

Memorandum



To : GC Valerie Caproni
DGC Julie F. Thomas
UC [REDACTED] Date 02/28/2005

From : [REDACTED] AGC

Subject: Reporting Process for Detainee Abuse
Allegations -Guantanamo Bay, Cuba.

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Background

In August 2004 the FBI Office of General Counsel assigned an Assistant General Counsel to provide legal advice on FBI operations at Guantanamo Bay, Cuba (FBI-GTMO). Included in the duties of the AGC was the review of all interview summaries produced at GTMO for use in Department of Defense initiated administrative proceedings for detainees. During this process several documents containing allegations by detainees of mistreatment by their US captors were reviewed by the AGC and analysts working at FBI GTMO. In light of the then recent media reports coming from detention facilities in Iraq, FBI GTMO reported these allegations to FBIHQ. The below process was adopted.

Working in a military environment and aware of the military interest in allegations of detainees' abuse, FBI GTMO also provided notification to the legal and command elements of the Joint Task Force Guantanamo Bay.

Process:

FBI Documents:

FBI personnel identifying allegations leveled by detainees of mistreatment or abuse documented in FBI documents (302s, SITREPS or ECs) are to notify and provide a copy of the document to the AGC and On Scene Commander (OSC).

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The AGC and OSC review the document and determine if the document containing the allegation has been previously reported. If it is determined the document has not been reported, the document is forwarded on a dual track to the appropriate officials as follows:

Track 1 -Legal

The AGC will provide a copy of the document and summary of the allegation simultaneously via e-mail to the OGC chain of command (CTLU 1 Unit Chief -NSLB Deputy General Counsel and General Counsel)

A copy of the document and summary of the allegation will also be forwarded to the Inspection Division at FBIHQ.

Allegations specifically incriminating DOJ/FBI personnel will be forwarded to the FBI Office of Professional Responsibility and/or the DOJ Office of Inspector General.

The AGC will also provide a copy of the document and/or summary of the allegation on FBI Letterhead Memorandum to the Staff Judge Advocate (the chief military legal official) of the Joint Task Force Guantanamo Bay.

Track 2 -Operations

The OSC will provide a copy of the document and summary of the allegation simultaneously via e-mail to the Counterterrorism Division - Operational Response Section (ORS) chain of command (Military Liaison Detainee Unit Chief -ORS Section Chief and Deputy Assistant Director T.J. Harrington.)

The OSC will also provide a copy of the document and/or summary of the allegation on FBI Letterhead Memorandum directly to the Commander and Chief of Staff of the Joint Task Force Guantanamo Bay.

Reporting requirements:

All incoming personnel to FBI GTMO are briefed to report any and all incidents of Detainee mistreatment to the FBI GTMO management team. Any incident related to the Guards mishandling/mistreating Detainees or aggressive interrogation techniques employed by any agency, witnessed by FBI personnel should be reported. FBI

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personnel witnessing incidents should make every effort to note the time, place and personnel involved.

These reports will be documented in EC format and forwarded to the appropriate authorities as outlined above.

Records:

FBI -GTMO will maintain records of all documents containing allegations of mistreatment of detainees, forwarded to FBIHQ and JTF GTMO.