

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED b6
DATE 07-23-2009 BY 65179DMH/MJS b7C

[REDACTED] (OGC) (FBI)

From: [REDACTED] (OGC) (FBI)

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Sent: Monday, April 11, 2005 1:09 PM

To: FOGLE, TONI M. (INSD) (FBI); [REDACTED] (INSD) (FBI)

Cc: [REDACTED] (CTD) (FBI); [REDACTED] (INSD) (FBI); [REDACTED] (OGC) (FBI)

Subject: RE: OIG Request 2-18-05, part 12

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I was involved/present for the interviews being conducted by Southern Command about the observations of military interrogations made by FBI personnel at Guantanamo Bay, Cuba. The interviews focused on the responses of these agents to a bureau wide inquiry regarding observations of any interview techniques that were outside those authorized by FBI policies or procedures. At the interviews, none of the agents were given (or signed) any advice of rights or admonishments by the military. Each was told by the Military that they were not the subject of an investigation and that their participation was voluntary. I already provided the 201 pages of documents (emails and ec's with the agents' observations) to the USDOJ OIG. I also provided some other documents in response to their request when it was submitted to OGC. At this point, I don't have anything more than I have already provided.

[REDACTED]
Assistant General Counsel
National Security Law Branch
Counter Terrorism Law Unit 1
LX 1 [REDACTED]
Pager: [REDACTED]

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

From: FOGLE, TONI M. (INSD) (FBI)

Sent: Monday, April 11, 2005 12:17 PM

To: [REDACTED] (INSD) (FBI)

Cc: [REDACTED] (CTD) (FBI); [REDACTED] (INSD) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)

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Subject: RE: OIG Request 2-18-05, part 12

UNCLASSIFIED
NON-RECORD

IIS has done no 645s -- as we have done no interviews of those accused of wrongdoing.

If people were being interviewed by military or others, and I had knowledge of it -- they were told that no protections were in place (i.e., that their statements were totally voluntary). Your list below is not exhaustive of all interviewed. [REDACTED] probably has others not on the below list, TJ Harrington probably has some, and my package that I sent you may have more than your list reflects. (I will go through my submission to pull out other names.)

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I produced a package which has all my e-mail discussions (deliberations) regarding what approach would be taken with those being interviewed by the military.

IIS has never been the center of detainee abuse concerns. Inquiries were run out of INSD, and OGC/CTD were also involved. Early on I requested (through [REDACTED]) that the Deputy Director,

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centralize and control this issue -- to my knowledge [redacted] and I were the only ones to really try to control it. b6 b7C

However, I have not been privy to much of what has occurred. If you believe coming to me satisfies the magnitude/scope of the request -- you are mistaken. T>

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

From: [redacted] (INSD) (FBI)
Sent: Monday, April 11, 2005 11:57 AM
To: FOGLE, TONI M. (INSD) (FBI)
Cc: [redacted] (CTD) (FBI); [redacted] (INSD) (FBI)
Subject: RE: OIG Request 2-18-05, part 12

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I don't know if they were, either. The IG is asking about these documents. Until we tell them definitely that we have sent them everything or that such documents don't exist, they will continue to ask for such documents.

Thanks,
[redacted]

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

From: FOGLE, TONI M. (INSD) (FBI)
Sent: Monday, April 11, 2005 11:54 AM
To: [redacted] (INSD) (FBI)
Cc: [redacted] (CTD) (FBI); [redacted] (INSD) (FBI)
Subject: RE: OIG Request 2-18-05, part 12

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I had no idea the below listed people were provided 645s. Is that accurate?

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

From: [redacted] (INSD) (FBI)
Sent: Monday, April 11, 2005 11:51 AM
To: FOGLE, TONI M. (INSD) (FBI)
Cc: [redacted] (CTD) (FBI); [redacted] (INSD) (FBI)
Subject: FW: OIG Request 2-18-05, part 12
Importance: High

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Toni,

The IG wants to make sure we have done an exhaustive search for these documents. Attached below is part 12 of the 2/18/05 request. To your knowledge, are there any outstanding FD-645s that have not been provided, yet? Do we have the ones for the agents listed in 5(b): SAs [redacted] and [redacted] SSA [redacted] and [redacted] b6 b7C

[redacted] Are there any others? We have a deadline of April 15, 2005.

FBI018701CBT

Thanks

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

From: [REDACTED] (OGC) (FBI)

Sent: Monday, April 11, 2005 10:26 AM

To: [REDACTED] (INSD) (FBI)

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Cc: [REDACTED] (INSD) (FBI); [REDACTED] (INSD) (FBI); [REDACTED]

[REDACTED] (CTD) (FBI)

Subject: OIG Request 2-18-05, part 12

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[REDACTED] as you know, the OIG has requested:

"All documents related to any warning, assurance, grant, or promise, concerning disciplinary or other adverse consequences, given to any FBI employee who, since September 12, 2001, was asked or required to provide information to the FBI, the U.S. military, or other U.S. government agency concerning treatment or interrogation of detainees in military zones. Please include copies of all FD-645s or other forms that were offered to or signed by such FBI employees. Please also include all records related to the FBI's deliberation or determination whether to provide any such warnings, assurances, grants, or promises to agents asked or required to provide information to the FBI, the U.S. military, or other U.S. government agency concerning treatment or interrogation of detainees in military zones."

I know of no such documents. Are you aware of any fitting this description that may have come out of Inspection?

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