

Caproni, Valerie E. (OGC) (FBI)

From: Caproni, Valerie E. (OGC) (FBI)

Sent: Monday, October 18, 2004 11:02 AM

To: [REDACTED] (OCA) (FBI)

Subject: RE: Review of QFR response re: treatment of detainees

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08-07-2009 BY 65179 DMH/STW

b6
b7C
b5

UNCLASSIFIED
NON-RECORD

[REDACTED] we cannot answer that all who saw reported. We know about aggressive techniques because at least some agents who saw things reported what they saw to their bosses. Early on, one reason the director pulled us out of participating in aggressive techniques is that he became aware that such techniques were being used. [REDACTED]

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

From: [REDACTED] (OCA) (FBI)

Sent: Monday, October 18, 2004 10:55 AM

To: Caproni, Valerie E. (OGC) (FBI)

Subject: RE: Review of QFR response re: treatment of detainees

b6
b7C
b5

UNCLASSIFIED
NON-RECORD

UNCLASSIFIED
NON-RECORD

I should have looked at my notes before I left your office. [REDACTED]

Thanks.

[REDACTED]
Office of Congressional Affairs
JFH Building Room 7252
[REDACTED]

b2
b6
b7C

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

From: Caproni, Valerie E. (OGC) (FBI)

Sent: Thursday, October 07, 2004 8:42 AM

To: [REDACTED] (OCA) (FBI)

Subject: RE: Review of QFR response re: treatment of detainees

b6
b7C

UNCLASSIFIED
NON-RECORD

ok

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

From: [REDACTED] (OCA) (FBI)

Sent: Wednesday, October 06, 2004 6:18 PM

b6
b7C

FBI024487CBT

To: Caproni, Valerie E. (OGC) (FBI)
Subject: RE: Review of QFR response re: treatment of detainees

UNCLASSIFIED
NON-RECORD

Although sometimes we go to pretty extraordinary means to obtain information to respond to questions, where the problematic conduct is not ours (we may just have been witnesses), I don't think we have an obligation to do much more than provide the information we have. I did note that caveat, but I think Eleni will be OK with it. Obviously, she'll have a chance for review before this goes further, so I'll be hearing from her if she objects. Possibly she's more interested in getting these out the door at this point. Congress can ask again if they aren't satisfied.

I'll let you know if I've pegged that wrong.

[REDACTED]
Office of Congressional Affairs
JEH Building Room 7252
[REDACTED]

b2
b6
b7C

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

From: Caproni, Valerie E. (OGC) (FBI)
Sent: Wednesday, October 06, 2004 6:11 PM
To: [REDACTED] (OCA) (FBI)
Subject: RE: Review of QFR response re: treatment of detainees

b6
b7C

UNCLASSIFIED
NON-RECORD

[REDACTED]

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

From: [REDACTED] (OCA) (FBI)
Sent: Wednesday, October 06, 2004 6:03 PM
To: Caproni, Valerie E. (OGC) (FBI)
Subject: RE: Review of QFR response re: treatment of detainees

b6
b7C
b5

UNCLASSIFIED
NON-RECORD

[REDACTED] I hate to keep asking for more, but if you could provide a classified answer, that would be great. I'll still provide everything we can in the unclassified document.

Thanks.

[REDACTED]
Office of Congressional Affairs
JEH Building Room 7252
[REDACTED]

b2
b6
b7C
b5

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

From: Caproni, Valerie E. (OGC) (FBI)
Sent: Wednesday, October 06, 2004 6:01 PM

FBI024488CBT

To: [REDACTED] (OCA) (FBI)
Subject: RE: Review of QFR response re: treatment of detainees

b6
b7C
b5

UNCLASSIFIED
NON-RECORD

[REDACTED] If we are separately providing a classified answer, there is a classified answer relative to certain knowledge we have of goings on in Afghanistan.

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

From: [REDACTED] (OCA) (FBI)
Sent: Wednesday, October 06, 2004 5:53 PM.
To: Caproni, Valerie E. (OGC) (FBI)
Subject: RE: Review of QFR response re: treatment of detainees

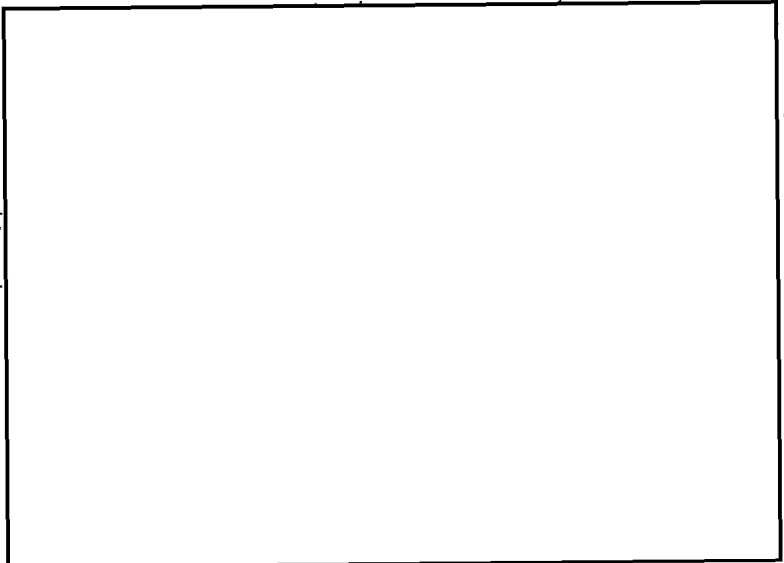
b6
b7C

UNCLASSIFIED
NON-RECORD

b6
b7C
b5

Valerie:

Thanks for continuing to work on this.



So, we can either provide caveats in the unclassified response or provide additional information in a classified response. Thanks for picking up on that - I certainly didn't mean to create exposure for us. I'm less concerned about other agencies, since this is our response and they receive QFRs of their own if Congress is concerned about their conduct, but I'm happy to be kinder and gentler.

[REDACTED]
Office of Congressional Affairs
JFH Building Room 7252
[REDACTED]

b2
b6
b7C

FBI024489CBT

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

From: Caproni, Valerie E. (OGC) (FBI)
 Sent: Wednesday, October 06, 2004 5:42 PM
 To: [REDACTED] (OCA) (FBI)
 Subject: RE: Review of QFR response re: treatment of detainees

b6
 b7C

UNCLASSIFIED
NON-RECORD

I used track changes so you can see the changes. As indicated, there is a piece I need to follow up on before this can be finalized.

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

From: [REDACTED] (OCA) (FBI)
 Sent: Monday, October 04, 2004 6:50 PM
 To: Caproni, Valerie E. (OGC) (FBI)
 Subject: RE: Review of QFR response re: treatment of detainees

b6
 b7C

UNCLASSIFIED
NON-RECORD

Ahhh. But unfortunately the 2 "yeses" mean we should tweak that last paragraph to reflect the witnessing and reporting. Can you add that to your list of tweaks?

Thanks. Sorry not to let well enough alone.

[REDACTED]
 Office of Congressional Affairs
 JEH Building Room 7252
 [REDACTED]

b2
 b6
 b7C

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

From: Caproni, Valerie E. (OGC) (FBI)
 Sent: Monday, October 04, 2004 6:19 PM
 To: [REDACTED] (OCA) (FBI)
 Subject: RE: Review of QFR response re: treatment of detainees

b6
 b7C

UNCLASSIFIED
NON-RECORD

yes; no, yes [but I am not entirely sure how long after the observation].

That last paragraph should be shown to Tom Harrington just to make sure that it is unclassified. I think it is, but I am now not 100% sure.

Also, I probably need to tweak the paragraph on the survey of GTMO as that is now

complete.

b6
b7C

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

From: [REDACTED] (OCA) (FBI)
Sent: Monday, October 04, 2004 5:32 PM
To: Caproni, Valerie E. (OGC) (FBI)
Subject: Review of QFR response re: treatment of detainees

UNCLASSIFIED
NON-RECORD

Valerie:

A couple of months ago, you provided a response to a Congressional Question for the Record re: the FBI's treatment of detainees (Q 10 of the Director's 5/20/04 QFRs). Eleri asked me to pin down a couple of specifics in the last paragraph of that response.

Below is the entire response, following by Eleri's questions. Could you help me fill in the blanks?

Thanks for your assistance.

[REDACTED]
Office of Congressional Affairs
JEH Building Room 7252
[REDACTED]

b2
b6
b7C

From the time they enter the FBI Academy, FBI Agents are taught that statements, including confessions whether obtained in the United States or abroad, must be voluntary, must be

FBI024491CBT

obtained without the government resorting to outrageous behavior, and must be obtained consistent with the Fifth and Sixth Amendments to the Constitution. While these basic principles have been taught for years because they are the foundation for insuring that the results of an interview can be admitted into evidence in a criminal trial, in most respects they are just as important when the sole goal of the interview is to gain

FBI024492CBT

intelligence
rather than
evidence
for use at
trial.

There are,
however,
other
schools of
thought
regarding
the best
means of
obtaining
information
from
recalcitrant
individuals.
Those
various
schools of
thought
have
formed the
basis of
disagreement
over the
interrogative
techniques
to be used
against
individuals
captured
and
suspected
of
involvement
in
terrorism
against the
United
States.

During
early 2002,
there were
disagreements
in
Guantanamo
between

FBI024493CBT

the FBI and Department of Defense (DOD) concerning the interrogative plan that would be used for a particular detainee, and more general disagreement regarding the efficacy of rapport building techniques as opposed to more aggressive interrogative techniques. Ultimately, however, the detainees were in the custody of DOD, not the FBI, and DOD made the final decision concerning the interrogative techniques to be used.

As a matter of policy, the Director of FBI determined

FBI024494CBT

that, regardless of the legality of aggressive techniques if utilized at an installation such as Guantanamo FBI personnel would not participate in such interrogative techniques.

The FBI is in the process of surveying all FBI personnel who have been in Guantanamo to determine whether any witnessed mistreatment of detainees. As of now, the FBI is aware of three incidents involving treatment that we believe should have been investigated by DOD. Those incidents

FBI024495CBT

were orally conveyed to members of the DOD Office of General Counsel in early 2003, and a follow up report was written recently. Should any additional incidents become known as a result of the current survey, those incidents will be reported to DOD.

As to Iraq, shortly after the publication of the abuses at Abu Ghraib prison, the FBI surveyed all Agents who were at the prison during the time period of abuse as identified

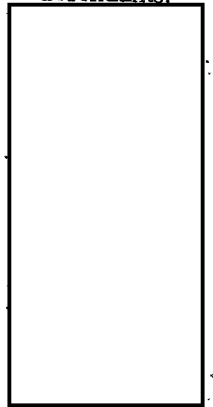
FBI024496CBT

in General.
Taguba's
report.
That
survey
revealed
no
knowledge
by FBI
employees
of the sort
of abuses
that have
been
publicized.
FBI
Agents
were
aware,
however,
of
detainees
being
subjected
to sleep
deprivation
and to
being held
in
environmer
harsh
conditions.

In
Afghanistan
FBI
Agents
were
aware of
battlefield
interrogative
techniques
that would
not be
appropriate
in the
United
States for
use with
criminal

FBI024497CBT

defendants.



b5
b6
b7C

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

FBI024498CBT

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

FBI024499CBT