

(IR) (FBI)

From: [Div 13] (FBI)

b7C -1

Sent: Monday, May 10, 2004 12:26 PM

To: HARRINGTON, T J. (Div13) (FBI)

Cc: BATTLE, FRANKIE / (D-13) / (EB)

(R) (FBI)

b6 -1

(Div13) (FBI) [REDACTED] (Div13) (FBI)
CUMMINGS, ARTHUR M. (Div13) (FBI)

(DNV13)(FBI):

b7C -1

Subject: Instructions to GTMO interrogators.

~~SECRET~~//ORCON.NOFORN
RECORD 315N-MM-C99102

TJ.

I will have to do some digging into old files (to see if we specifically told our personnel, in writing, to not deviate from Bureau policy). We did advise each supervisor that went to GTMO to stay in line with Bureau policy and not deviate from that (as well as made them aware of some of the issues regarding DoD techniques). I went to GTMO with Andy Arena early on and we discussed the effectiveness (or lack thereof) of the DoD techniques with the SSA. We (BAU and ITOS1) had also met with General's Dunleavy & Miller explaining our position (Law Enforcement techniques) vs. DoD. Both agreed the Bureau has their way of doing business and DoD has their marching orders from the Sec Def. Although the two techniques differed drastically, both Generals believed they had a job to accomplish. It was our mission to gather critical intelligence and evidence (that could be used in a DoD court of law) in furtherance of FBI cases. In my weekly meetings with DOJ we often discussed DoD techniques and how they were not effective or producing intel that was reliable. Bruce Swartz (SES), Dave Nahmias (SES), Laura Parsky (now SES, GS15 at the time) and Alice Fisher (SES Appointee) all from DOJ Criminal Division attended meetings with FBI. We all agreed DoD tactics were going to be an issue in the military commission cases. I know Mr. Swartz brought this to the attention of DoD OGC.

One specific example was [redacted] Once the Bureau provide DoD with the findings [redacted] and other connections to [redacted] (et al) they wanted to pursue expeditiously their methods to get "more out of him" [redacted] We were given a so called deadline to use our traditional methods. Once our timeline (that DoD put into place) was up, DoD took the reigns. We stepped out of the picture and DoD ran the operation against [redacted] FBI did not participate at the direction of myself, Andy Arana, and BAU UC [redacted] We would receive IIRs on the results of the process.

I went to GTMO on one occasion to specifically address the information coming from the IIRs produced by DoD re [redacted]. We (DoD 3 Star Geoff Miller, FBI, CITE [redacted] etc) had a VTC with the Pentagon Detainee Policy Committee. During this VTC I voiced concerns that the intel produced was nothing more than what FBI got using simple investigative techniques (following the trail of the detainee in and out of the US compared to the trail on [redacted] based on classified info from the Penttomb investigation). Lt. Col [redacted] was providing the DoD portion of the briefing. [redacted] was present at the Pentagon side of the VTC. After allowing DoD (Lt. Col [redacted] to produce nothing, I finally voiced my opinion concerning the information. The conversations were somewhat heated. [redacted] agreed with me. DoD finally admitted the information was the same info the Bureau obtained. It still did not prevent them from continuing the "DoD methods". DOJ was with me at GTMO (Dave Nahmlas) during that time.

Bottom line is FBI personnel have not been involved in any methods of interrogation that deviate from our policy. The specific guidance we have given has always been no Miranda, otherwise, follow FBI/DOJ policy just as you would in your field office. Use common sense. Utilize our methods that are proven (Reed school, etc).

If you would like to call me to discuss this on the telephone I can be reached at

b2

Original Message

DETAINEE-2709

REPORT

4/26/2004

[illegible]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08-28-2001 BY 60322 UCBAW

Message

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From: HARRINGTON, T J. (Div13) (FBI)
Sent: Monday, May 10, 2004 9:21 AM
To: [REDACTED] (Div13) (FBI)
Subject: RE: pls confirm

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

We have this information, now we are trying to go beyond did we ever put into writing in an EC, memo, note or briefing paper to our personnel our position [REDACTED] that we were pursuing our traditional methods of building trust and a relationship with subjects. Tom

Referral/Direct

-----Original Message-----

From: [REDACTED] (Div13) (FBI)
Sent: Monday, May 10, 2004 10:52 AM
To: HARRINGTON, T J. (Div13) (FBI)
Cc: [REDACTED] (Div13) (FBI); BATTLE, FRANKIE (Div13) (FBI); BOWMAN, MARION E. (Div09) (FBI)
Subject: RE: pls confirm

b6 -1
b7c -1

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

BAU at the request of the then (GTMO Task Force, ITOS1) wrote an EC (quite long) explaining the Bureau way of interrogation vs. DoDs methodology. Our formal guidance has always been that all personnel conduct themselves in interviews in the manner that they would in the field. [REDACTED]

Referral/Direct

[REDACTED] along with FBI advised that the LEA (Law Enforcement Agencies) at GTMO were not in the practice of the using [REDACTED] and were of the opinion results obtained from these interrogations were suspect at best. BAU explained to DoD, FBI has been successful for many years obtaining confessions via non-confrontational interviewing techniques.

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We spoke to FBI OGC with our concerns. I also brought these matters to the attention of DOJ during detainee meetings with Laura Parsky and Dave Nahmias. DOJ express their concerns to DoD OGC.

[REDACTED] has a copy of all the information regarding the BAU LHM. I believe she has provided that to TJ Harrington.

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I may have more specific information in my desk at HQ. I will search what I have when I return (5/17).

-----Original Message-----

From: HARRINGTON, T J. (Div13) (FBI)
Sent: Monday, May 10, 2004 4:33 AM
To: BATTLE, FRANKIE (Div13) (FBI); [REDACTED] (Div13) (FBI); [REDACTED] (Div13) (FBI)
Subject: FW: pls confirm

b6 -1
b7c -1

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NON-RECORD

Please review our control files, did we produce anything on paper???

-----Original Message-----

From: Caproni, Valerie E. (Div09) (FBI)
Sent: Sunday, May 09, 2004 2:31 PM
To: [REDACTED] (Div09) (FBI); HARRINGTON, T J. (Div13) (FBI); [REDACTED]

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DETAINEES-2710

9/26/2004

Message

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b6 -1 (Dw13) (FBI) [redacted] (Dw13) (FBI)
b7c -1 Subject: pls confirm

~~SENSITIVE BUT UNCLASSIFIED~~
~~NON-RECORD~~

I think I've heard this several times, but let me ask one more time:

Has there been any written guidance given to FBI agents in either GTMO or Iraq about when they should "stand clear" b/c of the interrogation techniques being used by DOD or DHS [redacted] (S)

b2 [redacted]

b1 [redacted]

b5 -1 [redacted] (S)

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DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign Counterintelligence Investigations
DECLASSIFICATION EXEMPTION 1
SECRET//ORCON,NOFORN

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DETAINEES-2711

9/26/2004