menacing Al-Qahtani with a snarling dog in very close proximity to him during his interrogation.

Friction between FBI officials and the military over the interrogation plans for Al-Qahtani increased during October and November 2002. The FBI continued to advocate for a long-term rapport-based strategy, while the military insisted on a more aggressive approach. Between late November 2002 and mid-January 2003, the military used numerous aggressive techniques on Al-Qahtani, including attaching a leash to him and making him perform dog tricks, placing him in stress positions, forcing him to be nude in front of a female, accusing him of homosexuality, placing women's underwear on his head and over his clothing, and instructing him to pray to an idol shrine. FBI and DOJ officials did not learn about the techniques used between late November 2002 and mid-January 2003 until much later. However, in early December 2002, an agent learned that Al-Qahtani was hospitalized briefly for what the military told the FBI was low blood pressure and low body core temperature.

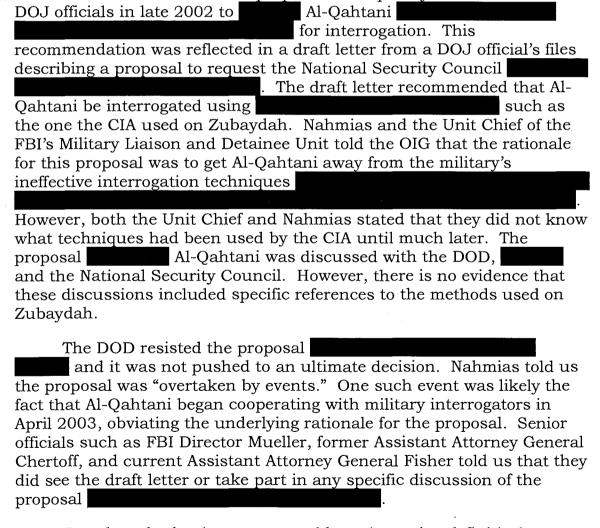
As a result of the interrogations of Al-Qahtani and other detainees at GTMO, several FBI agents raised concerns with the DOD and FBI Headquarters about: (1) the legality and effectiveness of DOD techniques; (2) the impact of these techniques on the future prosecution of detainees in court or before military commissions; and (3) the potential problems that public exposure of these techniques would create for the FBI as an agency and FBI agents individually. Some of these concerns were expressed to FBI Headquarters in e-mails from agents at GTMO. The informal response these agents received from Headquarters was that agents could continue to witness DOD interrogations involving non-FBI authorized techniques so long as they did not participate. During this period, however, FBI agents continued to raise objections directly with DOD officials at GTMO and to seek guidance from senior officials in the FBI's Counterterrorism Division (CTD). Senior FBI officials told us they had no recollection of these communications, and no formal responses were ever received by the agents who wrote these communications.

We determined, however, that some of the FBI agents' concerns regarding the DOD's interrogation approach at GTMO were communicated by senior FBI officials in the CTD to senior officials in the Criminal Division of DOJ and ultimately to the Attorney General. FBI Headquarters officials said they discussed the issue in meetings with Bruce Swartz (Deputy Assistant Attorney General), David Nahmias (counsel to the Assistant Attorney General), and others in the Criminal Division. Two witnesses told us that they recalled conversations with Alice Fisher (at the time the Deputy Assistant Attorney General for the Criminal Division) regarding the ineffectiveness of military interrogations

at GTMO. Fisher told us that she could not recall discussing detainee treatment or particular interrogation techniques with the FBI, but that she was aware that the FBI did not consider DOD interrogations at GTMO to be effective. Concerns about the efficacy of DOD interrogation techniques also reached Michael Chertoff (then Assistant Attorney General for the Criminal Division), Deputy Attorney General Larry Thompson, and Attorney General John Ashcroft.

The witnesses we interviewed generally said they recalled that the primary concern expressed at this level was that DOD techniques and interrogators were ineffective at developing actionable intelligence. These witnesses did not identify the FBI agents' concerns about the legality of the techniques or their impact on future prosecutions as a focus of these discussions.

We also learned about a proposal developed by certain FBI and



On a broader level, we were unable to determine definitively whether the concerns of the FBI and DOJ about DOD interrogation

techniques were ever addressed by any of the structures created for resolving inter-agency disputes about antiterrorism issues. These structures included the Policy Coordinating Committee, the "Principals" Committee, and the "Deputies" Committee, all chaired by the National Security Council (NSC). Several senior DOJ Criminal Division officials also told us that they raised concerns about particular DOD detainee practices in 2003 with the National Security Council, but they did not recall learning that any changes were made at GTMO as a result. Several witnesses told us that they believed that Attorney General Ashcroft spoke with the NSC or the DOD about these concerns, but former Attorney General Ashcroft declined our request for an interview in connection with this report.

Several factors likely affected the resolution of the FBI and DOJ concerns about the military's interrogations. On January 15, 2003, Defense Secretary Rumsfeld rescinded his prior authorization of some of the more aggressive DOD interrogation techniques. In addition, in April 2003 Al-Qahtani became fully cooperative with military interrogators. Moreover, based on the information we obtained in the OIG survey and our follow-up interviews, we believe that around this time the military also reduced the frequency and severity of its use of many of the techniques that troubled the FBI agents deployed at GTMO.

Ultimately, we found that the DOD made the decisions regarding what interrogation techniques would be used by military interrogators at GTMO, because GTMO was a DOD facility and the FBI was there in a support capacity. Similarly, the DOD controlled what techniques were used in Afghanistan and Iraq. As a result, once it was clearly established within each zone that military interrogators were permitted to use interrogation techniques that were not available to FBI agents, the FBI On-Scene Commanders said they often did not elevate reports of harsh detainee interrogations to their superiors at FBI Headquarters.

In general, we found that FBI agents deployed to Afghanistan and Iraq made fewer reports to their supervisors regarding detainee mistreatment than were raised by FBI agents assigned to GTMO. Unlike the situation at GTMO, FBI agents in Afghanistan and Iraq were operating in a war zone – an environment in which they were dependent on the military for protection and support. In such a situation, agents were reluctant to raise complaints about the military's conduct, and also assumed that the rules were different in this environment.

We also found that in all three military zones FBI agents sometimes sought to resolve their concerns about detainee treatment directly with military personnel without elevating the issue to FBI Headquarters. These efforts met with mixed results. At GTMO, FBI

personnel who were concerned about short-shackled detainees worked with the DOD's Criminal Investigative Task Force to persuade the DOD to officially eliminate this practice in 2002. However, reports of DOD short-shackling continued into 2004. In other instances, the FBI's On-Scene Commanders and other FBI agents reported that they were able to resolve their concerns with their DOD counterparts in the military zones and therefore did not have to raise them with their supervisors. For example, at GTMO the FBI's On-Scene Commander was able to resolve concerns about military personnel impersonating FBI agents with his military counterpart. Similarly, some agents deployed to Afghanistan and Iraq told us they were able to resolve incidents of rough handling of detainees by the military by discussing the issue with military commanders.

### V. OIG Analysis

### A. FBI Conduct in the Military Zones

We found that the vast majority of FBI agents deployed to the military zones understood that existing FBI policies prohibiting coercive interrogation tactics continued to apply in the military zones and that they should not engage in conduct overseas that would not be permitted under FBI policy in the United States. To the FBI's credit, it decided in 2002 to continue to apply FBI interrogation policies to detainees in the military zones. As a result, most FBI agents adhered to the FBI's traditional rapport-based interview strategies in the military zones and avoided participating in the aggressive or questionable interrogation techniques that the military employed. We found no instances in which an FBI agent participated in clear detainee abuse of the kind that some military interrogators used at Abu Ghraib prison. We credit the judgment of the FBI agents deployed to the military zones for this result, as well as the guidance that some FBI supervisors provided during the period that the FBI's new role in counterterrorism was first evolving.

However, we found a few incidents of FBI presence or involvement in interrogations in which techniques were used that clearly would not be permissible for FBI agents to use in the United States. These included:

• FBI participation in the interrogations of (Chapter Four).

- An FBI agent recommending isolation from human contact for Al-Qahtani at the Navy Brig in GTMO in August 2002 (Chapter Five).
- FBI agents participating in the isolation of Al-Sharabi at GTMO in April 2003, including telling him that theirs were the only human faces he would see until he provided information (Chapter Eleven).
- FBI agents participating in a system of categorizing detainees according to level of cooperation and in 2004. (Chapters Ten and Eleven).
- FBI agents participating in an interrogation in Iraq in which detainees were placed in a stress position, given a "drink of water" in a forceful and inappropriate manner, and blindfolded with duct tape. (Chapter Eleven).

We also found incidents of FBI involvement in activities which, although not constituting clear violations of FBI policy, were sufficiently different from conventional FBI interrogation techniques to raise questions about how existing policies should be applied. For example:

- FBI agents utilized the military's "frequent flyer program" at GTMO, which involved frequent detainee cell relocations and sleep disruption (Chapters Eight and Eleven).
- An FBI agent utilized sleep disruption or deprivation as part of an interrogation strategy in Afghanistan (Chapter Nine).
- FBI agents made promises of leniency to detainees including Al-Sharabi (#569) that might taint a confession in the United States (Chapter Eleven).
- FBI agents made potentially threatening statements to detainees to the effect that unless they cooperated with the FBI they would be turned over to military or CIA interrogators who were permitted to use harsher techniques (Chapters Five and Eleven).

We believe that FBI participation in these interrogation practices, while few in number, reflected the fact that existing FBI policies were not designed to address the new circumstances faced by FBI agents working in military zones. We also believe that some of these incidents could have been avoided if the FBI had responded more quickly and comprehensively to repeated requests from its agents for additional guidance.

### B. FBI Guidance

We concluded that FBI Headquarters did not sufficiently or timely respond to repeated requests from its agents in the military zones for guidance regarding their participation in detainee interrogations. No formal FBI policy was issued until after the Abu Ghraib disclosures in late April 2004, when the FBI's Detainee Policy was quickly prepared and released.

As described in our report, the FBI's involvement in detainee interrogations raised at least four difficult issues: (1) what interrogation techniques should FBI agents be allowed to use in the military zones; (2) what should FBI agents do when other agencies begin using non-FBI approved interrogation techniques during joint interviews; (3) when should FBI agents be allowed to interview detainees who have previously been subjected to non-FBI techniques; and (4) when and how should FBI agents report harsh interrogation techniques used by other agencies. We assess the FBI's response to each of these issues separately below.

### 1. FBI-Approved Interrogation Techniques

As detailed in Chapter Four, as a result of the Zubaydah incident in the summer of 2002 the FBI decided that it would not be involved in interrogations in which other agencies used non-FBI techniques. Most FBI agents told us that they were instructed or already knew that they should adhere to the same standards of conduct for detainee interviews that applied to custodial interviews in the United States. However, a significant percentage of agents deployed to the military zones prior to May 19, 2004, told us that they received no explicit guidance regarding interrogation policies for detainees prior to their deployments overseas. We believe that the agents had several reasons to be uncertain about whether the rules were different in the military zones.

First, the FBI announced a change in priorities from evidence collection for prosecution to intelligence collection for terrorism prevention. FBI agents in the military zones could reasonably infer that traditional law enforcement constraints on interview techniques were not strictly applicable in the military zones, particularly with respect to "high value" detainees. Second, conditions at detention facilities in the military zones were vastly different from conditions in U.S. jails or prisons, and FBI agents could have concluded that different interrogation techniques were appropriate near combat zones or in dealing with terrorists at GTMO. Consequently, some FBI interrogators used strategies that might not be necessary or appropriate in the United States, such as extreme isolation from other detainees or other strategies to undermine detainee solidarity. Third, the FBI's dependence on the military, which controlled

the military zones, placed FBI agents in an awkward position to refuse to participate in joint interviews in which non-FBI techniques were employed.

We believe that factors such as these raised a legitimate question for FBI agents as to whether conventional FBI law enforcement interview policies and standards continued to apply to FBI interviews of detainees in the military zones. Ultimately, senior FBI management determined that pre-existing FBI standards (except Miranda warnings) should remain in effect for all FBI interrogations in military zones, even where future prosecution is not contemplated. However, we found that this message did not always reach all FBI agents in the military zones. As noted above, at least some FBI employees determined that departures from conventional FBI strategies were appropriate in certain circumstances.

We concluded that FBI management should have realized sooner than May 2004 that it needed to issue a written policy addressing the question of whether its pre-September 11 policies and standards for custodial interviews should continue to be strictly applied in the military zones. An unequivocal statement to that effect, clearly communicated to all FBI agents being sent to the military zones, could have prevented some of the incidents described above.

# 2. FBI Policy When Another Agency's Interrogator Uses Non-FBI Techniques

The FBI's May 2004 Detainee Policy states: "If a co-interrogator is in compliance with the rules of his or her agency, but is not in compliance with FBI rules, FBI personnel may not participate in the interrogation and must remove themselves from the situation." As detailed in Chapter Three, the issue addressed by this requirement was not addressed in prior FBI policies, primarily because in most joint interrogations the FBI is in charge of the interrogation or the other agency is subject to rules similar to FBI rules. This issue was raised to FBI Headquarters well before the Abu Ghraib scandal broke, and we believe that the FBI should have clarified its guidance before May 2004.<sup>229</sup> For example, in the fall of 2002 FBI agents sought Headquarters guidance on what they should do when confronted with

<sup>&</sup>lt;sup>229</sup> As detailed in Chapter Seven, some agents said that before May 2004 they were told to leave interrogations if they saw anything "extreme," "inappropriate," or that made them "uncomfortable." However, many FBI agents who were deployed to the military zones before the FBI's May 2004 Detainee Policy was issued told us they received no training or guidance on conducting joint interviews with military or other agency officials.

aggressive military interrogation techniques being used on Al-Qahtani and other detainees at GTMO. The agents were initially told that as long as there was no "torture" involved, they could participate; other agents were told that they could observe such techniques as long as they did not participate, because the techniques were "apparently lawful" for the military. These incidents indicate that the FBI should have addressed the issue of what agents should do in these situations more explicitly before May 2004.

# 3. FBI Interrogation of Detainees After Other Agencies Use Non-FBI Techniques

The FBI's May 2004 Detainee Policy does not address the issue of whether FBI agents may interview a detainee who has previously been subjected to non-FBI interrogation techniques by other agencies. In response to concerns expressed by agents and attorneys in the FBI after the May 2004 Policy was issued, the FBI General Counsel directed OGC lawyers to prepare legal advice that addressed, among other things, how long after the military interrogations FBI agents needed to wait so as not be considered a participant in the harsh interrogation. Several drafts of supplemental policy to address this issue were prepared by OGC, but none was ever finalized. Although the problem was diminished somewhat by the fact that in 2006 the military promulgated a new, uniform interrogation policy for all military theaters that stresses noncoercive interrogation approaches (Field Manual 2-22.3), we believe this has not obviated the need for clear FBI guidance with regard to these questions. The revised military policy still permits DOD interrogators to use some techniques that FBI agents probably cannot employ, such as the methods known as "fear up" or "pride and ego down."

Moreover, to the extent that the FBI continues to be involved with interrogating detainees who previously have been interrogated by the CIA, the problems remain significant and unresolved. CIA interrogation rules diverge from FBI rules much more dramatically than does current military policy. We therefore recommend that the FBI complete the project that OGC began shortly after the issuance of its May 2004 Detainee Policy and address the issue of when FBI agents may interview detainees previously interrogated by other agencies with non-FBI techniques. The FBI should also address the issue of if and when FBI agents may use information obtained in interrogations by other agencies that employed non-FBI techniques.

### 4. Reporting Abuse or Mistreatment

Prior to issuance of the FBI's May 2004 Detainee Policy, the FBI did not provide specific or consistent guidance to its agents regarding

when or how the conduct of other agencies toward detainees should be reported. Some agents told us they were instructed to report problematic interrogation techniques, but the definition of what to report was left unclear. Leaving this matter to the discretion of individual FBI agents put them in a difficult position, because FBI agents were trying to establish a cooperative working relationship with the DOD while fulfilling their intelligence-gathering responsibilities. Under these circumstances, FBI agents had many reasons to avoid making reports regarding potential mistreatment of detainees. In addition, the agents lacked information regarding what techniques were permissible for non-FBI interrogators. We were therefore not surprised that some agents who said they observed or heard about potentially coercive interrogation techniques did not report such incidents to anyone at the time.

Despite the absence of useful guidance, however, several FBI agents recognized the need to bring concerns about other agencies' interrogation techniques to the attention of their On-Scene Commanders or senior officials at the FBI. These agents should be commended.

In addition, in light of the recurring instances beginning in 2002 in which agents in the military zones raised questions about the appropriateness of other agencies' interrogation techniques, we think that FBI management should have recognized sooner the need for clear and consistent standards and procedures for FBI agents to make these reports. We believe that the matter could have been addressed by FBI and DOD Headquarters officials to minimize tensions between FBI agents in the military zones and their military counterparts. Such an approach should have clarified: (1) what DOD policies were, (2) how the DOD was dealing with deviations from these policies, and (3) what FBI agents should do in the event they observed deviations.

The FBI's May 2004 Detainee Policy did not resolve these issues. The Policy requires FBI employees to report any instance when the employee "knows or suspects non-FBI personnel has abused or is abusing or mistreating a detainee," but it contains no definition of abuse or mistreatment. According to an e-mail from the General Counsel, agents with questions about the definitions of abuse or mistreatment were instructed by Headquarters to report conduct that they know or suspect is "beyond the authorization of the person doing the harsh interrogation." We found, however, that many agents did not know what techniques were permitted under military policies and therefore could not determine if a particular activity was "beyond the authorization of the person doing the harsh interrogation."

Going forward, the military's adoption of a single interrogation policy for all military zones that focuses more on rapport-based

techniques (Field Manual 2-22.3) may reduce the difficulties for FBI agents seeking to comply with the reporting requirement in the FBI's May 2004 Detainee Policy. Nevertheless, military interrogators are still permitted to use some techniques not available to FBI agents, and it is therefore important for agents to receive training on military policies and for the FBI to clarify what conduct should or should not be reported.

As a result, we recommend that the FBI consider supplementing its May 2004 Detainee Policy or expanding its pre-deployment training to clarify the circumstances under which FBI agents should report potential mistreatment by other agencies' interrogators. If the FBI requires its employees to report any conduct beyond the interrogator's authority, then the FBI should provide guidance to its agents in military zones on what interrogation techniques are permitted under military policy. Training of FBI On-Scene Commanders regarding these military techniques should be more detailed, so that they can answer FBI agent inquiries in the military zones and prevent unnecessary conflicts or reports. We believe the FBI should also give concrete meaning to any terms that it uses to describe events that must be reported. For example, if the FBI requires agents to report "abuse or mistreatment," it should define these terms and explain them with examples, either in the Policy itself or in agent training.

# C. OIG Assessment of FBI Headquarters and DOJ Handling of Agents' Reports Regarding Detainee Mistreatment

We found it difficult to assess the response of FBI Headquarters and senior DOJ officials to reports from FBI agents about detainee issues. The most significant events, relating to the interrogations of Zubaydah and Al-Qahtani, took place in 2002 and the recollection of many senior officials we interviewed regarding these events was vague. Moreover, the Al-Qahtani and the Zubaydah disputes arose within a year of the September 11 attacks, during a period when the FBI and DOJ were scrambling to reorganize and expand their counterterrorism activities.

Due in part to the vague recollections of senior FBI and DOJ officials regarding the FBI-DOD disputes in 2002 and 2003, the paucity of written communications on this issue produced to the OIG, and our inability to interview former Attorney General Ashcroft, we were unable to determine exactly what efforts were made at senior levels to address the FBI's concerns about detainee treatment issues. We did find that some of these issues were the subject of inter-agency discussions, both in meetings at GTMO and with the NSC. FBI and DOJ officials emphasized in these discussions that the harsher DOD interrogation methods were

ineffective at obtaining intelligence, not that that they were illegal or immoral.

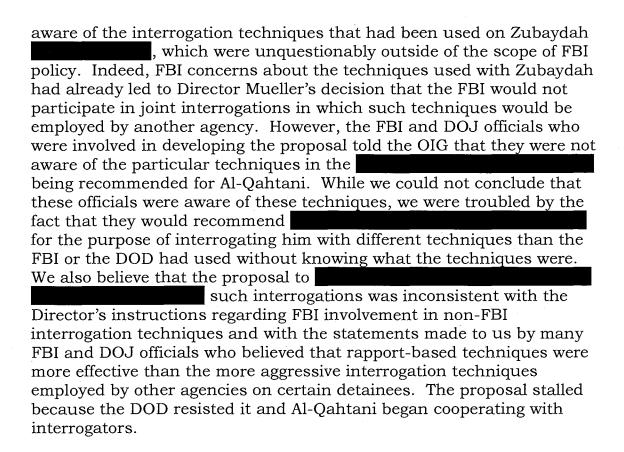
We found that, ultimately, neither the FBI nor the DOJ had a significant impact on the practices of the military with respect to the detainees. The primary reason was that the FBI was not in charge of detainees and generally did not have jurisdiction to police or evaluate techniques used by military interrogators in the military zones.

In addition, the DOJ Office of Legal Counsel had opined that several interrogation techniques sought to be used by the CIA were legal. This information was known to senior officials at the FBI and in the DOJ Criminal Division. FBI and the DOJ officials therefore inferred that DOD interrogation techniques, which were generally less severe than some of those approved for the CIA, were also legal. FBI and DOJ officials were also aware that Secretary of Defense Rumsfeld had approved the DOD interrogation policies for GTMO. DOD policies for the other military zones were similar to the GTMO policies and presumptively had similar approval from senior officials.

Therefore, once the DOD officials with responsibility for detainee matters rejected the FBI's arguments about the benefits of its rapport-building interrogation techniques, the FBI did not press the issue. The FBI knew that the DOD's activities with respect to Al-Qahtani and the CIA's activities with respect to other high value detainees had been approved at high levels.

Under these circumstances, neither the FBI nor the DOJ Criminal Division was in a strong position to affect DOD interrogation policy, and neither organization aggressively pressed the concerns about the legality or propriety of DOD approaches through the inter-agency process.

In addition, the DOD rescinded approval for its most aggressive techniques in January 2003 as a result of its own internal deliberations, and, as mentioned previously, Al-Qahtani began cooperating fully in April 2003. These developments reduced the frequency and severity of the most aggressive techniques at GTMO, with the result that the issue did not have particular urgency for the FBI or DOJ until April 2004 when the Abu Ghraib abuses were disclosed to the public.



### VI. Conclusion

The FBI deployed agents to military zones after the September 11 attacks in large part because of the FBI's expertise in conducting custodial interviews and in furtherance of its expanded counterterrorism mission. The FBI has had a long history of success in custodial interrogations using non-coercive rapport-based interview techniques developed for the law enforcement context. However, some FBI agents deployed to GTMO experienced a clash with the DOD, which used more aggressive interrogation techniques. This clash placed some FBI agents in difficult situations at GTMO and in the military zones, but apart from raising concerns with their immediate supervisors or military officials, the FBI had little leverage to change DOD policy.

We found that the vast majority of the FBI agents deployed in the military zones dealt with these tensions by separating themselves from interrogators using non-FBI techniques and by continuing to adhere to FBI policies. In only a few instances did FBI agents use or participate in interrogations using techniques that would not be permitted under FBI policy in the United States. These few incidents were not nearly as severe as the Abu Ghraib abuses.

To its credit, the FBI decided in the summer of 2002 that it would not participate in joint interrogations of detainees with other agencies in which techniques not allowed by the FBI were used. However, the FBI did not issue formal guidance about detainee treatment to its agents until May 2004, shortly after the Abu Ghraib abuses became public. We believe that the FBI should have recognized earlier the issues raised by the FBI's participating with the military in detainee interrogations in the military zones and should have moved more quickly to provide clearer guidance to its agents on these issues.

In sum, we believe that while the FBI could have provided clearer guidance earlier, and while the FBI could have pressed harder for resolution of concerns about detainee treatment by other agencies, the FBI should be credited for its conduct and professionalism in detainee interrogations in the military zones in Guantanamo Bay, Afghanistan, and Iraq and in generally avoiding participation in detainee abuse.

# **APPENDICES**

# **APPENDIX A**

### PART I: BACKGROUND A. **Personal Information** Please provide the following information: 1. First name 2. Middle initial 3. Last name 4. Entered on Duty Date (EOD) 5. Current Division/Field Office 6. Current job title 7. Direct dial office telephone number 8. FBI cell phone number 9. FBI pager number 10. Best contact number for you В. **Background of Specific Deployments or Assignments** At any time after September 11, 2001, did you serve as a member of the U.S. 11. Military, or as an employee or contractor of the FBI or any other government agency, at Guantanamo Bay, Cuba; Iraq; Afghanistan; or in areas controlled by the U.S. Military or a U.S. intelligence service in connection with the global war on terror? □Yes □No (If Yes) Enter the number of times you were deployed or assigned to each of the 12. following locations (Guantanamo Bay, Cuba; Iraq; Afghanistan; or in any areas controlled by the U.S. Military or a U.S. intelligence service): ☐ Guantanamo Bay (Start and End Dates) ☐ Iraq (Start and End Dates) Afghanistan (Start and End Dates) ☐ Other (Start and End Dates) 12a. What was the general nature and purpose of your assignment and activities? 12b. Please provide the names of the specific camps, bases, or facilities where you worked. 12c. **Note**: If information about a specific camp, base, or facility is classified

necessary clearance will contact you to receive it.

above SECRET, please check here □, include in your answer that you have "additional information classified above 'SECRET," and, if you know, identify the classification level, ticket, compartment, program, or other designation that applies to the information. Do not include the additional classified information in your questionnaire responses. OIG personnel with the

	12d.	Please identify, by name and position at the time, the FBI personnel to whom you directly reported during your deployment or assignment.
	12e.	Did you jointly interview or interrogate any detainee with non-FBI personnel? <b>Yes No</b>
		(If Yes) With what kinds of non-FBI personnel did you work jointly?
		☐ CITF
		☐ Other U.S. Military
		☐ U.S. intelligence agency
		☐ Foreign military or intelligence agency
		☐ Other
	12f.	Did you jointly plan any detainee interview or interrogation strategy, objectives, or tactics with non-FBI personnel? $\Box$ <b>Yes</b> $\Box$ <b>No</b>
		(If Yes) With what kinds of non-FBI personnel did you work jointly?
		☐ CITF
		☐ Other U.S. Military
		☐ U.S. intelligence agency
		$\square$ Foreign military or intelligence agency
		☐ Other
	12g.	Were you ever otherwise involved in detainee interviews or interrogations with non-FBI personnel? $\Box$ <b>Yes</b> $\Box$ <b>No</b>
PAR'	ΓII:	TRAINING
<b>A</b> .	Trair	ning Prior to Overseas Deployment or Assignment
13.	any of	ou receive any training, instruction, or guidance specifically in preparation for your overseas deployments or assignments?
	(If Yes	
•	13a.	Who provided this training, instruction, or guidance, and where did you receive it?
	13b.	Describe the subject on which you received this training, instruction or guidance.
	13c.	Was any of the training, instruction, or guidance provided in writing?  □Yes □No □Do Not Recall

14.	In preparation for any of your overseas deployments or assignments, did you receive any training, instruction, or guidance concerning the standards of conduct applicable to the treatment, interview, or interrogation of detainees by FBI personnel? \( \text{PSI} \) \( \text{DO Not Recall} \)			
	(If Yes)  14a. Who provided this training, instruction, or guidance, and where did you receive it?			
	14b. Briefly describe the substance of the training, instruction, or guidance provided to you.			
	14c. Was any of the training, instruction, or guidance provided in writing?  □Yes □No □Do Not Recall			
15.	In preparation for any of your overseas deployments or assignments, did you receiv any training, instruction, or guidance concerning the standards of conduct applicable to the treatment, interview, or interrogation of detainees <u>by non-FBI personnel?</u> <b>Yes No Do Not Recall</b>	re		
	(If Yes)			
	15a. Who provided this training, instruction, or guidance, and where did you receive it?			
	15b. Briefly describe the substance of the training, instruction, or guidance provided to you.			
	15c. Was any of the training, instruction, or guidance provided in writing?  □ Yes □ No □ Do Not Recall			
16.	In preparation for any of your overseas deployments or assignments, did you receiv any training, instruction, or guidance concerning what you were supposed to do if you observed or heard about the treatment, interview, or interrogation of detainees by FBI personnel, which you believed to be inappropriate, unprofessional, coercive, abusive, or unlawful?			
	(If Yes)			
	16a. Who provided this training, instruction, or guidance, and where did you receive it?			
	16b. Briefly describe the substance of the training, instruction, or guidance provided to you.			
	16c. Was any of the training, instruction, or guidance provided in writing?  □Yes □No □Do Not Recall			
17.	In preparation for any of your overseas deployments or assignments, did you receiv any training, instruction, or guidance concerning what you were supposed to do if you observed or heard about the treatment, interview, or interrogation of detainees by non-FBI personnel, which you believed to be inappropriate, unprofessional, coercive, abusive, or unlawful?  □Yes □No □Do Not Recall			
	(If Yes)			
	17a. Who provided this training, instruction, or guidance, and where did you receive it?			
	17b. Briefly describe the substance of the training, instruction, or guidance provided to you.			
	17c. Was any of the training, instruction, or guidance provided in writing?  □Yes □No □Do Not Recall			

#### **Training During Overseas Deployments or Assignments** В.

18.	trainin the tre	g any of your overseas deployments or assignments, did you receive any ag, instruction, or guidance concerning the standards of conduct applicable to eatment, interview, or interrogation of detainees by FBI personnel? \( \textstyle
	(If Yes) 18a. 18b. 18c.	Who provided this training, instruction, or guidance? Briefly describe the substance of the training, instruction, or guidance provided to you. Was any of the training, instruction, or guidance provided in writing?
19.	trainin the tre	g any of your overseas deployments or assignments, did you receive any ag, instruction, or guidance concerning the standards of conduct applicable to eatment, interview, or interrogation of detainees by non-FBI personnel?   Test Do Not Recall
	/T C 3.7 \	
	(If Yes) 19a.	Who provided this training, instruction, or guidance?
	19b.	Briefly describe the substance of the training, instruction, or guidance provided to you.
	19c.	Was any of the training, instruction, or guidance provided in writing? □Yes □No □Do Not Recall
20.	trainin observ FBI pe	g any of your overseas deployments or assignments, did you receive any ag, instruction, or guidance concerning what you were supposed to do if you ed or heard about the treatment, interview, or interrogation of detainees by arsonnel, which you believed to be inappropriate, unprofessional, coercive, e, or unlawful?   Yes  No Do Not Recall
	(If Yes) 20a. 20b. 20c.	Who provided this training, instruction, or guidance? Briefly describe the substance of the training, instruction, or guidance provided to you. Was any of the training, instruction, or guidance provided in writing?
21.	During any of your overseas deployments or assignments, did you receive any training, instruction, or guidance concerning what you were supposed to do if you observed or heard about the treatment, interview, or interrogation of detainees by non-FBI personnel, which you believed to be inappropriate, unprofessional, coercive, abusive, or unlawful?      Yes   No   Do Not Recall	
	(If Yes)	
	21a. 21b.	Who provided this training, instruction, or guidance? Briefly describe the substance of the training, instruction, or guidance
	21c.	provided to you.  Was any of the training, instruction, or guidance provided in writing?  □Yes □No □Do Not Recall

### C. Adequacy of Training

- In your opinion, did you receive adequate training, instruction, or guidance relating to standards of conduct by FBI and non-FBI personnel relating to treatment, interview, or interrogation of detainees <u>prior</u> to your deployment or assignment?
  - (If No) Please describe the ways in which you believe the training, instruction or guidance was inadequate:
- - (If No) Please describe the ways in which you believe the training, instruction or guidance was inadequate:
- 24. In your opinion, did you receive adequate training, instruction, or guidance concerning what you were supposed to do if you observed or heard about the treatment, interview, or interrogation of detainees, by FBI or non-FBI personnel, that you believed was inappropriate, unprofessional, coercive, abusive, or unlawful? 

  [Yes ] No
  - (If No) Please describe the ways in which you believe the training, instruction or guidance was inadequate:
- 25. (Optional) In what ways can the FBI improve training on this subject for future deployments or assignments?

### D. Comments

26. Please provide any additional information concerning training for overseas deployments or assignments of FBI personnel you believe is relevant.

# PART III: YOUR KNOWLEDGE OF CERTAIN INTERVIEW OR INTERROGATION TECHNIQUES AND OTHER TYPES OF DETAINEE TREATMENT

**Introduction to Part III:** In this section, we are seeking information regarding a wide range of interview or interrogation techniques and other types of detainee treatment alleged to have occurred. You should not assume, just because we are asking about a particular technique or practice, that we have concluded that it in fact occurred. We recognize that some of these techniques or practices may at times be necessary for safety and security in a detention setting. In addition, we recognize that some of these techniques or practices may have been authorized for use by military or other government personnel.

With respect to each identified technique, practice, or type of conduct described below, we are seeking information about its occurrence during or in connection with the interview or interrogation of a detainee, or during the detention of a detainee beyond what is needed for safety and security. In that context, we will ask you to tell us whether one or more of the following statements are true:

- I personally observed this conduct.
   I observed detainee(s) in a condition that led me to believe
- 2. I observed detainee(s) in a condition that led me to believe that this conduct had occurred.
- 3. Detainee(s) told me that this conduct had occurred.
- 4. Others who observed this conduct described it to me.
- 5. I have relevant information classified above "SECRET".
- 6. I never observed this conduct nor heard about it from someone who did.

The f	ollow	ing	are entries for questions 27-63 (Check all that apply):
	a.		I personally observed this conduct.
	b.		I observed detainee(s) in a condition that led me to believe that this conduct had occurred.
	c.		Detainee(s) told me that this conduct had occurred.
	d.		Others who observed this conduct described it to me.
	e.		I have relevant information classified above "SECRET".
	f.		I never observed this conduct nor heard about it from someone who did.
If any appea		ne a	bove 'a' through 'e' are checked for questions 27-63, the following questions
	g.		Please provide the approximate time frame during which this conduct occurred. From To Do Not Recall
	h.		The detainee(s) treated in this way were located at the time in:
			1 🗆 Guantanamo
			2 ☐ Iraq
			3 ☐ Afghanistan
			4 Other Location
			5 ☐ Do Not Recall
	i.		Please identify the detainee(s) by name and number:
	j.		Please identify the person(s) who treated the detainee(s) in this manner, including their name(s) and government agency(ies):
	k.		Please identify any other FBI personnel or non-FBI personnel who observed detainee(s) treated in this manner, including their name(s) and agency(ies):
	1.		This conduct occurred in connection with:
			1 $\square$ one detainee
			2 ☐ several detainees (2-4)
			3 ☐ Many detainees (more than 4)
			4 ☐ Do Not Recall
	m.		(Optional) Please describe the relevant circumstances in more detail:

- 27. Depriving a detainee of food or water
- 28. Depriving a detainee of clothing
- 29. Depriving a detainee of sleep, or interrupting sleep by frequent cell relocations or other methods
- 30. Beating a detainee
- 31. Using water to prevent breathing by a detainee or to create the sensation of drowning
- 32. Using hands, rope, or anything else to choke or strangle a detainee
- 33. Threatening other action to cause physical pain, injury, disfigurement, or death
- 34. Other treatment or action causing significant physical pain or injury, or causing disfigurement or death
- 35. Placing a detainee on a hot surface or burning a detainee
- 36. Using shackles or other restraints in a prolonged manner
- 37. Requiring a detainee to maintain, or restraining a detainee in, a stressful or painful position
- 38. Forcing a detainee to perform demanding physical exercise
- 39. Using electrical shock on a detainee
- 40. Threatening to use electrical shock on a detainee
- 41. Intentionally delaying or denying detainee medical care
- 42. Hooding or blindfolding a detainee other than during transportation
- 43. Subjecting a detainee to extremely cold or hot room temperatures for extended periods
- 44. Subjecting a detainee to loud music
- 45. Subjecting a detainee to bright flashing lights or darkness
- 46. Isolating a detainee for an extended period
- 47. Using duct tape to restrain, gag, or punish a detainee
- 48. Using rapid response teams and/or forced cell extractions
- 49. Using a military working dog on or near a detainee other than during detainee transportation
- 50. Threatening to use military working dogs on or near a detainee
- 51. Using spiders, scorpions, snakes, or other animals on or near a detainee
- 52. Threatening to use spiders, scorpions, snakes, or other animals on a detainee
- 53. Disrespectful statements, handling, or actions involving the Koran
- 54. Shaving a detainee's facial or other hair to embarrass or humiliate a detainee
- 55. Placing a woman's clothing on a detainee
- 56. Touching a detainee or acting toward a detainee in a sexual manner
- 57. Holding detainee(s) who were not officially acknowledged or registered as such by the agency detaining the person.
- 58. Sending a detainee to another country for more aggressive interrogation
- 59. Threatening to send a detainee to another country for detention or more aggressive interrogation
- 60. Threatening to take action against a detainee's family
- 61. Other treatment or action causing severe emotional or psychological trauma to a detainee
- 62. Other religious or sexual harassment or humiliation of a detainee
- 63. Other treatment of a detainee that in your opinion was unprofessional, unduly harsh or aggressive, coercive, abusive, or unlawful

## PART IV: YOUR KNOWLEDGE OF OTHER MATTERS

64.	Did you observe any impersonation of FBI personnel by anyone during an interview or interrogation of a detainee? $\Box$ <b>Yes</b> $\Box$ <b>No</b>		
65.	Did any detainee or other person tell you that he or she had witnessed the impersonation of FBI personnel in connection with a detainee interview or interrogation?		
66.	Are you aware of any "sham" or "staged" detainee interviews or interrogations conducted for Members of the U.S. Congress or their staff? $\Box$ <b>Yes</b> $\Box$ <b>No</b>		
For 6	4 throug	gh 66 (If Yes):	
	a.	Please provide the approximate time frame during which this conduct occurred. From to Do Not Recall	
	b.	The detainee(s) treated in this way were located at the time in:  1 □ Guantanamo  2 □ Iraq  3 □ Afghanistan  4 □ Other Location  5 □ Do Not Recall	
	c.	Please identify the detainee(s) by name and number to the best of your recollection:	
	d.	Please identify the person(s) who treated the detainee(s) in this manner, including, if you recall, their name(s) and government agency(ies):	
	e.	The names of any other FBI personnel, and the names and government agency of non-FBI personnel, whom I believe saw the detainee(s) treated in this manner are:	
	<b>f.</b>	This conduct occurred in connection with:  1 □ One detainee  2 □ Several detainees (2-4)  3 □ Many detainees (more than 4)  4 □ Do Not Recall	
	g.	(Optional) Please describe the relevant circumstances in more detail:	
67.	To your knowledge, did any military or intelligence personnel ever deny or delay FB access to a detainee the FBI wanted to question because the detainee had sustained injuries after he was captured?		
	67a	(If Yes) Describe the nature, time, place and other relevant circumstances, and identify the persons involved:	

PART	`V:	ACTIONS IN RESPONSE TO AND REPORTING OF CERTAIN INTERVIEW OR INTERROGATION TECHNIQUES, AND OTHER TYPES OF DETAINEE TREATMENT
68.		u ever end your participation in or observation of a detainee interview or gation because of the interview or interrogation methods being used?  No
69.	or obse	ou ever told that another FBI employee ended his or her participation in ervation of, a detainee interview or interrogation because of the interview rrogation methods being used?      Yes   No
For Qu	estions.	68 and 69:
	and	Yes) Briefly describe the interview or interrogation methods being used, if when and where this occurred, including the names of FBI and/or non-spersonnel involved. <b>Date, Place, Names, FBI or Non-FBI Person</b>
70.	concer	g any of your overseas deployments or assignments, did you report any ns regarding any detainee interview or interrogation practices, or other of detainee treatment, to an FBI supervisor?   Yes  No
71.	concer types o	gany of your overseas deployments or assignments, did you report any ns regarding any detainee interview or interrogation practices or other of detainee treatment you observed or heard about, to a non-FBI isor or other non-FBI personnel?      Yes   No
For 70	and 71	(If Yes):
	a.	When and to whom did you make this report? Name and Date
	b.	Did the report relate to conduct by FBI or non-FBI personnel?  1 □FBI Personnel  2 □Non-FBI Personnel
		• Identify the agency with which the non-FBI personnel were affiliated. <b>Name</b>
	c.	Was this report in writing? □Yes □No
	d.	To your knowledge, was any action taken in response to your report? □Yes □No □Do Not Know
		• (If Yes) Describe the action taken in response to your report?
72.	from re	ou ever been ordered or directed not to report, or discouraged in any way eporting, observations or allegations related to detainee treatment or ew or interrogation actions or practices?

- 73. Have you experienced any actual or threatened retaliation for reporting observations or allegations of detainee treatment or interview or interrogation actions or practices? 

  Yes 

  No
- 74. (Optional) Please provide any additional comments regarding the reporting of concerns related to interview or interrogation techniques, detention practices, or other detainee treatment.

### PART VI: DEBRIEFINGS AND RECOMMENDATIONS

75. Were you debriefed, other than the standard debrief in FD-772, concerning your overseas assignment(s) or deployment(s) after you completed the deployment(s) or assignment(s)? 

[Yes \( \)No

(If Yes)

75a. Who debriefed you?

75b. When and where did the debriefing(s) occur? Date and Place

75c. Were you asked about detainee detention or interview or interrogation practices during the debriefing(s)? 

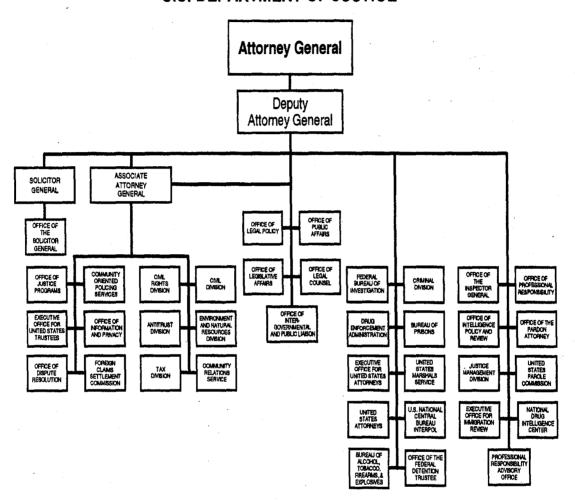
[Yes ] No

75d. What other subjects were covered during your debriefing(s)?

76. Additional Comments and Recommendations:

# **APPENDIX B**

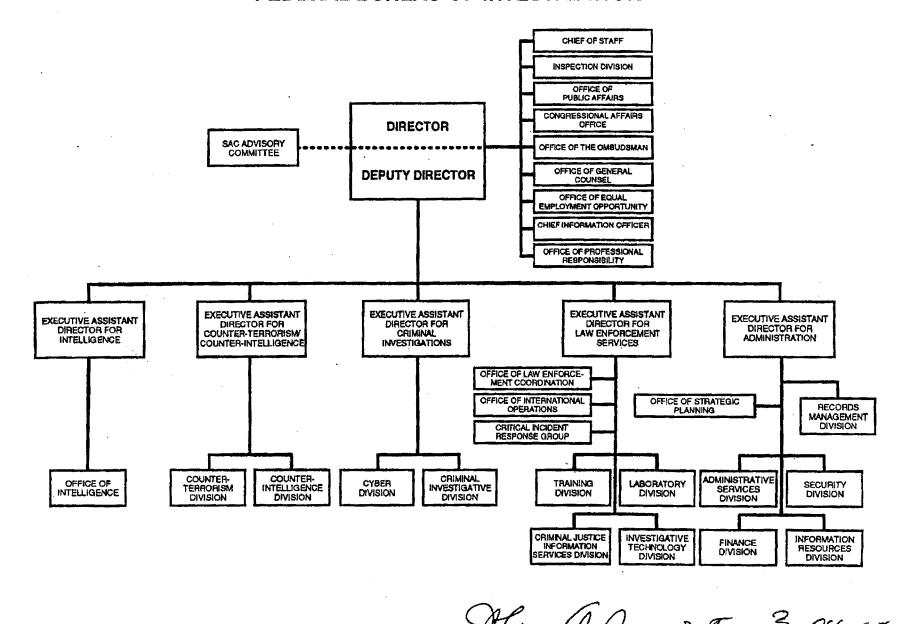
## U.S. DEPARTMENT OF JUSTICE



Approved by: JOHN D. ASHCROFT
Altomore General

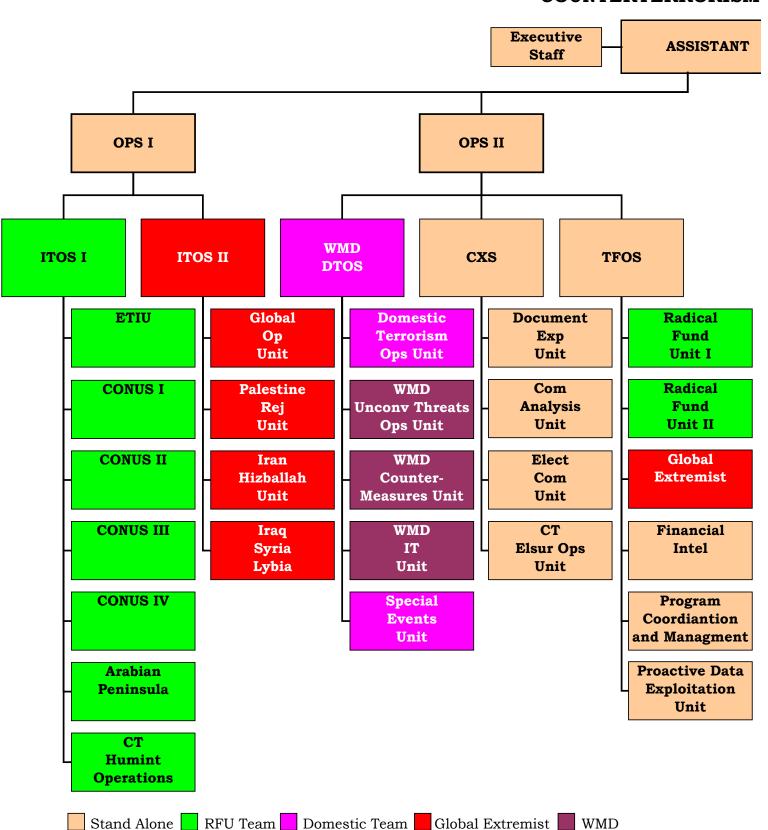
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### FEDERAL BUREAU OF INVESTIGATION

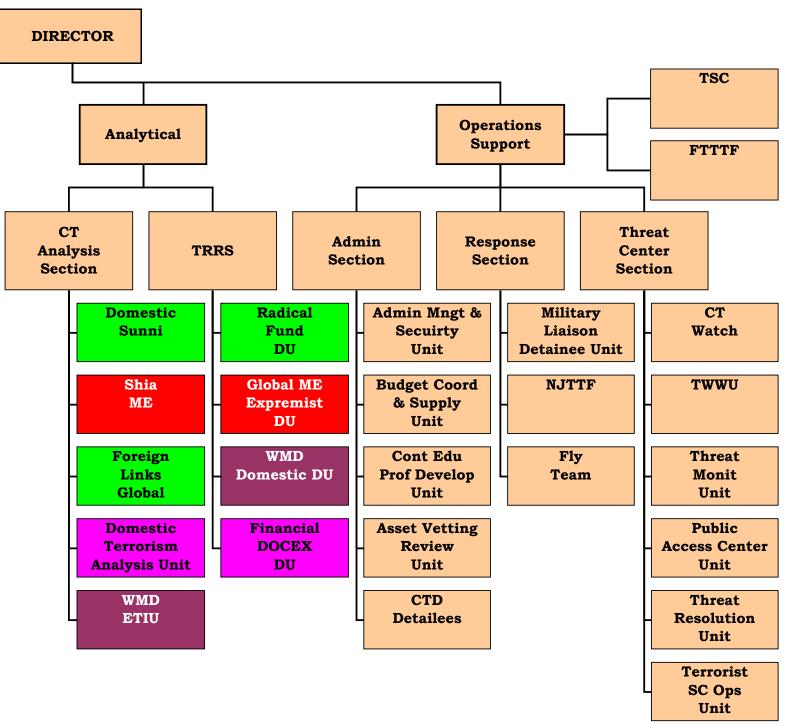


JOHN ASHCROFT
Attorney General

### **COUNTERTERRORISM**



# **DIVISION DIRECTOR**



7 JAN 2005

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# APPENDIX C



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## SECRET/ANDEORAL

#### DEPARTMENT OF DEFENSE CRIMINAL INVESTIGATION TASK FORCE 6010 6TH STREET

FORT BELVOIR, VIRGINIA 22080

TANKS TO

CITF-CDR

3 October 2003

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MEMORANDUM FOR ALL PERSONNEL ASSIGNED TO THE DOD CRIMINAL INVESTIGATION TASK FORCE

Subject: Interrogation Procedures Guidance (S)

(4)

### 1. (S) References:

 a. (U) Presidential Order Concerning Detention, Treatment and Trial of Certain Non-Citizens in the War Against Terrorism, 13 Nov 01.

b. SECDEF Memo, 16 Apr 03, Sounter-Resistance Techniques in the War on Temperature (\$).

2. (U) The purpose of this memorandum is to reiterate my previous guidance to Criminal investigation Tests Force (CITF) personnel, related to the conduct of interrogations of detainees or persons under custody. For the purpose of this memorandum all references to detainees will also apply to persons untiler custody.

3. (SMF) The President's order of 13 Nev 01 sets forth centain policy guidelines regarding the treatment of persons detained by DoD who are subject to the order. Specifically, the order states that detainess will be treated humanely, without any adverse distinction based on race, color, religion, gender, birth, wealth, or similar criteria. The general guidelines provided are consistent with the criminal investigator's objectives in eliciting information from the detained persons during interrogation and the Secretary of Defense Guidance, doted 18 April 2003, concerning Counter-Resistance Techniques in the War on Tempham (S).

### 4. (SAF) Interrogation:

a. (SATF) Detainees will be treated humanely. Physical torture, corporal punishment and mental torture are not acceptable interogation tactics and are not allowed under any circumstances. Basic human needs, such as food and water, will not be withhold as a means to obtain information. CITF will not arbitrarily limit the duration of the interrogation as a matter of policy. The interrogator may discontinue interrogation when he deems that continued efforts would be unproductive.

Dated: April 16, 2003 DECL ON: 2 April 2013

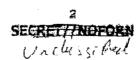
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CITF\_CDR (U Subject: Interrogation Procedures Guidance (S)

- b. (U) CITF personnel will not participate in any interrogation that violates this policy. When CITF personnel are conducting a joint interrogation with another U.S. government organization, and a member of that other organization employs factics that are, or appear to the investigator to be, inhumans or cruel and unusual, the CITF personnel will immediately disengage from the interrogation, report the incident to their CITF chain of command, and document the incident in a memorandum for record to the CITF Resident Agent in Charge (RAC), who will then forward a memorandum for record to the CITF Deputy Special Agent in Charge (DSAC).
- c. (SAF) The use of isolation facilities will not be employed as an interrogation tactic; however, on a case-by-case basis it can be used as an incentive. The use of isolation as an incentive must be approved by the DSAC, and will only be used with the consent of the detailnoo.
- d. (SAE) The use of deception or ruse may be employed as an interrogation tactic. Examples of deception tactics include but are not limited to the use of false intelligence, false information attributed to other detainees, false identification of physical or forensic evidence and false representations as to the identity of the interrogator. The interrogator may not employ a deception or ruse in any manner that would constitute inhumane treatment of the detainee.
- e. (U) All interrogations will be documented on a CITF Form 40 that will include the ISN of the detained, time and date of the interrogation, duration of the interrogation and either the identities or organizations of all persons present for the interrogation. All CITF personnel participating in the interrogation must be occumented appropriately in the case file, either in the investigative notes or on the Form 40.
- f. (U) Photographs and or video recordings of interrogations are not required as a matter of policy; however, they may be generated at the discretion of the agent conducting the interview with the concurrence of the RAC. CITF personnel may consider videotaping the final interview with detainess who are to be released/transferred and will strongly consider videotaping a final interview of any detaines who is being transferred who has possible value as a witness. Exceptions to this policy must be approved by CITF-HC at the Commander (CDR) or Deputy Commander (DCO) level. The DCO is also the Senior Agent in Charge (SAC).



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Subject: Interrogation Procedures Guidance

- 5. (U) CITF agents will not participate in the use of any non-law enforcement (LE) interrogation techniques for which they are not trained, or any techniques they feel are questionable, as defined by law, regulation, and as interpreted by the CDR and SAC. All CITF agents have the authority to withdraw from any environment or action that they believe is inappropriate. CITF agents must report any such action to their RAC immediately, and the RAC will provide a MFR on the incident to the DSAC.
- 6. (U) CITF agains will not observe interviews by other agencies where it is known that non-LE techniques will be used. Only the CITF CDR or DCO may grant exceptions to this policy.
- 7. (U) CITF agents or analysts will request and obtain transcripts, reports, and afteraction reviews of any and all interviews conducted by other agencies and entities to
  determine the law enforcement value of the information and the effectiveness of the
  interrogation strategies employed. All interrogations of detainees will be documented in
  the CITF case file.
- 8. (U) The CITF-G RAC. Operations Officer, or CITF-G Legal Advisor will coordinate with Joint Task Force (JTF) GTMO and will represent CITF in all discussions of interrogation strategies and approaches. CITF-G will notify CITF-HQ of issues raised during these discussions that have the potential to impact the CITF mission. If the CITF-G representative disagrees with an approach being considered by the JTF, the CITF-G representative should inform the JTF of the objection in a professional manner and continue participating in the discussion. The obligation of the CITF-G representative at any discussion/meeting is two-fold; to raise a professional objection as necessary, and to report the issue to the CDR or DCO/SAC through the DSAC.
- 9. (U) In Iraq and Afghanistan, similarly, the RAC, Operations Officer, or Legal Advisor will represent CITF in discussions with other organizations' representatives related to interrogation strategies and approaches. The discussions and reporting requirements will follow the same parameters outlined above.

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CITF-CDR Subject: Interrogation Proceduras Guidence

10. (U) The POC for this memorandum is LTC Peter C. Zelper, Chief Legal Advisor, (703) 805-2950.

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