

FOGLE, TONI M. (INSD) (FBI)

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DATE 03-13-2009 BY 65179 DMH/lsc

From: [redacted] (CTD) (FBI)
Sent: Thursday, July 22, 2004 3:12 PM
To: FOGLE, TONI M. (INSD) (FBI)
Subject: RE: OPR

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Toni: The comment that our agents abused the prisoners was a statement made by DAD Harrington to me a few weeks ago, presumably in response to a referral the military had made to you. I never saw the military's referral. We (ITOS-2) knew about this prisoner's allegation that he was abused by the military. Prior to this specific allegation we reviewed all our interview 302s of Iraq detainees to see if any allegations of abuse were made to the interviewing agents. None were made. It was our position that if the military asked for the 302s we would give them up, but would not support the military interviewing the agents (letting the 302 stand on its own).

It appears to me that DAD Harrington might not have been given the full story. Thank you for looking into this and we'll send the 302's in response to the request. Tom

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

From: FOGLE, TONI M. (INSD) (FBI)
Sent: Thursday, July 22, 2004 2:24 PM
To: [redacted] (CTD) (FBI)
Cc: HARRINGTON, T J. (CTD) (FBI); MCCRAW, STEVEN C. (INSD) (FBI); [redacted] (Div10 - TDY/OPR) (FBI); [redacted] (INSD) (FBI)
Subject: RE: OPR

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Tom, I spoke with [redacted] (SSA, IIS) who has oversight over this matter. It's my understanding that an allegation was made by a prisoner regarding possible abuse. It is also my understanding that the Agents you identified were not accused of that abuse -- but were among many who had contact with the prisoner during that time period. Finally, it's my understanding that Army CID was taking the lead on that investigation, and that the identified employees (witnesses) were contacted by us and had no concerns re being interviewed by the Army. SSA [redacted] reviewed the 302s he has in his possession and advises he sees no reason why Army CID should not access them.

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<If you have concerns that they are more than merely witnesses, we will take a more active role with CID.>

If, however, you have documentation that asserts our Agents abused prisoners, then they are not "witnesses" -- and we need to take the lead in the investigation and not make them available to Army CID. I'm concerned with one of your sentences which indicates there is correspondence that our Agents were accused of the abuse -- if you have a letter like that, we need to see it immediately.

Thanks in advance for your response.
Toni Fogle [redacted]

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

From: [redacted] (CTD) (FBI)
Sent: Thursday, July 22, 2004 8:37 AM
To: FOGLE, TONI M. (INSD) (FBI)
Cc: HARRINGTON, T J. (CTD) (FBI)

Subject: OPR

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Toni: I'm the ASC of ITOS-2. We are responsible for among everything, Iraq. DAD TJ Harrington advised last month that US Army CID had sent a letter in stating that two of our agents in Baghdad were being accused of prisoner abuse. At roughly the same time we received info that the military in Baghdad was being accused of abusing a prisoner that our agents had interviewed and that they, the military, wanted access to our documents regarding the prisoner [redacted]. The 302s we have indicate that SAs [redacted] and [redacted] interviewed this particular prisoner. Are these the same agents being accused of abusing a prisoner? If so, should we be giving the military our 302s from the interview? Please advise. [redacted]

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