

# A Review of the FBI's Involvement in and Observations of Detainee Interrogations in Guantanamo Bay, Afghanistan, and Iraq



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# EXECUTIVE SUMMARY<sup>1</sup>

## I. Introduction

This Executive Summary summarizes the results of the review conducted by the Department of Justice (DOJ) Office of the Inspector General (OIG) regarding the Federal Bureau of Investigation's (FBI) involvement in and observations of detainee interrogations in Guantanamo Bay (GTMO), Afghanistan, and Iraq. The focus of our review was whether FBI agents witnessed incidents of detainee abuse in the military zones, whether FBI employees reported any such abuse to their superiors or others, and how those reports were handled. The OIG also examined whether FBI employees participated in any detainee abuse. In addition, we examined the development and adequacy of the policies, guidance, and training that the FBI provided to the agents it deployed to the military zones.

As part of our review, the OIG developed and distributed a detailed survey to over 1,000 FBI employees who had deployed to one or more of the military zones. Among other things, the OIG survey sought information regarding observations or knowledge of specifically listed interview or interrogation techniques and other types of detainee treatment, and whether the FBI employees reported such incidents to their FBI supervisors or others.<sup>2</sup>

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<sup>1</sup> The OIG has redacted (blacked out) from the public version of this report information that the FBI, the Central Intelligence Agency (CIA), or the Department of Defense (DOD) considered classified. We have provided full versions of the classified reports to the Department of Justice, the CIA, the DOD, and Congressional committees. The effort to identify classified information in this report has been a significant factor delaying release of this report. To obtain the agencies' classification comments, we provided a draft report to the FBI, the CIA, and the DOD for classification review on October 25, 2007. The FBI and the CIA provided timely responses. The DOD's response was not timely. Eventually, the DOD provided initial classification comments to us on March 28, 2008. However, we believed those classification markings were over-inclusive. After several additional weeks of discussion with the DOD about these issues, the DOD provided revised classification comments. The DOD's delay in providing comments, and its over-inclusive initial comments, delayed release of this report.

<sup>2</sup> Although a major focus of our investigation was to collect information about the observations by FBI agents of DOD interrogation practices in the military zones, the OIG did not attempt to make an ultimate factual determination regarding the alleged misconduct by non-FBI personnel. Such a determination would have exceeded the DOJ OIG's jurisdiction. Moreover, the OIG did not have access to all of the witnesses, such  
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The OIG also interviewed more than 230 witnesses and reviewed over 500,000 pages of documents provided by the FBI, other components of the Department of Justice (DOJ), and the Department of Defense (DOD). OIG employees made two trips to GTMO to tour the detention facilities, review documents, and interview witnesses, including five detainees held there. We also interviewed one released detainee by telephone.<sup>3</sup>

Our review focused primarily on the activities and observations of FBI agents deployed to military facilities under the control of the Department of Defense between 2001 and 2004. With limited exceptions, we were unable to and did not investigate the conduct or observations of FBI agents regarding detainees held at CIA facilities for several reasons. First, we were unable to obtain highly classified information about CIA-controlled facilities, what occurred there, and what legal authorities governed their operations. Second, during the course of our review we learned that in January 2003 the CIA Inspector General had initiated a review of the CIA terrorist detention and interrogation program. Therefore, our review focused mainly on the conduct and observations of the approximately 1,000 FBI employees related to detainee interviews in military zones.

#### **A. Organization of Report**

The OIG's complete report, which contains the full results of our review, has been classified by the relevant government agencies at the Top Secret/SCI level. The full report contains 12 chapters. The first three chapters provide introductory and background information, including a description of the role of the FBI in the military zones and the various FBI interrogation policies in place at the time of the September 11 attacks. Chapter Four discusses the FBI's involvement in the joint interrogation of a "high value detainee," Zayn Abidin Muhammed Hussein Abu Zubaydah, shortly after his capture, and the subsequent deliberations within the FBI regarding the participation of its agents in joint interrogations with agencies that did not follow FBI interview policies.<sup>4</sup> Chapter Five examines the dispute between the FBI and the

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as DOD or CIA personnel, who would have been necessary to make such a determination.

<sup>3</sup> In addition, the OIG examined prior reports addressing the issue of detainee treatment in the military zones. Among the most significant of those reports were the *Church Report*, a review of DOD interrogation operations conducted in 2004 and 2005 by the DOD, and the *Schmidt-Furlow Report*, a DOD investigation in 2005 into allegations of detainee abuse at GTMO.

<sup>4</sup> When the OIG investigative team was preparing for its trip to GTMO in early 2007, we asked the DOD for permission to interview several detainees, including

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DOD regarding the treatment of another detainee held at GTMO, Muhammad Al-Qahtani. The dispute regarding Al-Qahtani arose from the tension between the differing interrogation techniques employed by the FBI and the military. This dispute was elevated to higher-level officials and eventually resolved in favor of the DOD's approach.

Chapter Six examines the FBI's response to the public disclosure of detainee mistreatment at Abu Ghraib prison in Iraq and related concerns expressed by FBI agents in the military zones. These responses included issuance of the FBI's May 2004 Detainee Policy, which reminded FBI agents not to use force, threats, or abuse in detainee interviews and instructed FBI agents not to participate in joint interviews in which other agencies were using techniques that were not in compliance with FBI rules. The FBI also conducted an internal review to determine the extent of the FBI's knowledge regarding detainee mistreatment. The seventh chapter discusses the communication of FBI policies to FBI employees who were deployed in military zones, including the FBI's efforts to provide training and guidance to its agents on appropriate interrogation techniques.

Chapters Eight, Nine, and Ten detail the results of the OIG's survey and investigation into what FBI agents saw, heard about, and reported with respect to detainee interrogations in GTMO, Afghanistan, and Iraq.

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Zubaydah. The DOD agreed, stating that our interviews would not interfere with their attempts to obtain any intelligence from the detainees, including Zubaydah. However, the CIA Acting General Counsel objected to our interviewing Zubaydah. [REDACTED]

[REDACTED] In addition, the CIA Acting General Counsel asserted that the OIG had not persuaded him that the OIG had a "demonstrable and immediate need to interview Zubaydah at that time" given what the Acting General Counsel understood to be the OIG's "investigative mandate." In addition, the CIA Acting General Counsel asserted that Zubaydah could make false allegations against CIA employees. We believe that none of these reasons were persuasive or warranted denying us access to Zubaydah. First, neither the FBI nor the DOD objected to our access to Zubaydah at that time. In addition, neither the FBI nor the DOD stated that an OIG interview would interfere with their interviews of him. Second, at GTMO we were given access to other high value detainees. Third, we did have a demonstrable and immediate need to interview Zubaydah at that time, as well as the other detainees who we were given access to, notwithstanding the CIA Acting General Counsel's position that we had not persuaded him. Finally, the fact that Zubaydah could make false allegations against CIA employees – as could other detainees – was not in our view a legitimate reason to object to our access to him. In sum, we believe that the CIA's reasons for objecting to OIG access to Zubaydah were unwarranted, and its lack of cooperation hampered our investigation.

Chapter Eleven discusses our investigation of eight separate allegations that FBI agents in the military zones were involved in detainee abuse or mistreatment.

Chapter Twelve presents the OIG's conclusions and recommendations.

## **B. Summary of OIG Conclusions**

Our report found that after FBI agents in GTMO and other military zones were confronted with interrogators from other agencies who used more aggressive interrogation techniques than the techniques that the FBI had successfully employed for many years, the FBI decided that it would not participate in joint interrogations of detainees with other agencies in which techniques not allowed by the FBI were used.

Our review determined that the vast majority of FBI agents complied with FBI interview policies and separated themselves from interrogators who used non-FBI techniques. In a few instances, FBI agents used or participated in interrogations during which techniques were used that would not normally be permitted in the United States. These incidents were infrequent and were sometimes related to the unfamiliar circumstances agents encountered in the military zones. They in no way resembled the incidents of detainee mistreatment that occurred at Abu Ghraib.

However, FBI agents continued to witness interrogation techniques by other agencies that caused them concern. Some of these concerns were reported to their supervisors, which sometimes resulted in friction between FBI and the military over the use of these interrogation techniques on detainees. Some FBI agents' concerns were resolved directly by the agents working with their military counterparts, while other concerns were never reported. Ultimately, however, the DOD made the decisions regarding which interrogation techniques could be used on the detainees in military zones. In our report, we describe the types of techniques that FBI employees reported to their supervisors.

We also concluded that the FBI had not provided sufficient guidance to its agents on how to respond when confronted with military interrogators who used interrogation techniques that were not permitted by FBI policies.

In sum, while our report concluded that the FBI could have provided clearer guidance earlier, and while the FBI and DOJ could have pressed harder for resolution of FBI concerns about detainee treatment, we believe the FBI should be credited for its conduct and professionalism

in detainee interrogations in the military zones and in generally avoiding participation in detainee abuse.

The remainder of this unclassified Executive Summary summarizes in more detail the factual background and findings contained in our full report.

## **II. Factual Background**

As a result of the September 11 attacks, the FBI changed its top priority to counterterrorism and preventing terrorist attacks in the United States. As a consequence of this shift in its priorities, and in recognition of the FBI's investigative expertise and familiarity with al-Qaeda, the FBI became more involved in collecting intelligence and evidence overseas, particularly in military zones in Afghanistan, at GTMO, and in Iraq.

Beginning in December 2001, the FBI sent a small number of agents and other employees to Afghanistan to obtain actionable intelligence for its counterterrorism efforts, primarily by interviewing detainees at various facilities. In January 2002, the military began transferring "illegal enemy combatants" from Afghanistan to GTMO, and the FBI began deploying personnel to GTMO to obtain further intelligence and evidence from detainees in cooperation with military interrogators. Following the invasion of Iraq in March 2003, the FBI also sent agents and other employees to Iraq for the primary objective of collecting and analyzing information to prevent terrorist attacks in the United States and to protect U.S. personnel or interests overseas.

FBI deployments in the military zones peaked at approximately 25 employees in Afghanistan, 30 at GTMO, and 60 in Iraq at any one time between 2001 and the end of 2004, the period covered by our review. In total, more than 200 FBI employees served in Afghanistan between late 2001 and the end of 2004, more than 500 employees served at GTMO during this period, and more than 260 served in Iraq. In each military zone, FBI agents were supervised by an FBI On-Scene Commander.

## **III. FBI and DOD Interrogation Policies**

### **A. FBI Policies Prior to the September 11 Attacks**

Most of the FBI's written policies regarding permissible interrogation techniques for its agents and for its agents' conduct in collaborative or foreign interviews were developed prior to the September 11 attacks. When these policies were drafted, they reflected



the FBI's primary focus on domestic law enforcement, which emphasized obtaining information for use in investigating and prosecuting crimes. These policies are designed to ensure that witness statements met legal and constitutional requirements of voluntariness so that they would be admissible in U.S. courts. In addition, the FBI has consistently stated its belief that the most effective way to obtain accurate information is to use rapport-building techniques in interviews.

**Conducting Interviews** The FBI's Legal Handbook for Special Agents states, among other things, that "[i]t is the policy of the FBI that no attempt be made to obtain a statement by force, threats, or promises." The FBI's Manual of Administrative and Operational Procedures (MAOP) describes the importance of FBI agents not engaging in certain activities when conducting investigative activities, including foreign counterintelligence, and specifically states that "[n]o brutality, physical violence, duress or intimidation of individuals by our employees will be countenanced . . . ."

**Joint Interviews** Prior to the September 11 attacks, the FBI had policies for working with other government agencies, both domestic and foreign, in joint or cooperative investigations. However, the FBI's work with the military in GTMO, Afghanistan, and Iraq raised new issues regarding which agency's interrogation policies would apply and how the FBI would work with personnel from other agencies who operated under different interrogation rules. FBI agents told us that they have always been trained to adhere to FBI protocols, not to other agencies' rules with respect to interview policies or evidence collection.

However, the FBI's expanded mission after the September 11 attacks gave rise to circumstances in which (1) entities other than the FBI were the lead agencies and had custody of the witnesses, (2) prosecution of crimes was not necessarily the primary goal of the interrogations, and (3) the evidentiary rules of U.S. Article III courts did not necessarily apply. As a consequence and as detailed below, existing FBI policies were not always sufficient to address these circumstances.

**Reporting Misconduct** FBI policies prior to the September 11 attacks required FBI agents to report to FBI Headquarters any incidents of misconduct or improper performance by other FBI employees. However, the duty of an FBI employee to report on the activities of non-FBI government personnel was limited to criminal behavior by other personnel. We did not find any FBI policy prior to May 2004 imposing an obligation on FBI employees to report abuse or mistreatment of detainees by non-FBI government employees falling short of a crime.

## **B. DOD Interrogation Policies**

In our report, we summarize the detainee interrogation policies adopted by the DOD after the September 11 attacks for prisoners and detainees. These policies were generally developed for use in war zones rather than in the law-enforcement context. The range of permissible DOD techniques was expanded after the September 11 attacks and was modified over time. These military policies permitted techniques that were inconsistent with the FBI's longstanding approach towards witness interrogations.

Although DOD policies were not applicable to FBI agents, they were relevant to our report for several reasons. First, as detailed below, the tensions between DOD policies and the FBI's interview policies created concerns for some FBI agents in the military zones which sometimes led to conflicts between FBI and DOD employees.

Second, FBI agents in the military zones had a unique opportunity to observe the conduct of other agencies' interrogators, including conduct related to alleged detainee abuse in GTMO, Iraq, and other detention facilities. A significant portion of our review involved the FBI's observations regarding the treatment of detainees by military interrogators. Because military interrogators were governed by the DOD's interrogation policies, these policies are relevant to the OIG's report.

Third, in May 2004 the FBI instructed its agents to report to their superiors any incidents of known or suspected abuse or mistreatment of detainees by other agencies' interrogators. Some FBI agents were told that they should report any abusive interrogation technique that the agent believed was outside the legal authority of the interrogator. This instruction required FBI agents to have some familiarity with other agencies' policies, which we briefly summarize below.

**DOD Policies for GTMO** When interrogations began at GTMO in January 2002, military interrogators relied on Army Field Manual 34-52, *Intelligence Interrogation*, for guidance as to permissible interrogation techniques. In addition to conventional direct questioning techniques, Field Manual 34-52 permitted military interrogators to utilize methods that, depending on the manner of their use, might not be permitted under FBI policies, such as "Fear Up (Harsh)," defined as exploiting a detainee's pre-existing fears including behaving in an overpowering manner with a loud and threatening voice. On December 2, 2002, the Secretary of Defense approved additional techniques for use on detainees at GTMO, including stress positions for a maximum of 4 hours, isolation, deprivation of light and auditory stimuli, hooding, 20-hour

interrogations, removal of clothing, and exploiting a detainee's individual phobias (such as fear of dogs).

On January 15, 2003, the Secretary of Defense rescinded his approval of these techniques. On April 16, 2003, the Secretary of Defense promulgated revised guidance approving 24 techniques for use at GTMO, most of which were taken from or closely resembled those in Field Manual 34-52. The April 2003 GTMO Policy also approved the use of dietary manipulation, environmental manipulation, sleep adjustment, and isolation. This policy continued in effect for GTMO until September 2006 when the U.S. Army issued Field Manual 2-22.3, discussed below.

**DOD Policies for Afghanistan** Prior to 2003, the only official guidance regarding military detainee interrogation techniques in effect in Afghanistan was that contained in Field Manual 34-52. In early 2003, the military followed a policy that permitted techniques similar to those approved under the December 2002 GTMO Policy, including isolation, sleep adjustment, hooding, stress positions, sensory deprivation, and mild physical contact. In February 2003, after a military investigation into two detainee deaths at the Bagram Collection Point in December 2002, the military revised its approved interrogation tactics and prohibited handcuffing as a means to enforce sleep deprivation and physical contact for interrogation purposes.

In March 2004 the military issued a new policy for Afghanistan interrogations that was based on the prior Afghanistan policies and the April 2003 GTMO Policy. This policy added dietary manipulation and environmental manipulation to the list of approved techniques and relaxed the prior prohibitions on using stress positions as an incentive for cooperation. In June 2004, in the aftermath of the Abu Ghraib disclosures, the military in Afghanistan adopted the same policy that was issued for Iraq on May 13, 2004 (discussed below).

**DOD Policies for Iraq** For the first few months of the war in Iraq, military interrogators were governed by Field Manual 34-52. In September 2003, the DOD adopted a policy describing 29 permissible interrogation techniques. Most were adopted nearly verbatim from the April 2003 GTMO Policy approved by the Secretary of Defense, but additional approved techniques included muzzled military working dogs, sleep management, yelling, loud music, light control, and stress positions for up to 1 hour per use.

On October 12, 2003, the Commander in Iraq rescinded approval for several of these techniques. On May 13, 2004, in the wake of the Abu Ghraib abuse revelations, the military further revised its policies to specify that "under no circumstances" would requests for certain

techniques be approved, including “sleep management, stress positions, change of scenery, diet manipulation, environment manipulation, or sensory deprivation.” In January 2005, the military adopted an interrogation policy for Iraq that approved only those techniques listed in Field Manual 34-52, with additional safeguards, prohibitions, and clarifications, including explicit prohibitions against the removal of clothing and the use or presence of military working dogs during interrogations.

**Field Manual 2-22.3** In September 2006, the U.S. Army issued Field Manual 2-22.3 in fulfillment of a mandate of the Detainee Treatment Act, enacted in December 2005, requiring a uniform standard for treatment of detainees under DOD custody. Field Manual 2-22.3 reiterated and elaborated on many of the techniques listed in its predecessor, Field Manual 34-52, but placed much greater emphasis on rapport-based interrogation techniques similar to those endorsed by the FBI. It also identified several prohibited actions, including nudity, sexual acts or poses, beatings, waterboarding, use of military dogs, and deprivation of food or water. Field Manual 2-22.3 also placed specific controls on the use of the technique of isolating detainees from other detainees. However, Field Manual 2-22.3 was not in effect during any part of the period that was the focus of the OIG’s review.

#### **IV. The Interrogation of Zubaydah and the Development of Early FBI Policies Regarding Detainee Interviews in the Military Zones**

In the spring of 2002, the FBI began addressing the need for specific policies governing the conduct of its agents during detainee interrogations overseas. This need came to light in connection with the interrogation of Abu Zubaydah, a “high value detainee” then being held by the CIA. Zubaydah had been severely wounded when he was captured, and two FBI agents were assigned to assist the CIA in obtaining intelligence from him while he was recovering from his injuries. The FBI agents conducted the initial interviews of Zubaydah, assisting in his care and developing rapport with him. However, when the CIA interrogators arrived at the site they assumed control of the interrogation. After observing the CIA use interrogation techniques that undoubtedly would not be permitted under FBI interview policies, one of the FBI agents expressed strong concerns about these techniques to senior officials in the Counterterrorism Division at FBI Headquarters.

This agent’s reports led to discussions at FBI Headquarters and with the DOJ and the CIA about the FBI’s role in joint interrogations with other agencies. Ultimately, these discussions resulted in a determination

by FBI Director Robert Mueller in approximately August 2002 that the FBI would not participate in joint interrogations of detainees with other agencies in which harsh or extreme techniques not allowed by the FBI would be employed.

However, the issue arose again in late 2002 and early 2003 in connection with the FBI's efforts to gain access to another high value detainee held in a foreign location. FBI agents assisted another agency in developing questions for this detainee during a period when he was being subjected to interrogation techniques that FBI agents would not be allowed to use in the United States.<sup>5</sup>

## **V. FBI Concerns about Military Interrogations at GTMO**

Late in 2002, FBI agents assigned to GTMO also began raising questions to FBI Headquarters regarding harsh interrogation techniques being used by the military. These concerns were focused particularly on the treatment of Muhammad Al-Qahtani, who had unsuccessfully attempted to enter the United States in August 2001 shortly before the September 11 attacks, allegedly for the purpose of being an additional hijacker. After his capture and transfer to GTMO, Al-Qahtani resisted initial FBI attempts to interview him. In September 2002, the military assumed control over his interrogation, although behavioral specialists from the FBI continued to observe and provide advice.

The FBI agents became concerned when the military announced a plan to keep Al-Qahtani awake during continuous 20-hour interviews every day for an indefinite period and when the FBI agents observed military interrogators use increasingly harsh and demeaning techniques, such as menacing Al-Qahtani with a snarling dog during his interrogation.

The 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 a long-term rapport-based strategy, while the military insisted on a different, 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

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<sup>5</sup> The FBI agents' accounts of the techniques they witnessed during the interrogations of Zubaydah and the other high value detainee are described in our classified full report. Although the CIA has publicly acknowledged using waterboarding with three detainees, none of the FBI agents we interviewed reported witnessing this technique.

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 core body 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 that some of these agents received from FBI 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. 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 officials in the FBI's Counterterrorism Division 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 senior officials in the DOJ 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, but they did not recall discussing specific techniques with Fisher. 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 then Assistant Attorney General for the Criminal Division

Michael Chertoff, Deputy Attorney General Larry Thompson, and Attorney General John Ashcroft.<sup>6</sup> The senior-level witnesses we interviewed generally said they recalled that the primary concern expressed about the GTMO interrogations was that DOD techniques and interrogators were ineffective at developing actionable intelligence. These senior DOJ officials did not identify FBI agents' concerns about the legality of the techniques or their impact on future prosecutions as a focus of these discussions.

In addition, 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 federal government's inter-agency structures created for resolving disputes about anti-terrorism 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 told us that they raised concerns about particular DOD detainee practices in 2003 with the National Security Council, but they did not recall that any changes were made at GTMO as a result. Several witnesses also told us that they believed that Attorney General Ashcroft spoke with the NSC or the DOD about these concerns, but we could not confirm this because former Attorney General Ashcroft declined to be interviewed for this review.

We found no evidence that the FBI's concerns influenced DOD interrogation policies. Ultimately, 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 additional reports of harsh detainee interrogations to their superiors at FBI Headquarters.

Eventually, the DOD modified its own policies as a result of its internal deliberations. As noted above, on January 15, 2003, Defense Secretary Rumsfeld rescinded his prior authorization of some of the more aggressive DOD interrogation techniques. In April 2003, Al-Qahtani became cooperative with military interrogators. 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

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<sup>6</sup> Former Attorney General Ashcroft declined to be interviewed for this review.

and severity of its use of many of the techniques that concerned the FBI agents deployed at GTMO.

FBI witnesses almost uniformly told us that they strongly favored non-coercive rapport-based interview techniques to the harsher techniques used on Al-Qahtani and others due to the FBI's extensive history of success with such techniques in the law enforcement context. However, we also learned about a proposal advanced by certain officials from the FBI and DOJ in late 2002 to change the circumstances of Al-Qahtani's interrogation. A draft letter prepared for the purpose of presenting this proposal to the National Security Council indicated that this proposal involved subjecting Al-Qahtani to interrogation techniques of the sort that had previously been used by the CIA on Zubaydah and another detainee. DOJ and FBI officials involved with this proposal stated to us that the rationale for this proposal was to bring more effective interrogation techniques to bear on Al-Qahtani than the ineffective interrogation techniques that the military had been using on him up to that time. The techniques that had been previously used by the CIA on Zubaydah included methods that did not remotely resemble the rapport-based techniques that are permitted under FBI policy. However, the DOJ and FBI officials involved in the proposal stated to the OIG that they did not learn what specific techniques had been used by the CIA until much later, and that they based their recommendation on the fact that the CIA had been effective at obtaining useful information from Zubaydah. Senior officials in DOJ and the FBI such as FBI Director Mueller, former Assistant Attorney General Chertoff, current Assistant Attorney General Fisher, and others, told us the draft letter never reached them, that they were not aware of a proposal to subject Al-Qahtani to methods of the sort that had been used on Zubaydah, and did not take part in any specific discussion of such a proposal.

We also determined that the DOD opposed the proposal for Al-Qahtani, and the proposal was never adopted. Moreover, Al-Qahtani began cooperating with military interrogators in April 2003, obviating the underlying rationale for the proposal.

We concluded that the proposal to subject Al-Qahtani to the type of techniques that the CIA had used on Zubaydah was inconsistent with Director Mueller's directive that the FBI should not be involved with interrogations in which non-FBI techniques would be utilized, and with the frequently stated position of DOJ and FBI officials that the FBI's rapport-based techniques were superior to other techniques. We were also troubled that FBI and DOJ officials would suggest this proposal without knowing what interrogation techniques the proposal entailed.



## **VI. The FBI's Response to the Disclosure of Detainee Mistreatment at Abu Ghraib**

In January 2004, senior managers in the FBI learned about allegations of prisoner mistreatment at Abu Ghraib prison in Iraq. Managers in the FBI's Counterterrorism Division agreed with the recommendation of the FBI's On-Scene Commander that the military should conduct the investigation into the alleged abuses at Abu Ghraib without the assistance of the FBI, because the matter was outside of the FBI's mission and the FBI's participation might harm its relationship with the military.

However, as described below, public disclosure of explicit photographs and accounts of detainee mistreatment at the Abu Ghraib prison in late April 2004 triggered a significant effort within the FBI to assess the adequacy of its own policies regarding detainee treatment in the military zones and to determine what, if anything, its agents knew about detainee mistreatment at Abu Ghraib, GTMO, and Afghanistan.

### **A. The FBI's May 2004 Detainee Policy**

Following the Abu Ghraib disclosures, the FBI quickly determined that although existing FBI policies prohibited FBI agents from utilizing coercive interview techniques, no policy had ever been issued to address the question of what FBI agents should do if they saw non-FBI interrogators using coercive or abusive techniques. On May 19, 2004, the FBI General Counsel issued an official FBI policy regarding "Treatment of Prisoners and Detainees."<sup>7</sup> This policy included the following instructions for FBI agents in dealing with detainees:

- Agents were reminded that existing FBI policy prohibited agents from obtaining statements during interrogations by the use of force, threats, physical abuse, threats of such abuse, or severe physical conditions.
- Agents were told that FBI personnel may not participate in any treatment or use any interrogation technique that is in violation of these guidelines, regardless of whether the co-interrogator is in compliance with his or her own guidelines. If a co-interrogator is complying 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.

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<sup>7</sup> We refer to the policy as the "FBI's May 2004 Detainee Policy."

- Agents were told that if an FBI employee knows or suspects non-FBI personnel has abused or is abusing or mistreating a detainee, the FBI employee must report the incident to the FBI On-Scene Commander, who shall report the situation to the appropriate official at FBI Headquarters. FBI Headquarters is responsible for further follow up with the other party.

## **B. Concerns Expressed by FBI Agents in the Field**

Shortly after the public disclosure of the Abu Ghraib abuses, several FBI agents in the military zones expressed significant concerns about how the military's use of certain interrogation techniques could affect the FBI. For example, in May 2004 an FBI supervisor stationed in Afghanistan sent a series of e-mails to senior Counterterrorism Division officials in FBI Headquarters stating that although the military had temporarily restricted the use of aggressive interrogation techniques such as stress positions, dogs, and sleep deprivation, military interrogators were likely to resume such methods soon. The FBI supervisor stated that even if the FBI was not present during such interrogations, FBI agents would inherently be participating in the process because they would be interviewing detainees who had either recently been subjected to such techniques by the military or who would be subjected to them after the FBI interviews were completed. He questioned whether it would be ethical for FBI agents to be involved in such a process and whether they would be held culpable for detainee abuse. He recommended that the FBI move quickly to issue definitive guidance to its agents in Afghanistan. By this time, the FBI Office of General Counsel was in the process of drafting the FBI's May 2004 Detainee Policy (described above).

However, almost immediately after the FBI's May 2004 Detainee Policy was issued, several FBI employees raised additional questions and concerns. In late May 2004, the FBI's On-Scene Commander in Iraq transmitted an e-mail to senior managers in the FBI's Counterterrorism Division stating that the instruction in the FBI's May 2004 Detainee Policy that agents report any known or suspected abuse or mistreatment did not draw an adequate line between conduct that is "abusive" and techniques such as stress positions, sleep management, stripping, or loud music that, while seemingly harsh, may have been permissible under orders or policies applicable to non-FBI interrogators.

In late May 2004, the FBI General Counsel stated in an e-mail to the FBI Director that agents who asked about the meaning of "abuse" in the FBI's May 2004 Detainee Policy were being told that the intent of the Policy was for agents to report conduct that they "know or suspect is

beyond the authorization of the person doing the harsh interrogation,” and that there was no reason to report on “routine” harsh interrogation techniques that the DOD had authorized its interrogators to use. Consistent with this interpretation, senior FBI officials in the Counterterrorism Division drafted a “clarification” of the May 2004 Detainee Policy instructing FBI agents to report any techniques that exceed “lawfully authorized practices.” This clarification was never formally issued, although the interpretation contained in it was communicated to some FBI agents in the military zones.

In addition, in response to concerns expressed by agents and attorneys in the FBI after the May 2004 Policy was issued, the FBI General Counsel directed lawyers in the Office of General Counsel to prepare legal advice that addressed, among other things, how long FBI agents needed to wait after another agency interrogated a detainee so as not to be considered a participant in the harsh interrogation. Several drafts of supplemental policy to address this issue were prepared by the Office of General Counsel, but none was ever finalized. However, as detailed in Section VII below, this issue was addressed in training provided to agents prior to their deployment in the military zones.

### **C.     OIG Assessment of FBI Policies**

As described below, our report concluded that while the FBI provided some guidance to its agents about conduct in the military zones, FBI Headquarters did not fully or timely respond to repeated requests from its agents in the military zones for additional guidance regarding their participation in detainee interrogations.

**FBI Interview Techniques** Although FBI agents were aware that FBI policies regarding interviews prohibited the use of threats or coercion, we believe that the agents had several reasons to be uncertain about whether the rules were different in the military zones. Following the September 11 attacks, the FBI announced a change in priorities from evidence collection for prosecution to intelligence collection for terrorism prevention. In addition, conditions at detention facilities in the military zones were vastly different from conditions in U.S. jails or prisons. We believe that under these circumstances FBI agents in the military zones could reasonably have concluded that traditional law enforcement constraints on interview techniques were not strictly applicable in the military zones, particularly with respect to “high value” detainees.

Ultimately, senior FBI management determined that pre-existing FBI standards should remain in effect for all FBI interrogations in military zones even where future prosecution was not contemplated. However, we determined that this message did not reach all FBI agents

in the military zones. We also found that a few FBI interrogators used interrogation strategies that might not be appropriate in the United States, such as extreme isolation from other detainees or other strategies to undermine detainee solidarity. We concluded that FBI management should have realized sooner than May 2004 that it needed to issue written guidance 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.

**Joint Interrogations** The FBI's May 2004 Detainee Policy stated: "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." Yet, the question of whether the FBI should participate in, assist, or observe interrogations conducted by others using non-FBI techniques 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.

**FBI Interrogations Following Other Agencies' Interrogations** The FBI's May 2004 Detainee Policy also does not address the issue of whether FBI agents may interview a detainee who had previously been subjected to non-FBI interrogation techniques by other agencies. Although the problem was diminished somewhat when the military promulgated a new, uniform interrogation policy in 2006 for all military theaters that stresses non-coercive interrogation approaches (Field Manual 2-22.3), we believe this has not fully eliminated the need for clearer FBI guidance with regard to this question. The revised military policy still permits DOD interrogators to use some techniques that FBI agents probably cannot employ. Moreover, to the extent that the FBI is involved with interrogating detainees who have been interrogated by the CIA, the issue remains significant.

We therefore recommend in our report that the FBI consider completing the project that its Office of General Counsel 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 using non-FBI techniques. We also recommend that the FBI address the circumstances under which FBI agents may use information obtained in interrogations by other agencies that employed non-FBI techniques.

**Reporting** 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 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. It was therefore not surprising that some agents who later told us that they observed or heard about potentially coercive interrogation techniques did not report such incidents to anyone at the time.

It is important to note, however, that despite the absence of clear guidance, several FBI agents brought concerns about other agencies' interrogation techniques to the attention of their On-Scene Commanders or senior officials at the FBI. We believe these agents should be commended for their actions.

In addition, in light of the recurring instances beginning in 2002 in which FBI agents in the military zones raised questions about the appropriateness of other agencies' interrogation techniques, we believe that FBI management should have recognized sooner the need for clearer and more consistent standards and procedures for FBI agents to make these reports. If this issue had been more fully addressed by FBI and DOD Headquarters officials, it would have reduced friction 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 such deviations.

The FBI's May 2004 Detainee Policy, while providing some guidance, did not fully 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 FBI General Counsel to the Director dated May 28, 2004, agents with questions about the definitions of abuse or mistreatment were instructed to report conduct that they know or suspect is "beyond the authorization of the person doing the harsh interrogation." Agents told us, however, that they often did not know what techniques were permitted under military policies.

Going forward, the military's adoption of a single interrogation policy for all military zones (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 the approved military interrogation policies and for the FBI to clarify what conduct should or should not be reported.

As a result, in our report we recommend that the FBI consider supplementing its May 2004 Detainee Policy or expanding 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 on what interrogation techniques are permitted under military policy. 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.

## **VII. FBI Training Regarding Detainee Treatment**

We also examined the training that FBI agents received regarding issues of detainee interrogation and detainee abuse or mistreatment in connection with their deployments to the military zones during the periods before and after issuance of the FBI's May 2004 Detainee Policy.

A large majority of agents who completed their deployments prior to May 19, 2004, reported in the OIG survey that they did not receive any training, instruction, or guidance concerning FBI or other agency standards of conduct relating to detainees prior to or during their deployment. Most of the FBI agents who reported receiving training regarding detainee mistreatment issues said they received it orally from their On-Scene Commander or other FBI agents after they arrived at the military zone.

By January 2004, the FBI had implemented a 5-day pre-deployment training program for agents detailed to Iraq. The agenda provided to the OIG included approximately 1 hour of training regarding "Interviewing Techniques," but it did not specifically identify any issues relating to detainee mistreatment.

Almost all the FBI agents who received training during this period told us that they were instructed to continue to adhere to the same FBI standards of conduct that applied to custodial interviews in the United States. Most agents told us they did not receive any specific information regarding which interrogation techniques were permissible for military interrogators. Several agents told us the FBI did not provide specific training about how to conduct joint interviews with the DOD, including

whether agents could observe or assist in interviews led by other agencies who were using techniques not permitted in the FBI. Several agents told us they were instructed to leave the interview if they saw anything “extreme” or “inappropriate.” A few FBI agents also said they were told to report detainee mistreatment by other agencies, but they received little guidance on what conduct was sufficiently improper to trigger the reporting requirement.

We determined that in the months following the issuance of the FBI’s May 2004 Detainee Policy, the FBI’s Military Liaison and Detainee Unit (MLDU) substantially increased the scope of pre-deployment training provided to FBI agents who were being sent to the military zones, particularly Iraq and Afghanistan. After May 2004, the FBI began addressing the issue of detainee treatment in a more systematic way than it had prior to the Abu Ghraib disclosures. Agents received a legal briefing that included training regarding the contents of the May 2004 Detainee Policy. Agents were also told to “attenuate” their interviews of potential criminal defendants in cases where the detainee had previously been questioned by a foreign government or other intelligence community agency so as to enhance the likelihood that any resulting statement would be admissible in a judicial proceeding, such as by allowing a lapse of time and choosing a different location for the FBI interview.

We found no indication that the FBI devised a comparable pre-deployment program for agents assigned to GTMO. However, in August 2004 the FBI Office of General Counsel attorney stationed at GTMO began giving training to FBI personnel deployed there, advising them to rely on the guidance provided in the Legal Handbook for Special Agents. He told the newly arrived FBI employees that if they saw anything “untoward” beyond what the FBI was authorized to do or outside the scope of the military’s authority, the agent was to remove himself from the room and report the incident to the Office of General Counsel attorney or to the FBI’s On-Scene Commander at GTMO. The Office of General Counsel attorney told us that he and the On-Scene Commander instructed the newly arrived employees on the scope of the military’s approved techniques.

Although the quantity and quality of FBI training clearly increased after issuance of the FBI’s May 2004 Detainee Policy, numerous agents told us in survey responses and interviews that it would have been useful to them to receive a more detailed explanation of what constituted “abuse” and what techniques were permissible to military or other government agency interrogators under their agencies’ policies.

## **VIII. FBI Observations Regarding Detainee Treatment at GTMO**

In this section we summarize our report's findings regarding what more than 450 FBI agents who served at GTMO told us they observed or heard about regarding detainee interrogations, any reports by these agents concerning detainee mistreatment, and what the FBI did with such reports. These findings, as well as our corresponding findings relating to Afghanistan and Iraq that are also summarized below, were based on our survey of FBI employees and numerous follow-up interviews.

Our survey sought information about whether FBI agents observed or heard about approximately 40 separate aggressive interrogation techniques, including such techniques as using water to create the sense of drowning ("waterboarding"), using military dogs to frighten detainees, and mistreating the Koran.

A majority of FBI employees who served at GTMO reported in response to our survey that they never saw or heard about any of the specific aggressive interrogation techniques listed in our survey. However, over 200 FBI agents said they had observed or heard about military interrogators using a variety of harsh interrogation techniques on detainees. These techniques generally were not comparable to the most egregious abuses that were observed at Abu Ghraib prison in Iraq. Moreover, it appears that some but not all of these harsh interrogation techniques were authorized under military policies in effect at GTMO.

The most commonly reported technique used by non-FBI interrogators on detainees at GTMO was sleep deprivation or disruption. Over 70 FBI employees had information regarding this technique. "Sleep adjustment" was explicitly approved for use by the military at GTMO under the policy approved by the Secretary of Defense on April 16, 2003. Numerous FBI agents told the OIG that they witnessed the military's use of a regimen known as the "frequent flyer program" to disrupt detainees' sleep in an effort to lessen their resistance to questioning and to undermine cell block relationships among detainees. Only a few FBI agents participated in this program by requesting military officials to subject particular detainees to frequent cell relocations.

Other FBI agents described observing military interrogators use a variety of techniques to keep detainees awake or otherwise wear down their resistance. Many FBI agents told the OIG that they witnessed or heard about the military's use of bright flashing strobe lights on detainees, sometimes in conjunction with loud rock music. Other agents described the use of extreme temperatures on detainees.



Prolonged short-shackling, in which a detainee's hands were shackled close to his feet to prevent him from standing or sitting comfortably, was another of the most frequently reported techniques observed by FBI agents at GTMO. This technique was sometimes used in conjunction with holding detainees in rooms where the temperature was very cold or very hot in order to break the detainees' resolve. A DOD investigation, discussed in the *Church Report*, classified the practice of short-shackling prisoners as a "stress position." Stress positions were prohibited at GTMO under DOD policy beginning in January 2003. However, these FBI agents' observations confirm that prolonged short-shackling continued at GTMO for at least a year after the revised DOD policy took effect.

Many FBI agents reported the use of isolation at GTMO, sometimes for periods of 30 days or more. In some cases, isolation was used to prevent detainees from coordinating their responses to interrogators. It was also used to deprive detainees of human contact as a means of reducing their resistance to interrogation.

In addition, a few FBI agents reported other harsh or unusual interrogation techniques used by the military at GTMO. These incidents tended to be small in number, but they became notorious at GTMO because of their nature. They included using a growling military dog to intimidate a detainee during an interrogation; twisting a detainee's thumbs back; using a female interrogator to touch or provoke a detainee in a sexual manner; wrapping a detainee's head in duct tape; and exposing a detainee to pornography.

We also examined how the reports from FBI agents regarding detainee treatment at GTMO were handled by the FBI. In addition to the reports relating to Al-Qahtani described above in Part V of this Executive Summary, we found that early FBI concerns about detainee short-shackling were raised with the military command at GTMO in June 2002. However, FBI agents continued to observe the use of short-shackling as a military interrogation technique as late as February 2004. Reports to FBI Headquarters about these techniques led to the instructions that FBI agents should stand clear of non-FBI techniques. As time passed, other reports from FBI agents to their On-Scene Commanders regarding military conduct were not elevated within the FBI chain of command because the On-Scene Commanders understood that the conduct in question was permitted under DOD policy.

FBI agents also reported to us that detainees sometimes told FBI agents they had previously been abused or mistreated. FBI practices in dealing with such allegations varied over time. Some agents were told to record such allegations for inclusion in a "war crimes" file; others were

told to include the allegations in their regular FD-302 interview summaries. As noted above, other FBI agents told us they were instructed not to record such allegations at all. No formal FBI procedure for reporting incidents or allegations of mistreatment to the military was established until after the Abu Ghraib prison abuses became public in 2004.

## **IX. FBI Observations Regarding Detainee Treatment in Afghanistan**

In this section we summarize our report's findings regarding what more than 170 FBI agents who served in Afghanistan told us they observed or heard about with respect to detainee interrogations, any reports by these agents concerning detainee mistreatment, and what the FBI did with such reports.

FBI employees in Afghanistan conducted detainee interviews at the major military collection points in Bagram and Kandahar and at other smaller facilities. A majority of FBI employees who served in Afghanistan reported in response to our survey that they never saw or heard about any of the specific aggressive interrogation techniques listed in our survey. However, some FBI employees reported witnessing or hearing about certain techniques.

Like at GTMO, the most frequently reported technique used by military interrogators in Afghanistan was sleep deprivation or disruption. According to the *Church Report*, sleep deprivation was a prohibited technique under military policy, but sleep disruption (in which the detainee was permitted to sleep a total of at least 4 hours per 24-hour period) was permitted prior to June 2004. FBI agents observed sleep deprivation or disruption at the major detainee facilities in both Kandahar and Bagram. Many FBI agents also described the use of loud music or bright or flashing lights to interfere with detainees' sleep.

FBI agents in Afghanistan also told us about observing the use of shackles or other restraints in a harsh, painful, or prolonged manner in Afghanistan. However, most of the agents stated that these restraints were used primarily as a military security measure rather than an interrogation technique. In addition, several agents told us that they observed or heard about the use of stressful or painful positions by the military in Afghanistan.

Several FBI agents also described the use of prolonged isolation by the military in Afghanistan, but not as a punishment for a detainee's refusal to cooperate with questioners. Instead, the agents described the

use of isolation to prevent the coordination of stories among detainees and as punishment for disruptive behavior.

Several FBI employees told us they had heard about two detainee deaths at the military facility in Bagram, but none of the FBI employees said they had personal knowledge of these deaths. According to the *Church Report*, two detainees died at the Bagram facility following interrogations in which they were shackled in standing positions and kicked and beaten by military interrogators and military police.<sup>8</sup>

We found few contemporaneous reports by FBI agents to their supervisors in Afghanistan regarding concerns about the potential mistreatment of detainees. In several cases the agents believed, sometimes incorrectly, that the conduct they saw or heard about was authorized for use by military interrogators and therefore did not need to be reported. Moreover, the need for FBI agents to establish their role in Afghanistan and their dependence on the military for their protection and material support may have contributed to their reluctance to elevate their concerns about the military's treatment of detainees. In addition, several agents told the OIG that they were able to resolve concerns about the mistreatment of individual detainees by speaking directly to military supervisors in Afghanistan.

## **X. FBI Observations Regarding Detainee Treatment in Iraq**

In this section we summarize our report's findings regarding what more than 260 FBI agents who served in Iraq told us they observed or heard about regarding detainee interrogations, any reports by these agents concerning detainee mistreatment, and what the FBI did with such reports.

We received varied reports from FBI agents who were detailed to Iraq. For example, several FBI agents said they observed detainees deprived of clothing. Other frequently reported techniques identified by FBI agents as used by military personnel in Iraq included sleep deprivation or interruption, loud music and bright lights, isolation of detainees, and hooding or blindfolding during interrogations. FBI employees also reported the use of stress positions, prolonged shackling, and forced exercise in Iraq. In addition, several FBI agents told the OIG

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<sup>8</sup> The Army's Criminal Investigative Division recommended charges against 28 soldiers in connection with these deaths. At least 15 of these soldiers have been prosecuted by the Army, and at least 6 have pleaded guilty or been convicted of assault and other crimes. Several have been acquitted.

that they became aware of unregistered “ghost detainees” at Abu Ghraib whose presence was not reflected in official DOD records.

Although several FBI agents had been deployed to the Abu Ghraib prison in Iraq, they told us that they did not witness the extreme conduct that occurred at that facility in late 2003 and that was publicly reported in April 2004. The FBI agents explained that they typically worked outside of the main prison building where the abuses occurred, and they did not have access to the facility at night when much of the abuse took place.

Few of the FBI agents who served in Iraq made contemporaneous reports to anyone in the FBI or the military regarding mistreatment of detainees in Iraq. Almost all of the FBI On-Scene Commanders who served in Iraq in 2003 and 2004 told the OIG that they never received any reports from FBI agents regarding detainee mistreatment. We believe this occurred at least in part because there was no formal FBI reporting requirement prior to May 19, 2004, and some agents assumed that the conduct that they observed was permitted under military interrogation policies in Iraq. As in the other military zones, FBI agents in Iraq generally did not consider their role to include policing the conduct of the military personnel with whom they were working. Some agents also told us that they were able to get their concerns resolved by taking them directly to military officials.

## **XI. Specific Allegations of Misconduct by FBI Agents**

We also investigated several specific allegations that FBI agents participated in abuse of detainees in connection with interrogations in the military zones. Some of these allegations were referred to us by the FBI, and others came to our attention during the course of our review.

In general, we did not find support for these allegations. We found that the vast majority of FBI agents in 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, as noted above, it decided in 2002 to continue to apply FBI interrogation policies to the 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. For this, we credit the

good judgment of the agents deployed to the military zones as well as the guidance that some FBI supervisors provided.

The following paragraphs discuss the most significant allegations against FBI agents that we reviewed.

**Begg** We investigated allegations made against the FBI by Moazzam Begg, a British national who was arrested in Pakistan in late January 2002 and detained in Afghanistan and at GTMO until his release in January 2005. Begg alleged that an FBI agent and a New York Police Department (NYPD) officer working with the agent participated in interrogations at Bagram Air Force Base during which Begg was threatened with rendition to Egypt and implied threats were made against Begg's family. Begg stated he was also subjected to a ploy to make him believe his wife was being tortured in a nearby room in the facility. Begg also alleged that on one occasion he was hooded and "hog-tied" by military personnel as punishment for failing to tell the interrogators what they wanted to hear, struck or kicked in the back and head, and left in this position overnight. He stated that the FBI agent and the NYPD officer directed or were aware of this treatment. Begg also alleged that the same FBI agent and NYPD officer later coerced him into signing a written statement at GTMO by threats of imprisonment and execution.

We did not find sufficient evidence to support Begg's allegations with respect to the FBI agent. Specifically, Begg stated that the CIA and the DOD were in charge of his interrogations in Afghanistan. Begg's own version of events did not establish that an FBI employee participated in threatening Begg with rendition, threatening his family, or staging a harsh interrogation of a female. There was also no evidence that the FBI participated in, observed, or knew about the alleged "hog-tying" incident.

**Saleh** We investigated allegations that the FBI participated in abusive interrogations of detainee Saleh Mukleif Saleh in Iraq in early 2004. Saleh claimed that interrogators tortured him, cuffed him in a "scorpion" position, punched him, forced him to drink water until he vomited, dragged him across barbed wire, and subjected him to loud music. We did not find evidence of FBI involvement in most of these activities. However, we found that four FBI agents were present during an interview of Saleh and another detainee in March 2004 in which a DOD interrogator poured water down the detainees' throat while the detainees were in a cuffed, kneeling position, and in a rough manner that

would be considered coercive and would not be permissible conduct for FBI agents conducting interviews in the United States.<sup>9</sup>

The FBI agents did not join actively in this conduct. In addition, the FBI's May 2004 Detainee Policy requiring agents to remove themselves from such situations and report them to their superiors had not yet been issued. However, the FBI was the lead agency during this interrogation and we believe that agents could have influenced the techniques used by other interrogators during this interview, or at least reported this incident to their On-Scene Commander. We also found that the FBI participated in using duct tape to blindfold one of the detainees in a potentially painful matter, but we were unable to determine which FBI agent participated in this activity.

**Slahi** We investigated several allegations by detainee Mohammed Ould Slahi relating to FBI agents at GTMO. Slahi alleged that an FBI agent was involved in subjecting him to a harrowing boat ride as a ruse for making him believe he was being transferred to a different location, that another FBI agent implied that Slahi would be tortured by the military if Slahi did not cooperate with the FBI, that another FBI agent said Slahi would be sent to Iraq or Afghanistan if the charges against him were proved, and that an interrogator told Slahi he would be sent to a "very bad place" if Slahi did not provide certain information.

However, we determined that the FBI was not involved in the boat ride ruse that the military used with Slahi. We concluded that an Army Sergeant impersonated an FBI agent, without the consent of the FBI, in connection with this incident.

We also concluded that although an FBI agent who was leaving GTMO may have told Slahi that the military would treat him differently than the FBI, he did not intend to threaten Slahi. The military implemented a plan to use much harsher techniques on Slahi, but this plan was not agreed to or condoned by the FBI. We also found insufficient evidence to conclude that another FBI agent threatened Slahi by telling him he would be transferred to Iraq or Afghanistan if convicted.

**Al-Sharabi** We investigated several allegations relating to FBI agents who were involved in questioning GTMO detainee Zuhail Abdo Al-Sharabi. We found that the military kept Al-Sharabi in an isolation cell for at least 2 months in 2003 in order to break his resistance to cooperating with interrogators. FBI agents participated in this tactic by

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<sup>9</sup> This activity was not equivalent to "waterboarding" as that technique has been described in media reports.

repeatedly telling Al-Sharabi that he would only be removed from isolation if he began to provide information. The FBI agents also suggested to Al-Sharabi that he could win his freedom by speaking openly. We found that although these tactics were fairly widespread at GTMO, and several agents told us they understood that the FBI could use these tactics at GTMO, these tactics would not be permissible for FBI agents to use in the United States.

As discussed previously, the FBI policy reiterating that existing FBI policies applied in the military zones was not issued until May 19, 2004. We believe that the Al-Sharabi matter illustrated the inadequacy and lack of clarity in the guidance provided to FBI agents regarding permissible interrogation techniques in the military zones.

**Al Qarani** We investigated allegations regarding the FBI's treatment of detainee Yousef Abkir Salih Al Qarani at GTMO. We determined that in September 2003 FBI agents participated in a joint interview with the military in which a military interrogator directed that Al Qarani be short-chained to the floor. This technique would not be permissible to FBI agents under existing interview policies. Al Qarani was left alone in this position for several hours, during which time he urinated on himself. There was no evidence that the FBI agents knew in advance that the military interrogator would put Al Qarani in this position. We found this incident to be a further illustration of the inadequacy of FBI guidance. At the time, FBI policy was not clear about what an FBI agent should do if another agency's interrogator utilized such a technique.

We also found that at least one FBI agent participated in subjecting Al Qarani to a program of disorientation and sleep disruption, and that the On-Scene Commander at GTMO was aware that other FBI agents participated in this technique.

Al Qarani told the OIG that he was abused by two FBI agents. We investigated Al Qarani's allegations and found that the evidence did not support the conclusion that the allegations related to any FBI employees.

**Al Harbi** We investigated an allegation in a written FBI interview summary that detainee Muhammad A. A. Al Harbi claimed he was beaten by unidentified FBI agents in Afghanistan. However, during his interview with the OIG, Al Harbi told us that he had no complaints about his treatment by the FBI and that he believed that the individuals who struck him in Afghanistan were from another agency.

**Zubaydah** We investigated an allegation that an FBI agent who was assigned to assist in the CIA's interrogation of Zubaydah at a secret

location participated in the use of “brutal” interrogation techniques.<sup>10</sup> The FBI agent was present when the CIA used techniques on Zubaydah that clearly and obviously would not be available to FBI agents for use in the United States. However, these interrogations took place in early 2002, before the FBI had determined whether its traditional policies regarding interviews would apply to overseas interrogations of terrorism suspects. The agent described these interrogations to his superiors at the FBI. At the time of the interrogation, the FBI agent was told that the other agency was in charge of the interrogation and that normal FBI procedures should not be followed. The FBI’s formal policy addressing participation in joint interrogations with other agencies in overseas locations was not issued until 2 years later, in May 2004.

We also examined the FBI’s internal investigation regarding an allegation that the same FBI agent disclosed classified information about this interrogation and other subjects to persons not authorized to receive such information. The FBI agent’s ex-fiancé and a friend of hers alleged that the agent told them numerous specific details about his participation in the interrogation of a terrorism subject at an overseas location. The FBI’s Inspection Division investigated the matter, and the FBI’s Office of Professional Responsibility concluded that it was unable to determine whether information alleged to have been improperly disclosed was in fact classified or sensitive because of the vague descriptions provided by the ex-fiancé and her friend.

However, we found that the information the ex-fiancé attributed to the FBI agent was detailed, specific, and accurate, and appeared to contain classified information about the Zubaydah interrogation. Further, we found no indication that the FBI made any attempt to determine whether the ex-fiancé’s detailed account of the FBI agent’s activities was accurate and if so whether the information was classified or sensitive. Consequently, we believe that the FBI’s investigation of this allegation was deficient.

**Facility in or near Baghdad** We addressed allegations relating to FBI conduct during the spring and summer of 2004 at a DOD facility in or near Baghdad. An FBI agent serving in his capacity as an active duty officer in the U.S. Army was the officer in charge of the facility. Several other FBI agents were detailed to the facility to serve as interrogators during this period. The allegations included claims that detainees were kept in inhumane conditions at the facility, were denied showers and medical attention, were deprived of food and water, and were subjected

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<sup>10</sup> As noted above in footnote 4, because the CIA objected to our access to Zubaydah we were unable to fully investigate these allegations.



to harsh interrogation techniques such as nudity and dripping cold water, prolonged in-cell restraints, and threats.

In evaluating the conduct of the officer in charge, we recognized that the officer was acting in his capacity as a military commander while he was stationed at the detention facility, not as an FBI employee. In this capacity, he was expected to comply with military regulations relating to the treatment of detainees, not FBI policies. The other FBI agents deployed to the facility were not military, however, and were subject to FBI rules.

We found that conditions inside the cells in the facility were primitive and likely extremely hot and uncomfortable during the summer. However, we did not find that the officer in charge of the facility was responsible for these conditions, which existed before he arrived, or that he could control them. We also found insufficient evidence to conclude that the officer was responsible for any inadequacies in medical treatment at the facility.

We found evidence that the military used the following interrogation techniques at the facility, which may have been prohibited under military policies in effect at the time:

- Depriving detainees of food and water for the first 24 hours after their arrival
- Sleep deprivation
- “Harsh up” interrogation techniques such as nudity, stress positions, dripping cold water on the detainee, and forced exercise
- A categorization system in which detainees who did not cooperate with interrogators were kept with hands cuffed behind their backs while in their cells, while more cooperative detainees were not restrained in the cells
- Use of blindfolds or blacked-in goggles during interrogations
- Threatening detainees with the arrest and prosecution of family members

We recommend that the military make its own findings regarding whether these practices at the facility violated military policies, and whether the officer in charge was responsible for any violation.

We did not find evidence to substantiate that the other FBI agents who served as interrogators at the facility from May to June 2004 engaged in most of the conduct described above, such as deprivation of

food and sleep and inhumane treatment. However, two FBI agents knowingly participated in the categorization system for restraining detainees in the cells who were not cooperative during interrogations. We believe that this activity probably would not have been permitted in the United States under FBI policies. The FBI's May 2004 Detainee Policy, which reiterated the applicability of existing FBI interrogation policies in the military zones, was issued near or during the time that this conduct took place. We also believe that these incidents demonstrate that the applicability of existing FBI policies in the military zones was not made clear to all FBI agents prior to the issuance of the May 2004 Detainee Policy.

## **XII. Conclusion**

The FBI deployed agents to military zones after the September 11 attacks in large part because of its 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. Some FBI agents deployed to GTMO experienced disputes with the DOD, which used more aggressive interrogation techniques. These disputes placed some FBI agents in difficult situations at GTMO and in the military zones. However, apart from raising concerns with their immediate supervisors or military officials, the FBI had little leverage to change DOD policy.

Our review found that the vast majority of the FBI agents deployed in the military zones dealt with these issues by separating themselves from other interrogators who used 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.

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 written 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 interrogations 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.

## **CHAPTER ONE INTRODUCTION**

### **I. Introduction**

On April 28, 2004, the television news program *60 Minutes II* broadcast photographs of detainee abuses at the Abu Ghraib prison in Iraq. In the days and weeks that followed, many more details of detainee abuses at the prison were made public. Published photographs included images of soldiers taunting naked Iraqi prisoners in humiliating poses, a hooded detainee mounted on a box and attached to electrical wires, and military dogs threatening or attacking Iraq prisoners. In addition, excerpts from a secret U.S. Army Report were published, which detailed some of the abuse as follows:

Breaking chemical lights and pouring the phosphoric acid on detainees; beating detainees with a broom handle and a chair; threatening male detainees with rape; allowing a military police guard to stitch the wound of a detainee who was injured after being slammed against the wall in his cell; sodomizing a detainee with a chemical light and perhaps a broom stick; using military working dogs to frighten and intimidate detainees with threats of attack; and in one instance actually biting a detainee.<sup>11</sup>

Federal Bureau of Investigation (FBI) agents had been deployed in Iraq during October through December 2003, the period when many of these abuses occurred. Some FBI agents spent time at the Abu Ghraib prison during this time period. Within days of the Abu Ghraib disclosures becoming public, the FBI began an internal inquiry to determine whether any of its agents had “first hand knowledge of any abuses” at Abu Ghraib and if so, how the FBI had responded. Within a short time the FBI also initiated internal inquiries into whether agents had observed aggressive treatment of detainees at the detention facility in Guantanamo Bay, Cuba (GTMO) and in Afghanistan.

The Department of Justice Office of the Inspector General (OIG) became aware of these FBI investigations, and the OIG made a document request to the FBI for the purpose of determining whether the OIG should

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<sup>11</sup> “Torture at Abu Ghraib,” *The New Yorker*, May 10, 2004, quoting from *Article 15-6 Investigation of the 800<sup>th</sup> Military Police Brigade (“Taguba Report”)* at 17.

initiate an independent review of FBI activities in the military zones. The FBI provided approximately 2,500 pages of documents in response to this request. In addition, the FBI released a large quantity of documents relating to detainee issues to the American Civil Liberties Union (ACLU) pursuant to a request under the Freedom of Information Act (FOIA). Many of the documents released to the ACLU were heavily redacted; unredacted versions were supplied to the OIG. Taken together, the documents made available to the OIG revealed that FBI agents deployed to GTMO had raised concerns to their superiors about the military's interrogation practices as early as October 2002.

The OIG decided to initiate a review relating to the conduct and observations of FBI agents in the military zones with respect to the treatment of detainees. Subsequent to the initiation of this review, the OIG received several communications from members of Congress seeking information about the OIG's investigation and urging the OIG to address various issues and documents relating to the FBI's role in detainee matters.

## **II. The OIG Investigation**

The focus of the OIG investigation was whether FBI agents witnessed incidents of detainee abuse in the military zones, whether FBI employees reported any such abuse to their superiors or others, and how those reports were handled by the FBI. We also examined the development and adequacy of the policies, guidance, and training that the FBI provided to the agents that it deployed to the military zones. In addition, the OIG examined whether FBI employees participated in any incident of detainee abuse. The FBI referred several specific allegations of wrongdoing by FBI agents for investigation by the OIG. In other cases, the OIG initiated an investigation of particular FBI employees on the basis of information that the OIG developed during the course of our review.

The OIG team investigating these issues included OIG attorneys, special agents, and a paralegal specialist. The OIG developed and distributed a detailed survey to over 1,000 FBI employees who had deployed overseas to one of the military zones. Among other things, the OIG survey sought information regarding observations or knowledge of specifically listed interview or interrogation techniques and other types of detainee treatment, and whether the FBI employees reported such incidents to their FBI supervisors or others.

The OIG team also interviewed over 230 witnesses. We selected many of these witnesses on the basis of survey responses indicating that the respondent had information relevant to our review. Other witnesses were selected on the basis of their positions or responsibilities within the FBI.

We reviewed over 500,000 pages of documents provided by the FBI, other components of the Department of Justice (DOJ), and the Department of Defense (DOD). We made two trips to GTMO to tour the detention facilities, review documents, and interview witnesses, including five detainees. We also interviewed one released detainee by telephone.

Our review focused on the activities and observations of FBI agents deployed to facilities under the control of the DOD. [REDACTED]

[REDACTED] With limited exceptions, we did not investigate the conduct or observations of FBI agents regarding detainees held at CIA facilities. We were unable, with limited exceptions, to obtain highly classified information about these facilities, what occurred there, and what legal authorities governed their operations. Second, during the course of our review we learned that in January 2003 the CIA Inspector General initiated a special review of the CIA terrorist detention and interrogation program. [REDACTED]

[REDACTED] Therefore, our review focused mainly on the conduct and observations of the approximately 1,000 FBI employees related to detainee interviews in military facilities.<sup>12</sup>

### III. Prior Reports Regarding Detainee Mistreatment

Several prior reports have addressed the issue of detainee treatment in the military zones. Among the most significant of these are the following:

**Taguba Report.** In response to reports of detainee abuse at Abu Ghraib prison, in January 2004 the Chief of Staff of the U.S. Central Command directed an investigation into the 800<sup>th</sup> Military Police (MP) Brigade detention and internment operations from November 2003 to present. The report of this investigation (*Article 15-6 Investigation of the 800<sup>th</sup> Military Police Brigade*, also known as the “*Taguba Report*”) was completed in March 2004; as noted above, it found intentional abuse of detainees by military police personnel. The forms of abuse included punching and kicking detainees, photographing naked detainees in sexually explicit and humiliating circumstances, and using unmuzzled military dogs to intimidate detainees.

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<sup>12</sup> We did review the activities and observations of the FBI in connection with the interrogation of Zubaydah and a few other detainees at CIA facilities overseas. As detailed in Chapter Four, these activities and the FBI’s reaction to them were important influence on the development of FBI policies with respect to subsequent detainee interviews. The conduct of one of the agents in connection with Zubaydah was also the subject of allegations of agent misconduct that we address in Chapter Eleven.

**Fay and Jones Reports.** Following the completion of the *Taguba Report*, the Combined Joint Task Force Commander ordered an investigation into the conduct of the 205<sup>th</sup> Military Intelligence Brigade at Abu Ghraib. Two reports were issued as a result of this request: the “*Fay Report*” and the “*Jones Report*.” These two reports found numerous instances in which detainee abuse was “requested, encouraged, condoned, or solicited” by military intelligence personnel and that in some cases, military intelligence personnel were directly involved. The reports identified the primary cause of the abuse as “misconduct (ranging from inhumane to sadistic) by a small group of morally corrupt soldiers and civilians.” The reports also identified systemic failures that contributed to the abuse, such as inadequate interrogation policies and training, the intense pressure to produce actionable intelligence, lack of clear lines of responsibility between Military Intelligence and Military Police personnel, and inadequate leadership oversight. The *Fay Report* and *Jones Report* also identified interactions with non-DOD agencies (the CIA) that were perceived to operate under different rules as a contributing factor that led to abuse.

**Schlesinger Report.** In May 2004, Secretary of Defense Donald Rumsfeld chartered an independent panel chaired by James R. Schlesinger to review ongoing or completed DOD investigations on detention operations and to identify the causes and contributing factors to problems in detainee operations. The Final Report of the Independent Panel to Review Detention Operations (the “*Schlesinger Report*”) was issued in August 2004. It identified 66 confirmed incidents of detainee abuse in GTMO, Afghanistan, and Iraq including five deaths. With respect to the Abu Ghraib prison, which was the location of the vast majority of confirmed abuses, the *Schlesinger Report* found that contributing causes included deficient and frequently changing interrogation policies and inadequate resources, training, leadership, and oversight.

**Church Report.** On May 25, 2004, Defense Secretary Rumsfeld directed the Naval Inspector General to conduct a comprehensive review of DOD interrogation operations. The resulting report (the “*Church Report*”) was submitted on March 7, 2005. The *Church Report* detailed the history of DOD interrogation policies issued in each of the military zones. It reviewed the interrogation techniques employed by military interrogators in GTMO, Afghanistan, and Iraq. The *Church Report* was complimentary of military operations at GTMO, but it found that dissemination of interrogation policies in Afghanistan and Iraq was generally poor, and that unit-level compliance with the policy was poor in Iraq even when the policies were known. The *Church Report* found no evidence that the environment at Abu Ghraib in the fall of 2003 related to detainee mistreatment was repeated elsewhere. The *Church Report* found 71 instances of substantiated detainee abuse, including 6 detainee deaths. The *Church Report* determined that DOD interrogation policies did not cause detainee abuse. Instead, the

Church investigators attributed instances of detainee abuse to episodic breakdowns in discipline and oversight, particularly at the point of capture in Afghanistan or Iraq.

**Schmidt-Furlow Report.** Following the FBI's release of documents to the ACLU in December 2004, the U.S. Army Southern Command ordered an investigation into several allegations about the conduct of military interrogators contained in FBI communications released to the public. The investigation was led by Lieutenant General Randall M. Schmidt and Brigadier General John T. Furlow. The results of this investigation are set forth in the *AR-15-6 Report FBI Allegations of Abuse (9 June 2005)* (the "*Schmidt-Furlow Report*"). This report found that out of the 24,000 interrogations conducted at GTMO, there were a total of 3 violations of DOD interrogation policies: (1) detainees were "short-shackled" to the eye-bolt in the floor of an interrogation room; (2) duct tape was used to "quiet" a detainee; and (3) military interrogators improperly threatened a detainee and his family. The investigators also found that the interrogation of one high value detainee resulted in degrading and abusive treatment, but did not rise to the level of inhumane treatment.

#### **IV. Methodology of OIG Review of Knowledge of FBI Agents Regarding Detainee Treatment**

In this section we describe the methodology of the OIG's investigation relating to what FBI employees deployed to Afghanistan, GTMO, and Iraq saw or heard about the treatment of detainees in those military zones. FBI employees were deployed in significant numbers to assist with interviewing detainees at many of the locations where abuses allegedly occurred. Although the FBI generally had limited authority to control the conditions of detainees in the military zones, FBI employees deployed to these locations participated in interviewing detainees and were also potential witnesses to incidents of detainee abuse.

The focus of this part of the OIG's review was to obtain information from FBI employees who were detailed to the military zones during the period our survey covered (from late 2001 until December 2004) regarding the treatment of detainees in those zones. Our review relied primarily on the results of a comprehensive survey sent to more than 1,000 FBI employees in June 2005, and our follow-up interviews of FBI employees.

##### **A. The OIG June 2005 Survey**

On June 2, 2005, the OIG distributed a detailed survey to FBI personnel who had deployed overseas. This survey was distributed to a total of 1,031 FBI personnel who had been deployed at some time to one or more of the military zones. The distribution list was compiled from FBI



records and responses to an internal FBI e-mail instructing all employees who were deployed to the military zones to identify themselves. The OIG received a total of 913 responses, for a response rate of approximately 90 percent.<sup>13</sup>

The survey consisted of 76 questions, some with subparts, and some with additional questions which were asked depending on the agent's response. A copy of the survey is provided as Appendix A to this report. The survey was divided into six parts: (1) basic contact information and basic information concerning where and when the respondents were deployed; (2) the nature and extent of training for agents prior to and during their deployments; (3) respondent observations or knowledge of specific interview or interrogation techniques and other types of detainee treatment; (4) knowledge of incidents involving impersonation of FBI agents, sham interviews, or denial of access to detainees; (5) information concerning whether agents reported interview or interrogation techniques and other types of detainee treatment, and any actions taken in response to such reports; and (6) the extent and nature of any post-deployment FBI debriefings.

The 37 questions we asked about particular interview or interrogation techniques and other types of detainee treatment (Questions 27 through 63) were based upon information indicating that such forms of coercive or otherwise questionable treatment of detainees had occurred in one or more of the overseas locations to which FBI personnel had been deployed. The sources of such information included documents produced to us by the FBI, interviews conducted prior to the survey, reports of military and other investigations, and press reports. For each form of conduct, we asked respondents to state whether they personally observed the conduct or observed detainees in a condition that led them to believe the conduct had occurred, whether detainees told them that this conduct had occurred, whether others who observed the conduct described it to them, whether they otherwise obtained information about such conduct other than from media accounts, or if they never observed such conduct or heard about it from someone who did. We also asked respondents to indicate whether they had relevant information as to each form of conduct that was classified above "Secret." Finally, we included several questions soliciting information

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<sup>13</sup> We did not or could not obtain responses from 118 individuals who were originally identified as survey recipients for a variety of reasons. These recipients fell primarily into the following categories: (1) agents who were posted to overseas locations without the necessary software to complete the survey; (2) persons who had been identified erroneously as FBI personnel but who were not; (3) persons who had been erroneously identified as having served in the military zones when they never did; and (4) persons who were no longer FBI employees by the time of the survey.

concerning other interrogation practices about which the respondents had knowledge, but which were not specified in our other questions.<sup>14</sup>

## **B.     OIG Selection of FBI Personnel for Interviews**

Using the survey responses as a screening tool, we interviewed selected respondents who indicated they had information pertaining to several interrogation techniques, or pertaining to the most serious forms of alleged abuse. We also attempted to interview all of the On-Scene Commanders (OSC) and Deputy OSCs who served in each military zone because these agents had supervisory responsibility for FBI personnel and were positioned to observe or receive reports regarding detainee mistreatment.<sup>15</sup> We interviewed almost all of the former OSCs and all of the 6 Deputy OSCs who served in Afghanistan between late December 2001 and the end of 2004. We also interviewed all eight of the FBI OSCs in Iraq and five of the seven Deputy OSCs who served during that period. We interviewed 15 of the 16 OSCs who served in GTMO. (There were no Deputy OSCs in GTMO.) We also interviewed several employees who did not respond to the survey but who we otherwise determined had significant relevant information.

Because OIG resources did not enable us to interview all of the FBI personnel who served in the military zones, we generally did not interview survey respondents who only described conduct clearly justified by concerns for safety and security of U.S. personnel, or by the need for proper prison order and discipline. We often chose not to interview those who said that they had merely heard about conduct observed by others. We also excluded some respondents who indicated in their survey responses that they had information only about techniques such as sleep disruption, about which we had substantial other information from other respondents and witnesses. Finally, we excluded those respondents who provided information that we concluded was in fact not within the scope of the question or our investigation.

## **C.     OIG Treatment of Military Conduct**

We report the results of our investigation regarding what the FBI agents observed in the military zones in Chapters Eight through Ten. Some of the interrogation techniques reported by FBI agents in the military zones are addressed in policies applicable to military interrogators. The question

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<sup>14</sup> The FBI Inspection Division provided valuable assistance to the OIG in identifying appropriate respondents and designing and administering the questionnaire.

<sup>15</sup> As detailed in Chapter Six, the FBI's May 2004 Detainee Policy required agents serving in military zones to report known or suspected abuse of detainees to their OSCs.