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V. C

POLICY ISSUES FOR FBI OPERATIONS WITH MILITARY OCONUS IN  
GLOBAL WAR ON TERRORISM

- I. USE OF FORCE
  - a. Geneva Convention Status
  - b. Theater & Mission ROE
  - c. FBI Deadly Force Policy
    - i. CONUS
    - ii. OCONUS
  
- II. DETENTION
  - a. What authority for FBI agents?
  - b. U.S. Military Regulations/Orders Applicable?
  - c. Can FBI Agents detain other country nationals overseas in support of an international terrorism investigation.
  
- III. INTERROGATION
  - a. Miranda applicable? Will any of these detainees ever be prosecuted in U.S federal court?
  - b. Voluntariness standard only?
  - c. Who is lead on interrogation?
  - d. Who sets conditions for interrogation?
  - e. Handling of detainee? Any say on rules regarding unshackling?
  - f. Statements recorded? Written?
  - g. Policy for reporting results, retaining notes?
  - h. How to identify military and OGA (including Foreign IOs) participants in the interrogation?
  - i. Policy for reporting allegations of abuse?
  
- IV. COMMAND RELATIONSHIPS
  - a. Operational control? Operational coordination?
  - b. Tactical control?
  - c. Administrative control?
  - d. Are FBI agents a supported or supporting asset vis-à-vis the military?
  
- V. EVIDENTIARY ISSUES
  - a. Authority to search?
  - b. Authority to seize?
    - i. Chain of custody?
    - ii. DOCEX
  - c. To what extent do we need to preserve a federal court option for the evidence?
  
- VI. SOFA STATUS

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- a. Does host country have a SOFA?
- b. To what extent are FBI employees/agents covered, bound?

VII. REQUEST/SUBPOENA FOR INTERVIEW/TO TESTIFY

- a. FBI policy/procedure re. complying with such requests?
- b. FBI attorney to be present during interviews?
- c. Scope of interview/testimony?
- d. What policy if allegations of abuse/misconduct directed at FBI employee?
- e. Formal process required to testify at Military Commission? If so what process required?
- f. Policy re. revealing location of interrogation facility or identity of other participants?

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