and wanton destruction of property without justification, or intentionally directing attacks against the civilian population or civilians protected as such - see DoDD 2311.01 for other reportable incidents);

(3) Whose death occurs while in the control of DoD personnel; or

(4) Whose transfer to a DoD detention facility is likely to raise significant policy concerns.

f. Accept the services of the ICRC or PP to perform humanitarian functions related to detainees during, and in relation to, any armed conflict, however characterized, to which the United States is a party. The ICRC or PP will be given access to all DoD detention facilities and the detainees housed therein, subject to reasons of imperative military necessity and within the requirements of the law of war.

(1) Conduct prompt evaluation and, as appropriate, transmission to senior DoD leaders of ICRC or PP communication (e.g., substantive written or oral reports, excluding administrative matters such as scheduling visits or logistical support) to ensure appropriate and timely action.

(2) To the extent practicable, provide a written response to ICRC or PP addressing substantive matters raised by ICRC or PP, including requests for information, explaining actions taken to resolve alleged deficiencies identified in the ICRC or PP communication.

(3) Mark all ICRC or PP communications with the following: "ICRC or PP communications are provided to DoD as confidential, restricted-use documents. As such, they will be safeguarded the same as SECRET//NOFORN information using classified information channels. Dissemination of ICRC or PP communications outside of DoD is not authorized without the approval of the Secretary of Defense or the Deputy Secretary of Defense."

g. Use all biometric and other available databases to screen all foreign nationals who request access to DoD detention facilities in order to prevent access to those who:

- (1) Pose a potential terrorism threat; or
- (2) Otherwise pose a potential threat to U.S. national security interests.

## SECTION 3: DETAINEE MANAGEMENT

3.1. All persons subject to this issuance will:

- a. Receive training in advance of conducting, participating in, or supporting detainee operations. Training requirements and certifications of completion will be documented according to applicable law and policy.
- b. Receive instruction and training, commensurate with their duties, in:
  - (1) The laws, regulations, and policies applicable to detainee operations.
  - (2) The prevention of violations of such laws, regulations, and policies.
  - (3) The requirement to report alleged or suspected violations of such laws, regulations, and policies that arise in the context of detainee operations.

3.2. Subject to the requirements of the law of war and this issuance, DoD personnel may lawfully detain enemy prisoners of war (EPWs) and unprivileged enemy belligerents (UEBs) until a competent authority determines that the conflict has ended or that active hostilities have ceased, and until a safe and orderly transfer or release is practicable. Civilian internees may lawfully be detained until the reasons that necessitated the civilian's internment no longer exist. Detention pending efforts to ensure a safe and orderly release or transfer is also authorized.

3.3. Until a detainee's release, repatriation, or transfer from DoD custody or control, all persons subject to this issuance will, without regard to a detainee's legal status, at a minimum apply:

- a. The standards established in Common Article 3 to the Geneva Conventions of 1949.
- b. The principles in Articles 4-6 of the Protocol Additional to the Geneva Conventions, and Relating to the Protection of Victims of Non-International Armed Conflicts during non-international armed conflict.
- c. The principles in Article 75 of the Protocol Additional to the Geneva Conventions, and Relating to the Protection of Victims of International Armed Conflicts during international armed conflict and occupation.

3.4. Humane treatment requirements apply during all military operations, however characterized.

- a. Humane treatment includes:
  - (1) Adequate food, drinking water, shelter, and clothing.
  - (2) Where practicable, reasonable access to the open air, reasonable educational and intellectual activities, and appropriate contacts with the outside world (e.g., exchange of letters, phone calls, video teleconferences, and family visits).

(3) Safeguards to protect health and hygiene, and protection against the rigors of the climate and the dangers of military activities.

(4) Appropriate medical care and attention required by the detainee's condition, to the extent practicable.

(5) Free exercise of religion, consistent with the requirements of detention.

(6) Reasonable access to qualified interpreters and translators, where applicable and practicable.

b. All detainees will be respected as human beings without any adverse distinction based on race, color, religion or faith, political or other opinion, national or social origin, sex, birth, wealth, or other similar criteria. They will be protected against threats or acts of mistreatment or violence, including rape, forced prostitution, assault, theft, public curiosity, bodily injury, reprisals, torture, and cruel, inhuman, or degrading treatment or punishment. They will not be subjected to medical or scientific experiments or to sensory deprivation intended to inflict suffering or serve as punishment.

c. The imposition of criminal sentences on any detainee for any offenses, including serious violations of the law of war, will only be conducted in accordance with a previous judgment pronounced by a regularly constituted court that affords all required judicial guarantees.

d. In instances when segregation results in diminished conditions of confinement, it will last only as long as is necessary to accomplish the administrative, security, medical, or law enforcement objective, and will be conducted in accordance with all applicable laws, regulations, and policies.

3.5. Detainees will be removed as soon as practicable from the point of capture and transported to a detainee collection point, temporary holding area, or DoD detention facility. Detainees not released or transferred from DoD custody or control from the detainee collection point or holding area will be transported to a DoD detention facility in a secure location, normally within 14 days of capture, barring exceptional circumstances. Detainees will be promptly informed of the reasons for their detention in a language that they understand. Detainees will remain at a DoD detention facility until their release or transfer from DoD custody or control.

3.6. Detainees will be registered, and property in their possession will be inventoried. Records of their detention and such property will be maintained according to applicable law, regulation, policy, and other issuances.

a. All detainee records will be maintained, safeguarded, and provided to the USD(P) and DoD Component heads as appropriate.

b. DoD Components will maintain full accountability for all detainees under DoD control. Detainees will be assigned an internment serial number within 14 days of their capture by, or transfer to, the custody or control of DoD personnel, barring exceptional circumstances.

c. The ICRC or PP will be promptly notified of all internment serial number assignments and afforded the opportunity to meet with detainees, subject to reasons of imperative military necessity.

d. Biometric identification information will be collected from all detainees in accordance with DoDD 8521.01E as soon as practicable after their capture by or transfer to the custody or control of DoD personnel, and will be included in detainee records. Biometric identification information collected on detainees who are U.S. citizens or U.S. resident aliens will be conducted in accordance with U.S. law, policy, and all applicable DoD regulations.

3.7. Certain categories of detainees held during international armed conflict or cases of occupation, such as EPWs and certain civilian internees, enjoy protections and privileges under the law of war beyond the minimum standards of treatment established in this issuance. Such detainees will be afforded all applicable protections and privileges under the law of war until their release, repatriation, or transfer.

3.8. During international armed conflict, should any doubt arise as to whether a detainee belongs to any of the categories enumerated in Article 4 of the Geneva Convention Relative to the Treatment of Prisoners of War and as such is entitled to the protections and privileges afforded EPWs, such detainees will be treated as EPWs until a tribunal convened in accordance with Article 5 of the Geneva Convention Relative to the Treatment of Prisoners of War, determines the detainee's status under the law of war.

3.9. In addition to reviewing the detention of all individuals captured by, or transferred to, DoD custody or control, a competent authority may assess the propriety of prosecuting detainees for violations of the law of war or other offenses.

3.10. Individual detainees may be segregated from other detainees for:

- a. Administrative purposes (e.g., medical assessment, screening, communicable disease, in-processing, or disciplinary infractions).
- b. Security reasons (e.g., the general security of the camp and guard force).
- c. The safety and security of detainees (e.g., gender, age, or mental or physical disability).
- d. The need to prevent collusion by detainees or to facilitate the investigation of law enforcement matters.

3.11. DoD personnel will periodically review the detention of all individuals in DoD custody or control who do not receive the protections afforded prisoners of war. Such reviews may include:

- a. Preliminary assessments of the detainee's status and threat;
- b. Formal determinations of the lawfulness and continued necessity of detention; or
- c. Determination of the status of UEBs held in long-term detention.

3.12. Without prejudice to Paragraph 3.6.c., access for non-DoD personnel to detainees and detention facilities will be permitted in limited circumstances. Such access must be:

- a. Consistent with the DoD's responsibilities to:
  - (1) Ensure humane treatment of the detainees.
  - (2) Ensure the safety and security of detainees and U.S. Government personnel.
  - (3) Obtain intelligence and conduct law enforcement investigations.
  - (4) Facilitate transfer and repatriation efforts.

b. In accordance with applicable law, regulation, and policy including, but not limited to, Sections 1401 through 1406 of Public Law 109-163, DoDD 3115.09, and DoDD 2311.01.

3.13. No detainee will be released, repatriated, or paroled out of DoD custody or control except in accordance with applicable laws, regulations, and policies.

a. EPWs will be repatriated after a competent authority determines that, for such purposes, active hostilities have ceased, and as soon as a safe and orderly transfer or release is practicable. EPWs who have been convicted of an offense or against whom criminal proceedings for an offense are pending may be detained until the end of such proceedings and, where applicable, until the completion of the sentence.

b. UEBs may be released or transferred while active hostilities are ongoing if a competent authority determines the threat the individual poses to U.S. security can be mitigated by other lawful means. Such mitigation may involve credible assurances that a receiving country will take appropriate steps to mitigate any threat the detainee poses to the security of the United States and its interests, parole agreements between the receiving country and the detainee, or other agreements or understandings with the government of the receiving nation. Detainees who have been convicted of an offense or against whom criminal proceedings for an offense are pending may be detained until the end of such proceedings and, where applicable, until the completion of the sentence.

c. EPWs may be granted parole in accordance with Article 21 of the Geneva Convention Relative to the Treatment of Prisoners of War, if authorized by the USD(P).

d. Retained persons will not be deemed EPWs, but will be afforded all the benefits and protections of EPWs while they are retained in accordance with the Geneva Conventions for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field and the Geneva Conventions Relative to the Treatment of Prisoners of War. Retained persons will be retained only so long as their services are needed by U.S. forces to attend to the health or spiritual needs of the EPW population. Retained persons will not be employed in any other manner.

e. Civilian internees interned for imperative reasons of security or for their protection will be transferred or released when the reasons that necessitated internment no longer exist and a safe

and orderly transfer or release is practicable. A civilian internee convicted of a criminal offense will be released from punitive confinement when the court-administered sentence to confinement ends.

f. No detainee will be transferred to the custody of another country when a competent authority has assessed that it is more likely than not that the detainee would be subjected to torture. In addition, the risks that the detainee would suffer other forms of ill-treatment, such as arbitrary deprivation of life (including as the result of a death sentence pronounced without fundamental guarantees of a fair trial) or persecution on account of race, religion, nationality, membership in a particular social group, or the expression of a particular political opinion, should also be considered in a decision to transfer. For detainees entitled to EPW status or treatment under the Geneva Conventions Relative to the Treatment of Prisoners of War or to protected status under the Geneva Conventions Relative to the Treatment of Civilian Persons in Time of War, any transfer must comply with the applicable provisions of the Geneva Conventions.

g. Unless otherwise directed by competent authority during an international armed conflict, DoD Component heads will coordinate with the USD(P) before transfers that involve the movement of detainees across international boundaries (other than repatriation to a detainee's country of origin) or where the transfer might raise other significant foreign or domestic policy considerations. The USD(P) will coordinate such transfers with the Department of State and the Director of National Intelligence and notify the USD(I&S), as appropriate.

## GLOSSARY

### G.1. ACRONYMS.

<b>ACRONYM</b>	<b>MEANING</b>
CJCS	Chairman of the Joint Chiefs of Staff
DoDD	DoD directive
DoD EA	DoD Executive Agent
EPW	enemy prisoner of war
GC DoD	General Counsel of the Department of Defense
ICRC	International Committee of the Red Cross
PP	protecting power
UEB	unprivileged enemy belligerent
USD(A&S)	Under Secretary of Defense for Acquisition and Sustainment
USD(I&S)	Under Secretary of Defense for Intelligence and Security
USD(P)	Under Secretary of Defense for Policy
USD(P&R)	Under Secretary of Defense for Personnel and Readiness

### G.2. DEFINITIONS.

These terms and their definitions are for the purpose of this issuance.

<b>TERM</b>	<b>DEFINITION</b>
<b>civilian internee</b>	Any civilian, including any person described by Article 4 of the Geneva Convention Relative to the Treatment of Civilian Persons in Time of War, who is in the custody or control of DoD during an armed conflict or case of occupation, such as those held for imperative reasons of security or protection.
<b>detainee</b>	Any individual captured by, or transferred to, the custody or control of DoD personnel pursuant to the law of war. This does not include persons being held solely for law enforcement purposes, except where the United States is the occupying power. Detainees who are U.S. citizens or U.S. resident aliens will continue to enjoy all applicable rights and privileges under U.S. law and DoD regulations.



<b>TERM</b>	<b>DEFINITION</b>
<b>detainee operation</b>	Any operation conducted by DoD personnel involving detainees who are within DoD custody or control.
<b>DoD detention facilities</b>	All temporary holding facilities, screening facilities, and longer-term internment facilities controlled by DoD.
<b>enemy prisoner of war (EPW)</b>	An individual who is described by Articles 4 and 5 of the Geneva Conventions Relative to the Treatment of Prisoners of War as a prisoner of war and who is in the custody or control of the DoD.
<b>law of war</b>	Defined in DoDD 2311.01.
<b>protecting power</b>	A neutral state or other state not a party to the conflict, which has been designated by a party to the conflict and accepted by the adverse party and has agreed to carry out the functions assigned to a protecting power under the Geneva Conventions of 1949.
<b>retained person</b>	An individual who is described by Article 28 of the Geneva Conventions for the Amelioration of the Condition of the Wounded and Sick in Armed Forces and Article 33 of the Geneva Conventions Relative to the Treatment of Prisoners of War, and who is in the custody or control of DoD.
<b>UEB</b>	<p>An individual who by engaging in hostilities against the United States or its coalition partners has incurred one or more of the corresponding liabilities of combatant status (e.g., being made the object of attack and subject to detention), but who is not entitled to any of the distinct privileges of combatant status (e.g., combatant immunity or EPW status).</p> <p>Examples of UEBs are:</p> <p>Individuals who have forfeited the protections of civilian status by joining or substantially supporting an enemy non-state armed group in the conduct of hostilities.</p> <p>Combatants who have forfeited the privileges of combatant status by engaging in spying, sabotage, or other similar acts behind enemy lines.</p> <p>The terms “unlawful enemy combatant” and “unprivileged belligerent” used in other DoD regulations are synonymous with the term “UEB” contained in this issuance.</p>

## **REFERENCES**

Defense Federal Acquisition Regulation Supplement, Part 237.173-3  
DoD Directive 2311.01, “DoD Law of War Program,” July 2, 2020  
DoD Directive 3115.09, “DoD Intelligence Interrogations, Detainee Debriefings, and Tactical Questioning,” October 11, 2012, as amended  
DoD Directive 5101.01, “DoD Executive Agent,” February 7, 2022  
DoD Directive 5136.01, “Assistant Secretary of Defense for Health Affairs (ASD(HA)),” September 30, 2013, as amended  
DoD Directive 8521.01E, “DoD Biometrics,” January 13, 2016, as amended  
Federal Acquisition Regulation (FAR), Part 7.503  
Geneva Conventions, August 12, 1949  
Public Law 109-163, “The Detainee Treatment Act of 2005,” January 6, 2006