

CaseMap Facts Report

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Case: FBI in Military Zones
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| Date & Time | Fact/Text | Source(s) |
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| To Be Determined | As part of being the Inspector in charge of the 9/11 attacks, Pasquale D'Amuro gave daily threat briefings to Robert S. Mueller, III and John Ashcroft. It then included the Afghanistan deployment. | Pat D'Amuro Interview I at 7:50 - 8:30 |
| To Be Determined | Pasquale D'Amuro said as Chief Inspector he had direct access to Robert S. Mueller, III. Also reported to to Dale Watson (EAD for CT/CI) and Tim Caruso (DEAD for CT/CI). | Pat D'Amuro Interview I at 8:40 |
| To Be Determined | Pasquale D'Amuro said the initial plan was to deploy Federal Bureau of Investigation agents to Afghanistan attached to military components conducting searches of caves and homes that had been vacated during attacks to obtain intelligence re. Al Qaeda and 9/11 investigation. This was the document exploitation group -- military, Central Intelligence Agency, and Federal Bureau of Investigation jointly participated. * | Pat D'Amuro Interview I at 14:30 |
| To Be Determined | Pasquale D'Amuro said Rollice handled any formal agreement or communication between the Federal Bureau of Investigation and military related to the Federal Bureau of Investigation's deployment to Afghanistan to military zones. Pasquale D'Amuro thinks this document did not include anything about detainee interviews, just documentary intell. * | Pat D'Amuro Interview I at 16:00 - 17:55 |
| To Be Determined | Pasquale D'Amuro said it came to light that when certain HVT were captured, the Central Intelligence Agency and Department of Defense wanted to employ certain interview techniques (b)(7) | Pat D'Amuro Interview I at 23:50 - 30:28, 33:50, 34:15 - 35:00, 50:25-35 |
| | (b)(7) When Pasquale D'Amuro learned about this, he concluded that Federal Bureau of Investigation should not be involved in the interviews where those techniques were used. Pasquale D'Amuro said he learned about this from | |

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| discussions (b)(1) | He said that, |
| <p>when he heard the agency and Department of Defense wanted to use these techniques, he recalled having a discussion with Robert S. Mueller, III, and then he went over to meet with Michael Chertoff, Alice Fisher, and maybe (b)(6) (b)(7)(C) in Michael Chertoff's office. Pasquale D'Amuro learned that the agency and or the military (later he clarified he felt more comfortable saying it was the Central Intelligence Agency) had requested a legal opinion from John Ashcroft whether these techniques could legally be used -- DNR all techniques, but does recall techniques included sleep deprivation, white noise, constant noise, constant light, and another techniques that was discussed -- but he does not know if it was ever used. Department of Justice hadn't yet decided whether to approve -- i.e., using cloth over a detainee's face and dripping water so the detainee could not breathe, took the cloth off and then start all over again. Pasquale D'Amuro was told these techniques were used against US special forces in training and -- except for this last techniques (waterboarding) -- Department of Justice had decided could be done legally. (Later in the interview Pasquale D'Amuro specifically stated that some of the particular techniques were discussed at this meeting, at which Michael Chertoff and (b)(6) were present, and that he could not give an exact date for the meeting but to the best of his recollection it was while he was the AD -- [which means from 1/02 to 11/02]. He also said that, if he HAD to say, he would guess Department of Justice may not have authorized waterboarding as a technique to be used.) Once he heard what was being done to detainees, he spoke to Robert S. Mueller, III -- probably later same day -- and he told him he recommended the Federal Bureau of Investigation not get involved in interviews where these techniques were being used. Federal Bureau of Investigation would love to get access to these these individuals because Federal Bureau of Investigation had agents who had investigated these subjects for many years, for example, agents who had investigated KSM and Abu Zayn Abidin Muhammed Hussein abu Zubaida for years, and had been successful in flipping numerous people in Al Qaida to cooperate in the E. Africa bombing investigations and previously. He said "we" didn't believe these techniques would provide the intell we needed. He thinks his exact words to Robert S. Mueller, III were "we don't do that." He said he told Mueller that, someday there will be a lot of people sitting at green felt tables</p> | |

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| | <p>and he wanted to be able to say, "the Federal Bureau of Investigation did not participate in that type of activity." Yes, the Federal Bureau of Investigation has agents who do intelligence interviews, but they also may be called upon to testify and we cannot have them in that position. Pasquale D'Amuro said he also thought this was wrong. He fully anticipated this would come out and this gives al Qaeda the opinion of the US it wants to be able to circulate. He said he took some criticism from agents who wanted very much to participate in these interviews, but I felt very strongly that we not participate in that, and the Director agreed with me.</p> | |
| To Be Determined | <p>Pasquale D'Amuro recalls only one the particular meeting in Michael Chertoff's office re. whether Federal Bureau of Investigation would participate and the legal authority, but also a few other conversations. He did not know all the techniques that may be being authorized, but aware of rumors flying around. Almost every day, John Ashcroft and others from Department of Justice were coming over for briefings, and I either provided or sat in those briefings. He also briefed the White House at times. So there were conversations every day with Michael Chertoff and Alice Fisher and others from Department of Justice. He said he was being kind of "boastful" or "voiceful" (???) in saying we really would like the opportunity to have agents with the knowledge and background about the HVTs to get involved with those interviews. Those conversations continued through the picking up of the HVTs like Zayn Abidin Muhammad Hussein abu Zubaida and KSM. Pasquale D'Amuro said he recalled having a meeting with Robert S. Mueller, III and Tenet trying to discuss how Federal Bureau of Investigation could participate in the interviews, but we kept coming back to the same situation -- if those techniques were going to be used, we would not participate. He said he suggested giving Federal Bureau of Investigation access before the techniques would be used, but we lost because everyone thought the people would ask for attorneys and not talk to us anyway. We also thought there would be a taint problem even if we got access after the techniques were done outside of our presence, so that would not work either.</p> | Pat D'Amuro Interview I at 30:35 - 33:20. |
| To Be Determined | <p>Pasquale D'Amuro said that, other than the meeting at Chertoff's office, the only conversation with any Department of Justice officials re. this topic was one with Larry Thompson when he was the DAG. Pasquale D'Amuro said "this issue was constantly coming up ... with every HVT that they obtained, the issue again would arise, who is going</p> | Pat D'Amuro Interview I at 35:40-37:55 |

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| | to conduct the interview and .. what techniques were going to be utilized." Pasquale D'Amuro said he recalled a conversation with Larry Thompson while riding back from the White House, where Pasquale D'Amuro and Larry Thompson had attended a deputies' meeting, during which Pasquale D'Amuro again was making the case for the value of having Federal Bureau of Investigation interviewers who had been investigating these people for years involved, and he said the impression he got from what Larry Thompson was saying was that problems already were arising from the use of these special techniques. | |
| To Be Determined | <p>Pasquale D'Amuro said that there were several reasons for his argument against Federal Bureau of Investigation involvement in the interviews. One problem with Federal Bureau of Investigation participation in these techniques was jargon -- if these agents were called to testify later in their careers, would they be asked about whether they ever had participated in the use of coercive techniques? A second problem was moral -- Pasquale D'Amuro thought these techniques were wrong. Another problem was, despite the claim that these interviews were for intel rather than for criminal prosecution, at the end of the day, what was the USG going to do with these HVDs? Prosecution, even in the military tribunal context, would require some standard of evidence. He said he believed that someday this was going to come back to haunt us. Finally, he also said the use of these techniques was not necessary: in the investigations into prior terrorist acts -- East Africa bombings, first WTC, USS Cole -- the Federal Bureau of Investigation had successfully obtained information through cooperation by those who eventually flipped without the use of these techniques. And Pasquale D'Amuro said the techniques were not going to be effective. He said the individuals came from parts of the world where much worse was done to them than these interview techniques. And they expected the US to use these harsh techniques. What they did NOT expect was to treat them as human beings, and then, when you know your subject matter and catch them in lies, when you vet out the information, you can eventually get them to tell them the truth. If you use the special techniques long enough, people will start telling you things just to get you to stop doing the technique to them -- we wanted accurate info.</p> | Pat D'Amuro Interview 1 at 39:00 - 44:20 |
| To Be Determined | <p>Pasquale D'Amuro recalls one other conversation with George Tenet and another (b)(7) (b)(7) whose name he can't recall, after a white house briefing.</p> | Pat D'Amuro Interview 1 at 44:50 - 46:30 |

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| | during a meeting with Mauclet, Tenet, and this (b)(1) agent, where we were discussing the interviews with HVTs and how we could possibly work something out where we could have access to the detainees before the special techniques would take place. Pasquale D'Amuro says they had the discussion, but nothing ever changed. Once it was decided that the techniques were going to be utilized, we had difficulty going back in to conduct interviews. Pasquale D'Amuro says Tenet was possibly considering how this could be done, but it was never worked out. | |
| To Be Determined | Pasquale D'Amuro said that the purpose of the meeting in Chertoff's office, at which Alice Fisher and Chertoff and he were present, was not to discuss the techniques; the purpose was to discuss how the Federal Bureau of Investigation could get involved in the interviews of some of the HVTs, because "we" felt so strongly that it would add value to be able to obtain info because we knew the subjects so well. So we discussed, how can we participate in interviews when these techniques are being used. As examples of Federal Bureau of Investigation "value added," Mike (sp?) Frank Peligrino had worked KSM for several years, he knew more about him than anyone in the Central Intelligence Agency who was going to interview him; (b)(1), (b)(6) (b) had a lot of knowledge about Zayn Abidin Muhammad Hussein abu Zubaida. But, because the info obtained from these techniques could never be used in court, and because we were not going to be given access first, before these techniques were used, the decision was always, no, Federal Bureau of Investigation cannot participate. It wasn't a single decision but an ongoing decision that was raised repeatedly when new HVTs were captured, always with the same result. | Pat D'Amuro Interview 1 at 50:40 - 54:46 |
| To Be Determined | Pasquale D'Amuro said the way he took the meeting in Chertoff's office was that Department of Justice was "very familiar" with what techniques were going to be utilized, but there was not a discussion of all the techniques -- they didn't focus on that particular issue. He said that he thought Michael Chertoff and Alice Fisher probably did know more about the techniques, but he said he didn't know what their knowledge was. | Pat D'Amuro Interview 1 at 55:05 - 55:54 |
| To Be Determined | Pasquale D'Amuro said there came a time when he heard that agents were noticing some of these techniques at U.S. Naval Base Guantanamo Bay, Cuba; when that happened we reiterated our instructions that agents are not to participate in any part of these types of techniques; (b)(1), (b)(6) (b) later told him that an individual in U.S. Naval Base Guantanamo Bay, Cuba had been subjected to bright lights, noise, sleep deprivation, but | Pat D'Amuro Interview 1 at 58:05 - 1:00:25 |

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| | (b)(6),(b)(7)(C) turned the situation around, got the detainee to be given a prayer rug, etc., and got him to flip, to cooperate, Pasquale D'Amuro thinks he was a body guard for UBL, and now the military decided to prosecute this detainee. (b)(6),(b)(7)(C) obtained four voluntary confessions from detainees, all of whom the military now wants to prosecute in military courts. * | |
| To Be Determined | Pasquale D'Amuro said he is unaware of any of these techniques being used in Afghanistan in interviews in which Federal Bureau of Investigation was participating. * (CPI Note: <i>What Techniques?</i>) | Pat D'Amuro Interview 1 at 1:01:50 |
| To Be Determined | Pasquale D'Amuro said, in U.S. Naval Base Guantanamo Bay, Cuba, when a detainee was ID'd as potentially having a lot of knowledge of CT issues or intell about UBL, that usually when we sent (b)(6),(b)(7)(C) or someone with more specialized knowledge. He said one of the generals (Michael E. Dunleavy) who ran U.S. Naval Base Guantanamo Bay, Cuba asked if (b)(6),(b)(7)(C) could stay down there for one year, and we said no we can't do that. * | Pat D'Amuro Interview 1 at 1:03-1:04:05 |
| To Be Determined | Pasquale D'Amuro DNR Behavioral Analysis Unit agents communicating concerns about techniques actually or planned to be used on detainees in U.S. Naval Base Guantanamo Bay, Cuba, but does recall reiterating the "do not participate in those interviews" policy, that Andrew G. Arena and others would have reiterated that policy, in response to agents asking to be allowed to participate in those interviews. The response was, no, there are reasons we are not going to be participating in those interviews. | Pat D'Amuro Interview 1 at 1:07:55 - 1:09:05 |
| To Be Determined | Pasquale D'Amuro said the interrogation of (b)(6),(b)(7)(C) was one that (b)(6),(b)(7)(C) may have mentioned to him, but DNR any specifics. | Pat D'Amuro Interview 1 at 1:09:19 |
| To Be Determined | Pasquale D'Amuro said he DNR conversations with Marion E. "Spike" Bowman about interview techniques at U.S. Naval Base Guantanamo Bay, Cuba. | Pat D'Amuro Interview 1 at 1:09:45 |
| To Be Determined | Pasquale D'Amuro said he DNR Larry A. Mefford advising him that Behavioral Analysis Unit agents were concerned about interrogation techniques they were aware of at U.S. Naval Base Guantanamo Bay, Cuba -- but that Larry A. Mefford "regularly" went around him and brought info directly to Bruce J. Gebhardt or Robert S. Mueller, III. | Pat D'Amuro Interview 1 at 1:11:05 - 1:11:50 |
| To Be Determined | Pasquale D'Amuro says he may have had a discussion with Andrew G. Arena in May or June of 2003 about putting out written guidance that agents were not to participate in any | Pat D'Amuro Interview 1 at 1:13:53 - 1:14:35 |

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| | activity "like that" and agents should be so informed, but DNR if Andrew G. Arena put something like that out | |
| To Be Determined | Pasquale D'Amuro said he has heard, after the fact, that there may have been memos by agents raising issues about possible witnessing criminal acts and what should they do, but he was totally unaware of that at the time -- this may have been something Larry A. Mefford failed to bring to his attention. | Pat D'Amuro Interview 1 at 1:15:00 - 16:20 |
| To Be Determined | When asked if he was aware whether the Federal Bureau of Investigation or Department of Justice ever tried to raise the issue of efficacy to the White House or other part of the Executive Branch to try to "overrule" the agency's approach or the military's approach, to try to get the use of these ineffective interrogation techniques out of the picture, Pasquale D'Amuro said he thought the Administration and White House was well aware of this, but he has no specific evidence to support that. He may have had a conversation with Robert S. Mueller, III in which Mueller said "we're going to lose that battle" regarding the techniques and the Federal Bureau of Investigation's desire to conduct those interviews. Pasquale D'Amuro said something sticks in his mind that (b)(6),(b)(7)(C) from the White House, was involved in working with John Ashcroft and Department of Justice on the issue of the techniques and was aware of what was taking place. | Pat D'Amuro Interview 1 at 1:17:21 - 1:21:44 |
| To Be Determined | Pasquale D'Amuro recalls a conversation with Valerie E. Caproni, perhaps in early Spring of 04, when she asked me some questions -- that's where I remember first hearing about some documentation by agents questioning some of what was being done. | Pat D'Amuro Interview 1 at 1:22:18 |
| To Be Determined | Pasquale D'Amuro says that Michael Chertoff and Alice Fisher made it clear that the Central Intelligence Agency had asked Department of Justice for a legal opinion about the use of these techniques. | Pat D'Amuro Interview 1 at 1:23:25 - 1:24:06 |
| To Be Determined | Pasquale D'Amuro said that at the meeting with Michael Chertoff and Alice Fisher, he was very vocal in trying to get the Federal Bureau of Investigation involved in those interviews, and he thought it was important to raise all the issues relevant to that. | Pat D'Amuro Interview 1 at 1:24:50 |
| To Be Determined | Pasquale D'Amuro said that, what kept coming back (<i>from the military?</i> (PD) was that, if the Federal Bureau of Investigation did it these HVT interviews, the detainees would just lawyer up and not talk, so "we going to do it our way." | Pat D'Amuro Interview 1 at 1:27:45 |
| To Be | Pasquale D'Amuro said that there was an instance in which it was worked out where the | Pat D'Amuro Interview 1 |

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| Determined | <p>Federal Bureau of Investigation was going to try to participate in the interview of (b)(6),(b)(7)(C) at the beginning. Pasquale D'Amuro said this was one where they were trying to make it work. Pasquale D'Amuro said (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) were the two agents deployed. They "hooked up" with (b)(6),(b)(7)(C). The (b)(1) personnel who was going to participate in the interview, for some reason, was not on the plane with (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C). He later arrived to the location where they went. (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) took care of (b)(6),(b)(7)(C) (cleaned his wound, cleaned him up after he had defecated on himself, helped to feed him), and (b)(6),(b)(7)(C) started to talk with them about things, started to provide some intelligence, which (b)(6),(b)(7)(C) documented through agency channels. Once the (b)(1) arrived on scene, the decision was made to use the techniques, and we kept saying: "Wait a minute. He's talking to us already. He's already got a relationship that is starting to build with (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C). Let us continue to talk to him." And the answer was "no, we are going to start with the techniques." Pasquale D'Amuro said that, once the (b)(1) made this decision to use these techniques and start that kind of interview with (b)(6),(b)(7)(C) he instructed -- through the section -- that (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) should "come home -- do not participate in the interviews." *</p> | at 1:30:23 - 1:32:15 |
| (b)(6),(b)(7)(C) To Be Determined | <p>Pasquale D'Amuro said that, shortly after the (b)(6),(b)(7)(C) interview involving (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) described above, he told Robert S. Mueller, III that "we should sit down with them and try to resolve this," and that led to the meeting with Tenet and the (b)(1) agent at the White House described above. Pasquale D'Amuro thinks this meeting took place in 2002.</p> | Pat D'Amuro Interview 1 at 1:32:20 - 1:33:45 |
| To Be Determined | <p>Pasquale D'Amuro says that another consequence of these techniques is that it makes it all the more difficult to develop sources and cooperators -- when people hear this type of activity is on-going, in his opinion, it makes the job more difficult.</p> | Pat D'Amuro Interview 1 at 1:35:06 |
| To Be Determined | <p>Pasquale D'Amuro said that agents should never have even been put in the position to observe these techniques, because we made it very clear they are to avoid those types of activities. *</p> | Pat D'Amuro Interview 1 at 1:36:29 |

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| To Be Determined | Pasquale D'Amuro said that, at the time, he was asking, "what is the end game? Are they going to be prosecuted by the military, by the federal courts?" Pasquale D'Amuro said the answers "were not there." So, in another discussion with Robert S. Mueller, III or with Department of Justice officials, possibly (b)(6),(b)(7)(C) Pasquale D'Amuro said, let's not go down the road where we eliminate tools in our arsenal." [I.e., by using techniques that would make evidence inadmissible.] | Pat D'Amuro Interview I at 1:44:10 - 1:46:20 |
| To Be Determined | Pasquale D'Amuro said that, right after 9/11, the role of Department of Justice was "minimized." Prosecution and law enforcement took a "way back seat." | Pat D'Amuro Interview I at 1:46:25 - 1:47:05 |
| To Be Determined | Pasquale D'Amuro says the Federal Bureau of Investigation has long been involved in terrorist prevention, not just after the fact enforcement, especially the NY office -- he pointed to the Blind Sheik and the prevention of the potential bombing of the UN, the Lincoln Tunnel, and the Federal Building, and the Ramsey Yousey and the prevention of the bombing of 11 jumbo jet airliners over the Pacific ocean. He said the E. Africa prosecutions was put on for the world to see, and it was done properly, legally, and above board, and the world saw these people killed not only Americans but innocent Muslims -- and that is the way we should be going forward. The rest of the world looks at us, and using these techniques comes back to hurt us b/c when detainees get out, they are going to use it to generate additional terrorist attacks. | Pat D'Amuro Interview I at 1:48:30 - 1:50:45 |
| 10/??/2001 | Pasquale D'Amuro was in a briefing, mid to late Oct. 2001, where they learned hostilities were commencing in Afgh, and he said he suggested to Robert S. Mueller, III that Federal Bureau of Investigation should have agents ready to deploy to collect intelligence. He said he knew significant intell would be collected -- including documents and material being collected, some terrorist subjects would be there, maybe would be killed so Federal Bureau of Investigation should know that. He said he recommended to Robert S. Mueller, III to to coordinate with the military to get agents deployed. He said Robert S. Mueller, III thought it was a good idea. Mike Rollince, who was section chief for international terrorism, and Dale Watson, who was AD for CT, were tasked with following up with that. It was a month or so later, or maybe a few months later, when the first Federal Bureau of Investigation people were actually going in to Afghanistan. *know | Pat D'Amuro Interview I at 10:30-13:45 |
| Thu 03/31/2005 | Pasquale D'Amuro said he left the Federal Bureau of Investigation on 3/31/05. At the time he was AD in charge of the NY Field Office. He had been in that position since 8/3/03. | Pat D'Amuro Interview I at 3:42 7:25 |

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| | Prior to that he was EAD CT/CI, which he held since Nov. 02. Prior to that he was AD for CT since Jan or Feb of 02. Prior to that, I was in the NY Field office when, in Oct 2001 when I was asked to come to DC as Inspector in Charge of the 9/11 investigation. | |
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