

~~SECRET~~/ORCON/NOFORN

FEDERAL BUREAU OF INVESTIGATION

Precedence: PRIORITY

Date: 01/27/2004

To: Counterterrorism

Attn: AD Bald, CTD  
Room 5829

From: EAD Pistole

Attn: M. Chris Brieese  
Section Chief ITOS. II  
Room 4972

Attn: Valerie Caproni  
General Counsel  
Room 7429

Contact: Valerie Caproni [REDACTED]

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Approved By: Pistole John  
Bald Gary M  
Caproni Valerie E  
[REDACTED]  
Bowman M E

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Drafted By: [REDACTED] J DK

(U) Case ID #: (S) 315E-HQ-1448534 (Pending)

(U) Title: (S) Saddam Hussein  
IT-IRAQ

(U) Synopsis: (S) HDV-1 Interrogation team, Baghdad, seeks authority to question the subject without reading the subject warnings under Miranda v. Arizona, to video tape questioning of subject, and to identify themselves only as from U.S. Government.

(S) Derived From: G-3  
Declassify On: X1

(U) Details: (S) The FBI Legal Handbook for Special Agents Section 7-3.2 provides that Special Agents conducting interviews must identify themselves by name and official identity and advise the person interviewed of their rights under Miranda. MIOG PART 2, Section 7.1 provides that credentials shall be showed by Special Agents interviewing a subject.

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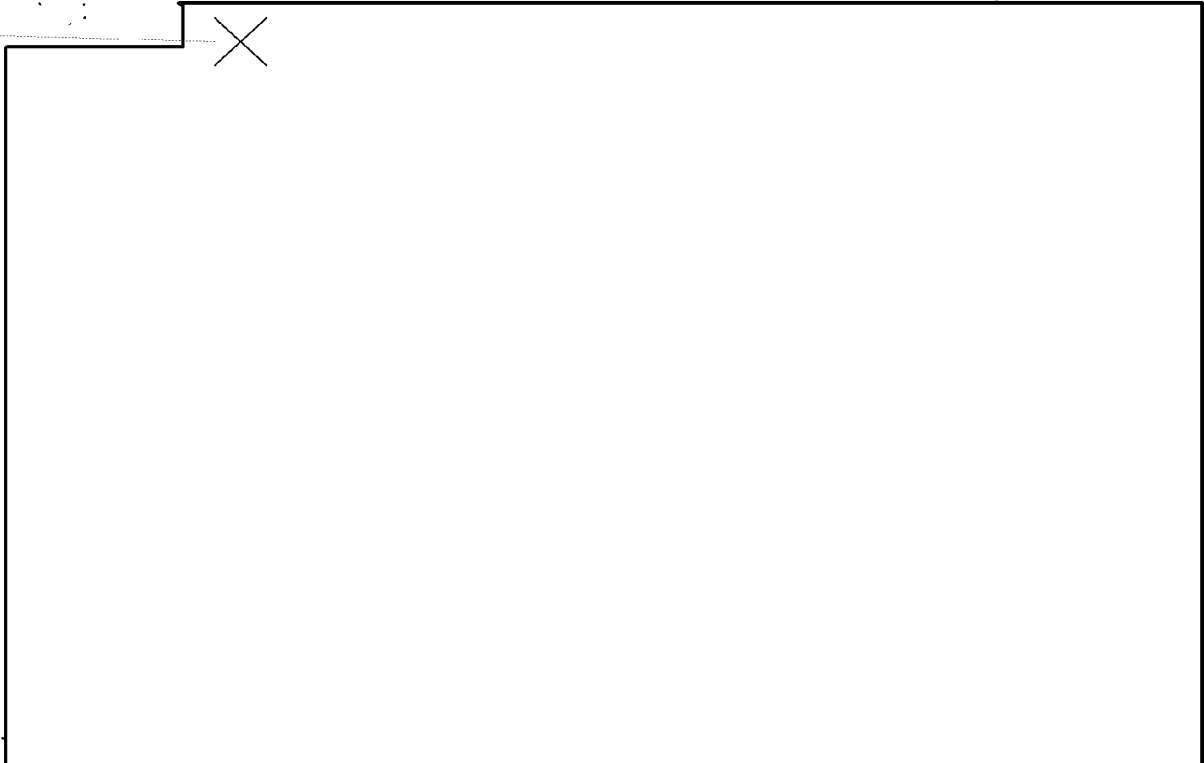
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(U) To: Counterterrorism From: EAD Pistole  
Re: ~~(S)~~ 315E-HQ-1448534, 01/27/2004

(U) ~~(S)~~ Electronic recording of statements, including surreptitious recordings may be approved by an SAC, sensitive circumstances must be reported to the appropriate Assistant Director at FBIHQ. Legal Handbook Section 7-8, MIOG Sections 10-10.10.

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LEAD

Set Lead 1 (Action)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) ~~(S)~~ Interviews of HDV-1 are to proceed as per guidance within this EC.

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OIG-REQ 02/18/05-PART 9

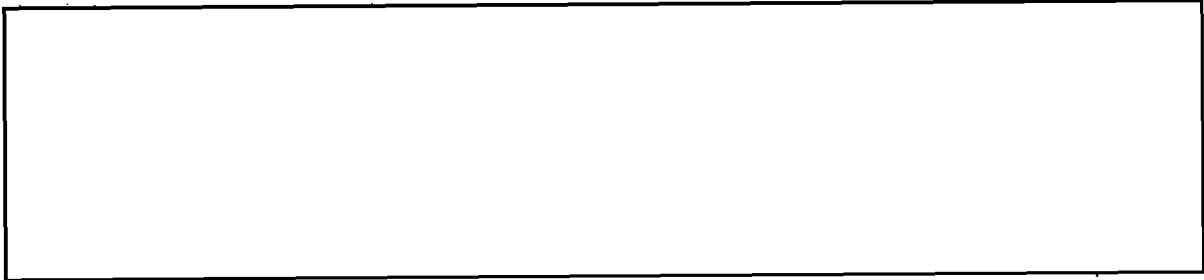
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ADDUCED 16282 p.2

## MIRANDA RIGHTS

Memorandum  
Re: Saddam, 01/27/2004

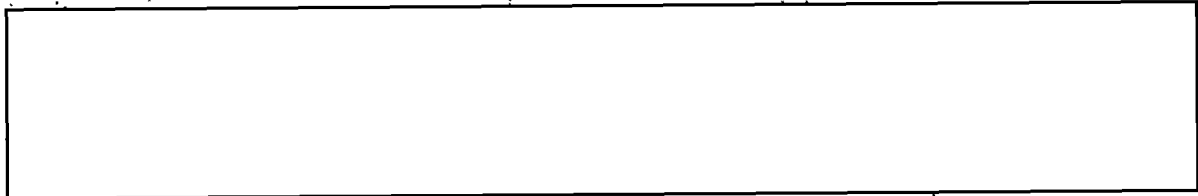


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### Discussion

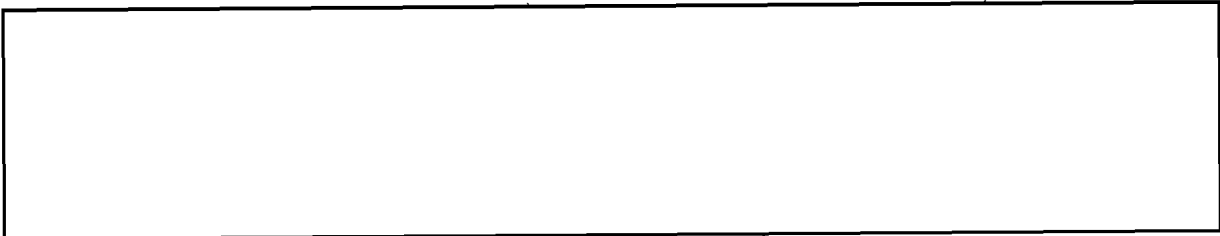
#### A. Prisoner of War-

With regard to the interrogation of EPWs, GIII prohibits the use of coercion or physical and mental torture to secure information of any kind from EPWs. See GIII, Article 17. Additionally, EPWs who refuse to answer questions may not be threatened, insulted, or exposed to any unpleasant or disadvantageous treatment of any kind. Id. Moreover, EPWs must also be provided with proper food, water, clothing, showers, sanitary conditions and medical attention during their detention. See id. at Articles 25-30.



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#### B. Enemy Combatant



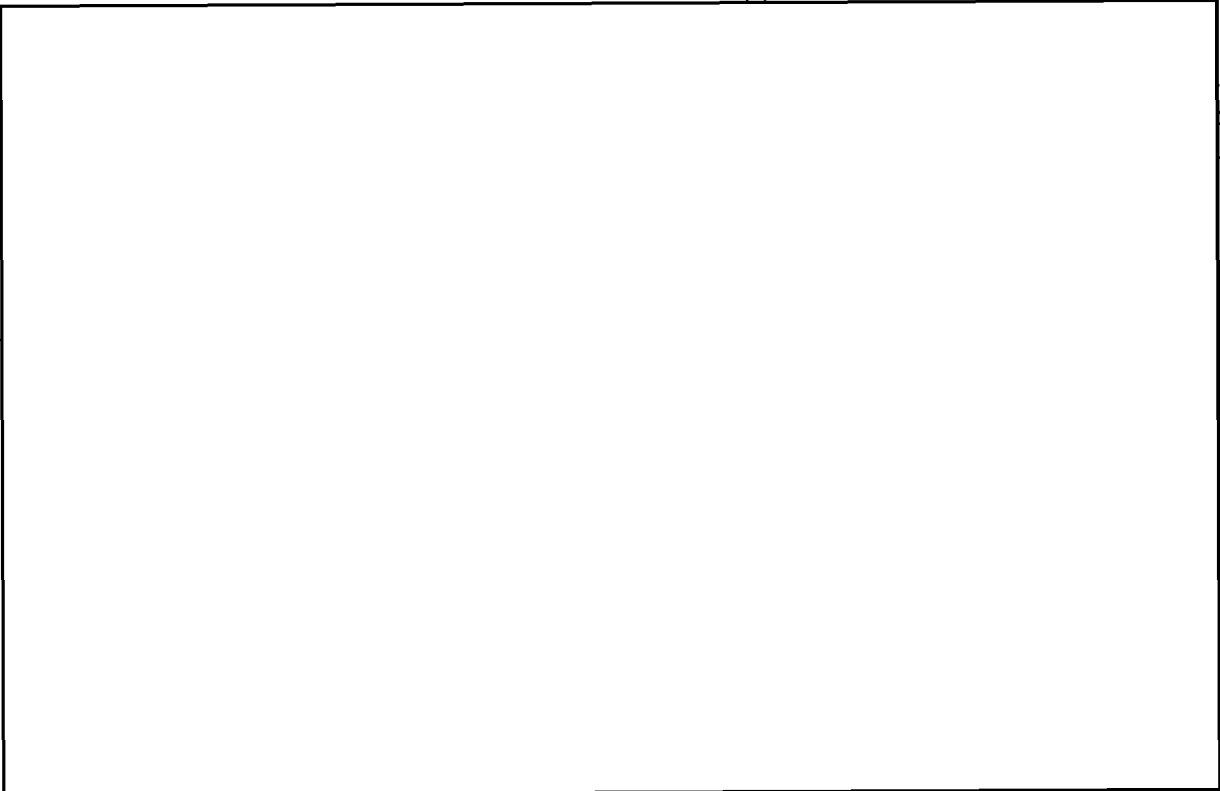
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Memorandum  
Re: Saddam, 01/27/2004



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302 vs EC

The interviews should be documented in a classified transcript. For each interview, a 302 cover transmittal document shall be prepared documenting that the interview took place. The 302 should be classified but state that it is unclassified when the transcript is removed. No classified information should be placed in the 302. Any classified information, other than the transcript of interview, is to be transmitted in a classified EC.

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