

FEDERAL BUREAU OF INVESTIGATION

Precedence: PRIORITY

Date: 05/19/2004

To: All Divisions

Attn: ADIC
AD
DAD
SAC
CDC

b6 -1

b7C -1

From: General Counsel

Contact: [redacted] (202) 324-[redacted]

b2 -1

Approved By: Pistole John S
Caproni Valerie E

Drafted By:

[redacted]

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Case ID #: (U) 66F-HQ-A1258990

Title: (U) Treatment of Prisoners and Detainees

Synopsis: (U) In light of the widely publicized abuses at the Abu Ghraib prison, Iraq, this EC reiterates and memorializes existing FBI policy with regard to the interrogation of prisoners, detainees, or persons under United States control (collectively "detainees"). These guidelines serve as a reminder of existing FBI policy that has consistently provided that FBI personnel may not obtain statements during interrogations by the use of force, threats, physical abuse, threats of such abuse or severe physical conditions. In addition, this EC sets forth reporting requirements for known or suspected abuse or mistreatment of detainees.

Details: (U) FBI personnel posted abroad come into contact with detainees in a variety of situations. Persons being detained or otherwise held in the custody of the United States are entitled to varying levels of procedural rights depending upon their situation or category of detention (e.g., unlawful combatant, prisoner of war). Although procedural rights, such as Miranda rights, do not apply in all situations overseas, certain minimum standards of treatment apply in all cases.

Applicability: (U) FBI personnel and personnel under FBI supervision deployed in Iraq, Guantanamo Bay, Cuba, Afghanistan or any other foreign location where similar detention and interrogation issues arise are to follow FBI policies and guidelines for the treatment of detainees.

DETAINEES-1

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FBI Policy: (U) "It is the policy of the FBI that no attempt be made to obtain a statement by force, threats, or promises." FBI Legal Handbook for Special Agents, 7-2.1 (1997). A person's status determines the type and extent of due process rights accorded by the FBI, such as right to counsel or advisement of rights. Regardless of status, all persons interrogated or interviewed by FBI personnel must be treated in accordance with FBI policy at all times. It is the policy of the FBI that no interrogation of detainees, regardless of status, shall be conducted using methods which could be interpreted as inherently coercive, such as physical abuse or the threat of such abuse to the person being interrogated or to any third party, or imposing severe physical conditions. See, FBI Legal Handbook Section 7-2.2.

Joint Custody or Interrogation: (U) FBI personnel who participate in interrogations with non-FBI personnel or who participate in interrogations of persons detained jointly by FBI and non-FBI agencies or entities shall at all times comply with FBI policy for the treatment of persons detained. FBI personnel shall not participate in any treatment or use any interrogation technique that is in violation of these guidelines regardless of whether the co-interrogator is in compliance with his or her own guidelines. If a co-interrogator is complying with the rules of his or her agency, but is not in compliance with FBI rules, FBI personnel may not participate in the interrogation and must remove themselves from the situation.

Reporting of Violations: (U) If an FBI employee knows or suspects non-FBI personnel has abused or is abusing or mistreating a detainee, the FBI employee must report the incident to the FBI on-scene commander, who shall report the situation to the appropriate FBI headquarters chain of command. FBI Headquarters is responsible for further follow up with the other party.

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LEADS:

Set Lead 1 (INFO)

ALL RECEIVING OFFICES

(U) Distribute to all personnel.

Set Lead 2 (INFO)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) To be distributed to all FBI personnel who are now, or in the future are, detailed to Iraq, Guantanamo Bay, Cuba, or Afghanistan or other foreign locations in which similar detention and interrogation issues may arise.

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