



Department of Defense INSTRUCTION

NUMBER 1300.21

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ASD(ISA)

SUBJECT: Code of Conduct (CoC) Training and Education

- References: (a) [DoD Directive 1300.7](#), "Training and Education to Support the Code of Conduct," December 8, 2000
- (b) Executive Order 10631, "Code of Conduct for Members of the Armed Forces of the United States," August 17, 1955, as amended
- (c) "Report of the 1976 Defense Review Committee for the Code of Conduct," September 10, 1976
- (d) [DoD Directive 2310.2](#), "Personnel Recovery," June 30, 1997
- (e) through (j), see enclosure 1

1. PURPOSE

This Instruction:

1.1. Implements policy, assigns responsibilities, and prescribes procedures under reference (a) to develop and execute Code of Conduct (CoC) training for members of the U.S. Armed Forces.

1.2. Provides guidance to train members of the Armed Forces in support of the CoC (reference (b)), in accordance with reference (c).

2. APPLICABILITY

This Instruction applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all the other organizational entities within the Department of Defense (hereafter referred to collectively as "the DoD Components").

3. POLICY

It is DoD policy under reference (a) that all members of the Armed Forces at risk of capture shall receive the applicable level of CoC training.

4. RESPONSIBILITIES

4.1. The Assistant Secretary of Defense for International Security Affairs (ASD(ISA)), under the Under Secretary of Defense for Policy, shall serve as the principal staff assistant and civilian advisor to the Secretary of Defense and to the Under Secretary of Defense for Policy on personnel recovery. The ASD(ISA) has designated the Defense Prisoner of War/Missing Personnel Office (DPMO) as his Office of Primary Responsibility (OPR) for personnel recovery, including CoC training. DPMO, on behalf of ASD(ISA), shall execute its responsibilities as delineated in DoD Directive 1300.7 (reference (a)) and maintain cognizance of the performance of responsibilities assigned in paragraph 4.3.

4.2. The Assistant Secretary of Defense for Public Affairs (ASD(PA)) shall provide joint-Service information materials in support of the CoC for dissemination within the Military Departments. While such material is not prescribed specifically for training and education use, it is intended to augment the Military Service member's understanding and appreciation of the CoC (reference (b)). The ASD(PA) shall coordinate material prepared for this purpose with the Joint Personnel Recovery Agency (JPRA).

4.3. The Commander, United States Joint Forces Command (CINCUSJFCOM), is the DoD Executive Agent for personnel recovery as prescribed in DoD Directive 2310.2 (reference (d)). This includes CoC training and education measures. CINCUSJFCOM has designated JPRA his OPR for CoC training and education measures. U.S. Joint Forces Command shall ensure clear, direct, and expeditious lines of communication exist among JPRA, DPMO, and the Services on policy matters for CoC training and education measures. JPRA shall:

4.3.1. Oversee and monitor CoC training and provide CoC training-related support to the DoD Components.

4.3.2. Establish clear, expeditious lines of communication between the Survival, Evasion, Resistance, and Escape (SERE) training facilities throughout the Armed Forces and the Services.

4.3.3. Ensure CoC training conforms to this Instruction and the "Report of the 1976 Defense Review Committee for the Code of Conduct" (reference (c)), and clearly identifies Military Service-unique training requirements.

4.3.4. Ensure that doctrinal materials allow sufficient flexibility in interpreting and implementing the doctrine to meet Military Service-unique training needs.

4.3.5. Establish and disseminate policies, procedures, and guidance for DPMO relevant to training in support of the CoC and related specialized programs within the Military Services.

4.3.6. Inform DPMO of all significant initiatives, accomplishments, and challenges concerning training and education measures necessary to support the CoC.

4.3.7. Monitor and provide oversight for Service and mission-specific refresher and continuation training.

4.4. The Commanders of the Combatant Commands shall:

4.4.1. Designate the level of training (i.e., Level A, B or C) personnel operating in the command's area of operation must have prior to deployment to theater, and communicate these requirements to the respective Services. CoC training needs should be identified for wartime requirements as well as for areas considered high risk due to terrorist activities and areas with the likely potential for detention of members of the Armed Forces by foreign governments for the purpose of exploitation. The Commanders of the Combatant Commands must determine who is considered high-risk-of-capture and exploitation for the purpose of CoC training. During war and operations other than war, personnel operating beyond the forward line of troops (e.g. all aviators, Special Operations Forces, long-range reconnaissance patrol members) are clearly in more danger than others of becoming prisoners of war. Combat forces generally require higher-level CoC training than support forces. As such, the commands must identify their requirements precisely, and they and the Services must train them to the applicable level.

4.4.2. Determine CoC continuation training requirements for personnel identified to operate in the command's area of operations.

4.4.3. Require all personnel to receive CoC training commensurate with their risk-of-capture level prior to deployment to the command's area of operations.

5. PROCEDURES

5.1. DPMO shall review Military Service-level implementing instructions for training related to the CoC to ensure conformity to this Instruction. Additionally, it shall coordinate with the General Counsel, Department of Defense, as required, to ensure compliance with policies of the Department of State and other Agencies of the Executive Branch.

5.2. The Secretaries of the Military Departments shall:

5.2.1. Train all personnel in the applicable level of CoC training as identified by the Commanders of the Combatant Commands. Training related to the CoC shall be conducted at three levels for the following categories of personnel:

5.2.1.1. Level A. Minimum level of understanding for all members of the Armed Forces, to be imparted during entry training of all personnel.

5.2.1.2. Level B. Minimum level of understanding for Military Service members whose military jobs, specialties, or assignments entail moderate risk of capture and exploitation. As a minimum, the following categories of personnel shall receive Level B training at least once in their careers: members of ground combat units, security forces for high threat targets, and anyone in the immediate vicinity of the Forward Edge of Battle Area or the Forward Line of Troops. Training shall be conducted for such Service members as soon as they assume a duty that makes them eligible.

5.2.1.3. Level C. Minimum level of understanding for Military Service members whose military jobs, specialties, or assignments entail a significant or high risk of capture and exploitation. This group of personnel should not be limited to those whose position, rank, seniority, or exposure to Top Secret or higher classified information makes them vulnerable to greater-than-average exploitation efforts by a captor. As a minimum the following categories of personnel shall receive formal Level C training at least once in their careers: combat aircrews, special operations

forces (e.g., Navy special warfare combat swimmers and Special Boat Units, Army Special Forces and Rangers, Marine Corps Force Reconnaissance units, Air Force Special Tactics teams, and psychological operations units) and military attaches. Training shall be conducted for such Service members as soon as they assume duties or responsibilities that make them eligible.

5.2.2. Validate and accredit all Service CoC training and ensure it conforms with the policies in DoD Directive 1300.7 (reference (a)) and training guidance in this Instruction.

5.2.3. Employ qualified instructors and approved materials for CoC training to ensure that all personnel receive applicable knowledge prescribed in enclosures 2 and 3.

5.2.4. Use existing Military Service inspection programs to evaluate CoC training programs related to CoC to ensure that they meet the requirements this Instruction establishes. Ensure that the Military Services provide inspection results to DPMO and JPRA within 30 days of the close of each calendar year.

5.3. The Commander, JPRA shall:

5.3.1. Research and develop applicable training programs when necessary, and modify existing programs in the areas of combat survival, evasion, captivity, and escape, to ensure adequate and appropriately uniform training throughout the Department of Defense.

5.3.2. Provide select Service personnel with baseline resistance training to enable these individuals to become qualified as resistance training instructors by their respective SERE schools. While realistic, stressful training is authorized, it must be closely supervised to prevent abuse. Examples, statements, writings, and materials that undermine the confidence and spirit of the U.S. Armed Forces or its Service members, such as those of a defeatist nature, shall not be used in training programs, except when directed towards positive learning outcomes.

5.3.3. Ensure Service training is tailored to specific types of operations (e.g., wartime, peace, or military operations other than war) and that it is conducted in a progressive manner. When determining the level of training required, Military Services shall consider those personnel assigned to countries where civil strife, banditry, guerrillas, and terrorists are known to operate. Refresher or continuation training should be conducted throughout the Service member's career.

5.3.4. Develop, in coordination with the Military Services, and distribute multimedia-training materials to support training related to the CoC throughout the Armed Forces. Materials shall include guidance on applying realistic, well-monitored training.

5.3.5. Serve as the DoD historian and librarian in all CoC matters and provide for identifying, collecting, and controlling copies of all documentation extant or produced in the future on the CoC and related topics.

5.3.5.1. Documentation shall include, but not be limited to, "Report of the 1976 Defense Review Committee for the Code of Conduct" (reference (c)), CoC training materials (manuals, pamphlets, and audiovisual presentations), reports, scholarly papers, and other publications or manuscripts.

5.3.5.2. These materials shall be available for use, review, and research by the Military Services and other Agencies.

5.3.6. Monitor and evaluate ongoing training programs to achieve and maintain adequate and applicable uniformity of Military Service implementation documents and training programs related to the CoC. At the discretion of the Services, JPRA will combine inspection requirements with existing Military Service inspection programs.

5.4. Enclosure 2 prescribes detailed training policy and guidance in support of the CoC for conduct of U.S. military personnel detained by hostile forces.

5.5. Enclosure 3 sets forth detailed training policy and guidance in support of the CoC for conduct of U.S. military personnel in governmental detention or hostage situations during operations other than war. This training must be consistent with the potential risk of capture and the threat and must be conducted at three levels, as related in paragraph 5.2.1., above.

5.6. Enclosure 4 prescribes general training objectives under this Instruction.

6. INFORMATION REQUIREMENTS

Military Services shall maintain records indicating completion by individual personnel of instruction related to the CoC. The routine collection and annual reporting of Level B and C training data to the Commanders of the Combatant Commands is exempt from licensing in accordance with DoD 8910.1-M (reference (i)) and DoD 8320.1-M-1 (reference (j)).

7. EFFECTIVE DATE AND IMPLEMENTATION

This Instruction is effective immediately.



Walter B. Slocombe
Under Secretary of Defense For Policy

Enclosures - 4

- E1. References, continued
- E2. Guidance for Instruction in Support of the Code of Conduct
- E3. Guidance for Instruction to Assist U.S. Military Personnel in Captivity or Hostile Detention During Peacetime
- E4. Training Objectives

E1. ENCLOSURE 1

REFERENCES, continued

- (e) Executive Order 12017, "Amending the Code of Conduct for Members of the Armed Forces of the United States," November 3, 1977
- (f) Executive Order 12633, "Amending the Code of Conduct for Members of the Armed Forces of the United States," March 28, 1988
- (g) "Geneva Convention Relative to the Treatment of Prisoners of War," August 12, 1949
- (h) Chapter 47 of title 10, United States Code, "Uniform Code of Military Justice (UCMJ)"
- (i) [DoD 8910.1-M](#), "DoD Procedures for Management of Information Requirements," June 1998
- (j) [DoD 8320.1-M-1](#), "Data Elements and Data Codes Standardization Program," April 1, 1998

E2. ENCLOSURE 2

GUIDANCE FOR INSTRUCTION IN SUPPORT OF THE CODE OF CONDUCT

E2.1. INSTRUCTIONAL REQUIREMENT

E2.1.1. The CoC, established by E.O. 10631 (reference (b)), and as amended by E.O. 12017 (reference (e)) and E.O. 12633 (reference (f)), outlines basic responsibilities and obligations of members of the U.S. Armed Forces. All members of the Armed Forces are expected to meet the standards the CoC embodies. Although designed for evasion and prisoner of war (POW) situations, the spirit and intent of the CoC are applicable to Service members subjected to other hostile detention, and such Service members should conduct themselves consistently in a manner that avoids discrediting themselves and their country.

E2.1.2. The CoC, in six brief Articles, addresses those situations and decision areas that, to some degree, all personnel could encounter. It includes basic information useful to U.S. POWs in their efforts to survive honorably while resisting their captor's efforts to exploit them to the advantage of the enemy's cause and their own disadvantage. Such survival and resistance requires varying degrees of knowledge of the meaning of the six Articles of the CoC.

E2.1.3. The degree of knowledge members of the Armed Forces require is dictated by the Service member's susceptibility to capture, the amount of sensitive information the Service member has, and the potential captor's or detaining power's likely assessment of the Service member's usefulness and value.

E2.1.3.1. Consequently, the military duties, specialties, assignments, levels of position, rank, and seniority of some individuals require detailed training in the principles, procedures, and techniques of survival evasion and recovery, resistance to exploitation, and escape. For others, basic explanations of the problems, duties, and obligations of an evader and captive suffice.

E2.1.3.2. The complex circumstances of detention that are not incident to an armed conflict with a foreign power (e.g., governmental detention and terrorist captivity as a result of operations other than war) require special instructions prescribed in enclosure 3.

E2.1.3.3. The degree of knowledge an individual Service member requires may change with changes in duty assignment and levels of responsibility. New information may become available on potential enemies' POW management techniques. Supplementary training shall be provided, as required.

E2.1.3.4. As a convenience to training managers, trainers, and those being trained, required levels of understanding are provided based on knowledge needed. The Commanders of the Combatant Commands concerned shall determine the personnel to which these levels apply. The Military Services are responsible for identifying and qualifying CoC and SERE training specialists.

E2.1.4. To facilitate such training, paragraph E2.2., below, is outlined for each Article of the CoC as follows:

E2.1.4.1. Statement of the Article of the Code of Conduct.

E2.1.4.2. Basic explanatory material on that Article.

E2.1.4.3. Training guidance for Level A, Level B, and Level C.

E2.1.5. The intent of providing subject matter guidance to use in ascending levels of understanding is to direct the Military Services to increase each Service member's depth of knowledge depending on his or her needs, not to provide a checklist of topics or number of hours of instruction required. Training at Levels B and C should include more detailed information on coping skills and more complex problem solving on leadership and command topics than were first introduced to the Service member during Level A training.

E2.2. ARTICLES OF THE CODE OF CONDUCT AND IMPLEMENTING INSTRUCTIONS (E.O. 10631, reference (b))

E2.2.1. Article I. I AM AN AMERICAN, FIGHTING IN THE FORCES WHICH GUARD MY COUNTRY AND OUR WAY OF LIFE. I AM PREPARED TO GIVE MY LIFE IN THEIR DEFENSE.

E2.2.1.1. Explanation

E2.2.1.1.1. Article I of the CoC applies to all Service members at all times. A member of the Armed Forces has a duty to support U.S. interests and oppose

U.S. enemies regardless of the circumstances, whether located in a combat environment or in captivity.

E2.2.1.1.2. Medical personnel and chaplains are obligated to abide by the provisions of the CoC; however, their special retained status under the Geneva Conventions (reference (g)) grants them some flexibility in its implementation as outlined in paragraph E2.3. Medical personnel, depending on their mission profile and employment capabilities, require varying levels of CoC training.

E2.2.1.2. Training Guidance for Levels A, B, and C. Familiarity with the wording and basic meaning of Article I is necessary to understand that:

E2.2.1.2.1. Past experience of captured Americans reveals that honorable survival in captivity requires that a Service member possess a high degree of dedication and motivation. Maintaining these qualities requires knowledge of and a strong belief in the following:

E2.2.1.2.1.1. The advantages of American democratic institutions and concepts.

E2.2.1.2.1.2. Love of and faith in the United States and a conviction that the U.S. cause is just.

E2.2.1.2.1.3. Faith in and loyalty to fellow POWs.

E2.2.1.2.2. Possessing the dedication and motivation such beliefs and trust foster enables POWs to survive long and stressful periods of captivity, and return to their country and families honorably with self-esteem intact.

E2.2.2. Article II. I WILL NEVER SURRENDER OF MY OWN FREE WILL. IF IN COMMAND, I WILL NEVER SURRENDER THE MEMBERS OF MY COMMAND WHILE THEY STILL HAVE THE MEANS TO RESIST.

E2.2.2.1. Explanation. Members of the Armed Forces may never surrender voluntarily. Even when isolated and no longer able to inflict casualties on the enemy or otherwise defend themselves, it is their duty to evade capture and rejoin the nearest friendly force.

E2.2.2.1.1. Surrender is the willful act of members of the Armed Forces turning themselves over to enemy forces when not required by utmost necessity or extremity. Surrender is always dishonorable and never allowed. When there is no

chance for meaningful resistance, evasion is impossible, and further fighting would lead to their death with no significant loss to the enemy, members of Armed Forces should view themselves as "captured" against their will versus a circumstance that is seen as voluntarily "surrendering." They must remember that the capture was dictated by the futility of the situation and overwhelming enemy strengths. In this case, capture is not dishonorable.

E2.2.2.1.2. The responsibility and authority of a commander never extends to the surrender of command, even if isolated, cut off, or surrounded, while the unit has a reasonable power to resist, break out, or evade to rejoin friendly forces.

E2.2.2.2. Training Guidance

E2.2.2.2.1. Levels A, B, and C. Training should ensure that each individual is familiar with the wording and basic meaning of Article II, as stated in paragraph E2.2.2.1., above.

E2.2.2.2.2. Levels B and C. Training should be oriented toward additional depth of knowledge on the following topics. Specifically, Service members must:

E2.2.2.2.2.1. Understand that when they are cut off, shot down, or otherwise isolated in enemy-controlled territory, they must make every effort to avoid capture. The courses of action available include concealment until recovered by friendly rescue forces, evasive travel to a friendly or neutral territory, and evasive travel to other prebriefed areas.

E2.2.2.2.2.2. Understand that capture does not constitute a dishonorable act if the Service member has exhausted all reasonable means of avoiding it and the only alternative is death or serious bodily injury.

E2.2.2.2.3. Level C. Training should ensure that Service members understand and are confident in their ability to stay alive using survival skills while evading, the procedures and techniques of rescue by search and recovery forces, and the procedures for properly using specified evasion destinations.

E2.2.3. Article III. IF I AM CAPTURED, I WILL CONTINUE TO RESIST BY ALL MEANS AVAILABLE. I WILL MAKE EVERY EFFORT TO ESCAPE AND AID OTHERS TO ESCAPE. I WILL ACCEPT NEITHER PAROLE NOR SPECIAL FAVORS FROM THE ENEMY.

E2.2.3.1. Explanation. The misfortune of capture does not lessen the duty of a member of the Armed Forces to continue resisting enemy exploitation by all means available. Contrary to the Geneva Conventions (reference (g)), enemies whom U.S. forces have engaged since 1949 have regarded the POW compound as an extension of the battlefield. The POW must be prepared for this fact.

E2.2.3.1.1. The enemy has used a variety of tactics to exploit POWs for propaganda purposes or to obtain military information in disregard of the Geneva Conventions. The CoC requires resistance to captor exploitation efforts. In the past, enemies of the United States have used physical and mental harassment, general mistreatment, torture, medical neglect, and political indoctrination against POWs.

E2.2.3.1.2. The enemy has tried to tempt POWs to accept special favors or privileges not given to other POWs in return for statements or information desired by the enemy or for a pledge by the POW not to attempt escape.

E2.2.3.1.3. POWs must not seek special privileges or accept special favors at the expense of fellow POWs.

E2.2.3.1.4. The Geneva Conventions recognize that the regulations of a POW's country may impose the duty to escape and that POWs may attempt to escape. Under the guidance and supervision of the senior military person and POW organization, POWs must be prepared to take advantage of escape opportunities whenever they arise. In communal detention, the welfare of the POWs who remain behind must be considered. A POW must "think escape," must try to escape if able to do so, and must assist others to escape.

E2.2.3.1.5. The Geneva Conventions authorize the release of POWs on parole only to the extent authorized by the POWs' country and prohibit compelling a POW to accept parole. Parole agreements are promises a POW gives the captor to fulfill stated conditions, such as not to bear arms or not to escape, in consideration of special privileges, such as release from captivity or lessened restraint. The United States does not authorize any Military Service member to sign or enter into any such parole agreement.

E2.2.3.2. Training Guidance

E2.2.3.2.1. Levels A, B, and C. Training should ensure that Service members are familiar with the wording and basic meaning of Article III, as stated in paragraph E2.2.3.1., above.

E2.2.3.2.2. Levels B and C. Training should be oriented toward an additional depth of knowledge on the following topics. Specifically, Service members must:

E2.2.3.2.2.1. Understand that captivity is a situation involving continuous control by a captor who may attempt to use the POW as a source of military information, for political purposes, and as a potential subject for political indoctrination.

E2.2.3.2.2.2. Be familiar with the rights and obligations of both the POW and the captor under reference (g) and be aware of the increased significance of resistance should the captor refuse to abide by the provisions of the Geneva Conventions. Be aware that the resistance the CoC requires is directed at captor exploitation efforts, because such efforts violate the Geneva Conventions. Understand that resistance beyond that identified above subjects the POW to possible punishment by the captor for order and discipline violations. Certain actions by the POW can be prosecuted as criminal offenses against the detaining power.

E2.2.3.2.2.3. Be familiar with, and prepared for, the fact that certain countries have reservations to Article 85 of the 1949 Geneva Convention (III) relative to the Treatment of Prisoners of War (reference (g)). Article 85 offers protection to a POW convicted of a crime based on facts occurring before capture. Understand that captors from countries that have expressed a reservation to Article 85 often threaten to use their reservation as a basis for adjudging all members of opposing armed forces as "war criminals." As a result, POWs may find themselves accused of being "war criminals" simply because they waged war against these countries before capture. The U.S. Government and most other countries do not recognize the validity of this argument.

E2.2.3.2.2.4. Understand that a successful escape by a POW causes the enemy to divert forces that might otherwise be fighting, provides the United States valuable information about the enemy and other POWs in captivity, and serves as a positive example to all members of the Armed Forces.

E2.2.3.2.2.5. Understand the advantages of early escape in that members of the ground forces are usually relatively near friendly forces. For all captured individuals, an early escape attempt takes advantage of the fact that the initial captors are usually not trained guards, that the security system is relatively lax, and that the POW is not yet in a debilitated physical condition.

E2.2.3.2.2.6. Understand the importance of beginning escape planning at the earliest possible moment and continuing escape planning throughout captivity even when no obvious escape opportunities exist. POWs should passively collect information on the captors, the strengths and weaknesses of the facility and its security personnel, the surrounding terrain and conditions that could affect an escape attempt, and items and materials within the camp that may support an escape effort. This alertness and continual planning for escape places a POW in the best position to exploit, facilitate, or provide assistance during an escape opportunity.

E2.2.3.2.2.7. Be familiar with the complications of escape after arrival at an established POW camp. These may include secure facilities and an experienced guard system, increased distance from friendly forces, debilitated physical condition of prisoners, psychological factors that reduce escape motivation ("barbed-wire syndrome"), and possible differing ethnic characteristics of the escapee and the enemy population.

E2.2.3.2.2.8. Understand the command supervisory role of the senior United States military person and the POW organization in escapes from established POW camps. Understand the responsibilities of escapees to their fellow POWs.

E2.2.3.2.2.9. Understand that acceptance of parole means a POW has agreed not to engage in a specified act, such as to escape or to bear arms, in exchange for a stated privilege, and that U.S. policy forbids a POW to accept such parole.

E2.2.3.2.2.10. Understand the effects on POW organization and morale, as well as the possible legal consequences, of accepting a favor from the enemy that results in gaining benefits or privileges not available to all POWs. Such benefits and privileges include acceptance of release before the release of sick or wounded POWs or those who have been in captivity longer. Special favors include improved food, recreation, and living conditions not available to other POWs.

E2.2.3.3. Level C. Training should be oriented toward additional details on the topics set forth in paragraph E2.2.3.2.2., above, as well as understanding the necessity for and the mechanics of covert organizations in captivity. Those organizations serve the captive's ends, such as escaping.

E2.2.4. Article IV. IF I BECOME A PRISONER OF WAR, I WILL KEEP FAITH WITH MY FELLOW PRISONERS. I WILL GIVE NO INFORMATION OR TAKE PART IN ANY ACTION WHICH MIGHT BE HARMFUL TO MY COMRADES. IF I AM SENIOR, I WILL TAKE COMMAND. IF NOT, I WILL OBEY THE LAWFUL ORDERS OF THOSE APPOINTED OVER ME AND WILL BACK THEM UP IN EVERY WAY.

E2.2.4.1. Explanation. Officers and noncommissioned officers shall continue to carry out their responsibilities and exercise their authority in captivity.

E2.2.4.1.1. Informing, or any other action detrimental to a fellow POW, is despicable and is expressly forbidden. POWs especially must avoid helping the enemy to identify fellow POWs who may have knowledge of value to the enemy and who may be made to suffer coercive interrogation.

E2.2.4.1.2. Strong leadership is essential to discipline. Without discipline, camp organization, resistance, and even survival may be impossible.

E2.2.4.1.3. Personal hygiene, camp sanitation, and care of the sick and wounded are imperative.

E2.2.4.1.4. Wherever located, POWs should organize in a military manner under the senior military POW eligible for command. The senior POW (whether officer or enlisted) in the POW camp or among a group of POWs shall assume command according to rank without regard to Military Service. The senior POW cannot evade that responsibility and accountability. (See paragraph E2.3., below.)

E2.2.4.1.5. When taking command, the senior POW shall inform the other POWs and shall designate the chain of command. If the senior POW is incapacitated, or is otherwise unable to act for any reason, the next senior POW shall assume command. Every effort shall be made to inform all POWs in the camp (or group) of the members of the chain of command who shall represent them in dealing with enemy authorities. The responsibility of subordinates to obey the lawful orders of ranking American military personnel remains unchanged in captivity.

E2.2.4.1.6. U.S. policy on POW camp organization requires that the senior military POW assume command. The Geneva Convention on POWs (reference (g)) provides additional guidance to the effect that in POW camps containing only enlisted personnel, a prisoners' representative shall be elected. POWs should

understand that such an elected representative is regarded by U.S. policy as only a spokesperson for the senior POW. The prisoners' representative does not have command, unless the POWs elect the senior POW to be the prisoners' representative. The senior POW shall assume and retain actual command, covertly if necessary.

E2.2.4.1.7. Maintaining communications is one of the most important ways that POWs aid one another. Communication breaks down the barriers of isolation that an enemy may attempt to construct and helps strengthen a POW's will to resist. Each POW, immediately upon capture, shall try to make contact with fellow POWs by any means available and, thereafter, shall continue to communicate and participate vigorously as part of the POW organization.

E2.2.4.1.8. As with other provisions of the CoC, common sense and the conditions in the POW camp shall determine the way in which the senior POW and the other POWs structure their organization and carry out their responsibilities. It is important that:

E2.2.4.1.8.1. The senior POW establish an organization.

E2.2.4.1.8.2. The POWs in that organization understand their duties and know to whom they are responsible.

E2.2.4.2. Training Guidance

E2.2.4.2.1. Levels A, B, and C. Training should ensure that Service members are familiar with the wording and basic meaning of Article IV, as stated in paragraph E2.2.4.1., above, and understand that:

E2.2.4.2.1.1. Leadership and obedience to those in command are essential to the discipline required to effect successful organization against captor exploitation. In captivity situations involving two or more POWs, the senior ranking POW shall assume command; all others shall obey the orders and abide by the decisions of the senior POW regardless of differences in Military Service affiliations. Failure to do so shall result in the weakening of organization, a lowering of resistance, and, after repatriation, may result in legal proceedings under the UCMJ (reference (h)).

E2.2.4.2.1.2. Faith, trust, and individual group loyalties have great value in establishing and maintaining an effective POW organization.

E2.2.4.2.1.3. A POW who voluntarily informs or collaborates with the captor is disloyal to the United States and fellow POWs and, after repatriation, is subject to disciplinary action under reference (h) for such actions.

E2.2.4.2.2. Levels B and C. Training should be oriented toward additional depth of knowledge on the following topics. Specifically, Service members must:

E2.2.4.2.2.1. Be familiar with the principles of hygiene, sanitation, health maintenance, first aid, physical conditioning, and food use. It shall include recognition and emergency self-treatment of typical POW camp illnesses by emergency use of primitive materials and available substances (e.g., toothpaste, salt, and charcoal). Such knowledge exerts an important influence on POW ability to resist and assists an effective POW organization.

E2.2.4.2.2.2. Understand the importance of, and the basic procedures for, establishing secure communications between separated individuals and groups of POWs attempting to establish and maintain an effective organization.

E2.2.4.2.2.3. Be familiar with the major ethnic (to include racial demographics), cultural and national characteristics of the enemy that may affect POW-captor relationships to the detriment of individual POWs and the POW organization.

E2.2.4.2.2.4. Further understand that:

E2.2.4.2.2.4.1. An informer or collaborator should be insulated from sensitive information on POW organization, but members of the POW organization should continually encourage and try to persuade the collaborator to cease such activities.

E2.2.4.2.2.4.2. Welcoming a repentant collaborator "back to the fold" is generally a more effective POW organizational approach than continued isolation, which may encourage the collaborator to continue such disloyal conduct.

E2.2.4.2.2.4.3. There is a significant difference between the collaborator who must be persuaded to return and the resister who, only after having been physically or mentally tortured, complies with a captor's improper demand (such as to provide information or a propaganda statement). The collaborator's conduct is

reprehensible and cannot be sanctioned, whereas the resister should be given help to gather strength and resume resistance.

E2.2.4.2.2.5. Understand that in situations where military and civilian personnel are imprisoned together, the senior military POW should make every effort to persuade civilian prisoners that the Military Service member's assuming overall command leadership of the entire prisoner group, based upon experience and specific training, is advantageous to the entire prisoner community.

E2.2.4.2.3. Level C. Understand the need for, and the mechanics of, establishing an effective covert organization in situations where the captor attempts to prevent or frustrate a properly constituted organization.

E2.2.5. Article V. WHEN QUESTIONED, SHOULD I BECOME A PRISONER OF WAR, I AM REQUIRED TO GIVE NAME, RANK, SERVICE NUMBER, AND DATE OF BIRTH. I WILL EVADE ANSWERING FURTHER QUESTIONS TO THE UTMOST OF MY ABILITY. I WILL MAKE NO ORAL OR WRITTEN STATEMENTS DISLOYAL TO MY COUNTRY AND ITS ALLIES OR HARMFUL TO THEIR CAUSE.

E2.2.5.1. Explanation. When questioned, a POW is required by the Geneva Conventions (reference (g)) and the CoC (reference (b)), and is permitted by the UCMJ (reference (h)), to give name, rank, service number, and date of birth. Under reference (g), the enemy has no right to try to force a POW to provide any additional information. However, it is unrealistic to expect a POW to remain confined for years reciting only name, rank, service number, and date of birth. There are many POW camp situations in which certain types of conversation with the enemy are permitted. For example, a POW is allowed, but not required by the CoC, the UCMJ, or the Geneva Conventions, to fill out a Geneva Conventions "capture card," to write letters home, and to communicate with captors on matters of camp administration and health and welfare.

E2.2.5.1.1. The senior POW is required to represent fellow POWs in matters of camp administration, health, welfare, and grievances. However, POWs must constantly bear in mind that the enemy has often viewed POWs as valuable sources of military information and propaganda that they can use to further their war effort.

E2.2.5.1.2. Accordingly, each POW must exercise great caution when completing a "capture card," when engaging in authorized communication with the

captor, and when writing letters. A POW must resist, avoid, or evade, even when physically and mentally coerced, all enemy efforts to secure statements or actions that may further the enemy's cause.

E2.2.5.1.3. Examples of statements or actions POWs should resist include giving oral or written confessions; making propaganda recordings and broadcast appeals to other POWs to comply with improper captor demands; appealing for U.S. surrender or parole; engaging in self-criticisms; and providing oral or written statements or communications on behalf of the enemy or harmful to the United States, its allies, the Armed Forces, or other POWs. Captors have used POWs' answers to questions of a personal nature, questionnaires, or personal history to create improper statements such as those listed above.

E2.2.5.1.4. A POW should recognize the enemy might use any confession or statement as part of a false accusation that the captive is a war criminal rather than a POW. Moreover, certain countries have made reservations to the Geneva Conventions (reference (g)) in which they assert that a war criminal conviction has the effect of depriving the convicted individual of POW status. These countries may assert that the POW is removed from protection under reference (g) and the right to repatriation is thus revoked until the individual serves a prison sentence.

E2.2.5.1.5. If a POW finds that, under intense coercion, he unwillingly or accidentally discloses unauthorized information, the Service member should attempt to recover and resist with a fresh line of mental defense.

E2.2.5.1.5.1. POW experience has shown that although enemy interrogation sessions may be harsh and cruel, it is usually possible to resist, if there is a will to resist.

E2.2.5.1.5.2. The best way for a POW to keep faith with the United States, fellow POWs, and oneself is to provide the enemy with as little information as possible.

E2.2.5.2. Training Guidance

E2.2.5.2.1. Levels A, B, and C. Training should ensure that Service members are familiar with the wording and basic meaning of Article V, as stated in paragraph E2.2.5.1., above.

E2.2.5.2.2. Levels B and C. Levels B and C training should provide additional understanding of Article V. Specifically, Service members must:

E2.2.5.2.2.1. Be familiar with the various aspects of the interrogation process, its phases, the procedures, methods and techniques of interrogation, and the interrogator's goals, strengths, and weaknesses.

E2.2.5.2.2.2. Understand that the Geneva Conventions and the CoC require a POW to disclose name, rank, service number, and date of birth, when questioned. Understand that a POW must avoid answering further questions. A POW is encouraged to limit further disclosure by using resistance techniques such as claiming inability to furnish additional information because of previous orders, poor memory, ignorance, or lack of comprehension. The POW may never voluntarily give the captor additional information, but must resist doing so, even if it involves withstanding mental and physical duress.

E2.2.5.2.2.3. Understand that short of death, it is unlikely that a POW may prevent a skilled enemy interrogator, using all available psychological and physical methods of coercion, from obtaining some degree of compliance by the POW with captor demands. However, understand that if the interrogator takes the Service member past the point of maximum endurance, the POW must recover ("bounce back") as quickly as possible and resist each successive captor exploitation effort to the utmost. Understand that a forced answer on one point does not authorize continued compliance. The POW must resist answering again at the next interrogation session.

E2.2.5.2.2.4. Understand that the CoC (reference (b)) authorizes a POW to communicate with the captor on individual health or welfare matters and, when applicable, on routine matters of camp administration. Conversations on those matters are not considered to be giving unauthorized information, as defined in paragraph E2.2.5.1.3., above.

E2.2.5.2.2.5. Understand that the POW may furnish limited information on family status and address in completing a Geneva Conventions capture card under reference (g). Be aware that a POW may write personal correspondence. Be aware that the captor shall have full access to both the information on the capture card and the contents of personal correspondence.

E2.2.5.2.2.6. Be familiar with the captor's reasons for and methods of attempting to involve POWs in both internal and external propaganda activities. Understand that a POW must use every means available to avoid participating in such activities and must not make oral or written statements disloyal to the United States or its allies, or detrimental to fellow POWs.

E2.2.5.2.2.7. Be familiar with the captor's reasons for and methods of attempting to indoctrinate POWs politically. Be familiar with the methods of resisting such indoctrination.

E2.2.5.3. Level C. Training should provide additional details, and Service members should specifically:

E2.2.5.3.1. Understand that even when coerced beyond name, rank, service number, date of birth, and claims of inabilities, it is possible to thwart an interrogator's efforts to obtain useful information by using certain additional ruses and stratagems.

E2.2.5.3.2. Understand and develop confidence in the ability to use properly the ruses and stratagems designed to prevent successful interrogation.

E2.2.6. Article VI. I WILL NEVER FORGET THAT I AM AN AMERICAN, FIGHTING FOR FREEDOM, RESPONSIBLE FOR MY ACTIONS, AND DEDICATED TO THE PRINCIPLES WHICH MADE MY COUNTRY FREE. I WILL TRUST IN MY GOD AND IN THE UNITED STATES OF AMERICA.

E2.2.6.1. Explanation. A member of the Armed Forces remains responsible for personal actions at all times. Article VI is designed to assist members of the Armed Forces to fulfill their responsibilities and survive captivity with honor. The CoC does not conflict with the UCMJ (reference (h)), which continues to apply to each military member during captivity or other hostile detention. Failure to adhere to the CoC may subject Service members to applicable disposition under the UCMJ.

E2.2.6.1.1. When repatriated, POWs can expect their actions to be subject to review, both as to circumstances of capture and as to conduct during detention. The purpose of such review is to recognize meritorious performance and, if necessary, investigate any allegations of misconduct.

E2.2.6.1.2. Such reviews shall be conducted with due regard for the rights of the individual and consideration for the conditions of captivity.

E2.2.6.1.3. A member of the Armed Forces who is captured has a continuing obligation to resist all attempts at indoctrination and remain loyal to the United States.

E2.2.6.1.4. The life of a POW may be very hard. POWs who stand firm and united against enemy pressures shall aid one another immeasurably in surviving this ordeal.

E2.2.6.2. Training Guidance for Levels A, B, and C. Training should ensure that members are familiar with the wording and basic meaning of Article VI, and:

E2.2.6.2.1. Understand the relationship between the UCMJ and the CoC (references (h) and (b), respectively), and realize that failure to follow the guidance of the CoC may result in subsequent disposition under the UCMJ. Every member of the Armed Forces of the United States should understand that Service members may be held legally accountable for personal actions while detained.

E2.2.6.2.2. Be knowledgeable of the national policy the President expressed in reference (b) promulgating the CoC:

"No American prisoner of war will be forgotten by the United States. Every available means will be employed by our Government to establish contact with, to support and to obtain the release of all our prisoners of war. Furthermore, the laws of the United States provide for the support and care of dependents of the Armed Forces including those who become prisoners of war. I assure dependents of such prisoners that these laws will continue to provide for their welfare."

E2.2.6.2.3. Understand that the Military Services, as prescribed in Federal law, shall take care of both the POW and dependents and that pay and allowances, eligibility and procedures for promotion, and benefits for dependents continue while the POW is detained even if the enemy does not report the Service member as being a POW and his or her status reflects missing in action.

E2.2.6.2.4. Understand the importance of military members ensuring that their personal affairs and family matters (pay, powers of attorney, wills, debt payments, and children's schooling) are kept current through discussion, counseling or filing of documents before being exposed to risk of capture.

E2.2.6.2.5. Understand that failure to accomplish the matters set forth in paragraph E2.2.6.2.4., above, has resulted in an almost overwhelming sense of guilt on the part of the POWs and has placed unnecessary hardship on family members.

E2.3. SPECIAL ALLOWANCES FOR MEDICAL PERSONNEL AND CHAPLAINS

E2.3.1. Article I. Under the Geneva Conventions, medical personnel who are exclusively engaged in the medical service of their armed forces and chaplains who fall into the hands of the enemy are "retained personnel" and are not POWs. While this allows them the latitude and flexibility necessary to perform their professional duties, it does not relieve them of their obligation to abide by the provisions of the CoC. Like all members of the Armed Forces, medical personnel and chaplains are accountable for their actions.

E2.3.2. Article II. No additional flexibility. However, medical personnel and chaplains are subject to lawful capture. They may only resort to arms in self-defense or in defense of the wounded and sick in their charge when attacked in violation of the Geneva Convention (I). They must refrain from all aggressive action and may not use force to prevent their capture or that of their unit by the enemy. It is, on the other hand, perfectly legitimate for a medical unit to withdraw in the face of the enemy.

E2.3.3. Article III. Under the Geneva Conventions, medical personnel who are exclusively engaged in the medical service of their armed forces and chaplains who fall into the hands of the enemy are "retained personnel" and are not POWs. Reference (g) requires the enemy to allow such persons to continue to perform their medical or religious duties, preferably for POWs of their own country. When the services of those "retained personnel" are no longer needed for these duties, the enemy is obligated to return them to their own forces.

E2.3.3.1. The medical personnel and chaplains of the Military Services who fall into the hands of the enemy must assert their rights as "retained personnel" to perform their medical and religious duties for the benefit of the POWs and must take every opportunity to do so.

E2.3.3.2. If the captor permits medical personnel and chaplains to perform their professional functions for the welfare of the POW community, special latitude is authorized those personnel under the CoC, as it applies to escape.

E2.3.3.3. As individuals, medical personnel and chaplains do not have a duty to escape or to actively aid others in escaping as long as the enemy treats them as "retained personnel." U.S. experience since 1949 when the Geneva Conventions (reference (g)) were first concluded reflects limited compliance by captors of U.S.

personnel with those provisions. U.S. medical and chaplain personnel must prepare to be treated as other POWs.

E2.3.3.4. If the captor does not permit medical personnel and chaplains to perform their professional functions, they are considered identical to all other POWs with respect to their responsibilities under the CoC. Under no circumstances shall the latitude granted medical personnel and chaplains be interpreted to authorize any actions or conduct detrimental to the POWs or the interests of the United States.

E2.3.4. Article IV. Medical personnel shall not assume command over nonmedical personnel and chaplains shall not assume command over military personnel of any branch. Military Service regulations that restrict eligibility of those personnel for command shall be explained to all personnel at an applicable level of understanding to preclude later confusion in a POW camp.

E2.3.5. Article V. This Article and its explanation also apply to medical personnel and chaplains ("retained personnel"). They are required to communicate with a captor in connection with their professional responsibilities, subject to the restraints discussed in Article I, above, and VI, below.

E2.3.6. Article VI. There are no special allowances to Article VI for medical personnel and chaplains.

E3. ENCLOSURE 3

GUIDANCE FOR INSTRUCTION TO ASSIST U.S. MILITARY PERSONNEL IN CAPTIVITY OR HOSTILE DETENTION DURING OPERATIONS OTHER THAN WAR

E3.1. POLICY

This policy on the conduct of U.S. military personnel isolated from U.S. control applies at all times. U.S. military personnel finding themselves isolated from U.S. control are required to do everything in their power to survive with honor.

E3.2. SCOPE

The Code of Conduct is a moral guide designed to assist military personnel in combat or being held as POWs to live up to the ideals in the DoD policy. The guidance in this enclosure assists U.S. military personnel who find themselves isolated from U.S. control in operations other than war, or in a situation not related specifically to the CoC. This enclosure is the special guidance referred to in paragraph E2.1.3.2. The Military Departments shall establish procedures to ensure that all U.S. military personnel under their control are made aware of the guidance in this enclosure. Dissemination procedures should parallel those used to ensure proper education and training in support of the CoC throughout the Department of Defense.

E3.3. RATIONALE

U.S. military personnel, because of their employment in a wide range of circumstances throughout the world, participate in operations other than war that can result in detention by unfriendly governments or captivity by terrorist groups. The guidance in this enclosure helps U.S. military personnel survive those situations with honor and does not replace the UCMJ (reference (i)) as a vehicle for enforcement of proper conduct. The guidance in this enclosure, although exactly the same as the CoC (reference (b)) in some areas, applies only during operations other than war. For specific missions or in areas of assignment where U.S. military personnel may have a high risk of governmental detention or terrorist captivity, the Military Services are obligated to provide training and detailed guidance to such personnel to ensure their

adequate preparation for the situation. USJFCOM's office of primary responsibility for CoC training, JPRA, on behalf of ASD(ISA), shall review and monitor for adequacy Service training programs for adequacy and consistency with this guidance.

E3.4. GENERAL

U.S. military personnel captured by terrorists or detained by hostile foreign governments are often held for individual exploitation, or to influence the U.S. Government, or both. That exploitation may take many forms, but each form of exploitation is designed to assist the foreign government or the terrorist captors. In the past, terrorists or governments exploited detainees for information and propaganda efforts, including confessions to crimes never committed. This assisted or lent credibility to the detainer. Governments also have been exploited in such situations to make damaging statements about themselves or to force them to appear weak in relation to other governments. Governments have paid ransoms for captives of terrorists, and such payments have improved terrorist finances, supplies, status, and operations, often prolonging the terror carried on by such groups. The U.S. Government's policy is that we will not negotiate with terrorists.

E3.5. RESPONSIBILITY

The U.S. Government shall make every good-faith effort to obtain the earliest release of U.S. military personnel, whether detainees or hostages. Faith in one's country and its way of life, faith in fellow detainees or captives, and faith in one's self are critical to surviving with honor and resisting exploitation. Resisting exploitation and having faith in these areas are the responsibility of all Americans. On the other hand, the destruction of such faith must be the assumed goal of all captors determined to maximize their gains from a detention or hostage situation.

E3.6. GOAL

U.S. military personnel must take every reasonable step to prevent exploitation of themselves and the U.S. Government. If the captive cannot prevent exploitation completely, the captive must take every step to limit exploitation as much as possible. Detained U.S. military personnel often are catalysts for their own release, based on their ability to become unattractive sources of exploitation; e.g., one who resists successfully may expect detainers to lose interest in further exploitation attempts. Detainees, or hostages, must make their own judgments as to which actions shall

increase their chances of returning home with honor and dignity. Without exception, the military member who may say honestly that he or she has done his or her utmost in a detention or hostage situation to resist exploitation upholds DoD policy, the founding principles of the United States, and the highest traditions of Military Service.

E3.7. MILITARY BEARING AND COURTESY

U.S. military personnel shall maintain their military bearing, regardless of the type of detention or captivity, or harshness of treatment. They should make every effort to remain calm, courteous, and project personal dignity. That is particularly important during the process of capture and the early stages of internment when the captors may be uncertain of their control over the captives. Discourteous, nonmilitary behavior seldom serves the long-term interest of a detainee or hostage and often results in unnecessary punishment that serves no useful purpose. Such behavior, in some situations, may jeopardize survival and severely complicate efforts to gain release of the detainee or hostage.

E3.8. CLASSIFIED INFORMATION

There are no circumstances in which a detainee, or hostage, should voluntarily give classified information or materials to those who are not authorized to receive them. To the utmost of their ability, U.S. military personnel held as detainees or hostages shall protect all classified information. An unauthorized disclosure of classified information, for whatever reason, does not justify further disclosures. Detainees and hostages must resist to the utmost of their ability, each and every attempt by their captor to obtain such information.

E3.9. CHAIN OF COMMAND

In group detention or hostage situations, military detainees or hostages shall organize, to the fullest extent possible, in a military manner under the senior military member present and eligible to command. The importance of such organization cannot be overemphasized. Historically, in both peacetime and wartime, establishing a military chain of command has been a tremendous source of strength for all captives. Every effort shall be made to establish and sustain communications with other detainees or hostages. Military detainees or hostages shall encourage civilians being held with them to participate in the military organization and accept the authority of the senior military member. In some circumstances, such as embassy duty, military members

may be under the direction of a senior U.S. civilian official. Notwithstanding such circumstances, the senior military member still is obligated to establish, as an entity, a military organization and to ensure that the guidelines in support of the DoD policy to survive with honor are not compromised.

E3.10. GUIDANCE FOR DETENTION BY GOVERNMENTS (DETAINEE)

E3.10.1. U.S. military personnel must be aware that the basic protections available to prisoners of war under Article 3 of reference (g) may not be required during operations other than war. It is essential that U.S. military personnel understand that the provisions of the Geneva Conventions affording prisoner of war protections apply only during declared war or international armed conflict. In conflicts not of an international character, the combatants are required to apply only the minimum protections of Article 3 of reference (g). As a result, U.S. military personnel detained by a hostile force during Military Operations Other Than War (MOOTW) may be subject to the domestic criminal laws of the detaining nation. For example, if a U.S. pilot, shot down during a MOOTW, kills a civilian to avoid detection by a hostile force, that pilot may be denied the protections of the Geneva Convention and tried under the criminal laws of the detaining nation. In addition to the Geneva Conventions, there may also be a Status of Forces agreement or some other binding agreement that provides certain parameters for the duties of the detaining government. Detainees should attempt to maintain military bearing, if possible, and should avoid aggressive or combative behavior that would violate the criminal or civil laws of the subject country. Detainees should not forget, however, that they have an inherent right of self-defense. Lost, isolated or captive Service members must be prepared to assess the dangers associated with being taken into captivity by local authorities. Their assessment of the dangers should dictate what efforts should be taken and what measure of force may be required to avoid capture, resist apprehension, and resist cooperation once captured.

E3.10.2. Governments are obligated to notify the detainee's consular officials. As American citizens, detainees should ask immediately and continually to see U.S. embassy personnel, or a representative of an allied or neutral government.

E3.10.3. Since the detainers' goals may be maximum political exploitation, U.S. military personnel who are detained must be extremely cautious of their captors in everything they say and do. In addition to asking for a U.S. representative, detainees should provide name, rank, service number, date of birth, and the innocent circumstances leading to their detention. Further discussions should be limited to and

revolve around health and welfare matters, conditions of their fellow detainees, and going home.

E3.10.3.1. Historically, the detainers have attempted to engage military captives in what may be called a "battle of wits" about seemingly innocent and useless topics as well as provocative issues. To engage any detainer in such useless, if not dangerous, dialogue only enables a captor to spend more time with the detainee. The detainee should consider dealings with his or her captors as a "battle of wills;" the will to restrict discussion to those items that relate to the detainee's treatment and return home against the detainer's will to discuss irrelevant, if not dangerous, topics.

E3.10.3.2. A detainee should make every effort to avoid providing propaganda for the detaining government. If a detainee is forced to make a statement or sign documents, he or she must provide as little information as possible and then continue to resist to the utmost of his or her ability. If a detainee writes or signs anything, such action should be measured against how it reflects on the United States and the individual as a member of the military, or how it could be misused by the detainer to further the detainer's ends.

E3.10.3.3. Detainees are not likely to earn their release by cooperation. Release may be gained by the military member doing his or her best to resist exploitation, thereby reducing his or her value to a detainer, and thus prompting a hostile government to negotiate seriously with the U.S. Government.

E3.10.4. U.S. military detainees should accept release, unless doing so requires them to compromise their honor or cause damage to the U.S. Government or its allies. Persons in charge of detained U.S. military personnel shall authorize release of any personnel under almost all honorable circumstances.

E3.10.5. Escape attempts from governmental detention are not recommended, except under unique or life threatening circumstances. Although escape is considered a last resort, it may become necessary if conditions deteriorate to the point that the risks associated with escape are less than the risks of remaining captive. These risks would include torture, the death of detainees due to treatment by the detainers, or the credible threat of death or torture of the detainees by the detainers. Escape planning should begin at the onset of detention to improve the chances of escape should an escape attempt be required. The decision to escape should be based on the careful consideration of the relevant circumstances to include an assessment of the current detention conditions, potential for success, risk of violence during the escape attempt, and the potential reprisals if recaptured and on detainees remaining behind. Because

escape from government detention is a crime in most countries, a failed escape attempt may provide the detainer with further justification to prolong detention by adding additional criminal or civil charges. This would be particularly true if detaining government personnel or civilians were wounded or killed during an escape by or because of the detainee. A detainee in this case may be subjected to severe punishment at the hands of the detainer's legal system that may result in bodily harm or even death to the detainee.

E3.11. GUIDANCE FOR CAPTIVITY BY TERRORISTS (HOSTAGE)

Capture by terrorists is generally the least predictable and structured form of captivity during operations other than war. The captor may qualify as an international criminal. The possible forms of captivity vary from spontaneous, "target of opportunity" kidnapping to a carefully planned and well-orchestrated hijacking. In such captivities, hostages play a greater role in determining their own fate since the terrorists in many instances expect or receive no rewards for providing good treatment or releasing victims unharmed. If U.S. military personnel are uncertain whether captors are genuine terrorists or surrogates of another government, they should assume that they are terrorists. Tension levels will be extremely high. The terrorists feel vulnerable at this point. Hostages should reduce this tension level by controlling their emotions, following instructions as far as practicable, and avoiding physical resistance. Sudden movement or action could precipitate a deadly response.

E3.11.1. One recommendation is for military personnel to obtain a U.S. tourist passport to assist in blending in with other travelers and to delay the initial identification process in a hostage situation. Surrender the tourist passport if the terrorists demand identification during the initial stage, or delay identification as a U.S. military or official traveler by claiming inability to locate documents. If directly confronted about the DoD status, lying is not recommended. The initial delay serves only to maximize survival during the initial stage.

E3.11.2. Surviving in some terrorist situations may depend on a hostage's ability to portray himself or herself as a person rather than an object and by conveying personal dignity and apparent sincerity. Hostages may discuss nonsubstantive topics to convey their human qualities and build rapport by:

E3.11.2.1. Introducing commonalities such as family, clothes, sports, hygiene, food, etc.

E3.11.2.2. Active listening. Allowing captors to discuss their cause or boast, but not to praise, pander, participate or debate with them.

E3.11.2.3. Using their own names.

E3.11.2.4. Being careful about whining or begging as it may increase abuse.

E3.11.2.5. Introducing benign topics at critical times (impasses, demands) to reduce tensions.

E3.11.2.6. Avoiding emotionally charged topics of religion, economics, and politics.

E3.11.2.7. Avoiding being singled out by being argumentative or combative.

E3.11.2.8. Avoiding escalating tensions with language such as "gun, kill, punish," etc.

E3.11.3. Hostages should make reasonable efforts to avoid signing confessions, making propaganda broadcasts, conducting "news interviews," etc., which could embarrass the United States or host governments. Propaganda has been successfully avoided by presenting logical reasons; however, the threat of death by terrorists for non-compliance is more realistic than in governmental detention. The hostage should not mistake pride for inappropriate resistance. If forced to sign or make a statement, hostages should attempt to degrade the propaganda and to provide the minimum information.

E3.11.4. Hostages should plan for being rescued. Leaving fingerprints whenever and wherever possible should assist in locating hostages. The hostage should not attempt to hide his or her face, if photographs are taken. Photographs provide positive identification and information about the terrorists. In case of rescue, the hostage should plan to reach the "safest" area, such as under desks, behind chairs, or any large object that provides protection. Avoid doors, windows, and open areas. When sounds or activities indicate an imminent rescue, the hostage should head for the "safest" area. If it cannot be reached, dropping to the floor with hands visible is appropriate. Hostages should not attempt to "help" rescue forces and jump up or point out the terrorists. Sudden movements could have deadly consequences. Instructions by the rescuers must be followed and rough handling can be expected until authentication is accomplished. Only then should information about the terrorists and other hostages be relayed to the rescue party.

E3.11.5. U.S. military personnel held hostage by terrorists should accept release using guidance in paragraph E3.10.4., above. U.S. military personnel must keep faith with their fellow hostages and conduct themselves according to the guidelines of this enclosure. Hostages and kidnap victims who consider escape to be their only hope are authorized to make such attempts. Escape from detention by terrorists is risky but may become necessary if conditions deteriorate to the point that the risks associated with escape are less than the risks of remaining captive. These risks would include torture, the death of detainees due to treatment by the detainers or the credible threat of death or torture of the detainees by the detainers. Hostages and kidnap victims should begin planning for an escape as soon as possible after coming under the control of terrorists to improve their chances of escape if an escape is attempted. This planning should include the passive collection of information on the captors, the strengths and weaknesses of the facility and its personnel, the surrounding area and conditions that could have an impact on an escape attempt, and items and materials within the detention area that may support an escape effort. This alertness and continual planning for escape places a hostage or kidnap victim in the best position to exploit, facilitate, or provide assistance during an escape opportunity. The decision to escape should be based on the careful consideration of the unique circumstances of the terrorist situation to include an assessment of the current detention conditions, potential for success, risk of violence during the escape attempt, and the potential reprisals if recaptured and on detainees remaining behind.

E4. ENCLOSURE 4
TRAINING OBJECTIVES

The objectives of this Instruction are to ensure that:

E4.1.1. The Military Departments maintain energetic, uniform, and continuing training programs in support of the CoC, including instruction in the methods of survival, evasion, escape, and resistance under varying degrees of hostile exploitation.

E4.1.2. The meaning and interpretation of the CoC are uniform at all stages of training, and that such training develops in each participant the levels of learning indicated in enclosures 2 and 3.

E4.1.3. There is consistency in all DoD CoC training programs, materials, and instructional information.

E4.1.4. Instructional material related to the CoC develops in all members of the Armed Forces a uniform, positive attitude that they have the ability to and must resist captor efforts to exploit them to the disadvantage of themselves, their fellow POWs, and their country. The theme of all instruction shall encourage this positive attitude.

E4.1.5. Training programs impress on all trainees that the inherent responsibilities of rank, leadership, military bearing, military discipline, teamwork, devotion to fellow members, and the duty to resist the enemy are not lessened by capture.