

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	Andrew G. Arena said that from 3/02 to 3/03 he was Section Chief of International Terrorism Operations Section 1 (radical Sunni groups). (He explained that, initially, he was the head of ITOS, which later was divided into 1 and 2.) He said from 3/03 to 3/04 he was special assistant to EAD for CT/CI. Andrew G. Arena said that three individual served in this position while he was there: Pasquale D'Amuro from 3/03 to 8/03; Larry A. Mcfford came in for a few months. and then John S. Pistole.	Andy Arena Interview 1 at 5:20 - 7:00
To Be Determined	Andrew G. Arena said that his basic job responsibility as Section Chief of International Terrorism Operations Section 1 was to oversee all international terrorism operations for the Federal Bureau of Investigation. That included starting up the unit that was going to oversee Federal Bureau of Investigation involvement with detainees in U.S. Naval Base Guantanamo Bay, Cuba and Bagram Air Force Base. *	Andy Arena Interview 1 at 11:55-12:48.
To Be Determined	Andrew G. Arena said there were three areas or issues that were related: one was the detainees in Bagram Air Force Base, where the Federal Bureau of Investigation put agents to help ID who they were, go through pocket litter, etc; the second was U.S. Naval Base Guantanamo Bay, Cuba -- as the detainees were moved from Bagram Air Force Base to U.S. Naval Base Guantanamo Bay, Cuba, to try to figure out what the Federal Bureau of Investigation role would be, three, high value detainees held by the (b)(7)(C) what would Federal Bureau of Investigation's role there. On all of these decision, Department of Justice attorneys were involved. David Nahmias was the point person. (b)(6)(b)(7)(C) Bruce Swartz met with us. Then Dale Watson, John S. Pistole, Pasquale D'Amuro, and the Director, were involved as well. *	Andy Arena Interview 1 at 14:10
To Be Determined	Andrew G. Arena said we made clear to everyone who went down to U.S. Naval Base	Andy Arena

Determined	Guantanamo Bay, Cuba that there was no difference in your technique in how you conduct yourself with detainees -- only difference is the detainees weren't going to be prosecuted -- by that didn't matter -- still had to follow Federal Bureau of Investigation guidelines and the AG guidelines.	Interview 1 at 17:28
To Be Determined	Andrew G. Arena said he had a meeting every week with all his unit chiefs, and, either every week or every other week, Nahmias, Bruce Swartz, (b)(6), (b)(7) and (b)(6), (b)(7)(C) attended as well. We'd have discuss on-going investigations, and (b)(6), (b)(7)(C) or other unit chiefs were there and invariably the discussion would come up about the military tribunals, the intel we were getting out of U.S. Naval Base Guantanamo Bay, Cuba. Andrew G. Arena said they would have been aware of the Federal Bureau of Investigation's concerns that certain techniques were going to be used and weren't going to be effective. The techniques were U.S. Army (b)(5) (b)(5) but he said he didn't know we got into the particulars of the techniques -- just the basic concept of coercive techniques. Arena thinks the Department of Justice attorneys understood their concerns, took them seriously, was in touch with the military re. the military tribunals. *	Andy Arena Interview 1 at 19:24 -- 22:58, 25:45
To Be Determined	Arena said military's position was, "you have your way and we have our way." You are law enforcement and have the luxury of time, we have force protection and need info fast.	Andy Arena Interview 1 at 22:06
To Be Determined	Andrew G. Arena said there were conversations among Federal Bureau of Investigation executive management that military believed that Department of Justice had found these techniques to be permissible, not torture. "To be honest with you, there were discussions within the Federal Bureau of Investigation, 'should we also go down that track?' involving the Director, Deputy Director, the EADs, AD Pasquale D'Amuro, John S. Pistole. Arena said he was present the day Robert S. Mueller, III said "The Federal Bureau of Investigation will not get involved in this" -- in late Spring, early summer 2002. The first incident of this was info was coming back to us from agents who were aware of specific techniques used on high value targets by another government agency. The agents were saying, we're being cut out of this because of the use of U.S. Army (b)(5) So it raised the Q of, do we want to go down that road? The decision was, we're not going to get involved in this with the (b)(1) with the military, overseas, anywhere.	Andy Arena Interview 1 at 25:56-28:45
To Be	Arena said, re. 006632 (e-mail from Stephen R. Wiley to Andrew G. Arena dated Nov. 18,	Andy Arena

Determined	2005), that he did recall the e-mail, but he did recall several conversations with Stephen R. Wiley in which they discussed concerns with techniques and in which Andrew G. Arena informed Wiley that there were similar issues with "our sister agencies," i.e., intell agencies, around the referenced time period, i.e., Nov. 2002. Andrew G. Arena said that, in accord with the e-mail, he recalls that Stephen R. Wiley told him he had raised the issue with Marion E. "Spike" Bowman, who raised it to the GC. Andrew G. Arena did not recall who the GC was at the time.	Interview 1 at 32:52 - 34:25
To Be Determined	Andrew G. Arena said that there was an individual who, through Federal Bureau of Investigation investigation, was (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Andrew G. Arena said we began to interview him, but then the military stepped in and taken him away.	Andy Arena Interview 1 at 36:10 - 37:05
To Be Determined	Andrew G. Arena does not recall receiving 11/22/02 EC Behavioral Analysis Unit from (b)(6), (b)(7)(C) to Andrew G. Arena, Larry A. Mefford, (b)(6), (b)(7)(C), John S. Pistole, (b)(6), (b)(7)(C) communicating Behavioral Analysis Unit concerns -- containing statement "Defense Humint Services interrogators are routinely utilizing non-law enforcement tactics in their interview tactics. [BAU] personnel witnessed sleep deprivation, duct tape on an individual's mouth, loud music, bright lights, and growling dogs in the Defense Humint Services interview process." Andrew G. Arena said he may have read the EC or heard about those techniques in meetings he attended. He said the fact the EC was uploaded and serialized does NOT mean it necessarily crossed his desk.	Andy Arena Interview 1 at 39:20 - 44:00
To Be Determined	Andrew G. Arena said there were numerous occasions on which these allegations were discussed -- more as rumors and allegations than, as spelled out in the 11/22/02 EC, "I saw this with my own eyes" -- involving Department of Justice lawyers, and up the chain in the Federal Bureau of Investigation. He said he discussed that there were rumors both at U.S. Naval Base Guantanamo Bay, Cuba and high value target that the (b)(7)(C) was involved in and he discussed this with his chain of command up to the Director. He discussed the U.S. Army (b)(5) techniques and recalls specifically use of humiliation by having a naked detainee being interrogated by a female. He said that level of detail reached the Director and Deputy Director.	Andy Arena Interview 1 at 45:35 - 48:35
To Be Determined	Andrew G. Arena said he and (b)(6), (b)(7)(C) met with (b)(6), (b)(7)(C) to try to explain the benefits of the Federal Bureau of Investigation approach. Arena said Mueller and other	Andy Arena Interview 1 at

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

	senior management knew Andrew G. Arena was going and the purpose, among others, was to explain the limits on Federal Bureau of Investigation interrogation practices -- that we were not going to be involved in anything outside Federal Bureau of Investigation and Department of Justice guidelines.	50:54, 1:01 - 1:02
To Be Determined	Andrew G. Arena said he has no direct knowledge that the issue of effectiveness was raised at the highest levels, but he knows that there were conversations between Office of the General Counsel - FBI and the military attorneys, between David Nahmias and the JAG officers and the Pentagon, between Robert S. Mueller, III and Tenet, and he assumes between Robert S. Mueller, III and Donald Runsfeld, and he assumes that, in those conversations, the point that the Federal Bureau of Investigation way to conduct interviews was more effective than what was going on. "We were preaching that to anybody and everybody who would listen to us." "I know there were all these conversations between all these parties, and I can't believe they weren't passing that along."	Andy Arena Interview 1 at 58:50-59:45.
To Be Determined	Andrew G. Arena said that he spoke with his superiors about the fact that the military gave the Federal Bureau of Investigation a deadline to get info from (b)(6),(b)(7)(C) that, thereafter he was moved to another location and the military intended to use U.S. Army (b)(5) on him. Andrew G. Arena assumed his superiors raised these issues up the the Mueller.	Andy Arena Interview 1 at 1:07:00
To Be Determined	Andrew G. Arena said, once Department of Defense took control of the interrogation of (b)(6),(b)(7)(C) and told Federal Bureau of Investigation it was going to use U.S. Army (b)(5) we told our people, no, under no circumstances, to back away, we are not going to be involved with that. We are under orders from the Directors that we are not going to do this -- on all fronts -- so don't do it.	Andy Arena Interview 1 at 1:05:25
To Be Determined	Andrew G. Arena said, with regard to the IIRs that were coming out of the Department of Defense's interrogation of (b)(6),(b)(7)(C) that some of the info was false -- (b)(6),(b)(7)(C) was BSing them, and some was the same info Federal Bureau of Investigation had given Department of Defense after it had discovered the info through traditional law enforcement investigation. We kept explaining this to Department of Defense, it was a mess. They actually recalled some of the IIRs. He said some of the IIRs were "just ludicrous."	Andy Arena Interview 1 at 1:05:55, 1:15:11
To Be	Andrew G. Arena said he did not recall seeing any draft IPs for (b)(6),(b)(7)(C)	Andy Arena

Determined	or any specific concern by Behavioral Analysis Unit about the legality or effectiveness of the planned interrogation of (b)(6), (b)(7)(C)	Interview 1 at 1:07:45
To Be Determined	Andrew G. Arena said his understanding of the purpose of Behavioral Analysis Unit going down to U.S. Naval Base Guantanamo Bay, Cuba was to assist Federal Bureau of Investigation interrogators. He did not recall any instruction to them to get involved in Department of Defense interrogations, nor any instruction to Behavioral Analysis Unit to try to participate with the Department of Defense IP for (b)(6), (b)(7)(C) to try to compromise the two approaches, but he also says that Arthur M. Cummings had taken over responsibility for U.S. Naval Base Guantanamo Bay, Cuba by Nov. 2002, and then Frankie Battle.	Andy Arena Interview 1 at 1:09:25 - 1:10:55
To Be Determined	Andrew G. Arena said he does not know what actually was done to (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)	Andy Arena Interview 1 at 1:15:01
To Be Determined	Andrew G. Arena said that he recalled Mueller saying we not going to be in the room, not participating in this stuff. He said it was with one of the first high value targets and our "sister" agency decided it was going to go down this road, the Federal Bureau of Investigation actually pulled its people from the site. Andrew G. Arena said that "maybe" early on, there may have been instances when we were in the other room, when they first started using these things. But then, by the Spring of 02, Andrew G. Arena said Mueller used words to the effect of "When this is all said and done, I will not have an Federal Bureau of Investigation agent be indicted over this." This was in the Spring of 02. Andrew G. Arena said Mueller said "someone is going to get indicted -- we are not going to be involved." Andrew G. Arena said Pasquale D'Amuro was in the room, as well as possibly John S. Pistole, (b)(6), (b)(7)(C) possibly Bruce J. Gebhardt, when Robert S. Mueller, III made this statement.	Andy Arena Interview 1 at 1:17:00 - 1:18:54
To Be Determined	Andrew G. Arena said he remembered Pasquale D'Amuro making the comment that: somebody is going to have to testify before Congress on this one day, sitting in front of a big green felt table and we're not going to lie, we going to be able to stand up there and say we did not participate. Andrew G. Arena said, "I don't know... our sister agencies overseas doing this stuff and Department of Justice is telling them, these techniques are not torturous.. I don't know if that's a good sound legal statement... down the road someone could say that was illegal... the legal interpretation could change and we didn't want to get caught in that quagmire.	Andy Arena Interview 1 at 1:19:39 - 1:20:41
To Be	Andrew G. Arena said he left questionnaire questions 22-25 blank because he did not receive	Andy Arena

Determined	any training.	Interview 1 at 1:22:15
To Be Determined	<p>Andrew G. Arena thinks that [redacted] told him Department of Defense would quote a Department of Justice legal opinion that these techniques were legally permissible, and Andrew G. Arena also said he had general discussions with Federal Bureau of Investigation executive management that the military believed Department of Justice had found these techniques not to be torture or be permissible.</p>	<p>Andy Arena Interview 1 at 25:45-26:15</p>

(b)(6), (b)(7)(C)