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PS [redacted] was going to forward the Presidential Directive to you

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

From: [redacted] (MM) (FBI)

Sent: Tuesday, September 28, 2004 2:22 PM

To: [redacted] (CTD)(FBI); [redacted] (CTD) (FBI); [redacted] (CTD) (FBI)

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Subject: HVD release procedure

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Gentlemen,

As you are aware AUSA Lopez attended a meeting at the Pentagon earlier today regarding the release of BL #'s 28, 32, 33, and 34:

All of the interested parties, except DIA, agreed that BL#'s 28, 32, and 33 should be released conditionally, and that BL # 34 should be released without conditions. DIA indicated that they need more time to conclude their interviews with several of the detainees.

Despite this agreement, several questions were raised which will require resolution prior to the release of BL#'s 28, 32, 33, and 34.

First, the Iraqi role in the release process must be clarified;

Second, release conditions must be determined; and

Third, prior to determining release conditions, legal authority to impose release conditions must be identified. Additionally, authority to enforce release conditions must be determined. (A consensus seemed to emerge that actual enforcement of any release conditions may be unrealistic, even if legally enforceable).

[redacted] indicated that these issues would be addressed at the meeting next week.

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These are the issues.

[redacted]

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As we discussed at the meeting this morning, NCIS has been conducting an investigation into allegations

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of abuse made by detainees against military personnel. The allegations include military personnel in Afghanistan, Pakistan, and Gitmo. As part of this investigation, NCIS investigators have directly contacted FBI personnel regarding interviews they conducted with terrorism detainees. The latest agent contacted was assigned to the Las Vegas Division who then contacted NSLB through his Division Counsel. I spoke with the NCIS investigator about this interview beforehand and she was under the impression that other agents were also being contacted as part of the NCIS investigation. However, this is the only interview about which NSLB has been contacted. (The Las Vegas Agent was not a target, he was contacted because he was present for an NCIS debriefing of a detainee who described abuse being committed by military personnel.) I have also been advised that Army CID is contacting us regarding a similar investigation for incidents in Iraq.

The issues raised by such requests include whether an Agent is a target or witness, whether the questions will touch upon classified information, and releasing documents/reports to the interviewers. No policy currently exists for responding to these requests. But, I have spoken to the Inspection Division and they would like to be advised of and be present for these interviews. NSLB would also like to be contacted to review all the issues triggered by the interview. So, if anyone is contacted about an Agent being interviewed regarding past interviews/contact with detainees, please let me know so that I can advise the appropriate personnel.

[redacted] Assistant General Counsel National Security Law Branch Counter Terrorism Law Unit 1 LX 1
tel#: [redacted] Internal #: [redacted] Pager: [redacted]

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Valerie: Since the move to LX [redacted] has taken over responsibility for these types of Iraq Unit matters. Your e-mail is timely in that [redacted] is giving training to agents next Monday who are being rotated to Iraq. I have passed your message on to [redacted] and have asked him to respond. CTS has put together some "advice" relating to FBI conduct in these extraterritorial situations. FBI operators are not that happy with the advice. We are currently working with the Iraq Unit to modify the recommendations. If you or [redacted] would like to see a copy of the protocol, we can provide it to you. I will find who is covering Afghanistan and get your e-mail to them as well.

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

From: Caproni, Valerie E. (OGC) (FBI)
Sent: Friday, October 08, 2004 11:17 AM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: battlefield advice

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