



TJAG Sends

A Message from The Judge Advocate General



Interpretation of the Geneva Conventions Common Article 3

On 20 July, President Bush signed Executive Order 13440, Interpretation of the Geneva Conventions Common Article 3 as Applied to a Program of Detention and Interrogation Operated by the Central Intelligence Agency.

The Order "interprets the meaning and application of the text of Common Article 3 with respect to certain detentions and interrogations," specifically those done by the Central Intelligence Agency. This Executive Order does not change the standard for the Army. The Army standard of treatment for interrogations and detainees is found in the Army's FM 2-22.3, and DoD Directives 2310.1E and 2311.01E. These publications, and the DEPSECDEF memo of 7 July 2006, make clear that Common Article 3 is the minimum humane treatment standard. They also establish that, as a matter of Army policy, the treatment standards contained in the Geneva Convention Relative to the Treatment of Prisoners of War and the Geneva Convention Relative to the Protection of Civilians apply for the vast majority of issues which arise in the context of detainee operations. Further, DoD Directive 3115.09 prohibits the use of non-DoD methods in DoD facilities.

An article providing greater detail will be published shortly in The Army Lawyer. In the interim, I want to ensure that there is no confusion concerning the Executive Order's lack of applicability to the Army. As a Corps, we must be diligent to ensure that all interrogation and detention operations comply with the Army standard.

A handwritten signature in black ink, appearing to read "S. Black".

SCOTT C. BLACK
Major General, USA
The Judge Advocate General