

CaseMap Facts Report

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Case: FBI in Military Zones
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Date & Time	Fact Text	Source(s)
To Be Determined	David Nahmias said he worked with Alice Fisher as a colleague from 2001 to 2003	David Nahmias Interview 2 at 10:43
To Be Determined	David Nahmias said he discussed with Alice Fisher issues related to the treatment or interrogation of military detainees.	David Nahmias Interview 2 at 10:55
To Be Determined	David Nahmias said he DNR if he or Alice Fisher were ever told about a detainee being taken up in a helicopter by Federal Bureau of Investigation. He said he had heard about it somewhere, but it was hard to recall if he heard about it as a rumor or as an "apocryphal" story or read about it in the newspaper, but he is "pretty confident" (later "quite confident") no one ever presented it to him as a fact, b/c if someone did that he would have taken it up the chain.	David Nahmias Interview 2 at 11:13
To Be Determined	David Nahmias said he regularly raised concerns, and was at meetings where "other Department of Justice people" raised concerns, about Department of Defense's approach to interrogations, which was not the law enforcement/FBI approach. He said "we" raised those concerns with DOD/OGC and with "other folks in the government." He said the person they spoke with most in DOD/OGC was Whit Cobb, also Marshal Billingsley -- head of detainee group (which dealt with issues of whether detainees were enemy combatants and other issues and was part of SOLIC -- [pz: I am pretty sure this is something like special office for low intensity conflicts]). David Nahmias said he did not remember talking to (b)(6) re. U.S. Naval Base Guantanamo Bay, Cuba issues -- but yes re. (b)(6) not being actively interrogated after he was transferred to military custody as an enemy combatant. (Nahmias was concerned Department of Defense seemed to be sitting on its hands after getting custody of him.)	David Nahmias Interview 2 at 14:05 - 18:35

To Be Determined	David Nahmias said his concerns went to the effectiveness of Department of Defense's interrogation approach. He said "our understanding" was that Department of Defense was using U.S. Army Survive, Escape, Resistance and Evasion techniques and particularly tactical intelligence gathering. He said Department of Defense did not seem to have trained interrogators; they did not seem to have people who knew a whole lot about terrorism or AQ; they did not go in trying to develop long term relationships with folks to get strategic intelligence over an extended period of time. That was the focus of discussions he said he had with Federal Bureau of Investigation all the time and within Department of Justice and with lots of people in Department of Defense and "throughout the government." David Nahmias said Alice Fisher was involved in "some" of these discussions, but he had more of a role in meeting with regularly with the Federal Bureau of Investigation, Department of Defense and some other folks. Alice Fisher would sometimes make those meetings and sometimes not. Nahmias said he usually briefed her on his meetings, though the level of detail varied. He said she certainly knew about the effectiveness issue, as did many people in Department of Justice and elsewhere in the government.	David Nahmias Interview 2 at 18:45 - 20:33
To Be Determined	David Nahmias said that it was difficult to separate out what he may have read about after the fact and what he learned about at the time. But he said that he understood from Federal Bureau of Investigation that the approach that was the subject of the effectiveness issue included yelling at detainees, perhaps sleep deprivation "though not in any...really thought through sophisticated way." He said he was not sure of the other techniques. His impression, which was formed in various ways, including during a trip to U.S. Naval Base Guantanamo Bay, Cuba with [redacted] was that the Department of Defense approach was to yell at detainees, tell them they were horrible AQ people and they'd better talk or else horrible things would happen to them, whereas Federal Bureau of Investigation and Criminal Investigative Task Force way was to explain to them they were in a horrible situation, apart from their families, abandoned by their former colleagues, that "we know more than they know," and it was in their best interest to talk.	David Nahmias Interview 2 at 21:50 - 24:10
To Be Determined	David Nahmias said he recalled that Alice Fisher was present during conversations at which the interrogation methods were described in a "generic" way, such as referring to the Federal Bureau of Investigation approach as "strategic" and Department of Defense's as "tactical," yelling at people v. trying to reason with them. He also thinks he discussed with Alice Fisher,	David Nahmias Interview 2 at 24:35 - 26:28

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	at some level of generality, the concern that Department of Defense's interrogation of (b)(1) was not going to be effective. He said he does not know if Alice Fisher ever saw the interrogation plan for (b)(1) David Nahmias said Department of Defense had a "very aggressive" interrogation plan for (b)(1) at least on paper. He said it did not seem to be very effective in the early stages and he thought Department of Defense did not get very far with it. He said the concern re. the effectiveness of the plan for (b)(1) was also discussed with Federal Bureau of Investigation and Department of Defense.	
To Be Determined	David Nahmias said he does not remember Federal Bureau of Investigation ever raising concerns about the legality of any interrogation technique. Had Federal Bureau of Investigation done so, "that would have caught my attention," and he didn't remember that ever coming up.	David Nahmias Interview 2 at 26:30 - 27:30.
To Be Determined	David Nahmias does recall the Federal Bureau of Investigation having concerns whether the plan for (b)(1) was going to be effective and that some of the techniques on the list were extremely aggressive, but, based on his dim recollection of the plans, there were many levels of review at each step of the process and he was not sure if "we" ever got past the first step of the process. He said he recalls that he saw interrogation plans, or drafts, DNR if given or just shown at meetings at the Pentagon.	David Nahmias Interview 2 at 27:30 - 28:35
To Be Determined	David Nahmias said he attended meetings re. interrogation of (b)(1) but the focus of those meetings from "our" standpoint was that we were very concerned about him and the intell he had and we were not convinced that either Department of Defense was getting the intell he had or that the intell they were reporting was accurate.	David Nahmias Interview 2 at 28:35 - 29:12
To Be Determined	(b)(5)	David Nahmias Interview 2 at 29:12 - 31:05
To Be	When [Legal Analysis] document was described to David Nahmias,	David Nahmias

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Determined	David Nahmias said it did not ring a bell (b)(5) (b)(5)	Interview 2 at 31:15 - 33:10
To Be Determined	(b)(5)	David Nahmias Interview 2 at 33:20 - 34:00
To Be Determined	Interviewer attempted to refresh David Nahmias's recollection by asking if he recalled whether he learned about the "helicopter ride" from the Federal Bureau of Investigation during a meeting at which [redacted] Laura Parsky, and possibly Bruce Swartz, and Alice Fisher were present during which this issue was raised, including the concern by [redacted] that the individuals involved posed as Federal Bureau of Investigation agents. Nahmias said, no, but he did recall [redacted] raising a concern about Department of Defense impersonating Federal Bureau of Investigation agents, but not in that context. He said it was in the context of "making some kind of overture" to detainees, but he DNR the context. He said the it wasn't a "unique thing," the impersonation, but that it had happened on several occasions not just in U.S. Naval Base Guantanamo Bay, Cuba but some incident abroad as well. DNR meeting with Laura Parsky, Bruce Swartz, and Alice Fisher at which this was described.	David Nahmias Interview 2 at 34:00 - 36:30
To Be Determined	David Nahmias said he did recall a meeting with him, [redacted] Bruce Swartz and Laura Parsky - he DNR Alice Fisher being present - at which [redacted] described several other things anecdotally - stories of things at U.S. Naval Base Guantanamo Bay, Cuba, he didn't know if they were true. David Nahmias thinks this was after Alice Fisher had left. David Nahmias remembers supposedly a female soldier baring her chest at a detainee, and somehow using an Israeli flag or invoking Israel in an interrogation. DNR helicopter incident being raised, but it might have been b/c [redacted] was laying out a whole bunch of things. He didn't know if they were true, but there were enough of these "apocryphal" stories to make it a concern. DNR anything about perfume or water - but there may have been something about pigs or pork or something like that. General idea was Department of	David Nahmias Interview 2 at 36:30 - 38:35

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	Defense was using things that very observant Muslims would find offensive to try to extract information. DNR helicopter or any other physical threat.	
To Be Determined	After the meeting at which [redacted] relayed these anecdotal stories, David Nahmias said they briefed Stuart Levey, principal Associate Deputy Attorney General, and either Stuart Levey or Bruce Swartz and Nahmias went over to brief John Bellinger, Legal Advisor to the National Security Council. David Nahmias recalled that this took place approximately in Fall to end of 2003 – before Abu G became public in early 2004. He said "we ... raised it as an effectiveness point with John Bellinger," and we knew he shared our concerns re. effectiveness.	David Nahmias Interview 2 at 38:40 - 40:02
To Be Determined	David Nahmias said there was a debate going on at the time about U.S. Naval Base Guantanamo Bay, Cuba re. whether it was worth it – the international pressure we were getting on U.S. Naval Base Guantanamo Bay, Cuba versus its value as an intell gathering center. The "point" of the stories that David Nahmias relayed to Bellinger was, "this is the stupid stuff that Department of Defense might do that isn't going to get you anywhere. If you offend somebody, you're not going to get good information. The only good info is coming from rapport based interviewing.	David Nahmias Interview 2 at 40:02 - 40:51
To Be Determined	David Nahmias said that during the meeting with Bellinger he probably used examples – the baring of the breast and the use of pig oil – but used the same caveat [redacted] had, i.e., we don't know for a fact that these things happened. He said they were not referring it as a specific incidents or allegation of misconduct, but rather, these are the kinds of stories that are going around and, assuming any of them are true, this is illustrative of the kind of stuff Department of Defense would be doing. David Nahmias reiterated that his recollection was that none of these incidents had to do with physical abuse or mistreatment.	David Nahmias Interview 2 at 40:51 - 41:42
To Be Determined	David Nahmias said he went through Stuart Levey before briefing John Bellinger because the DAG's Office coordinates relationships with the White House.	David Nahmias Interview 2 at 41:42 - 42:15
To Be Determined	David Nahmias said Bellinger's reaction to the anecdotes David Nahmias relayed was the same as others' reactions: this is "stupid." It is not effective and if it gets out in the public it will cause yet more backlash against the U.S. and U.S. Naval Base Guantanamo Bay, Cuba and it has no value as an intell-gathering technique.	David Nahmias Interview 2 at 42:15 - 42:52
To Be	When asked if, during the meeting with John Bellinger, there was any sense of bringing this	David Nahmias

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Determined	information to his attention because Department of Justice had already raised these issues with Department of Defense and perhaps John Bellinger could raise this issue at the National Security Council level to see if someone could intervene and try to get this intell-gathering mission on a better track, David Nahmias said "That's why we went to see John Bellinger." David Nahmias said he did not know what John Bellinger did with the information he provided to him.	Interview 2 at 42:52 - 43:45, 44:23 - 44:38
To Be Determined	David Nahmias said shortly after his meeting with John Bellinger, Abu G became public and then everyone agreed that this was all outrageous conduct, but this was not in the context of this is criminal or this is torture or violation of a statute, but rather, this was not effective, this was not smart policy, this was not a good way to do business.	David Nahmias Interview 2 at 43:45 - 44:22
To Be Determined	David Nahmias said pretty much everyone involved in terrorism at Department of Justice - including Bruce Swartz, Laura Parsky, Alice Fisher, David Nahmias, Christopher Wray, Michael Chertoff, Larry Thompson, Jim Comey, Stuart Levey at a later point, John Ashcroft and some of his senior staff, and Arthur M. Cummings and John S. Pistole and Robert S. Mueller, III - were aware of concerns about the ineffectiveness of Department of Defense interrogations. Concern about this ineffectiveness generally, as well as concerns about effectiveness of interrogations of specific detainees, were "a repeated issue during my entire time at Justice."	David Nahmias Interview 2 at 45:00 - 46:48
To Be Determined	David Nahmias said the issue of Department of Defense interrogations' effectiveness generally, not necessarily tied to particular incidents, was raised in meetings with Central Intelligence Agency OGC people, usually with Department of Defense OGC there as well. During Bellinger's detainee working group meetings, this issue would periodically come up. "I'm fairly confident that it was raised in Deputy Committee or Principals' Committee meetings about U.S. Naval Base Guantanamo Bay, Cuba." This was partly in the context of "what is U.S. Naval Base Guantanamo Bay, Cuba going to be?" The State Department was getting tremendous pressure about U.S. Naval Base Guantanamo Bay, Cuba, the Department of Defense was claiming it was a critically important intelligence center. There were discussions about whether it was a valuable intell gathering place, and in those discussions issues about the quality and effectiveness of intell gathering "came up all the time."	David Nahmias Interview 2 at 47:30 - 48:50
To Be Determined	When asked if John Ashcroft was personally involved in raising concerns about (b)(1) (b)(1) Nahmias said, yes, that Michael Chertoff and John Ashcroft had issues	David Nahmias Interview 2 at 48:50 -

	<p>about whether (b)(1) was being effectively interrogated, for example, about his knowledge of sleeper cells in the U.S. Was Department of Defense capable of effectively getting this intell from him. David Nahmias said that he, along with Alice Fisher, raised these concerns with Michael Chertoff and then they were raised up the chain to John Ashcroft. David Nahmias said that, as far as he knew, he did not think John Ashcroft and Michael Chertoff actually saw the interrogation plan for (b)(1). David Nahmias said that he did not know "in detail" what John Ashcroft did with these concerns, but he said he knew there were meetings in which John Ashcroft and Michael Chertoff were involved — David Nahmias did not attend them so he doesn't all the details — but the idea was that we had a very valuable detainee, and first, we did not think we were getting the intell this detainee had and, second, there were concerns that reported intell from him was not always accurate, both because he may have just been lying and Department of Defense reported those lies out and concerns re. whether Department of Defense was accurately reporting what detainee said. David Nahmias said he helped brief Michael Chertoff and John Ashcroft in preparation for these meetings, but he didn't recall if they were small group meetings with other senior officials or principals' committee meetings. David Nahmias said there were a series of internal talking points and briefing material on (b)(1).</p>	52:25
To Be Determined	(b)(5),(b)(7)(E)	David Nahmias Interview 2 at 52:25 - 54:15
To Be Determined	David Nahmias said that the briefing material he mentioned earlier re. (b)(1) (b)(1) sometimes was part of briefing material re. Moazzem Begg, (b)(6) or others. If we	David Nahmias Interview 2 at 54:15-54:55
To Be	(b)(5)	David Nahmias

Determined	(b)(5)	Interview 2 at 54:55 - 55:55
To Be Determined	When asked what if anything he learned ever happened as a result of these meetings that took place up his chain of command to raise these issues of effectiveness and greater FBI/DOJ involvement, David Nahmias said that his recollection was that everyone was continually frustrated by the inability to get any changes or progress.	David Nahmias Interview 2 at 55:55 - 56:48
To Be Determined	David Nahmias does not recall a specific meeting at Chertoff's office described by Pasquale D'Amuro, at which Alice Fisher was present, and David Kelley may have been, concerning whether Federal Bureau of Investigation would be allowed to have access to a HVT who had been taken into custody. David Nahmias said he recalls lots of meetings like that where we would talk about these issues, but the actual decisions on who was going to take the lead on a given HVT were worked out between Robert S. Mueller, III, John Ashcroft, the DAG, and their counter-parts.	David Nahmias Interview 2 at 57:00 - 1:00:46
To Be Determined	David Nahmias said that Federal Bureau of Investigation never held the detainees in custody overseas, so the issue was always asking for access from either the foreign government or one of our agencies that was holding the detainee. *	David Nahmias Interview 2 at 1:00:46 - 1:01:48
To Be Determined	David Nahmias said he couldn't answer a question about whether he knew Alice Fisher may have been involved in any meeting at which treatments or interrogation methods were discussed, including that Department of Justice may have informed Department of Defense, Central Intelligence Agency, or others, that certain of those techniques were legally permissible, without getting into SCI information.	David Nahmias Interview 2 at 1:02 - 1:03:10
To Be Determined	David Nahmias said there were (b)(5)	David Nahmias Interview 2 at 1:04 - 1:05:03
To Be Determined		David Nahmias Interview 2 at 1:14:10 - 1:16:08

To Be Determined	(b)(5)	David Nahmias Interview 2 at 1:22:32
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