

(Rev. 01-31-2003)

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FEDERAL BUREAU OF INVESTIGATION

Precedence: PRIORITY

Date: 01/27/2004

To: Counterterrorism

Attn: AD Bald, CTD  
Room 5829

From: EAD Pistole

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Section Chief ITOS II  
Room 4972

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Drafted By:

(U) Case ID #: ~~(S)~~ 315E-HQ-1448534 (Pending)

(U) Title: ~~(S)~~ Saddam Hussein  
IT-IRAQ

(U) Synopsis: ~~(S)~~ HDV-1 Interrogation team, Baghdad, seeks authority to question the subject without reading the subject warnings under Miranda v. Arizona, to video tape questioning of subject, and to identify themselves only as from U.S. Government.

~~(S)~~ Derived From: G-3  
Declassify On: X1

(U) Details: ~~(S)~~ The FBI Legal Handbook for Special Agents Section 7-3.2 provides that Special Agents conducting interviews must identify themselves by name and official identity and advise the person interviewed of their rights under Miranda. MIOG PART 2, Section 7.1 provides that

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*Conducted by [Signature]*

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credentials shall be showed by Special Agents interviewing a subject.

(U) ~~(S)~~ Electronic recording of statements, including surreptitious recordings may be approved by an SAC, sensitive circumstances must be reported to the appropriate Assistant Director at FBIHQ. Legal Handbook Section 7-8, MIOG Sections 10-10.10.

(U) ~~(S)~~ The above guidelines generally apply to subjects held in custody for interrogation in contemplation of prosecution in United States courts. The interrogation of HVD-1 differs in the following ways: the subject is a non-United States person, overseas; he is an enemy prisoner of war under Geneva Convention III, under the control of the U.S. Department of Defense. Further, the primary purpose of the interview is to support other U.S. intelligence agencies in the collection of intelligence for force protection, public safety and the security of the United States. Based on these circumstances, any MIOG or FBI Legal Handbook procedures to the contrary, or other FBI policy or procedure to the contrary, the interrogation team may interview the subject without prior Miranda warnings, may video tape the interviews surreptitiously and may identify themselves only as representatives of the U.S. government. The interviews should be documented in a classified transcript. For each interview, a 302 cover transmittal document shall be prepared documenting that the interview took place. The 302 should be classified but state that it is unclassified when the transcript is removed. No classified information should be placed in the 302. Any classified information, other than the transcript of interview, is to be transmitted in a classified EC. The interviews shall be conducted under the rules of Geneva Convention III, August 12, 1947, and annexes, that have been provided to the team.

LEAD

Set Lead 1 (Action)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) ~~(S)~~ Interviews of HDV-1 are to proceed as per guidance within this EC.

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