

FEDERAL BUREAU OF INVESTIGATION

DRAFT

Precedence: ROUTINE

Date: 05/18/2004

To: Counterterrorism Division Attn: T J. Harrington, Deputy Assistant Director, Operational Support, Room 4330

Director's Office

Attn: [Redacted] Assistant, Room 7142

Special b6 -1 b7c -1

General Counsel

Attn: Valerie E. Caproni, General Counsel, Room 7427

From: Inspection Contact: [Redacted]

Approved By: [Redacted]

Drafted By: [Redacted]

b2 -1 b6 -1 b7c -1

Case ID #: 297-HQ-A13276697-E

Title: COUNTERTERRORISM DIVISION; INQUIRY REGARDING ACTIVITIES OF FBI PERSONNEL AT ABU GHURAYB PRISON DURING OCTOBER 2003 - DECEMBER 2003

Synopsis: Provide summary of the results of 14 interviews conducted to date by the Inspection Division in association with captioned inquiry. It should be noted that CTD and the General Counsel are in the process of reviewing documents which will likely identify additional FBI personnel for the Inspection Division to interview in association with this inquiry.

Enclosures: Enclosed are the following documents

- (1) Copy of a two-page chart provided by General Counsel Valerie Caproni, OGC, to the Inspection Division. This chart identifies FBI personnel deployed to Iraq who conducted interviews at Abu Ghurayb Prison (AGP) during the period of October 2003 through December 2003. Column headings on the chart set forth the location, date, serial number, interviewers and interviewee.

DETAINEES-3570

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10-06-2004 BY 61579IMH/ECD/gjg G4-CY-4151

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- (2) Copy of the list of 12 questions covered in each interview conducted by the Inspection Division of FBI personnel identified in Enclosure (1) as having participated in an interview of a prisoner at AGP during the period of October 2003 through December 2003
- (3) Copy of a chart prepared by the Inspection Division entitled "ABU GHURAYB PRISON - IRAQ, LIST OF INTERVIEWEES & DATES OF INTERVIEWS "

Details: For background information, based upon the information provided to the Inspection Division by General Counsel Caproni in Enclosure (1), a total of 13 FBI employees (ten SAs and three LSs) were identified as participants in interviews of nine detainees at AGP during the period of October 2003 through December 2003. The number of interviews conducted by FBI personnel at AGP during this same time period totaled 25, as four of the nine detainees were interviewed on multiple occasions

On 05/17/2004 and 05/18/2004, the Inspection Division conducted interviews of the ten SAs and three LSs identified as having participated in interviews of detainees at AGP. In addition, former On-Scene-Commander Chris Swecker recommended SA [redacted] b6 -1
[redacted] CJIS, also be interviewed due to SA [redacted] b7C -1
frequent presence at the AGP during the relevant time period. (SA [redacted] was TDY to Iraq and present at AGP for the purpose of fingerprinting and processing detainees)

None of the 14 FBI employees interviewed to date reported observing misconduct or mistreatment of prisoners at AGP similar to that which has been reported in recent media accounts. Several of the FBI employees interviewed reported observations which they did not believe rose to the level of misconduct or mistreatment. These observations included (1) a detainee, with an empty green nylon sand bag placed over his head and draped in a shower curtain, was observed handcuffed to a waist high railing (military personnel advised the SA the detainee was being subjected to sleep deprivation and the SA observed an MP lightly slap the detainee on his back, consistent with someone trying to assure the detainee did not fall asleep), (2) military personnel retraining a detainee who was "spread eagle" on a mattress on the floor yelling and flailing (military personnel advised the SA the detainee was mentally ill and the SA's observations were consistent with the military personnel attempting to assist a mentally ill person); (3) a detainee, either naked or wearing boxer shorts, lying prone on the wet floor (one military person was in the vicinity, but there was no one interacting with the detainee according to the SA); (4) detainees who were ordered to strip and then placed in isolation with no clothes (SA reported the stripping was no different than

the searching procedures he had observed used by guards in U.S. jails; (5) an MP shouting at a detainee who did not understand the MP's directions; and (6) detainees wearing hoods while escorted on prison grounds (reported to be a prison regulation)

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SA [redacted] New York Field Office, reported he was aware the Department of Defense utilized sleep deprivation and isolation for prescribed periods of time, but did not witness any such act. SA [redacted] was aware of those techniques through the Military Intelligence (MI) personnel responsible for the military's interviews of detainees and it was SA [redacted] understanding the techniques were allowed for limited periods of time

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b7C -1
With regard to complaints made by detainees to FBI personnel concerning misconduct or mistreatment, LS [redacted] Houston Division, advised there were three occasions in which prisoners brought to his interview team's attention acts of abuse which had taken place prior to arriving at AGP. LS [redacted] advised the interviews determined those acts of abuse occurred during arrests by military personnel further described as "non-American." Examples of the reported abuse included being kicked in the stomach, electric shock, threats to harm family members, and one burn victim. The burn victim, an Iraqi Intelligence Officer, was the only individual LS [redacted] interviewed outside the prison compound. LS [redacted] advised this individual was a patient in a Baghdad hospital and was contacted there several times by LS [redacted] and an SA. LS [redacted] advised that the FBI SAs took pictures of all injuries, even those which occurred prior to incarceration.

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b6 -4
b7C -1,3
b7C -4
b7D -1
b7F -1
SA [redacted] Los Angeles Field Office, advised detainee [redacted] complained during his interview that he had been stripped naked, kept naked and subjected to sleep deprivation. [redacted] also complained to SA [redacted] that he had been "roughed up" by American personnel, who were not in uniform. SA [redacted] explained that the American personnel [redacted] referred to had purportedly used their hands to "rough up" [redacted]. However, during the interview of [redacted] SA [redacted] advised he did not notice any physical marks which indicated [redacted] had suffered any mistreatment. According to SA [redacted] Fly Away/Rapid Deployment Team (FA/RDT), CTD, who was also present during interviews of [redacted] reported of "commotion and screaming at night." SA [redacted] interpreted this as possible supposition on [redacted] part that other detainee's might be subject to torture. SA [redacted] advised [redacted] was held in a cell with a solid door and walls, so he was unable to report on anything he observed. SA [redacted] also perceived [redacted] complaint of hearing screams as "posturing" to support his early anti-U.S. position, as well as to a complaint regarding a lack of sleep.

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FBI personnel interviewed advised all contact with military personnel was for the purpose of arranging interviews with the detainees and no one interviewed reported having any substantive contact with Military Police personnel in charge of the prison. In addition, none of the interviews conducted by FBI personnel at AGP occurred within Unit 1A or 1B.

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All FBI personnel advised the interviews conducted by the FBI at AGP comported with prescribed DOJ and/or FBI protocols. The only exception noted pertained to Miranda warnings which were not given prior to the interviews. SA [redacted] FA/RDT, CTD, reported one exception in which she was instructed by [redacted] an Iraqi official from the Ministry of Justice, to read detainee [redacted] his U.S. Constitutional rights prior to his interrogation.

None of the FBI personnel possessed or were aware of any photographs, videotapes or notes of actions depicting misconduct or inappropriate behavior by U.S. personnel against detainees.

Agents interviewed pursuant to this inquiry reported facilitating special requests on behalf of detainees they interviewed such as (1) arranging a visit from the detainee's son; (2) requesting the military provide long pants for a detainee who was clothed in shorts at the time of his interview with the FBI; and (3) requesting doctor visits for a detainee who complained that he was not able to see a doctor.

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It should be noted that during the interview of UC [redacted] Behavioral Analysis Unit I, CIRG, UC [redacted] inquired as to whether the scope of the inquiry was limited to AGP as he was aware of concerns previously documented by his Unit regarding DOD interrogation techniques utilized at Guantanamo Bay, Cuba (GTMO). UC [redacted] was advised that the inquiry was currently limited in scope to the AGP; however, he was requested to provide the file and serial number for the document he referenced. UC [redacted] advised the concerns related to DOD interrogation techniques at GTMO were documented in an EC to case file number 265A-MM-C99102, Serial 1209.

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LEAD(s):

Set Lead 1: (Info)

COUNTERTERRORISM

AT WASHINGTON, D.C.

For Information

Set Lead 2: (Info)

DIRECTOR'S OFFICE

AT WASHINGTON, D C

For Information

Set Lead 3: (Info)

GENERAL COUNSEL

AT WASHINGTON, D C

For Information

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