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As a result of the review, which lasted three months and involved considerable argument among legal experts, intelligence officials and others, a set of interrogation guidelines emerged for the Guantanamo Bay prison that Rumsfeld approved in April 2003. Those procedures were less coercive than the ones that he had authorized the previous autumn, the officials said. The Washington Post reported the existence of the April 2003 policy earlier this month. But yesterday's briefing for reporters at the Pentagon provided new details about how it evolved and disclosed Rumsfeld's role in approving it. The revised measures were implemented by Maj. Gen. Geoffrey D. Miller, Guantanamo Bay's commander at the time. Miller provided them to U.S. commanders in Iraq last summer as a model for development of a separate -- and further reduced -- set of techniques for the questioning of detainees there.

In providing the timeline, Pentagon officials said it reflected their efforts, in the wake of the Abu Ghraib prison scandal, to reconstruct the origins of U.S. policy on interrogation of detainees in Iraq as well as other captives in the war on terrorism. Officials declined to detail the list of approved measures, which remains classified. But sources familiar with the list have said it includes such techniques as disrupting the sleep patterns of detainees and exposing them to heat, cold, loud music, bright lights and other "sensory assault." The Abu Ghraib prison scandal has highlighted confusion, at least in lower military ranks, about what types of interrogation techniques were permitted and under whose authority.

It also has ignited open disagreement among generals over what the proper relationship should be between guards and interrogators at military detention centers. And it has raised questions about whether even some approved U.S. interrogation procedures are in compliance with international law on the treatment of detainees. Many of the seeds of these controversies were planted with establishment of the Guantanamo Bay detention facility in 2002 to hold captives from the Taliban militia and the al Qaeda terrorist network. In early 2002, President Bush designated those captives "unlawful enemy combatants" and decided to treat them "consistent with" but not subject to the Geneva Conventions. That opened the door to use of interrogation procedures harsher than U.S. soldiers had been trained to perform under standard doctrine.

"By the fall of 2002, some questions were being raised about what the limits should be on interrogation techniques," a military lawyer, one of three officials at the Pentagon briefing, said yesterday. "You had intelligence officials that were tugging in a direction that might have been different from lawyers, and that's fair," added DiRita, the only official in the briefing who agreed to be named. "This is a process that involves, by definition, some tension." During the review in early 2003, which was led by William J. Haynes, the Pentagon's general counsel, senior military legal officers objected to some interrogation techniques being considered by an interagency working group. The officers complained that the techniques did not fit with existing doctrine.

But the final policy approved by Rumsfeld "did not raise any legal objections," the military lawyer said. "What the secretary ultimately authorized is far less than what some people in the organization would have liked," said a civilian defense attorney involved in the process. Asked the extent to which U.S. troops at Guantanamo Bay used the earlier authority from Rumsfeld in 2002 to conduct more aggressive interrogations, DiRita said that period was still being assessed under a recent directive from Rumsfeld to determine how current guidelines evolved. "We're still learning about this," DiRita said. "But it appears that a range of techniques were authorized -- a very small number" and were used in "a very few cases."

FBI Chief Tells Of Interrogation Suspicions

DETAINEES-3402

The Washington Post

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By Susan Schmidt
May 21, 2004

WASHINGTON, DC -- FBI Director Robert S. Mueller III told Congress yesterday that agents posted abroad have reported instances of possibly improper conduct in prison interrogations overseen by the CIA or U.S. military personnel.

Mueller, testifying before the Senate Judiciary Committee, said FBI agents in Iraq and Afghanistan have been instructed not to participate in interrogations that involve coercive methods and are expected to "report up the chain" if they learn of any possibly illegal conduct by others. "We have, upon occasion, seen an area where we may disagree with the handling of a particular interview," Mueller said. "Where we have seen that, we have brought it to the attention of the authorities who were responsible for that particular individual." Mueller provided no specifics about where those incidents occurred, except to say that FBI agents conducting interrogations at Abu Ghraib prison in Baghdad said they did not witness abuse of prisoners there by military police or others.

The CIA's inspector general in recent weeks referred the deaths last year of three prisoners in CIA custody to the Justice Department for investigation and possible prosecution. Two of those prisoners were in Iraq, including one at Abu Ghraib. The third was in custody in Afghanistan. The deaths occurred during or after interrogations by CIA officers and contractors. As yet, Mueller said, the FBI has not been asked to investigate the deaths. Sen. Patrick J. Leahy (D-Vt.) pressed Mueller about whether the FBI had refused to participate in CIA interviews of high-level detainees "because of the brutality of the interrogation methods being used." Mueller said the FBI requires its agents to adhere to the same interviewing standards it follows for prisoners held in the United States.

"Senator, it is the FBI's policy to prohibit interrogation by force, threats of force or coercion," Mueller said. "Where we have conducted interviews, we have adhered to that policy." Referring to the Defense Department and the CIA, Mueller said: "There are standards that have been established by others, legally, that may well be different from the FBI standards. That does not necessarily mean that those standards were unlawful. What I'm saying is that they may not conform to the standard that we use in conducting investigations in the FBI." Participation by an agent in interrogations that used force or coercion might be used to discredit him in other cases, Mueller said. He also said the FBI generally takes the view that building a rapport with prisoners is more effective in getting information than using fear or force.

Mueller told the panel that alleged prisoner abuse is the responsibility of the Defense Department, and that the FBI is not conducting any prisoner abuse investigations in Iraq, Afghanistan or Guantanamo Bay. The Justice and Defense departments are discussing jurisdictional guidelines for investigating instances of alleged wrongdoing by civilian contractors. Sen. Charles E. Schumer (D-N.Y.) raised questions yesterday about the U.S. government's hiring in Iraq of two civilian contractors previously accused of overseeing penal facilities where prisoners were allegedly mistreated in this country.

One official, Lane McCotter, resigned in 1997 under pressure as director of the Utah Corrections Department after an inmate died while shackled naked to a restraining chair for 16 hours. Schumer said in a news release issued yesterday that the other, John Armstrong, resigned as head of Connecticut's Corrections Department amid allegations that he tolerated and engaged in sexual harassment of female employees. Neither is accused of wrongdoing in Iraq.

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