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MEMORANDUM OF AGREEMENT BETWEEN
THE DEPARTMENT OF DEFENSE (DOD)
AND
THE CENTRAL INTELLIGENCE AGENCY (CIA)
CONCERNING
THE DETENTION BY DOD OF CERTAIN TERRORISTS
AT A FACILITY AT GUANTANAMO BAY NAVAL STATION

I. PURPOSE AND SCOPE

(S/NF) This memorandum of agreement (MOA) sets out the duties and responsibilities of DoD and CIA concerning DoD's detention of certain individuals designated by the President to be transferred to the control of the Secretary of Defense, who were captured in the War on Terrorism and who have conducted and/or have engaged in planning for, terrorist acts against US persons or interests. [redacted]

(b)(1)
(b)(3) NatSecAct

[redacted] These individuals are unlawful enemy combatants (ECs) engaged in an armed conflict against the United States and, under the laws of war, may be detained until the cessation of hostilities. They have been determined by the President to be subject to the President's Military Order of November 13, 2001 and, pursuant to that order, placed under the control and custody of the Secretary of Defense, including for trial by military commission for any offenses triable there under.

II. DOD DETENTION

A. (S/NF) In General. The ECs transferred to DoD and whose detention by DoD is the subject of this MOA are DoD detainees under the exclusive responsibility and control of the Secretary of Defense. The Secretary, subject to the direction of the President, is solely responsible for the continued detention, release, transfer, or movement of the designated ECs. At the direction of the Secretary, the Commander, US Southern Command, shall ensure that the ECs are detained in accordance with US law, including all law applicable to detainees held by DoD, and with all DoD policies, regulations, directives, and procedures applicable to DoD detainees. The applicability of these DoD legal provisions shall be comprehensive, including with respect to the detainees' registration, movement, release, transfer, continued detention, treatment, interrogation, medical care, and trial before military commissions. DoD shall be responsible for the medical care of the detainees, and shall provide them food,

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clothing, and other items that are provided to detainees at Guantanamo Bay, Naval Station (GTMO).

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(b)(3) NatSecAct

addressed in this MOA.

DOD 1.4 (c)

shall establish such operating procedures as necessary for the care and detention of the detainees.

3. Post-conviction confinement, if any, of a detainee whose detention by DoD is covered by this MOA (b)(1)

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H. ~~(S//NF)~~ Duties and Responsibilities.

1. The Secretary of Defense, or his designee, is responsible for the DoD implementation of this MOA. Subject to the direction of the President, the Secretary of Defense has authority and control over the continued detention, release, transfer, or movement of the designated detainees.

2. The Commander, US Southern Command, under the direction of the Secretary of Defense, has overall responsibility for ensuring that the detention of all ECs at GTMO, (b)(1) is in accordance with US law, including all laws applicable to detainees held by DoD, and with all DoD policies, regulations, directives, and procedures pertaining to DoD detainees.

3. The Commander, JTF-GTMO, reporting to Commander, US Southern Command, is responsible for the detention of all ECs at GTMO, including the operation of all detention facilities, in accordance with US law, including all laws applicable to detainees held by DoD, and with all DoD policies, regulations, directives, and procedures pertaining to detainees. As necessary for the proper and effective

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implementation of this MOA, the Commander,

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V. INVESTIGATIONS AND COMMUNICATIONS

A. ~~(S/NF)~~ Investigations.

1. Investigation of, or inquiries into, allegations of detainee mistreatment that pertain to activities occurring after the arrival of a detainee at GTMO shall be the responsibility of DoD. Any such allegation shall be reported to the Commander, JTF-GTMO who shall ensure that it is properly investigated in accordance with US law and DoD policies, regulations and directives.

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B. ~~(S/NF)~~ Congressional Communications and Notifications. DoD and CIA shall coordinate with one another with regard to all communications with Congress on matters and activities covered by this MOA. In general,

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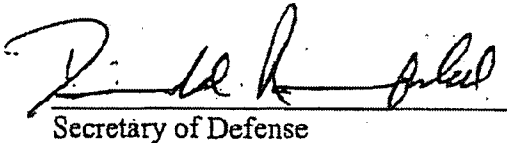
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C. ~~(S//NF)~~ Public Affairs. DoD and CIA will coordinate with one another on all public affairs matters and, as necessary, other US agencies. DoD shall be responsible for addressing those public affairs matters relating to

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Secretary of Defense



Director, Central Intelligence Agency

8/31/06
Date

1 Sept '06
Date

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