

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	When asked about training, [redacted] explained that Behavioral Analysis Unit folks used Quantico resources, but also went to academic conferences and had experts in the field come to Federal Bureau of Investigation. Psychiatry and the law, REED interrogation, psychopathy class on violent criminal behavior, National academy for crimes against children, analysis of crime scenes. [redacted] recalled receiving briefings about how to conduct overseas investigations, but not specific training. Behavioral Analysis Unit could be considered a repository for "lessons learned." Because they are exposed to a lot of interviews involving law enforcement, they have learned what works and what does not. Recently, they have had Behavioral Analysis Unit members conducting interviews and not just assisting.	[redacted] Interview Notes 6/21/05, [redacted] Interview 1
To Be Determined	[redacted] explained the role of Behavioral Analysis Unit abroad. For example, he and another agent went to Belgium for a week to support a case involving the most prolific serial killer. Often, there is an unsolved case, particularly those involving child abductions. They will provide interview and interrogation support. To do so, they need to obtain as much information as possible about the individual. Typically, they are not doing the investigations, but are assisting.	[redacted] Interview Notes 6/21/05, [redacted] Interview 1
To Be Determined	[redacted] explained that Federal Bureau of Investigation agents were at U.S. Naval Base Guantanamo Bay, Cuba very soon after the detainees first arrived. His understanding was that it is a Department of Defense operation and that the Federal Bureau of Investigation was there Department of Defense's	[redacted] Interview Notes 6/21/05, [redacted] Interview 1

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	invitation. [redacted] directed Behavioral Analysis Unit to be at U.S. Naval Base Guantanamo Bay, Cuba. It was a collaborative effort - Army CID, Airforce OSI, NCI, Federal Bureau of Investigation. *	
To Be Determined	According to [redacted] U.S. Naval Base Guantanamo Bay, Cuba was a "very unique environment." He said that everyone recognized it was a "very unique time in our history." He explained it was a "unique challenge" and everyone was struggling with how to address the problems associated with this situation.	[redacted] Interview Notes 6/21/05 at 7, [redacted] [redacted] Interview 1
To Be Determined	[redacted] said that the first concerns about the treatment of detainees was not in May 2002 when Behavioral Analysis Unit went to U.S. Naval Base Guantanamo Bay, Cuba to assess the needs, but in September / October 2002 time frame. Duct tape incident and plans for #63 were brought to Stephen R. Wiley's attention. They asked for guidance and, initially, Stephen R. Wiley's initial response suggested that he did not think it was too bothersome. Stephen R. Wiley questioned whether the U.S. Army Survive, Escape, Resistance and Evasion techniques could not be used on detainees since they were used on US troops. [redacted] did not recall any other specific detainees, but thought they did report concerns about other detainees. He recalled that [redacted] reported seeing a detainee with duct tape on his mouth. The interview was unrelated to the one they were observing and not related to #63.	[redacted] Interview Notes 6/21/05, [redacted] Interview 1
To Be Determined	Early on, Federal Bureau of Investigation agents were rotating in and out of U.S. Naval Base Guantanamo Bay, Cuba, participating in interviews as part of the "Tiger Team" concept. [redacted] and [redacted] went to U.S. Naval Base Guantanamo Bay, Cuba in August and September 2002, [redacted] and [redacted] followed. They staggered the start dates so there was one week overlap to help get them indoctrinated. In the Fall, [redacted] said he was "de facto" relying on [redacted] to supervise the U.S. Naval Base Guantanamo Bay, Cuba operations. He officially appointed her as U.S. Naval Base Guantanamo Bay, Cuba coordinator on 1/21/03. She held that position for about a year before transferring to a field position in the Jackson Mississippi field office. *	[redacted] Interview Notes 6/21/05, [redacted] Interview 1

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To Be Determined	When asked if Stephen R. Wiley became concerned later, [redacted] said that he had. Stephen R. Wiley asked for an opportunity to meet with [redacted] and [redacted] when they returned from U.S. Naval Base Guantanamo Bay, Cuba. [redacted] doesn't know if Stephen R. Wiley took any action. He did ask Stephen R. Wiley to play a role in talking to FBIHQ; [redacted] doesn't know what role Stephen R. Wiley might have taken, but noted that he did approved two memorandum that listed concerns. Stephen R. Wiley knew that [redacted] was pushing with Marion E. "Spike" Bowman. [redacted] said he thought that Marion E. "Spike" Bowman was having discussions with executive level people within the Federal Bureau of Investigation regarding this matter.-	[redacted] Interview Notes 6/21/05, at 11, 34, [redacted] Interview 1	b6 Per FBI b7C
To Be Determined	[redacted] said he was not aware of anything Marion E. "Spike" Bowman, Larry A. Mefford, Pasquale D'Amuro, Frankie Battle did to follow-up except in one related area. He thinks this is where Military Liaison and Detainee Unit stemmed from so HQ could provide more consistent advice and assistance. (May 2003 - MLDU created.	[redacted] Interview Notes 6/21/05, [redacted] Interview 1	b6 Per FBI b7C
To Be Determined	[redacted] said that [redacted] told Marion E. "Spike" Bowman that his agents should decline to conduct these types of interviews unless authorized to do so by the AG. He said they were guided by the AG guidelines.	[redacted] Interview Notes 6/21/05, [redacted] Interview 1	b6 Per FBI b7C
To Be Determined	[redacted] summarized the Behavioral Analysis Unit position - general disagreement with non-law enforcement interrogation. No reliable information obtained. Not an effective way to get information. Ethically, the right way to go was follow law-enforcement. Broad impact of their approach and-concern that the individual could be left "holding the bag." *	[redacted] Interview Notes 6/21/05 at 22, 36, [redacted] Interview 1	
To Be Determined	[redacted] said that by August 2003, Behavioral Analysis Unit was out of U.S. Naval Base Guantanamo Bay, Cuba. Other Federal Bureau of Investigation agents continued to go down. (See 2/10/03 and 2/19/03 EC between [redacted] and [redacted] - they describe problems with getting sufficient training and with not getting requests for assistance at U.S. Naval Base Guantanamo Bay, Cuba.) *	[redacted] Interview Notes 6/21/05, [redacted] Interview 1	b6 Per FBI b7C
To Be	In his survey, [redacted] responded to the question about training, #22, that	[redacted] Interview	

Determined	<p>the training was "insufficient to address the unique environment Federal Bureau of Investigation agents were faced with when involved in interviews or interrogations with other agency and military personnel involving detainees captured during military actions overseas following the 9-11 attacks." [redacted] explained that he thought "historically" this was a correct answer, but that now [redacted] was doing a "great job" training people. He thinks they needed help training for their work at Camp Delta. He said that he did not think there was sufficient training about what to do if they observed treatment that was inappropriate, etc. # 26 - "Beyond cultural awareness it would be useful to provide agents deploying overseas and ... to conduct or participate in detainee interviews with the benefit of information derived from .. debriefings of those agents that have already been there."</p>	<p>Notes 6/21/05 at 29, [redacted] [redacted] Interview 1</p>	b6 Per FBI b7C
05/??/2002	<p>A number of components within Federal Bureau of Investigation were interested in supporting U.S. Naval Base Guantanamo Bay, Cuba. It is "operational" so Behavioral Analysis Unit thought it was their job. Potentially, they recognized it could require more resources than one unit could provide so they decided to share responsibility between Behavioral Analysis Unit East and West. In May 2002 they went to U.S. Naval Base Guantanamo Bay, Cuba and did an overall assessment. [redacted] and [redacted] wanted a first hand look at what was needed.</p>	<p>[redacted] Interview Notes 6/21/05 at 2, [redacted] [redacted] Interview 1</p>	b6 Per FBI b7C
Thu 05/23/2002	<p>[redacted] went to U.S. Naval Base Guantanamo Bay, Cuba to prepare an assessment potential for Federal Bureau of Investigation Behavioral Analysis Unit support to Department of Defense operations; 5/23/02. His next trip to U.S. Naval Base Guantanamo Bay, Cuba was in March 2003. In between, all his information came from others. Initially, a number of components within the Federal Bureau of Investigation considered supporting U.S. Naval Base Guantanamo Bay, Cuba. Because it is operational, Behavioral Analysis Unit thought they should do it. Decided to use all of Behavioral Analysis Unit because they recognized the potential for the need for more resources than just one unit could provide.</p>	<p>[redacted] Interview Notes 6/21/05, [redacted] Interview 1</p>	b6 Per FBI b7C
Thu 07/11/2002	<p>When interviewed initially, [redacted] said he did not recall the 7/11/02</p>	<p>[redacted] IntNts6/28/05, [redacted]</p>	

	<p>Memorandum from the Director re: Conducting Federal Bureau of Investigation Investigations Overseas. Office of the Inspector General requested he locate the document. [redacted] contacted him by telephone on 6/28/05. [redacted] stated that this document was not the file he would have expected and that he had his secretary find it. After reviewing the memorandum, he said that he did not recall receiving it or reading it, but that it was something he would have normally received. Substantively, [redacted] said that the material covered is not new, that it just provides the same information he knows about how to work with Legats. According to [redacted] he thought the memorandum was not related to the issue of how to interview or interrogate detainees held at U.S. Naval Base Guantanamo Bay, Cuba. This memorandum addresses overseas investigations; U.S. Naval Base Guantanamo Bay, Cuba is a United States military base.</p>	<p>[redacted] Interview 1</p>
<p>Fri 09/27/2002</p>	<p>email from [redacted] and [redacted] While at Delta in the morning, he received a call to return to the Command Post (CP) immediately. "FBIHQ [redacted] etc.) had issues regarding # 63, surprise, surprise." [redacted] explained there was a disagreement with Department of Defense as to how to handle # 63. The "fun and games" identified in the email refers to non-standard investigative techniques. [redacted] did not recall participating with this conversation with [redacted]</p>	<p>[redacted] Interview Notes 6/21/05, at 9, [redacted] [redacted] Interview 1</p>
<p>Mon 09/30/2002</p>	<p>email from [redacted] to [redacted] cc: [redacted] and [redacted] email describes "current Defense Humint Services plan" for # 63 including taking to Camp X-Ray for six (6) hour sessions with the detainee and giving a four hour break for before beginning again. [redacted] suggested that [redacted] speak with [redacted] [redacted] asked to provide guidance because Defense Humint Services wanted Federal Bureau of Investigation to be part of one of the interrogation teams. [redacted] [redacted] said as long as there was no 'torture' involved that we were within our guidelines. He actually encouraged us to be a part of this as we would be able to provide FBIHQ with 'updates' of what was happening." When asked about this</p>	<p>[redacted] Interview Notes 6/21/05, at 10, [redacted] [redacted] Interview 1</p>

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	<p>email, [redacted] said that this was consistent with the advice [redacted] [redacted] was giving and that it illustrated a "struggle within the Federal Bureau of Investigation."</p>		
<p>Tue 10/01/2002 - Thu 10/03/2002</p>	<p>Emails, 10/1/02 and 10/3/02, from [redacted] to [redacted] and [redacted] about time line of treatment of # 63. [redacted] told that he, [redacted] and [redacted] recommended that if FBIHQ wanted to send someone down to question #63 about Federal Bureau of Investigation issues, that they wait at least a week after the Defense Humint Services mission described in the emails was completed.</p>	<p>[redacted] Interview Notes 6/21/05, at 11, 12.</p>	<p>b6 Per FBI b7C</p>
<p>Tue 10/08/2002</p>	<p>email from [redacted] to [redacted] cc: U.S. Naval Base Guantanamo Bay, Cuba. Described treatment of #63 and plan to initiate Phase 2. [redacted] said he did not think any one was "knocking on Director Mueller's door" about what was going on.</p>	<p>[redacted] Interview Notes 6/21/05 at 14 [redacted] [redacted] Interview 1</p>	<p>b6 Per FBI b7C</p>
<p>11/??/2002</p>	<p>[redacted] was concerned and wanted to know what was Federal Bureau of Investigation's responsibility for reporting? He did not know if he ever got a clear answer. The answer he did recall was that they should raise this issue. He said there was a concern that Federal Bureau of Investigation was at U.S. Naval Base Guantanamo Bay, Cuba at the pleasure of Department of Defense. If Department of Defense said, "thanks, go away" that would not be good for the country.</p>	<p>[redacted] Interview Notes 6/21/05 at 12 [redacted] [redacted] Interview 1</p>	<p>b6 Per FBI b7C</p>
<p>Fri 11/15/2002</p>	<p>email from Marion E. "Spike" Bowman to [redacted] cc: Frankie Battle, [redacted] and Stephen R. Wiley. Marion E. "Spike" Bowman said he spoke with Kenneth L. Wainstein about the issue raised. "I think we need to raise this up a bit as there are significant policy concerns here, including the ability to obtain information." Marion E. "Spike" Bowman said he would talk to Larry A. Mefford (Assistant Director to counter-terrorism division. Person in charge of counter-terrorism division) and Pasquale D'Amuro (Executive Assistant - two divisions under his authority). Recommended raising this with military management. [redacted] agreed that issue "raises larger policy issues that go beyond the behavioral assessment support function that our SSA's here provide at U.S. Naval Base Guantanamo Bay, Cuba." [redacted] said</p>	<p>[redacted] Interview Notes 6/21/05 [redacted] Interview 1</p>	<p>b6 Per FBI b7C</p>

	that he and Marion E. "Spike" Bowman were concerned that the Federal Bureau of Investigation would get "jammed up." He was unsure about the lines because this was a new environment and it was unclear whether the Geneva Convention applied. [redacted] said he didn't know whether the information about the Convention was public knowledge or whether it was something he learned through official channels. He did not remember getting anything back from Marion E. "Spike" Bowman immediately afterwards.		
Mon 11/18/2002	email from Stephen R. Wiley to Frankie Battle [redacted] Stephen R. Wiley said he spoke with [redacted] about concerns with Department of Defense interrogation tactics. [redacted] said they have similar problems with other agencies in different Areas of Operations. [redacted] will discuss with [redacted] 11/22/02, [redacted] to [redacted] "I believe the key issue is participation.." [redacted] said he may have dismissed [redacted] email response because he was waiting for a "higher up" decision. He did not think [redacted] was the final opinion and that Marion E. "Spike" Bowman was still looking into the matter. [redacted] emphasized that he was not just concerned with Behavioral Analysis Unit - he was concerned about Federal Bureau of Investigation agents all over the world.	[redacted] Interview Notes 6/21/05 at 35, [redacted] Etter Interview 1	b6 Per FBI b7C
Fri 11/22/2002	email from [redacted] to [redacted] and [redacted] cc: [redacted] explained that after their recent meeting, he forwarded eight emails to [redacted] and [redacted] about his communications with FBIHQ, U.S. Naval Base Guantanamo Bay, Cuba Task Force [redacted] during his and [redacted] tenure at U.S. Naval Base Guantanamo Bay, Cuba. The emails note when we met with Defense Humint Services and what our thoughts were at the time. [redacted] saw this as continuity of problem being explored.	[redacted] Interview Notes 6/21/05, [redacted] Interview 1	b6 Per FBI b7C
Fri 11/22/2002	EC [redacted] said that the intent of this EC was to report to HQ a summary of the experiences at U.S. Naval Base Guantanamo Bay, Cuba. This was to document the problems in a formal Federal Bureau of Investigation format and bring issues to HQ management. He did not know if there was ever a	[redacted] Interview Notes 6/21/05 at 23, [redacted] Interview 1	b6 Per FBI b7C

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	<p>response. The May 30, 2003 EC documented the issues raised and supported it with attachments. [redacted] said he was frustrated with a lack of response to the May 2003 EC. He said that because he did not get a response does not mean there wasn't one.</p>	
<p>Wed 11/27/2002</p>	<p>email from [redacted] to Stephen R. Wiley about proposed trip to U.S. Naval Base Guantanamo Bay, Cuba. [redacted] U.S. Naval Base Guantanamo Bay, Cuba Task Force, FBIHQ called about plans for a trip to U.S. Naval Base Guantanamo Bay, Cuba. [redacted] agreed that there should be a higher rank HQ person representing Federal Bureau of Investigation issues with the general. "The issues are not just CIRG/NCAVC issues. It seems we need a decision from HQ rather than [redacted] or I reiterating the National Center for the Analysis of Violent Crime opinion yet again to the General or his staff at U.S. Naval Base Guantanamo Bay, Cuba." According to [redacted] at this point Stephen R. Wiley did understand the concerns and recognized that the issue is broader than just # 63.</p>	<p>[redacted] Interview Notes 6/21/05, [redacted] Interview 1</p>
<p>12/17/2002</p>	<p>[redacted] said that during the November, December 2002 time frame when they were asking Marion E. "Spike" Bowman for advice, he recalled that he learned about the Geneva Convention and whether it applied to detainees at U.S. Naval Base Guantanamo Bay, Cuba. [redacted] did not recall if he learned it from Criminal Division or AG. [redacted] explained that he thought the problems occurred because of a combination of things. It was a very unusual environment, Department of Defense had very little experience with this type of activity and Department of Defense interrogators were just "cutting their teeth." [redacted] explained that Department of Defense has a different mission than Federal Bureau of Investigation - fighting war vs. law enforcement. (See 2/19/03 EC from [redacted] to [redacted] 01760 - "It's also important for each of us to keep in mind that this is new for the USC in total and not just the Federal Bureau of Investigation.")</p>	<p>[redacted] Interview Notes 6/21/05, [redacted] Interview 1</p>
<p>Mon 12/02/2002</p>	<p>Marion E. "Spike" Bowman asked Behavioral Analysis Unit to write a position paper in December 2002 about the utility of Department of Defense's type of investigation vs. Behavioral Analysis Unit's approach. [redacted]</p>	<p>[redacted] Interview Notes 6/21/05, [redacted] Interview 1</p>

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	<p>prepared a legal issues document. Concluded that Category IV, sending people to another country, is a violation of the torture statute and that just knowing about it could be considered a conspiracy to violate the statute. [redacted] did not know how or where it was sent. Marion E. "Spike" Bowman responded to [redacted] that because they could not control what the "military is doing, but we need to stand well clear of it and get as much information as possible to Pasquale D'Amuro, Bruce J. Gebhardt and Robert S. Mueller, III as soon as possible." [redacted] said that he was not aware of any policy about interrogation or duty to report in 2002 and 2003.</p>	
Tue 01/21/2003	<p>[redacted] email to [redacted] appointing her as primary PC for U.S. Naval Base Guantanamo Bay, Cuba TDY assignments. He asked her to prepare a draft EC recommending policy for Federal Bureau of Investigation agents to follow at U.S. Naval Base Guantanamo Bay, Cuba re: interviews. "We need to make a recommendation to HQ because of the issues that have been raised re: Defense Humint Services interrogation techniques." [redacted] explained that Marion E. "Spike" Bowman was asking about the "in-utility" of Department of Defense's interview techniques, he was asking for a broad policy and statement. He was concerned that although the matter had been raised in September 2002, no policy had been issued by January 2003.</p>	<p>[redacted] Interview Notes 6/21/05, [redacted] Interview 1</p>

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