

CIRG/BAU

WORK BOOKS

VOLUME 3

Summary of the Judgment Concerning the Legality of the

GSS' Interrogation Methods

The Court has held this day that the General Security Service ("GSS") is not authorized, according to the present state of the law, to employ certain investigation methods that involve the use of physical pressure against a suspect.

Several applications were brought before the Supreme Court (sitting as the High Court of Justice), in which it was argued that certain methods used by the GSS (for instance, the shaking of a suspect, holding him in particular positions for a lengthy period and sleep deprivation) are not legal. This, among other reasons, is due to the lack of authority permitting the use of these interrogation methods.

The Court, in an extended panel of nine judges, unanimously accepted the applications before it. Speaking for the Court, Supreme Court President Aharon Barak, held that GSS investigators are endowed with the same interrogation powers given to police investigators. The authority which allows the investigator to conduct a fair investigation does not allow him to torture a person, or to treat him in a cruel, inhuman or degrading manner. The Court recognized that, inherently, even a fair interrogation is likely to cause the suspect discomfort. The law does not, however, sanction the use of interrogation methods which infringe upon the suspect's dignity, for an inappropriate purpose, or beyond the necessary means. On this basis the Court held that:

~~"[t]he GSS does not have the authority to 'shake' a man, hold him in the 'Shabach' position [...], force him into a 'frog crouch' position and deprive him of sleep in a manner other than that which is inherently required by the interrogation."~~

Additionally, the Court held that the "necessity" defence, as it appears in article 34(11) of the Penal Law [which negates criminal liability in certain circumstances], cannot constitute a basis for allowing GSS investigators to employ interrogation methods involving the use of physical pressure against the suspect. A GSS investigator may, however, potentially avail himself of the "necessity" defence, under the circumstances provided by the law, if facing criminal charges for the use of prohibited interrogation methods. The Attorney General may instruct himself with respect to the circumstances under which charges will not be brought against GSS investigators, in light of the materialization of the conditions of "necessity." At the same time, the "necessity" defence does not constitute a basis for authorizing the infringement of human rights. The mere fact that a certain action does not

DETAINEES-2974

constitute a criminal offence, under a given set of circumstances; does not in itself authorize the GSS to employ this method in the course of its interrogations.

The judgment relates to the unique security problems faced by the State of Israel since its founding and to the requirements for fighting terrorism. In light of the above, the Court highlights the difficulty associated with deciding this matter. This having been said, the Court must rule according to the law, and the law does not endow GSS investigators with the authority to apply physical force. If the law, as it stands today, requires amending, this issue is for the Knesset (Legislature) to decide, according to democratic principles and jurisprudence. So held the Court:

"The power to enact rules and to act according to them requires legislative authorization, by legislation whose object is the power to conduct interrogations. Within the boundaries of this legislation, the Legislator, if he so desires, may express his views on the social, ethical and political problems, connected to authorizing the use of physical means in an interrogation....Endowing GSS investigators with the authority to apply physical force during the interrogation of suspects, suspected of involvement in hostile terrorist activities, thereby harming the latter's dignity and liberty, raises basic questions of law and society, of ethics and policy, and of the Rule of Law and security. (...)The question of whether it is appropriate for Israel- in light of its security difficulties- to sanction physical means in interrogations, and the scope of these means- which deviate from the "ordinary" investigation rules- is an issue that must be decided by the Legislative branch, which represents the People. It is there that various considerations must be weighed. The pointed debate must occur there. It is there that the required legislation may be passed, provided, of course, that a law infringing upon the suspect's liberty is "befitting the values of the state of Israel"; enacted for a proper purpose, and to an extent no greater than is required." (Article 8 to the Basic Law: Human Dignity and Liberty).

Justice Y. Kedmi, joined in the opinion of President Barak. However, as to the order to be issued by the Court, he expressed from reasoning given in the judgment, his opinion as follows:

"[D]eriving from the will to prevent a situation where the "time bomb will tick" before our eyes and the State's hand will be shortened to help, I suggest that the judgment be suspended from coming into force for a period of one year. During that year, the GSS could employ exceptional methods in those rare cases of "ticking time bombs", on the condition that explicit authorization is given by the Attorney General."

DETAINEES-2975

b6 -1,4
b7C -1,4

From: [redacted]
To: [redacted]
Date: Wed, Oct 2, 2002 7:44 AM
Subject: Re: [redacted]

b6 -1,4
b7C -1,4

b6 -4
b7C -4
b7D -1
b7F -1
b5 -1

thanks for all the info...keep me posted. we are still planning on coming down next week (9th and 10th).

[redacted]

>>> [redacted] 10/01 6:26 PM >>>
Hello to all,

b6 -1
b7C -1

Here's the latest regarding our friend:

b1
b6 -4
b7C -4
b7D -1
b7F -1

[redacted]

(S)

b1
b5 -1
b6 -1,4
b7C -1,4
b7D -1
b7F -1

[redacted]

(S)

b6 -1
b7C -1

SSA [redacted] has been fully briefed of this situation.

b1
b5 -1
b6 -1,2,4
b7C -1,2,4

b5 -1
b6 -1,4
b7C -1,4
b7D -1
b7F -1

[redacted]

b7D -1
b7F -1

Obviously, the above is subject to change. I will advise as appropriate.

[redacted]

b6 -1
b7C -1

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b6 -1,4
b7C -1,4

From: [redacted]
To: [redacted]
Date: Mon, Oct 7, 2002 9:15 AM
Subject: Re: [redacted] 10/03-04/2002

b6 -1,4
b7C -1,4

thanks for keeping me posted. We might put off any trip until the end of the month.

>>> [redacted] 10/04 9:24 AM >>> b6 -1
Hello to all, b7C -1

b1
b5 -1
b6 -1,4
b7C -1,4
b7D -1
b7F -1

[redacted]

(S)

[redacted]

b5 -1
b6 -1,4
b7C -1,4
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b7F -1

[redacted]

b6 -1
b7C -1

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DETAINEES-2977

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b6 -1,4
b7C -1,4

From: [redacted] b6 -1,4
To: [redacted]
Date: Tue Oct 8 2002 1:25 PM b7C -1,4
Subject: Re: [redacted]

[redacted]

b5 -1

>>> [redacted] 10/08 1:26 PM >>> b6 -1
Hello from GTMC b7C -1

b1
b5 -1
b6 -4
b7C -4

[redacted]

(S)

[redacted] That's it for now. more to follow after the aforementioned meeting.

b5 -1
b6 -4
b7C -4
b7D -1
b7F -1

b6 -1 [redacted]
b7C -1

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DETAINEES-2978

b6 -1

b7C -1

From: [redacted]

b6 -1

To: [redacted]

b7C -1

Date: Fri, Nov 15, 2002 4:52 PM

Subject: DHS Issue

[redacted]

[redacted] talked with the SAC and HQ re the issues raised in your conference call with [redacted] earlier today. I think we have made contact with the right person at HQ to follow through with this. I just updated the SAC on the communication with HQ. He will also address it in person at HQ next week. We will keep you updated.

b6 -1

b7C -1

[redacted]

b6 -1

b7C -1

CC: [redacted]

b6 -1

b7C -1

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Section 552a

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[Redacted]

e-mails -1,4
b7C -1,4

From: [Redacted]
To: [Redacted]
Date: Fri, Nov 22, 2002 9:43 AM
Subject: [Redacted] e-mails

b6 -1,4
b7C -1,4

[Redacted] b6 -1
[Redacted] b7C -1

No one can figure out how to attach e-mails to an e-mail so I will have to forward each separately.
There are a total of four (4): 09/30/2002, 10/02/2002, 10/07/2002, and 10/08/2002; each from [Redacted] in
response to my initial e-mail which is also included. [Redacted]

b5 -1
b6 -1,2
b7C -1,2

[Redacted]
[Redacted] Please let me if you need anything else from me.

Good Luck,

[Redacted]

b6 -1
b7C -1

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11 Pages were not considered for release as they are duplicative of DETAINEES 1168-1178

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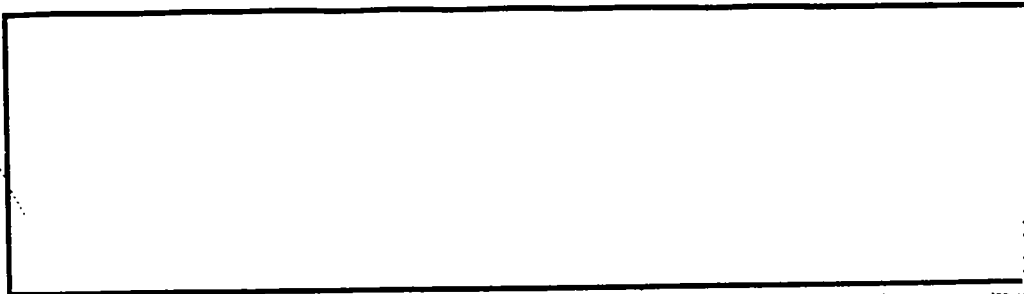
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b7C -3,4,5
b7D -1
b7F -1
b5 -1
b1

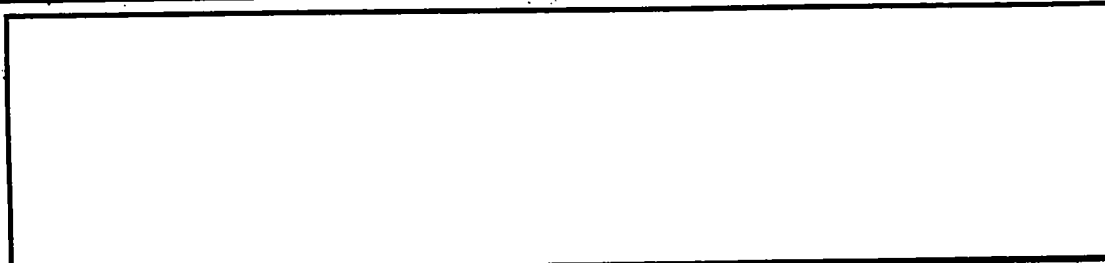
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b6 -3,4,5
b7C -3,4,5
b7D -1
b7F -1
b5 -1
b1

(S)

b5 -1
b6 -3,4
b7C -3,4
b7D -1
b7F -1
b1

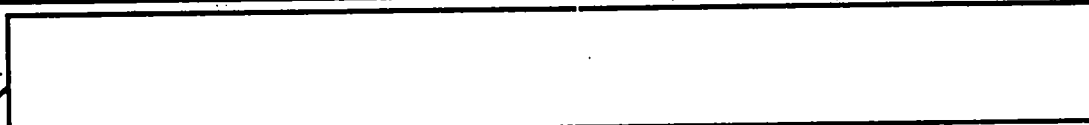


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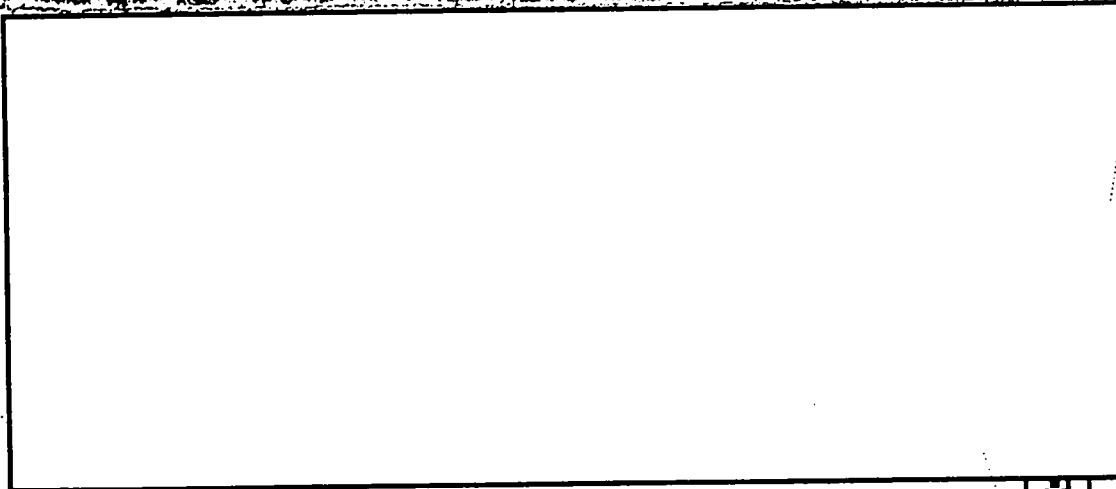
b5 -1
b6 -3,4
b7C -3,4
b7D -1
b7F -1
b1



(S)



b5 -1
b6 -3,4
b7C -3,4
b7D -1
b7F -1
b1

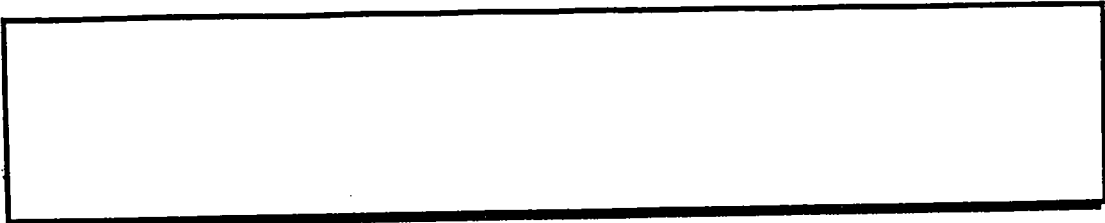


(S)

b5 -1
b6 -3,4
b7C -3,4
b7F -1
b1

(S)

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b6 -3,4
b7C -3,4
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b7E -1
b1)



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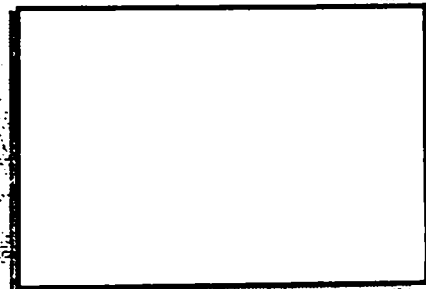


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b6 -3,4,5
b7C -3,4,5
b7D -1
b7E -1
b1

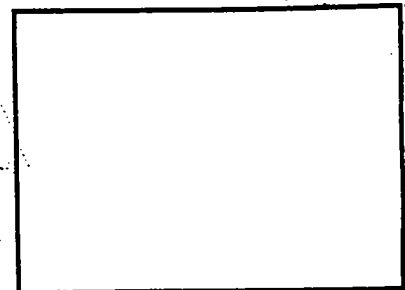
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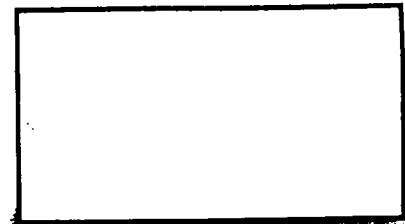
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b6 -3,4,5 (S)
b7C -3,4,5
b7D -1
b7E -1
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b7C -1,2,3,4 (S)
b7D -1
b7E -1
b1



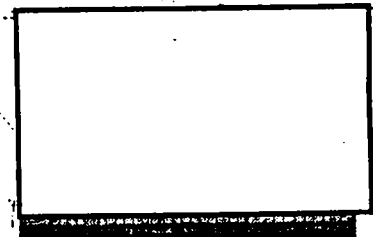
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DETAINEES 3003-3006

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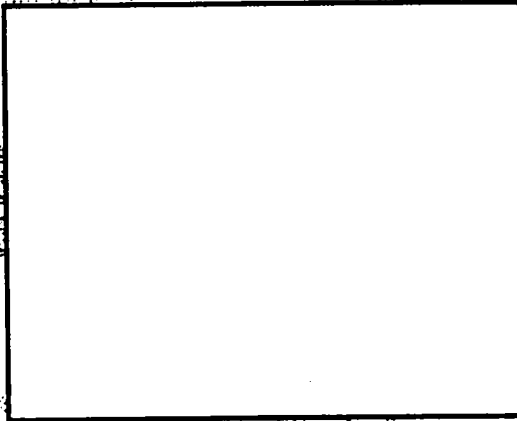
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DETAINEES 3067-3008

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- Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

Section 552

Section 552a

(b)(1)

(b)(7)(A)

(d)(5)

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(b)(7)(C)

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(b)(7)(D)

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(k)(4)

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(k)(5)

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(k)(7)

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_____ Page(s) withheld inasmuch as a final release determination has not been made. You will be advised as to the disposition at a later date.

5 Pages were not considered for release as they are duplicative of DETAINEES 1301-1305

_____ Page(s) withheld for the following reason(s): _____

- The following number is to be used for reference regarding these pages:

DETAINEES 3018-3022

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Section 552

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_____ Page(s) withheld inasmuch as a final release determination has not been made. You will be advised as to the disposition at a later date.

4 Pages were not considered for release as they are duplicative of DETAINEES 1328-1331

_____ Page(s) withheld for the following reason(s): _____

- The following number is to be used for reference regarding these pages:

DETAINEES 3023-3026

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4 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

- Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

Section 552

Section 552a

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(b)(7)(C)

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(b)(7)(E)

(k)(3)

(b)(7)(F)

(k)(4)

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_____ Page(s) withheld inasmuch as a final release determination has not been made. You will be advised as to the disposition at a later date.

_____ Pages were not considered for release as they are duplicative of _____

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- The following number is to be used for reference regarding these pages:

DETAINEES 3027-3030

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(b)(7)(F)

(k)(4)

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_____ Pages were not considered for release as they are duplicative of _____

_____ Page(s) withheld for the following reason(s): _____

- The following number is to be used for reference regarding these pages:

DETAINEES 3031 - 3035

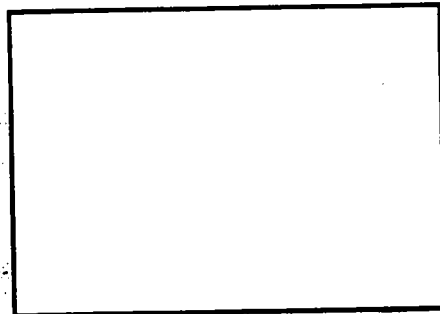
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b6 -1,2

b7C -1,2



ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11-06-2004 BY 61579DMH/ECS/ads Cs-DU-4151

DETAINEES-3036

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Section 552

Section 552a

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(b)(7)(C)

(k)(1)

(b)(7)(D)

(k)(2)

(b)(7)(E)

(k)(3)

(b)(7)(F)

(k)(4)

(b)(4)

(b)(8)

(k)(5)

(b)(5)

(b)(9)

(k)(6)

(b)(6)

(k)(7)

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_____ Pages were not considered for release as they are duplicative of _____

_____ Page(s) withheld for the following reason(s): _____

- The following number is to be used for reference regarding these pages:

DETAINees 3037-3041

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FOIPA
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Section 552

Section 552a

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(b)(7)(C)

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(b)(7)(E)

(k)(3)

(b)(7)(F)

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(b)(8)

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(b)(5)

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(k)(6)

(b)(6)

(k)(7)

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_____ Pages were not considered for release as they are duplicative of _____

_____ Page(s) withheld for the following reason(s): _____

- The following number is to be used for reference regarding these pages:

DETAINEES 3042 - 3046

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FOIPA
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Section 552a

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(b)(7)(B)

(j)(2)

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(b)(7)(C)

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4 Pages were not considered for release as they are duplicative of DETAINEES 3027-3030

Page(s) withheld for the following reason(s): _____

- The following number is to be used for reference regarding these pages:

DETAINEES 3047-3050

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X Deleted Page(s) X
X No Duplication Fee X
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b6 -1,4
b7C -1,4

From: [Redacted]
To: [Redacted]
Subject: Interrogation Plan [Redacted]

b6 -1,4
b7C -1,4

[Redacted] b6 -1
[Redacted] b7C -1

[Redacted]

(S)

b1
b5 -1
b6 -1,4
b7C -1,4

[Redacted]

b5 -1

[Redacted]

b1
b5 -1

(S)

[Redacted]

b5 -1

[Redacted]

b1
b5 -1

(S)

I know that you may have news for us following your 1600 meet. Please review the documents attached

[Redacted]

b5 -1

b5 -1
b6 -1
b7C -1

[Redacted]

[Redacted]

(S)

b1
b5 -1

Thanks,
The GTMO Guys

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 11-03-2004
CLASSIFIED BY: 61579DMH/BCE/edc 04-CV-4151
REASON: 1.4 (C)
DECLASSIFY ON: 11-03-2029

DETAINEES-3051

~~SECRET~~

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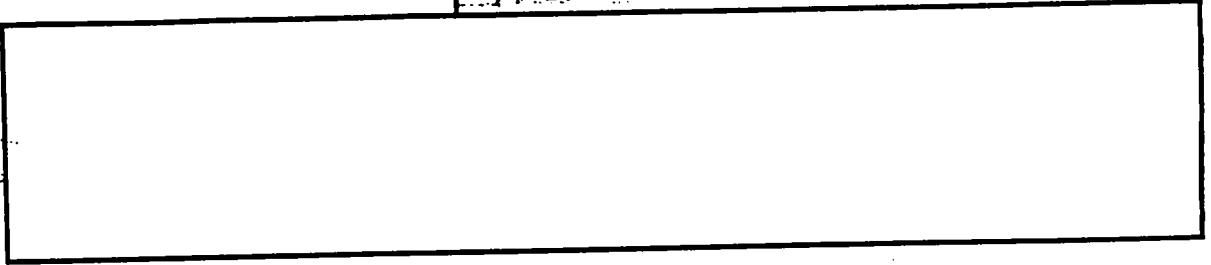
b6 -4

b7C -4

b7D -1

b7E -1

b1



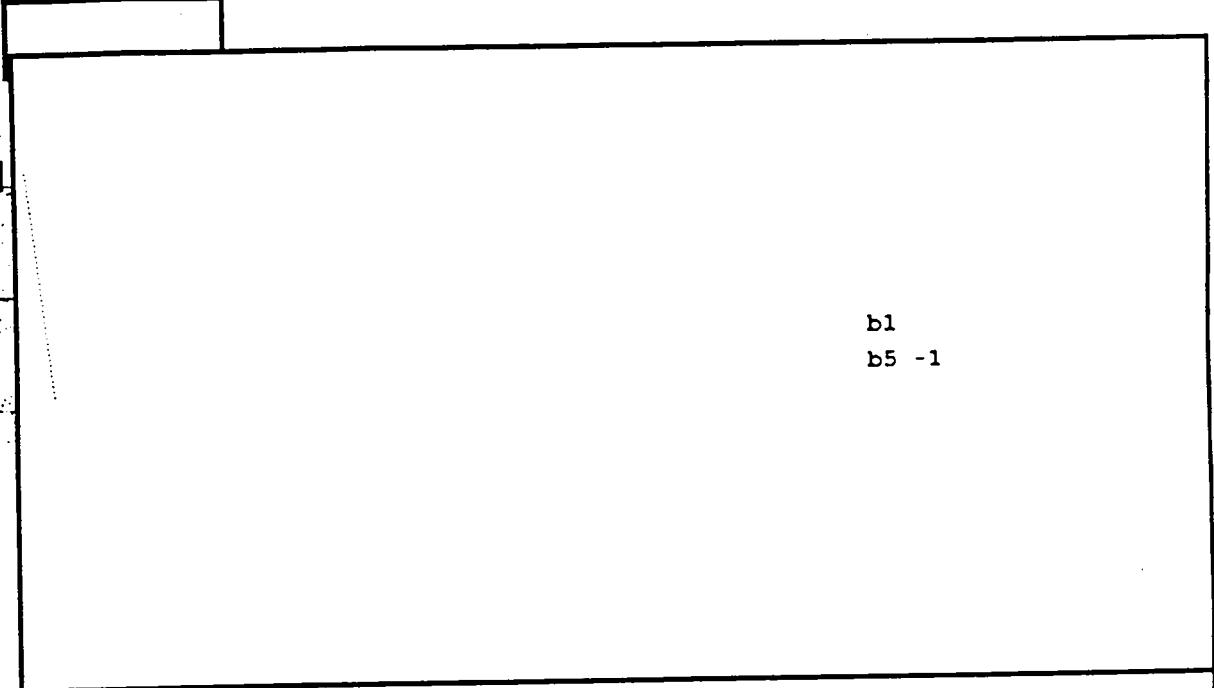
b1

b5 -1

DETAINEES-3052

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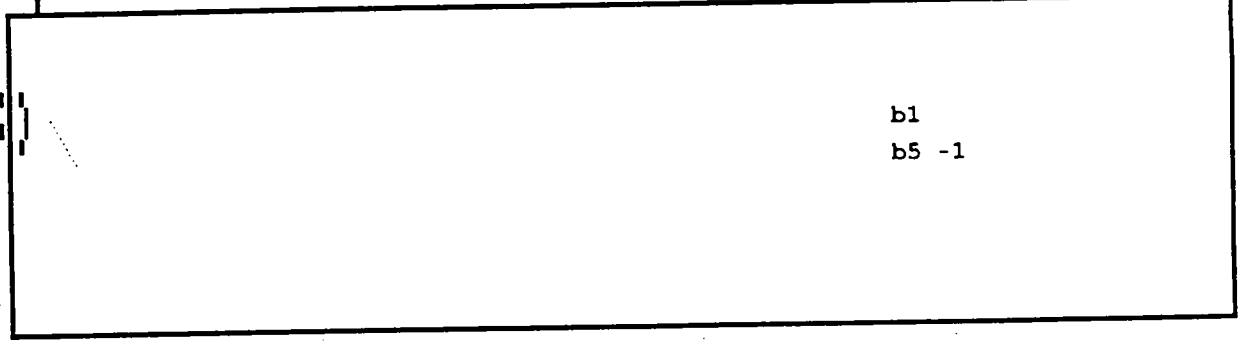
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(S)

b6 -4
b7C -4
b7D -1
b7E -1
b1

b1
b5 -1



(S)

b1
b5 -1

DETAINEES-3053

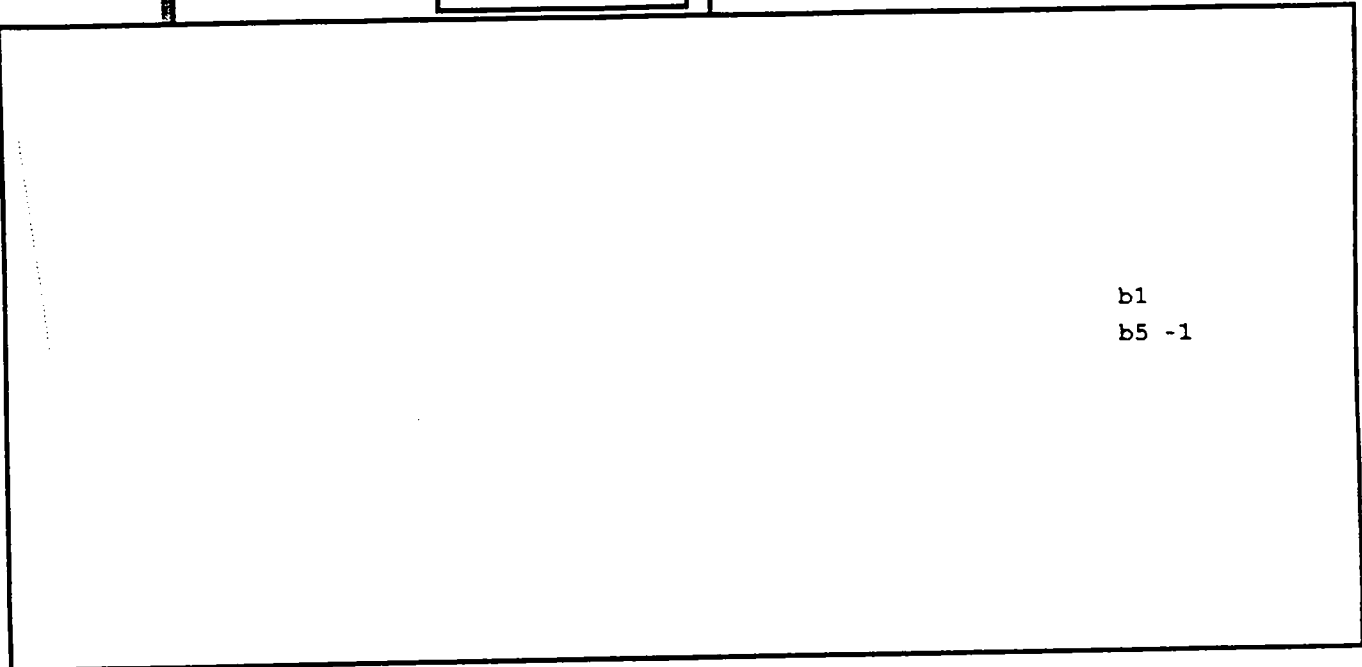
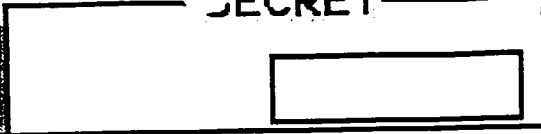
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b6 -2,4

b7C -2,4

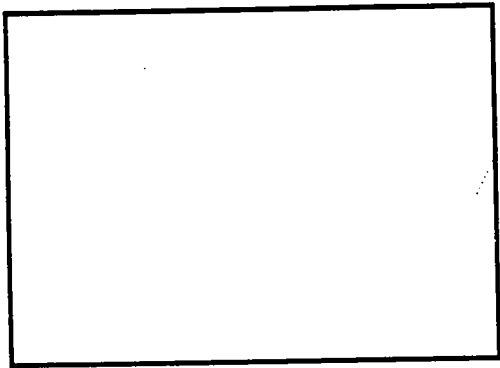
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b1
b5 -1

(S)



(S)

b1
b5 -1

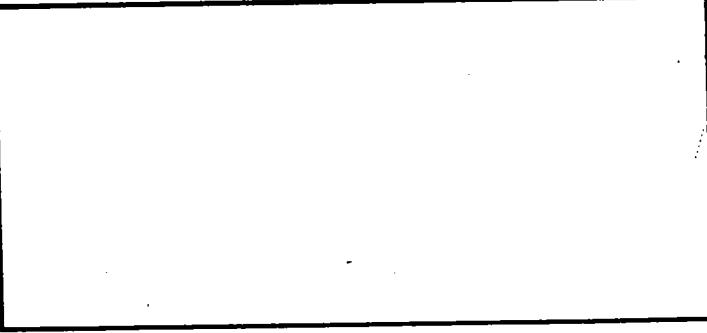
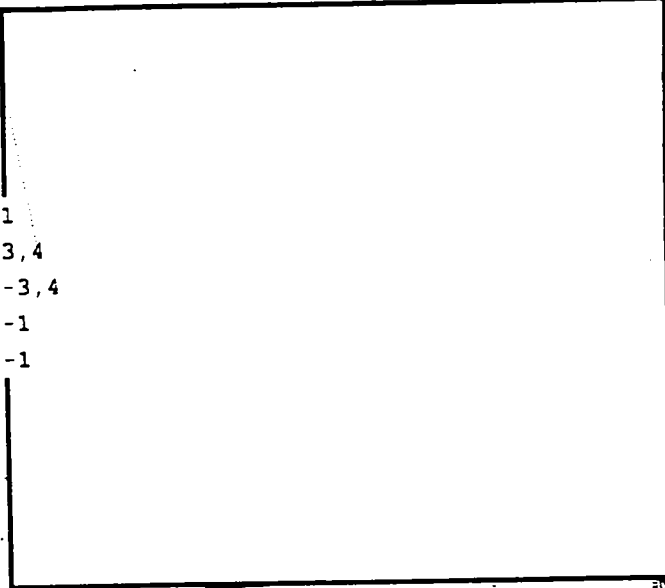
~~SECRET~~

DETAINÉES-3054

SECRET

(S)

b1
b5 -1
b6 -3,4
b7C -3,4
b7D -1
b7E -1



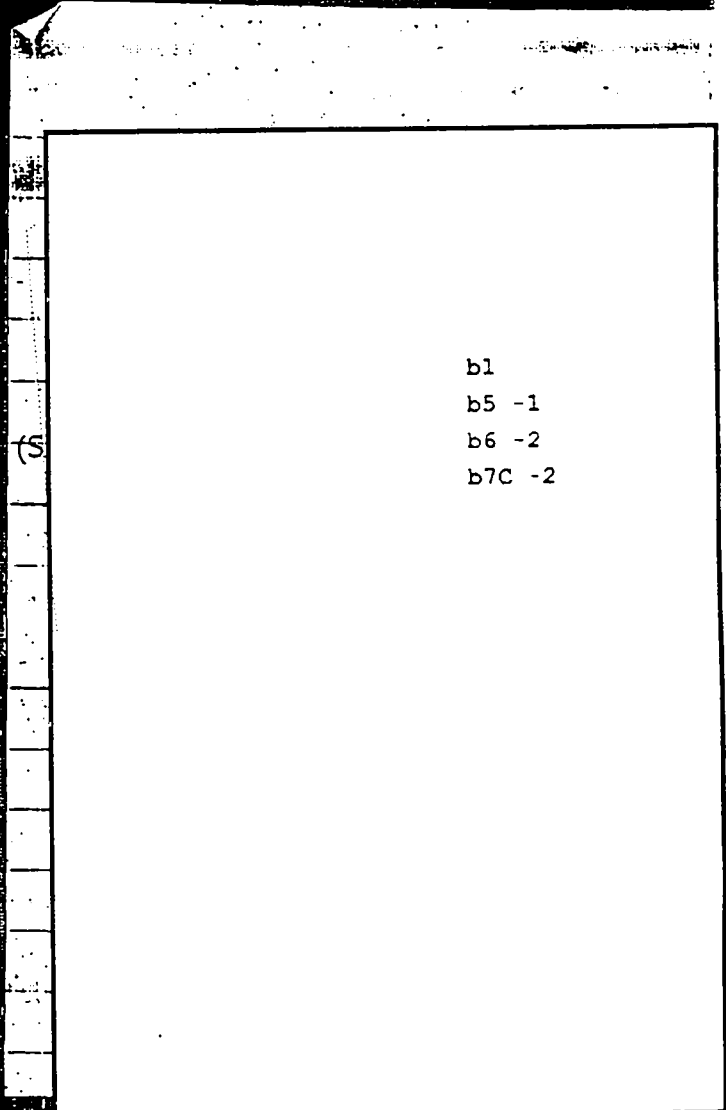
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b1
b5 -1

DETAINEES-3055

SECRET

SECRET



b1
b5 -1
b6 -2
b7C -2

SECRET

DETAINEES-3056

DOJFBI-001635

b1

b6 -4

b7C -4

b5 -1

b6 -4

b7C -4

b1

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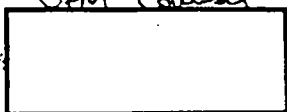
1/17/02

2:30 pm

b .2

b -1,2

GEN Counsel

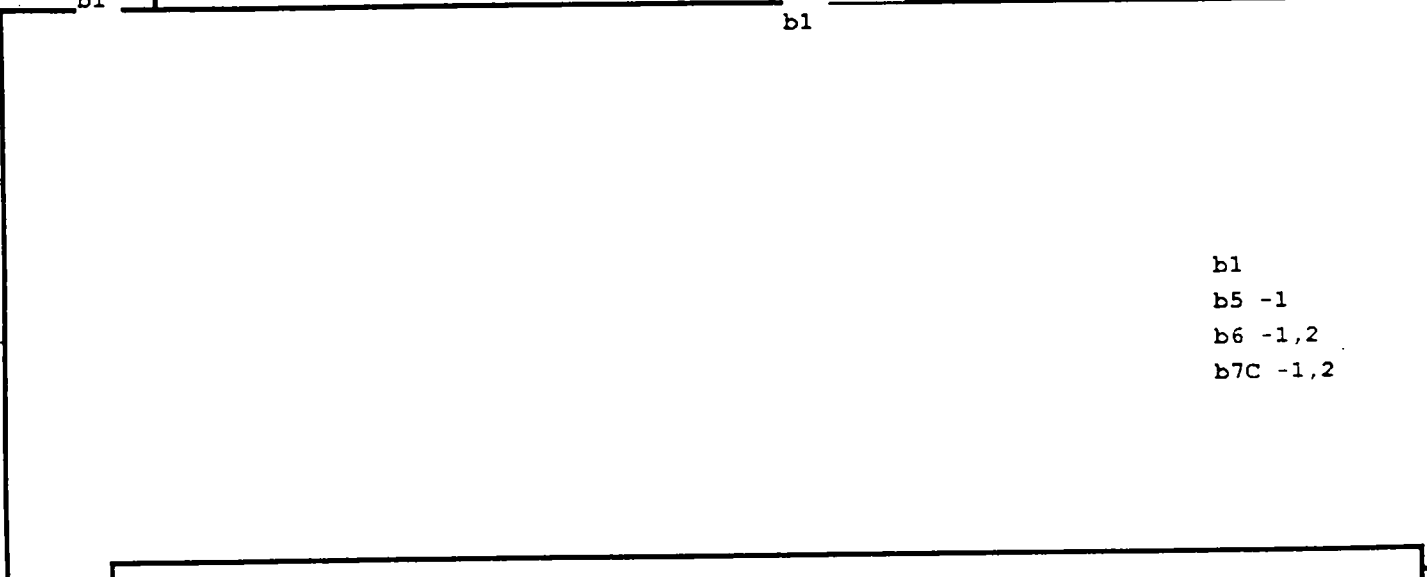


b6 -1,2

b7C -1,2

b1

(S)



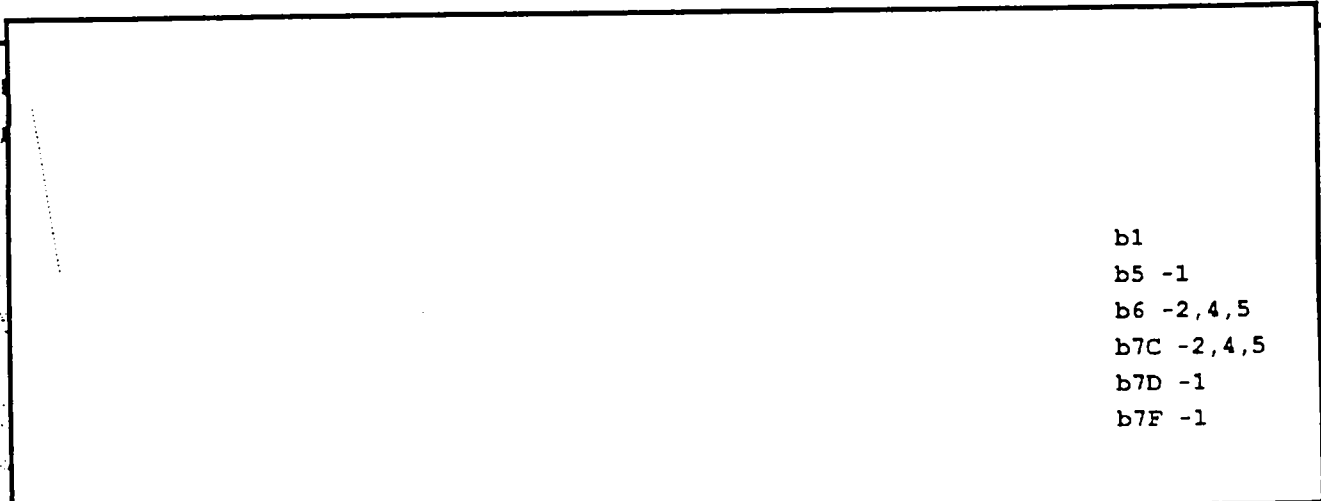
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b6 -1,2

b7C -1,2

(S)



b1

b5 -1

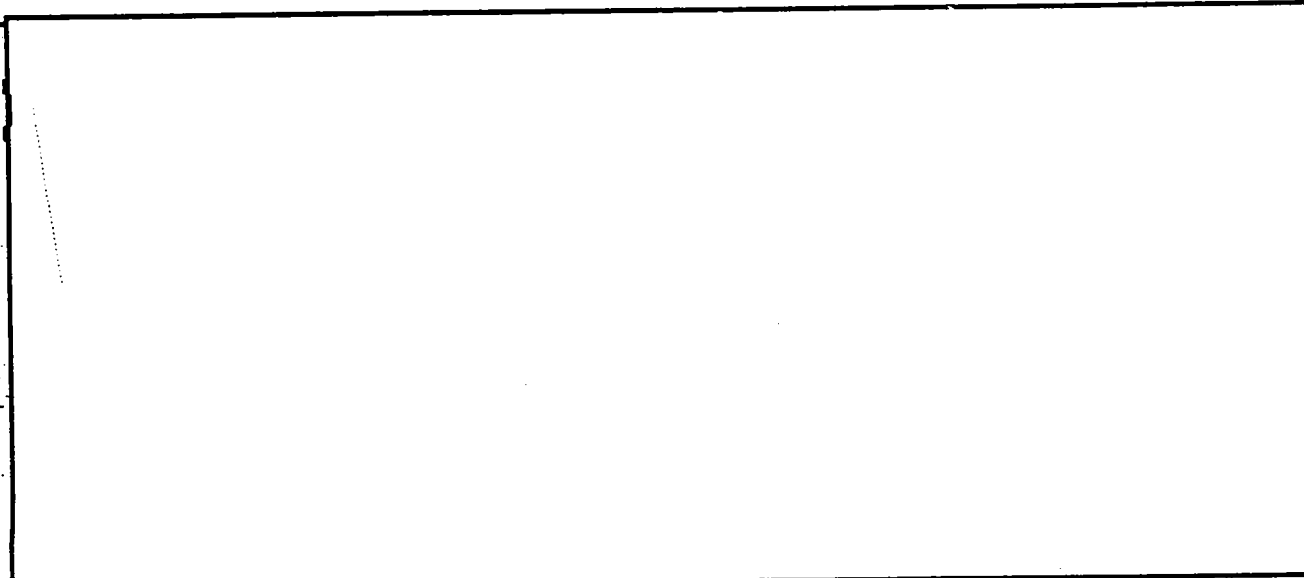
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b7C -2,4,5

b7D -1

b7F -1

(S)



b1

b5 -1

SECRET

DETAINEES-3057

DOJFBI-001636

[Redacted]

b5 -1
b6 -2,4
b7C -2,4
b7D -1

[Redacted]

(S) b1
b5 -1
b6 -4
b7C -4

[Redacted]

(S) b1
b5 -1
b6 -2
b7C -2

[Redacted]

b5 -1
b6 -4,5
b7C -4,5
b7D -1
b7F -1
b1

(S)

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b2 -1,2

mtg + Conf. call 1/19/02 4:30 pm

mtg 1/20 8:00 pm

(S)

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(S)

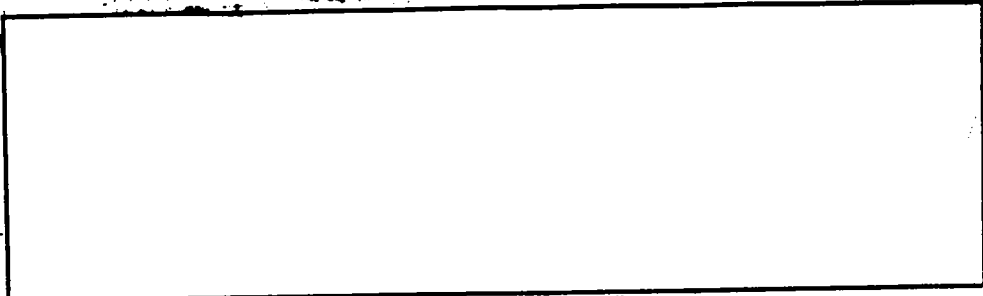
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(S)

b1
b5 -1

DETAINEES-3059

DOJFBI-001638

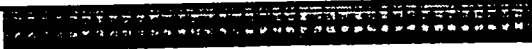


(S)

b1
b5 -1



b5 -1
b6 -3,4
b7C -3,4
b7D -1
b7E -1
b1



(S)

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11/21/02

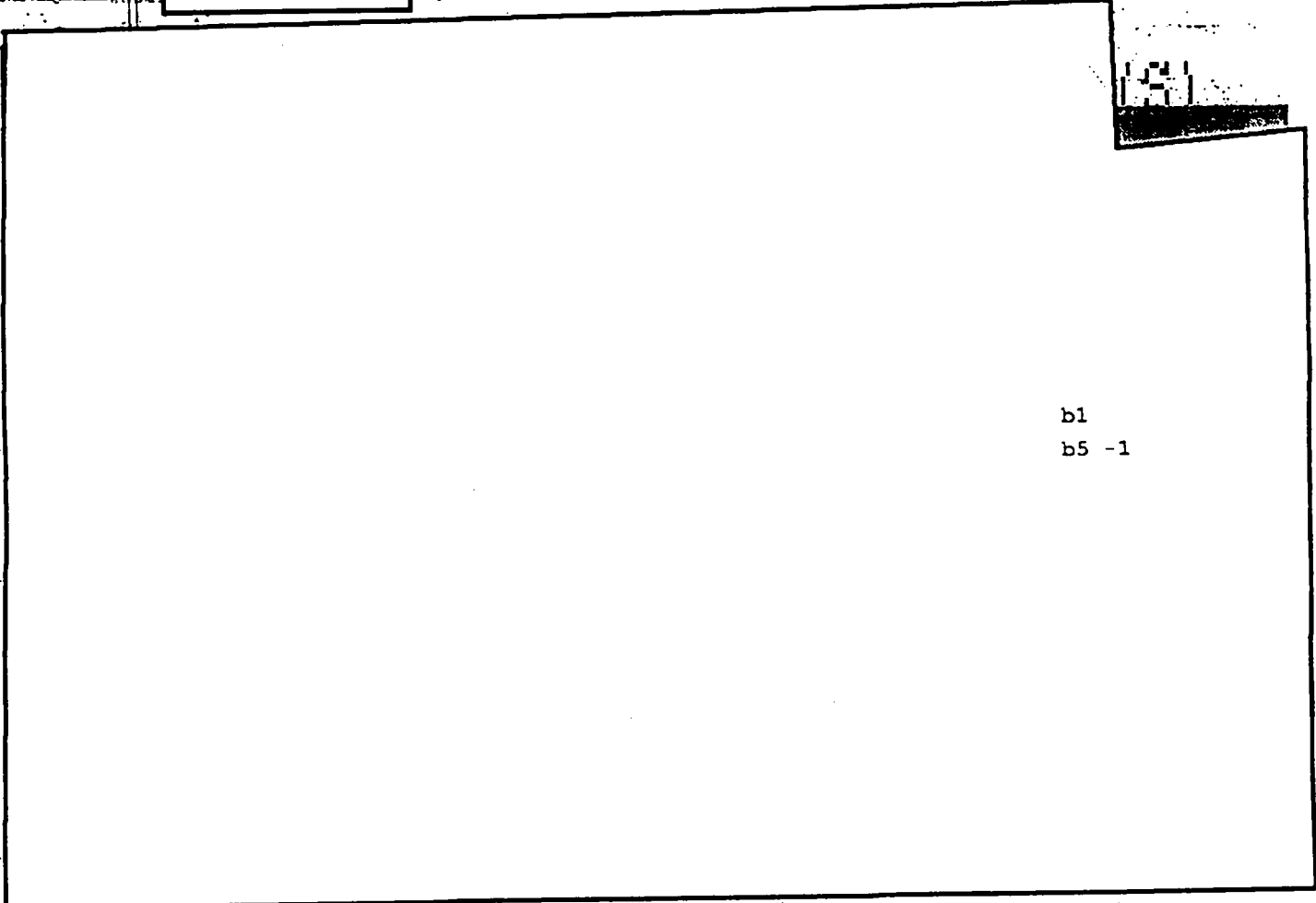
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b6 -1

b7C -1



Gen'l Counsel



b1

b5 -1

DETAINEES-3061

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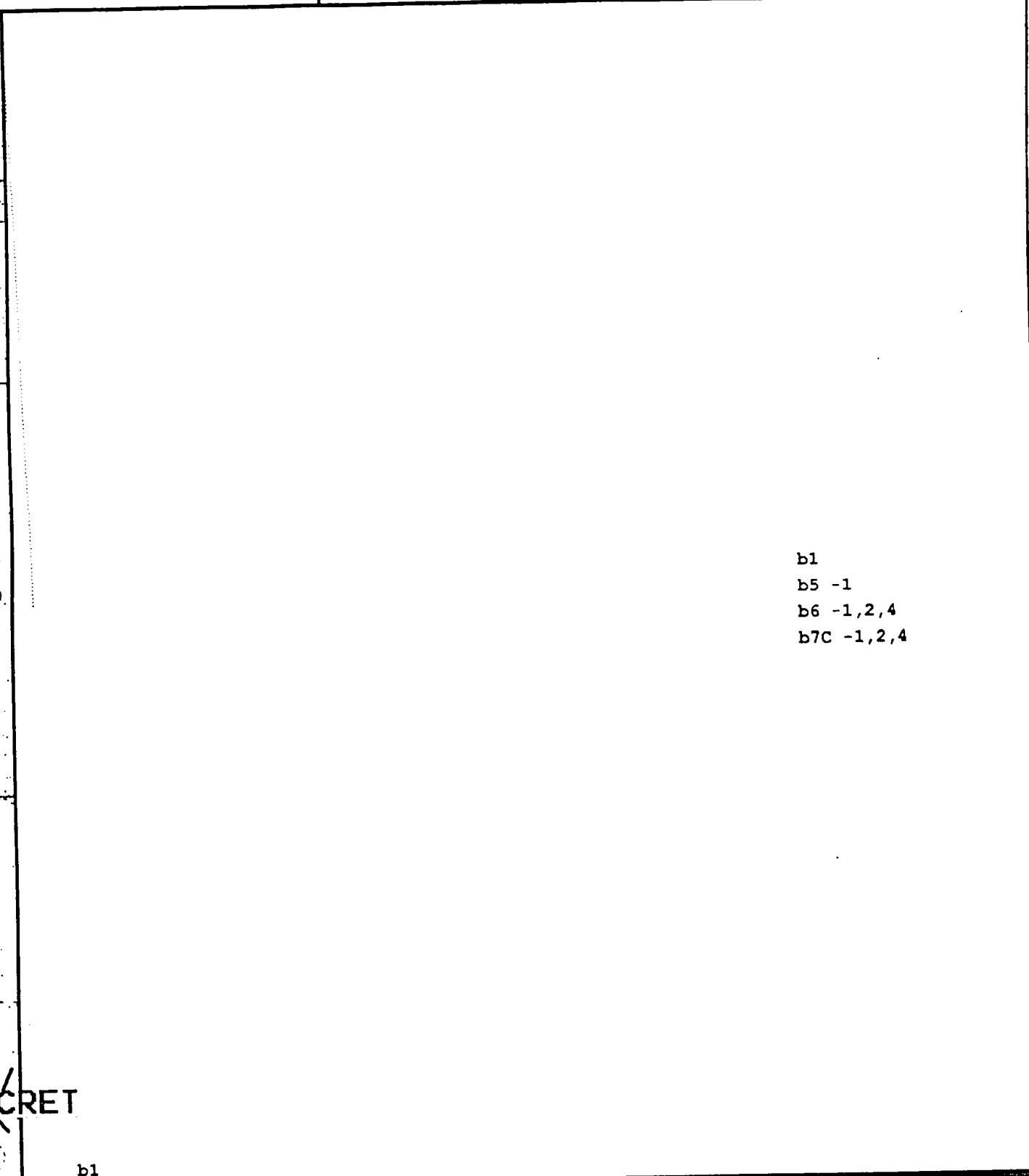
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b6 -1
b7C -1

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12/3

10:30 Am



b1
b5 -1
b6 -1,2,4
b7C -1,2,4

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b1
b5 -1
b6 -2
b7C -2

(s)

DETAINees - 3062

10/05

Pentagon: [redacted] Genl Counsel DOD

b6 -2

b7C -2

b1

b6 -2

b7C -2

DOJ: [redacted]

South: [redacted]

b1

b5 -1

(1)

[redacted]

b5 -1

b6 -2

b7C -2

b1

(2)

b1

b5 -1

(S)

[redacted]

(S)

b1

b5 -1

b6 -3,4

b7C -3,4

b7D -1

b7F -1

[redacted]

[redacted]

b1

b5 -1

(S)

SECRET

b1
b5 -1
b6 -1,2,3,4
b7C -1,2,3,4
b7D -1
b7F -1

(S)



b1
b5 -1
b6 -2
b7C -2

(S)



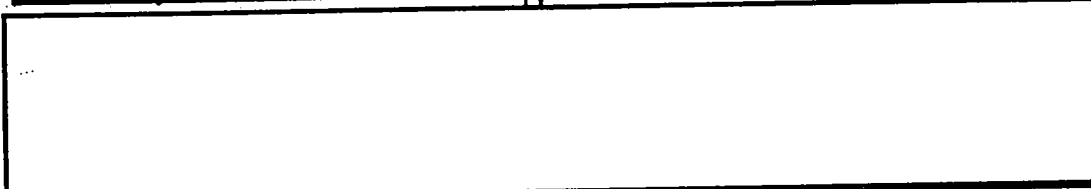
(S)



b1
b5 -1
b6 -2
b7C -2

b1
b5 -1
b6 -2
b7C -2

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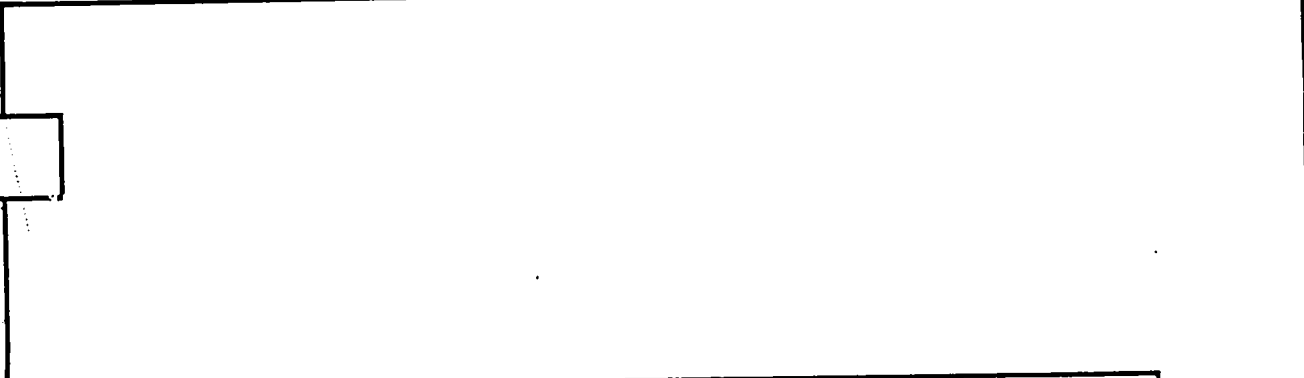
b1
b5 -1
b6 -2
b7B -2



(S)



b1
b5 -1
b6 -4
b7C -4



SECRET

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(S)

b1
b5 -1
b6 -2
b7C -2

[Redacted]

(S)

(S)

b1
b5 -1

[Redacted]

b1
b5 -1

(S)

[Redacted]

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b1
b5 -1

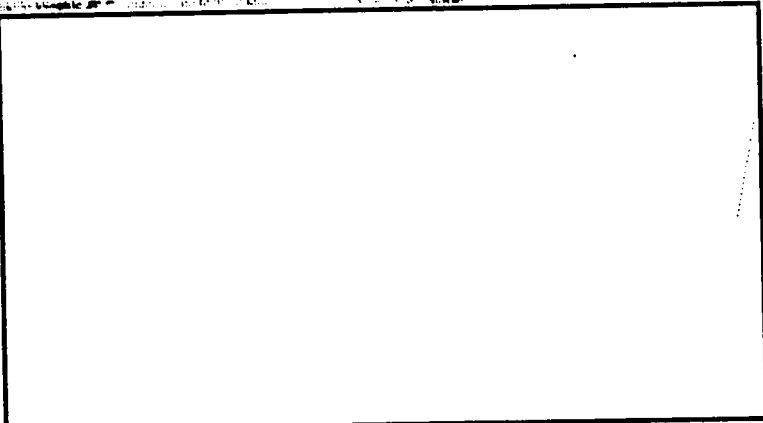
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b1
b5 -1

DETAINEES-3065

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(S)

b1
b5 -1

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DETAINEES-3066

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(S)

b1
b5 -1
b6 -4
b7C -4
b7D -1
b7F -1

~~SECRET~~

DETAINEES-3067

DOJFBI-001646

~~SECRET~~

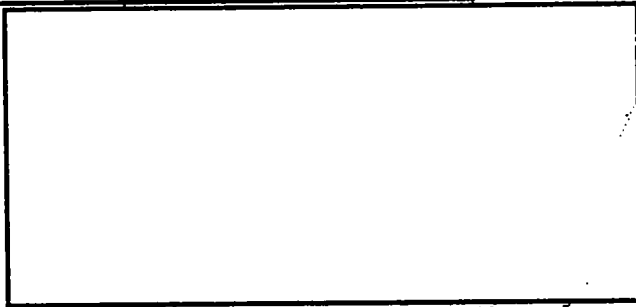
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b5 -1



b1

b5 -1



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DETAINEE 3068

DETAINEE-3068

DOJFBI-001647

SECRET

b1
b5 -1

(S)

(S)

b1
b5 -1
b6 -2,4
b7C -2,4
b7D -1
b7F -1

~~SECRET~~ DETAINEES-3069

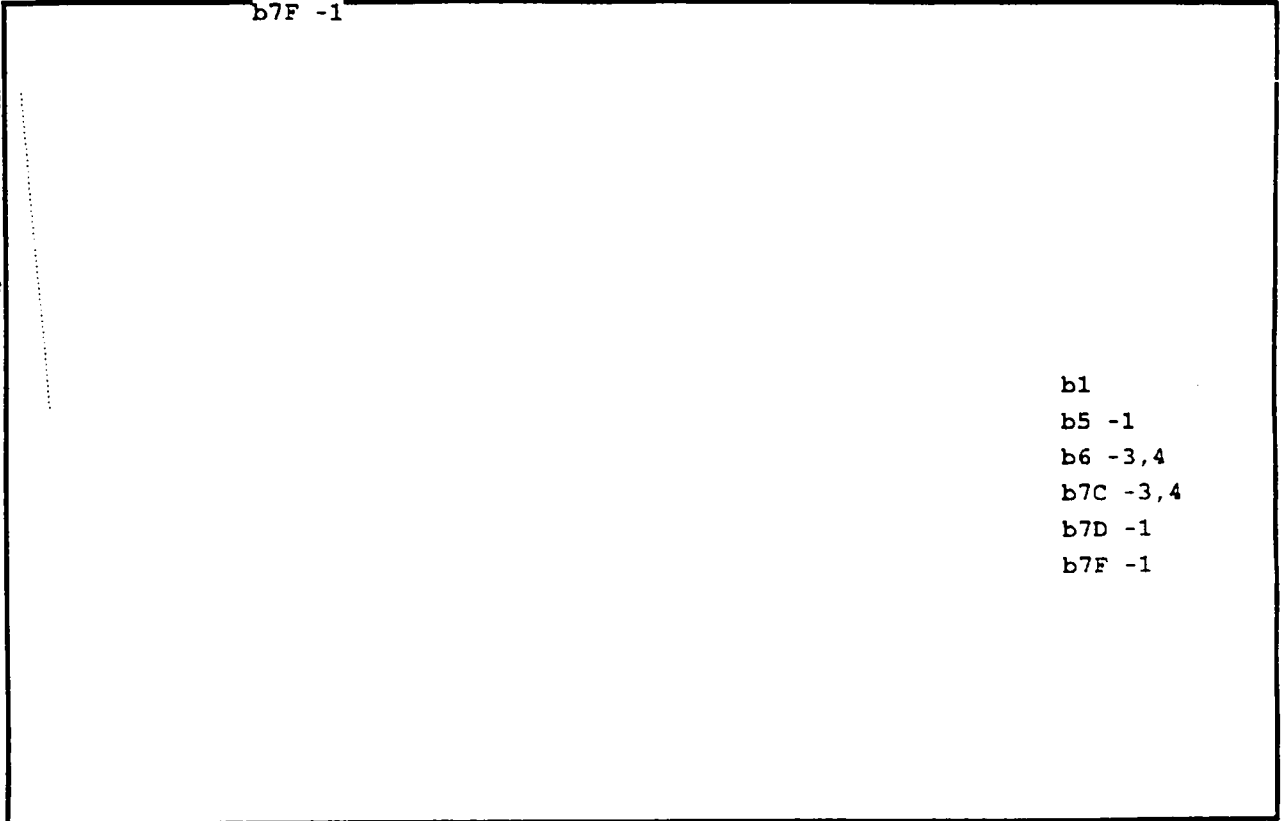
DOJFBI-001648

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b1
-1
-4
b7C -4
b7D -1
b7F -1

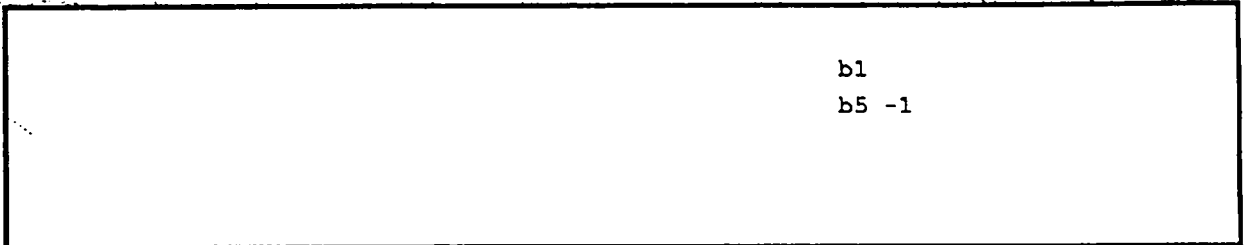
b5 -1
b6 -4
b7C -4 (S)

(S)



b1
b5 -1
b6 -3,4
b7C -3,4
b7D -1
b7F -1

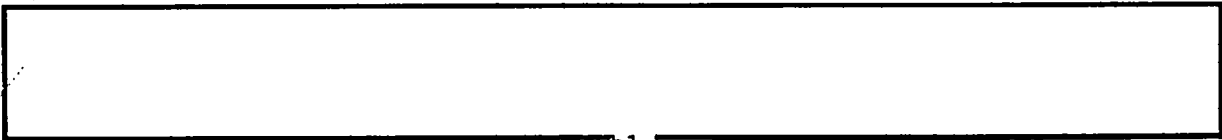
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b1
b5 -1

b1
b5 -1

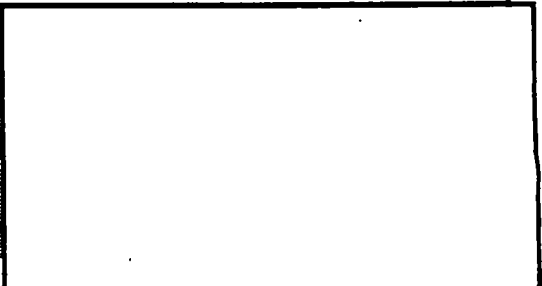
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b5 -1



b1
b5 -1



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DETAINEES-3070

DOJFBI-001649

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Section 552

Section 552a

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| <input type="checkbox"/> (b)(1) | <input type="checkbox"/> (b)(7)(A) | <input type="checkbox"/> (d)(5) |
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| _____ | <input type="checkbox"/> (b)(7)(D) | <input type="checkbox"/> (k)(2) |
| _____ | <input type="checkbox"/> (b)(7)(E) | <input type="checkbox"/> (k)(3) |
| _____ | <input type="checkbox"/> (b)(7)(F) | <input type="checkbox"/> (k)(4) |
| <input type="checkbox"/> (b)(4) | <input type="checkbox"/> (b)(8) | <input type="checkbox"/> (k)(5) |
| <input type="checkbox"/> (b)(5) | <input type="checkbox"/> (b)(9) | <input type="checkbox"/> (k)(6) |
| <input type="checkbox"/> (b)(6) | | <input type="checkbox"/> (k)(7) |

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1 Pages were not considered for release as they are duplicative of DETAINEES 3070

Page(s) withheld for the following reason(s): _____

- The following number is to be used for reference regarding these pages:

DETAINEES 3071

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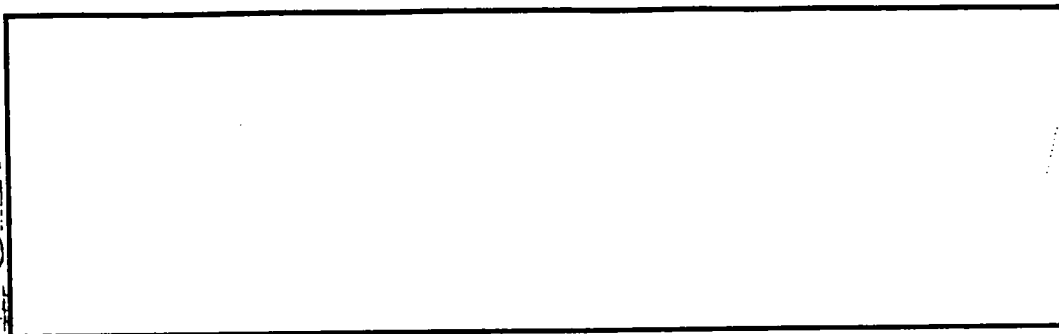
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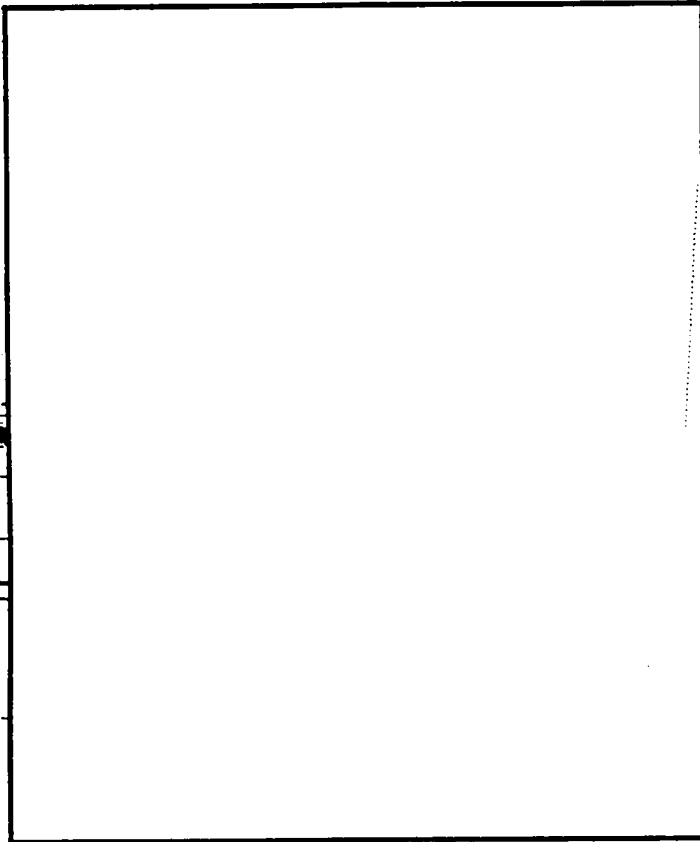
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b5 -1

DETAINÉES-3072

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b5 -1

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DETAINEES-3073

DOJFBI-001652

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b5 -1
b6 -4
b7C -4

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b1
b5 -1

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b1
b5 -1

DETAINÉES-3074

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b5 -1

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DETAINEES-3075

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Islamic Culture

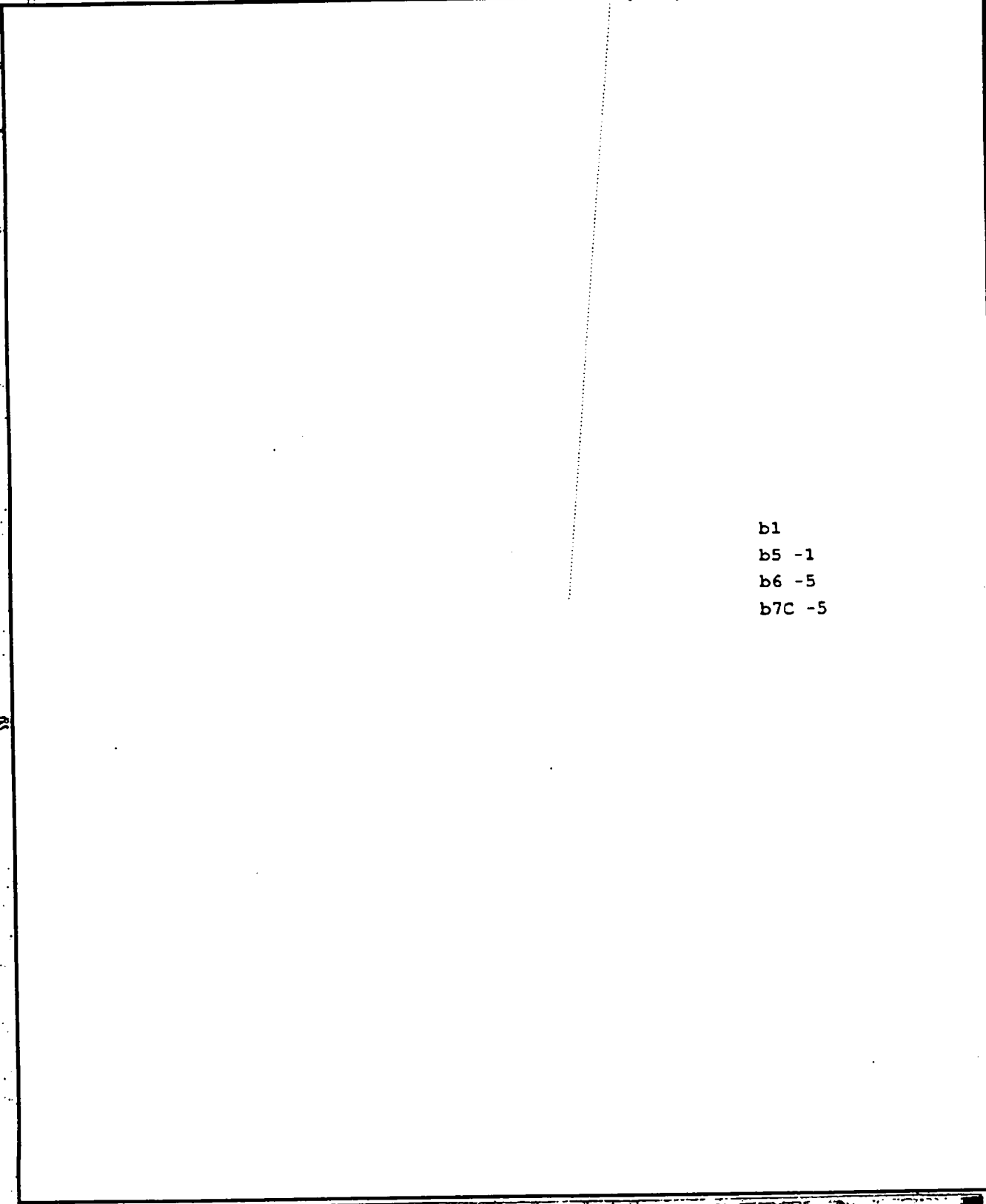
(1)



b6 -2

b7C -2

(S)



b1

b5 -1

b6 -5

b7C -5

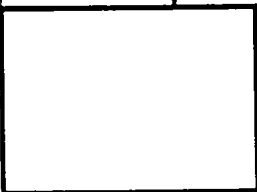
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DETAINEES-3076

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b5 -1
b6 -5
b7C -5



DETAINEES-3077

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b5 -1

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b1
b5 -1

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b5 -1

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b1
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b5 -1

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[Redacted]

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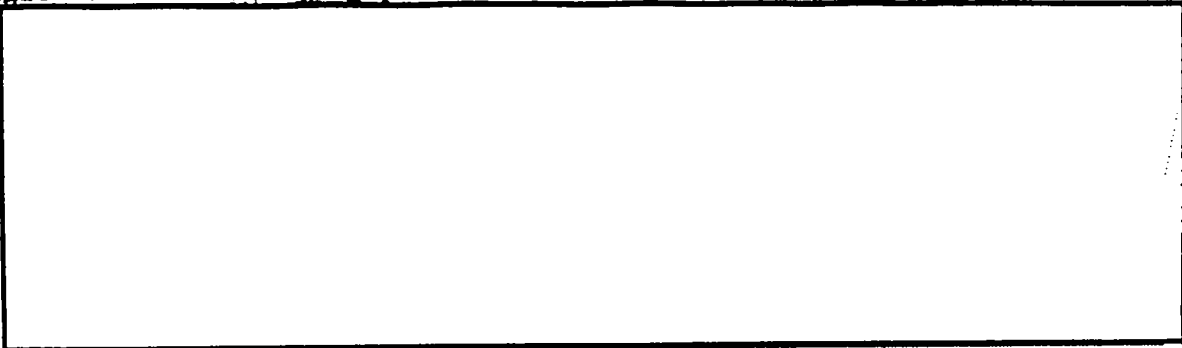
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DETAINEES-3078

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DETAINEES-3079

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b5 -1

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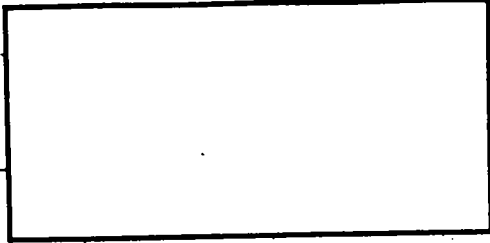
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b5 -1

DETAINÉES-3080

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General Miller



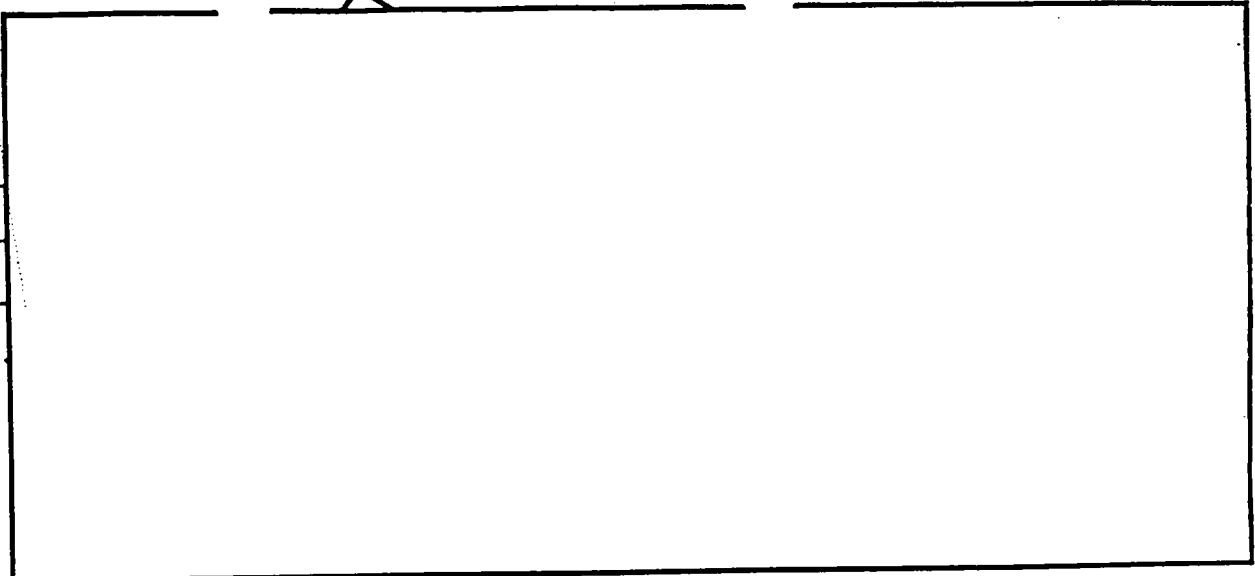
b6 -2
b7C -2

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DETAINEES-3081

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b1
b5 -1



IDENTIFY ALSO RECORDS KEPT OF WHO HAS BEEN MAINTAINED IN THE

b5 -1

b6 -4

b7C -4

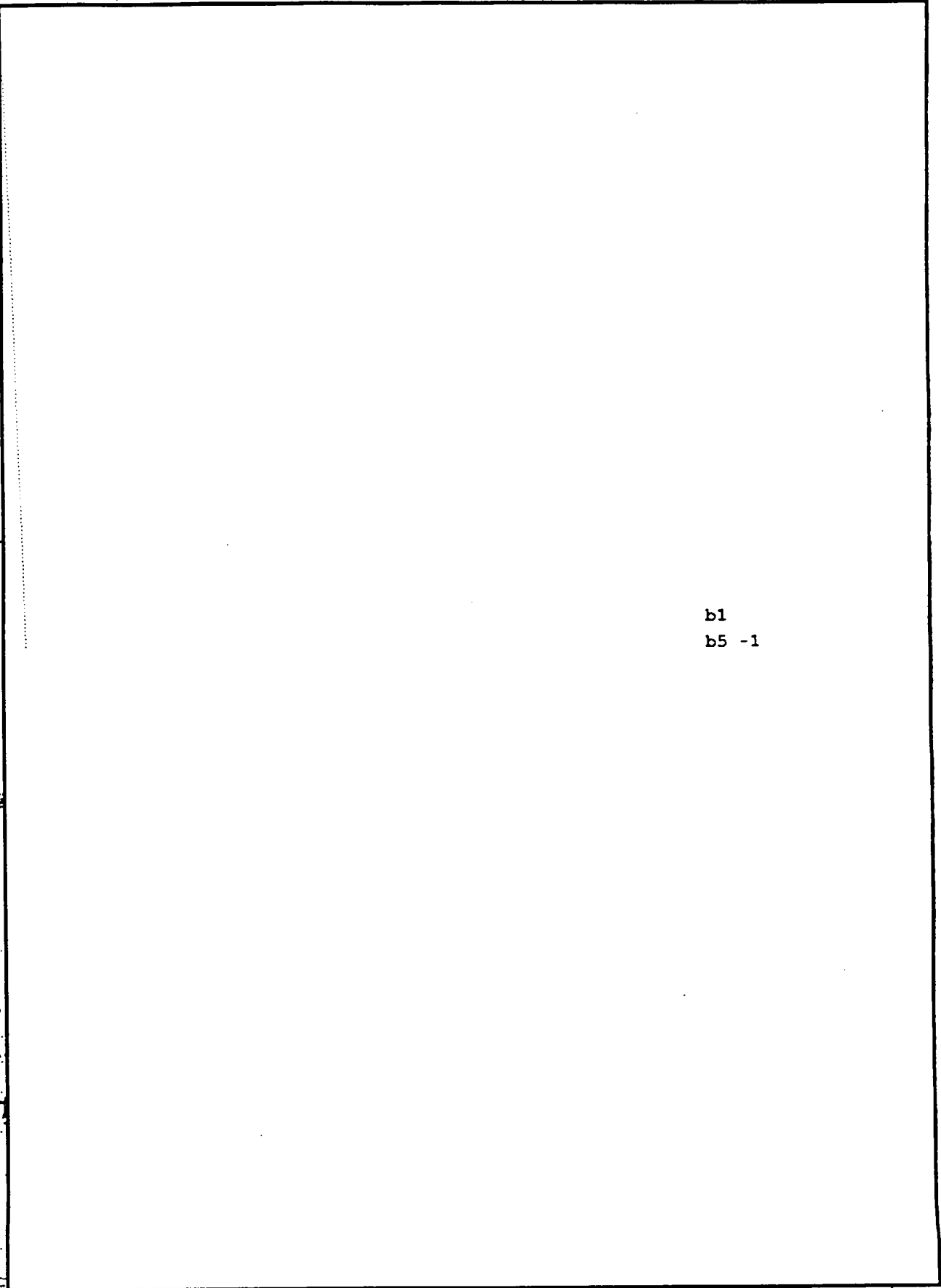
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b5 -1

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DETAINEES-3083

DOJFBI-001662

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b1
b5 -1

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DETAINÉES-3084

b5 -1

b6 -4

b7C -4

b1

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b1
b5 -1
b6 -5
b7C -5

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DETAINEES-3085

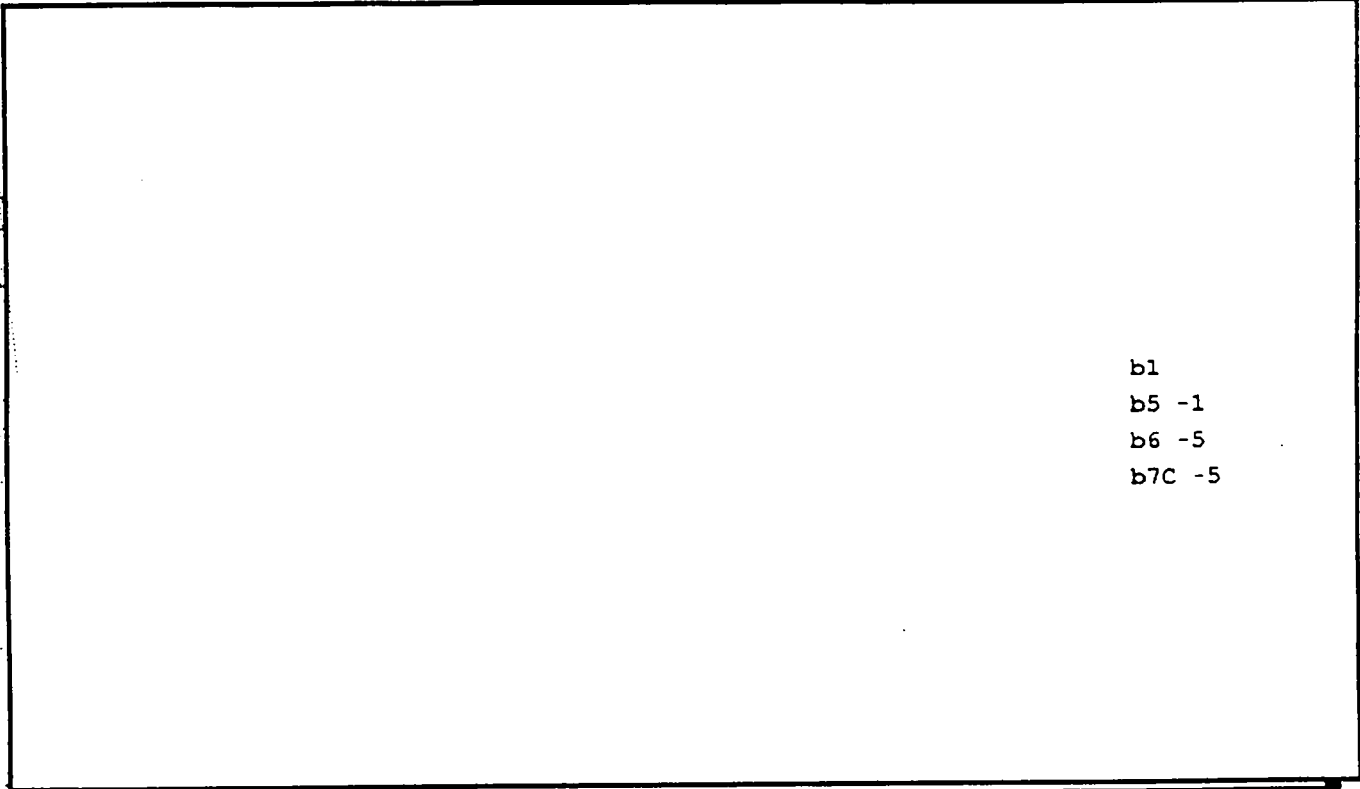
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b5 -1
b6 -5
b7C -5

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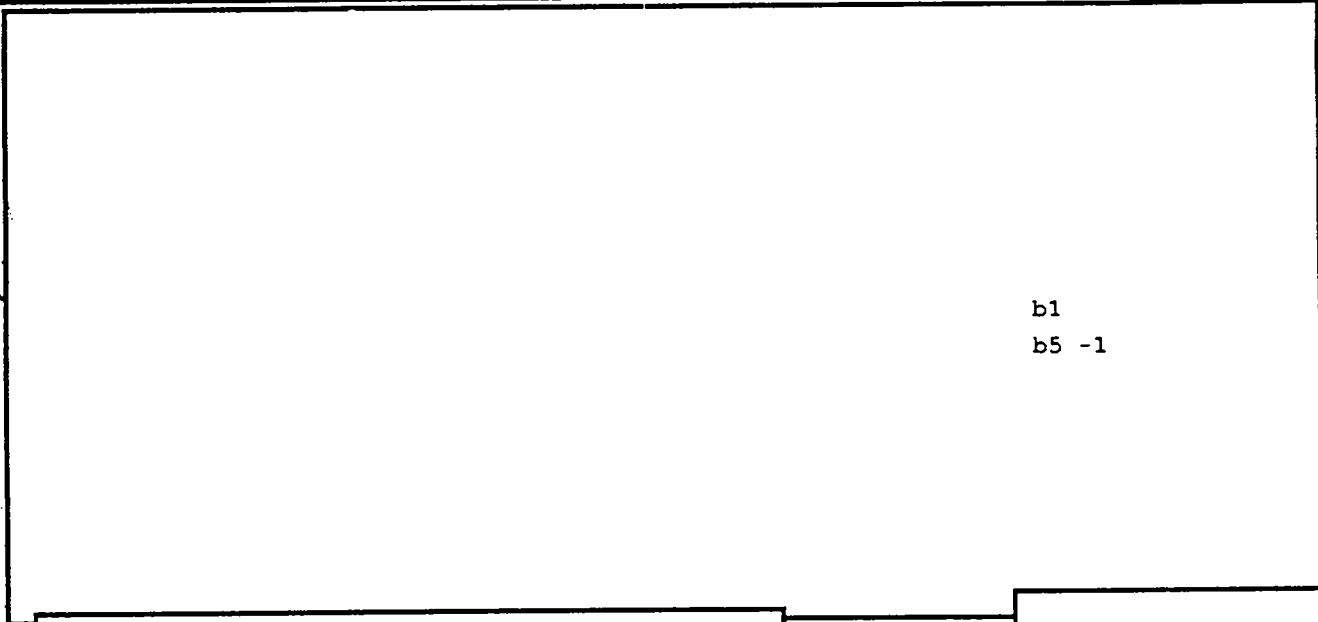
11/17

(S)



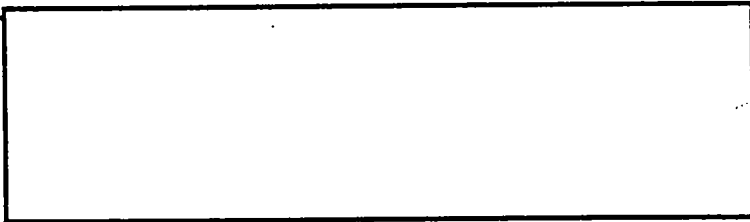
b1
b5 -1
b6 -5
b7C -5

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b1
b5 -1

b1
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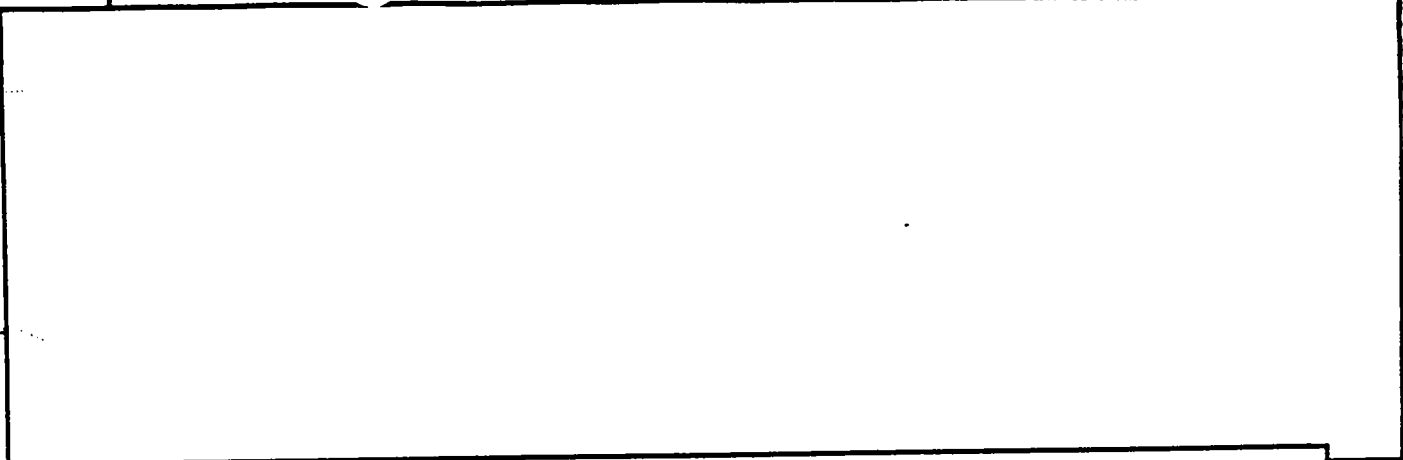


DETAINEES-3087

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b1
b5 -1
b6 -5
b7C -5



(S)

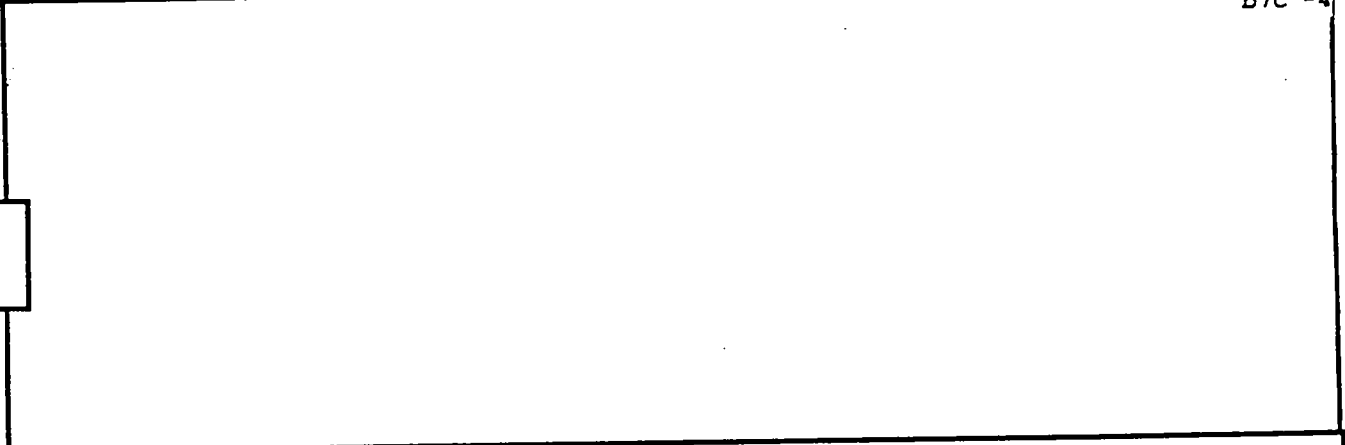
b1
b5 -1
b6 -4
b7C -4



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b1
b5 -1
b6 -5
b7C -5



(S)

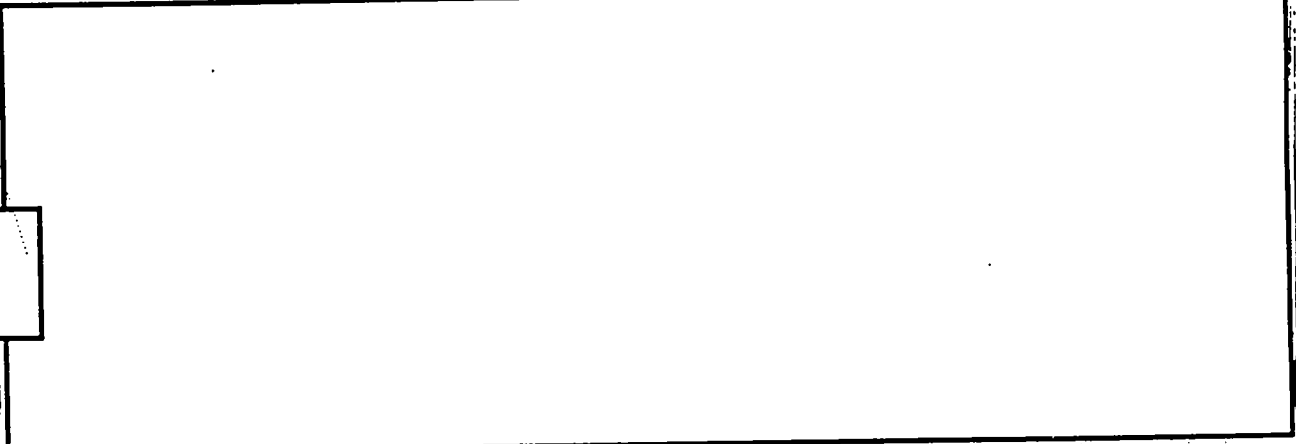
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b5 -1
b6 -5
b7C -5



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b1
b5 -1

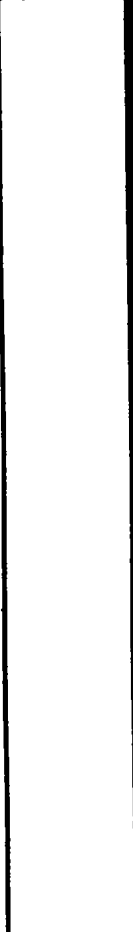


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DETAINEES-3088

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b5 -1

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DETAINEES-3090

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b6 -5
b7C -5

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DETAINÉES-3091

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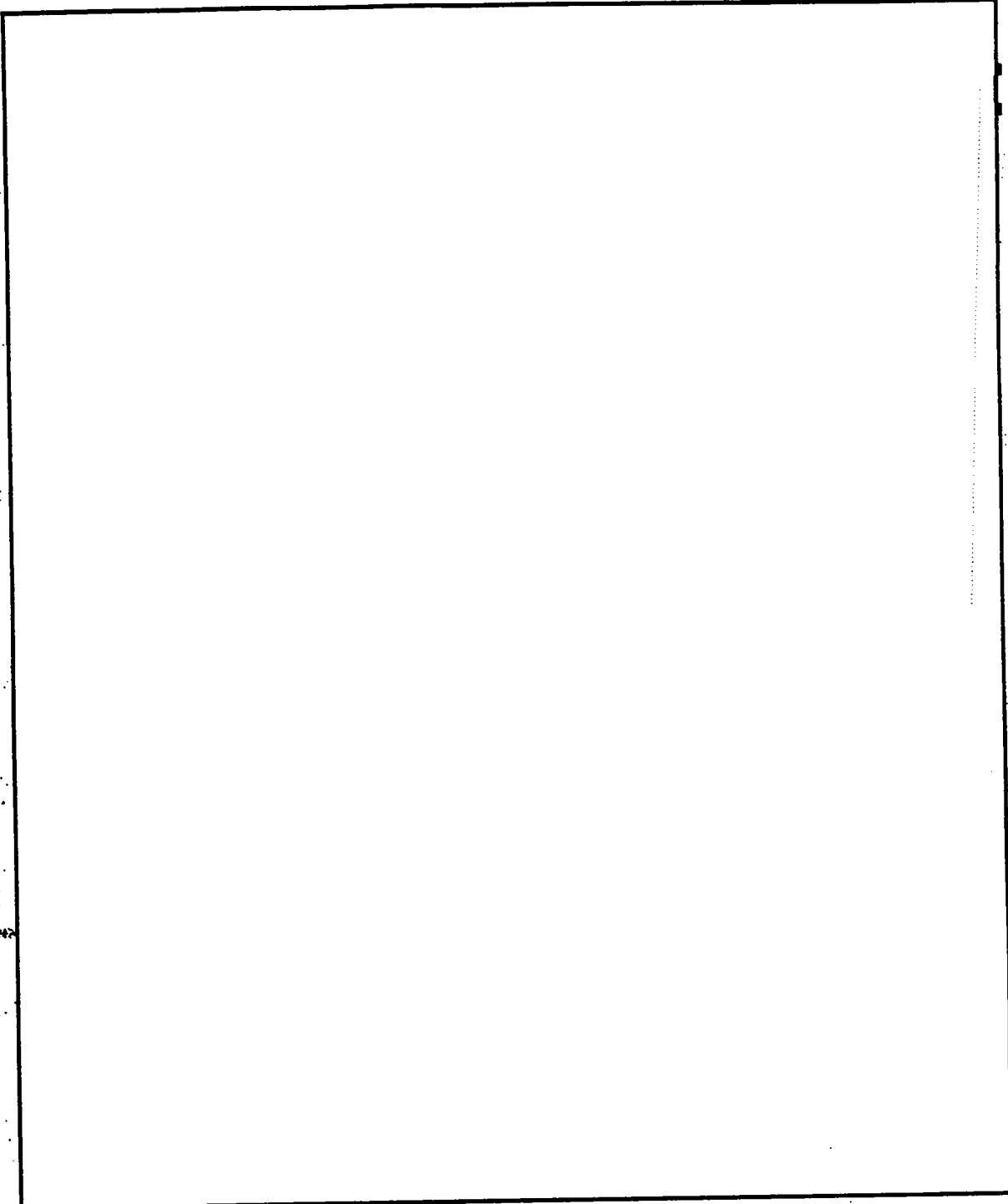
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b7E -1

DETAINEES-3092

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b7E -1

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DETAINEES-3093

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Section 552

Section 552a

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| <input type="checkbox"/> (b)(1) | <input type="checkbox"/> (b)(7)(A) | <input type="checkbox"/> (d)(5) |
| <input type="checkbox"/> (b)(2) | <input type="checkbox"/> (b)(7)(B) | <input type="checkbox"/> (j)(2) |
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| _____ | <input type="checkbox"/> (b)(7)(F) | <input type="checkbox"/> (k)(4) |
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| <input type="checkbox"/> (b)(6) | | <input type="checkbox"/> (k)(7) |

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5 Pages were not considered for release as they are duplicative of DETAINEES 1319-1324

Page(s) withheld for the following reason(s): _____

- The following number is to be used for reference regarding these pages:

DETAINEES 3094-3098

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Section 552

Section 552a

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3 Pages were not considered for release as they are duplicative of DETAINEES 1325-1327

Page(s) withheld for the following reason(s): _____

- The following number is to be used for reference regarding these pages:

DETAINEES 3099-3101

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[Redacted] (IR) (FBI) b6 -1
b7C -1

To: Caproni, Valerie E. (OGC) (FBI)
Subject: RE: follow up

Hello again Valerie.

[Redacted] b5 -3
b6 -2,4
b7C -2,4

Thanks [Redacted] b6 -1
b7C -1

-----Original Message-----

From: Caproni, Valerie E. (OGC) (FBI)
Sent: Sunday, June 20, 2004 12:53 PM
To: [Redacted] (IR) (FBI) b6 -1
Subject: RE: follow up b7C -1

UNCLASSIFIED
NON-RECORD

(S)

[Redacted] b1
b5 -3
b6 -1,2
b7C -1,2

-----Original Message-----

From: [Redacted] (IR) (FBI) b6 -1
Sent: Thursday, June 17, 2004 12:09 PM b7C -1
To: Caproni, Valerie E. (OGC) (FBI)
Subject: RE: follow up

UNCLASSIFIED
NON-RECORD

Hello Valerie.

I am sorry but I have been out of the office and my access to email was not possible until today.

[Redacted] b5 -3
b6 -1,2
b7C -1,2

b2 -1
b6 -1
b7C -1

If you have any questions my office number is [Redacted] and if I don't respond in a timely manner please page me at [Redacted]

-----Original Message-----

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11-04-2004 BY 61579DMH/ecs/eds 04-cv-4551

6/29/2004

DETAINEES-3102

From: Caproni, Valerie E. (OGC) (FBI)
Sent: Thursday, June 10, 2004 10:29 AM
To: [REDACTED] (IR) (FBI) b6 -1
Subject: follow up b7C -1

UNCLASSIFIED
NON-RECORD

[REDACTED]

b5 -3
b6 -1,2
b7C -1,2

Valerie

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11-03-2004 BY 61578DMH/ECB/ads G4-CV-4151

DETAINEES-3103

6/29/2004

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Section 552a

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(b)(9)

(k)(6)

(b)(6)

(k)(7)

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1 Pages were not considered for release as they are duplicative of DETAINEES 3102

Page(s) withheld for the following reason(s): _____

- The following number is to be used for reference regarding these pages:

DETAINEES 3104

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Section 552

Section 552a

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(b)(7)(C)

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2 Pages were not considered for release as they are duplicative of DETAINEES 3102-3103

Page(s) withheld for the following reason(s): _____

- The following number is to be used for reference regarding these pages:

DETAINEES 3105-3106

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Section 552a

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2 Pages were not considered for release as they are duplicative of DETAINEES 2693-2694

Page(s) withheld for the following reason(s): _____

- The following number is to be used for reference regarding these pages:

DETAINEES 3107-3108

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Section 552a

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6 Pages were not considered for release as they are duplicative of DETAINEES 1328-1333

Page(s) withheld for the following reason(s): _____

- The following number is to be used for reference regarding these pages:

DETAINEES 3109-3114

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Section 552

Section 552a

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2 Pages were not considered for release as they are duplicative of DETAINees 3000-3001

Page(s) withheld for the following reason(s): _____

- The following number is to be used for reference regarding these pages:

DETAINees 3115-3116

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FEDERAL BUREAU OF INVESTIGATION

Date of transcription 11/25/2002

On 11/25/2002 [redacted] b6 -2,3,4
 [redacted] b7C -2,3,4
 [redacted] was interviewed at Camp b7D -1
 Delta, Guantanamo Bay, Cuba. The interview was conducted by b7F -1
 FBI Task Force Officer Det. [redacted] was
 [redacted] The results of the
 interview are as follows:

[redacted] was asked if any changes had occurred in
 the detainee camp over the weekend. He said that he was b6 -3,4
 given a paper by the guards indicating that there would be b7C -3,4
 four basic classes of detainees with regard to b7D -1
 privilege/discipline issues. An isolation unit would be b7F -1
 utilized for serious violators of camp regulations. All
 rewards and punishment are to be based on camp behavior and
 cooperation with investigators. Rewards that may be given to
 detainees include cold water and the ability to store food
 in their cells. [redacted] sees these new rules as a positive
 step in soliciting the cooperation of the detainees.

[redacted] said he experienced punishment at the b6 -3,4
 camp on one prior occasion about [redacted] months ago. He, along b7C -3,4
 with numerous other inmates, [redacted] b7D -1

[redacted] b7F -1
 He was placed in the isolation unit [redacted]
 [redacted] He now regrets his actions in the [redacted]
 incident and says that participating with the other
 detainees in the water [redacted] was a mistake.

[redacted] b6 -3,4
 [redacted] b7C -3,4
 [redacted] b7D -1
 [redacted] b7F -1

DATE: 11-04-2004
 CLASSIFIED BY: 61578PMH/BOE/480 C4-CV-4151
 REASON: 1.4 (C)
 DECLASSIFY ON: 11-04-2029

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED EXCEPT
 WHERE SHOWN OTHERWISE

Investigation on 11/25/2002 at Guantanamo Bay, Cuba

File # 265A-MM-C99102 b6 -2 Date dictated _____
 b7C -2

by Det. [redacted]

265A-MM-C99102

b6 -3,4

b7C -3,4

Continuation of FD-302 of

[Redacted]

b7D -1

, On 11/25/2002 , Page 2

b7F -1

b6 -3,4,5

b7C -3,4,5

b7D -1

b7F -1

b1

[Redacted]

(S)

The interviewer probed [Redacted] on his guilt or innocence based on the facts of his detainment. It was mentioned that if [Redacted] was truly innocent, he should have no hesitation answering any questions posed by interviewers. If, on the other hand, [Redacted] was guilty of some crime, [Redacted] should admit his mistake(s) and move ahead with his life in the hopes of one day being released from custody. [Redacted] volunteered that he has not been overly enthusiastic about being interviewed during Ramadan. With 10 days of Ramadan left, [Redacted] [Redacted] promised that he would be willing to answer any questions that this interviewer poses to him, without an "R.T.N." response, after Ramadan ends. [Redacted] was told that no promises could be made to him at this time with regard to when he is called for his next interview.

b6 -3,4
b7C -3,4
b7D -1
b7F -1

[Redacted]

b6 -3,4,5

b7C -3,4,5

b7D -1

b7F -1

~~SECRET~~

265A-MM-C99102

b6 -3,4
b7C -3,4
b7D -1
b7F -1

Continuation of FD-302 of [redacted]

, On 11/25/2002 , Page 3

[redacted]

b6 -3,4
b7C -3,4
b7D -1
b7F -1

[redacted]

b6 -3,4,5
b7C -3,4,5
b7D -1
b7F -1

[redacted] was asked if he ever thought he would be going home. He asked the interviewer if he wanted the truth and then said that the other detainees [redacted] and this helps to keep him strong. He was never as religious as he is now. He has been heavily influenced by the other detainees around him.

b6 -3,4
b7C -3,4
b7D -1
b7F -1

[redacted] was reminded of his answer to a question posed during his previous interview relating to if he had ever met USAMA BIN LADEN. When the interviewer told him that he (the interviewer) would like to meet and interview UBL, [redacted] smiled broadly and seemed genuinely pleased and intrigued. He then asked the interviewer if he would also like to meet [redacted] [redacted] was asked again if he had ever met UBL. While not directly answering it, [redacted] replied that it would not be unusual for someone to have met UBL [redacted] He denied that anyone from the Middle East having met UBL [redacted] would achieve celebrity status considering the vast amounts of sympathizers and followers they both have.

b6 -3,4,5
b7C -3,4,5
b7D -1
b7F -1

The interview was then concluded.

DETAINEES-3119

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FEDERAL BUREAU OF INVESTIGATION
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- Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

Section 552

Section 552a

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(b)(7)(C)

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(b)(7)(D)

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(k)(4)

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(k)(6)

(b)(6)

(k)(7)

- Information pertained only to a third party with no reference to the subject of your request or the subject of your request is listed in the title only.
- Documents originated with another Government agency(ies). These documents were referred to that agency(ies) for review and direct response to you.

_____ Pages contain information furnished by another Government agency(ies). You will be advised by the FBI as to the releasability of this information following our consultation with the other agency(ies).

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4 Pages were not considered for release as they are duplicative of DETAINEES 1306-1309

_____ Page(s) withheld for the following reason(s): _____

- The following number is to be used for reference regarding these pages:

DETAINEES 3120-3123

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FEDERAL BUREAU OF INVESTIGATION
FOIPA
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Section 552

Section 552a

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(b)(7)(C)

(k)(1)

(b)(7)(D)

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(k)(3)

(b)(7)(F)

(k)(4)

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_____ Pages were not considered for release as they are duplicative of _____

_____ Page(s) withheld for the following reason(s): _____

- The following number is to be used for reference regarding these pages:

DETAINees 3124

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FEDERAL BUREAU OF INVESTIGATION
FOIPA
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Section 552

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(b)(7)(C)

(k)(1)

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1 Pages were not considered for release as they are duplicative of DETAINEES 3124

_____ Page(s) withheld for the following reason(s): _____

- The following number is to be used for reference regarding these pages:

DETAINEES 3125

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X No Duplication Fee X
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FEDERAL BUREAU OF INVESTIGATION
FOIPA
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(b)(7)(D)

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(b)(7)(E)

(k)(3)

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4 Pages were not considered for release as they are duplicative of DETAINEES 1343-1346

_____ Page(s) withheld for the following reason(s): _____

- The following number is to be used for reference regarding these pages:

DETAINEES 3126-3129

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X Deleted Page(s) X
X No Duplication Fee X
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FEDERAL BUREAU OF INVESTIGATION
FOIPA
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Section 552

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2 Pages were not considered for release as they are duplicative of DETAINEES 1627-1628

Page(s) withheld for the following reason(s): _____

- The following number is to be used for reference regarding these pages:

DETAINEES 3130-3131

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[redacted] (IR) (FBI) b6 -1
To: [redacted] (INSD) (FBI) b7C -1
Subject: GTMO

As you may be aware, I was in GTMO and I did observe aggressive interrogation practices and as a Behavioral Analysis Advisor on interrogation techniques was aware of extreme interrogation techniques that were planned and implemented against certain detainees. These events were summarized in memos and an EC written by myself and my colleagues between Oct. and May of 2002. I have been discussing these events with GC Valerie Caproni.

SSA [redacted] b6 -1
b7C -1

DATE: 11-04-2004
CLASSIFIED BY: 61579DMH/DCE/arc 04-CV-4151
REASON: 1.4 (C)
DECLASSIFY ON: 11-04-2029

DETAINEES-3132

7/9/2004

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FEDERAL BUREAU OF INVESTIGATION
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Section 552

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(b)(7)(C)

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(b)(7)(E)

(k)(3)

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- The following number is to be used for reference regarding these pages:

DETAINEEES 3133

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FEDERAL BUREAU OF INVESTIGATION
FOIPA
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Section 552

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1 Pages were not considered for release as they are duplicative of DETAINEES 1318

_____ Page(s) withheld for the following reason(s): _____

- The following number is to be used for reference regarding these pages:

DETAINEES 3134

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From: [Redacted] b6 -1,4
To: [Redacted] b7C -1,4
Date: Mon, Sep 30, 2002 8:04 AM
Subject: Re: [Redacted] Update

Thanks...Keep me posted.

b6 -1 >>> [Redacted] 09/29 5:09 PM >>>
b7C -1 Hello [Redacted]

A quick update [Redacted]

b5 -3
b6 -4
b7C -4
b7D -1
b7F -1

Anyway, the plan at present is to meet tomorrow to discuss the situation. I'll let you know the results of that meeting after it happens.

[Redacted] b6 -1
b7C -1

~~SECRET~~

~~SECRET/ORCON/NOFORN~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 04/10/2003

To: Counterterrorism

Attn: Acting SC [redacted]
GTMO Task Force

Attn: Acting UC [redacted]
GTMO Task Force

Attn: UC [redacted]
UBL

Attn: IP [redacted]
Penttbom

b6 -1
b7C -1

Attn: SA [redacted]
Penttbom

General Counsel

Attn: Marion Bowman,
Senior Counsel for
National Security
Affairs

Miami

Attn: SAC Hector Pesquera
ASAC C. Frank Fioliuzzi
SA [redacted]

From: CIRG

Behavioral Analysis Unit (BAU)

Contact: SSA [redacted]

b2 -1
b6 -1
b7C -1

Approved By: Wiley Stephen R b6 1
Battle Frankie b7C -1

Drafted By: [redacted] b6 -1
[redacted] b7C -1

Case ID #: (U) 265A-MM-C99102 (Pending)

Title: (U) GTMO-INTEL
GUANTANAMO BAY, CUBA
OO:MIAMI
MAJOR CASE 188

DATE: 11-19-2009
CLASSIFIED BY: 61573 DMR/ELB/JAC 04-CV-4152
REASON: 1.4 (C)
DECLASSIFY ON: 11-19-2029

~~SECRET/ORCON/NOFORN~~

DETAINees-3136

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
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~~SECRET~~

~~SECRET/ORCON/NOFORN~~

To: Counterterrorism From: CIRG
Re: (U) 265A-MM-C99102, 04/10/2003

Synopsis: (U) To document BAU assistance and challenges encountered during TDY assignment in Guantanamo Bay (GTMO).

~~(S)~~ Derived From: G-3
~~Declassify On: Y1~~

Enclosure(s): (U) [Redacted] b5 -1
[Redacted] b6 -1
[Redacted] b7C -1

(U) ~~(S)~~ [Redacted] b5 -1

3. [Redacted] b5 -1
[Redacted] b6 -2
[Redacted] b7C 2

(U) ~~(S)~~ 4. [Redacted] b5 -1

b5 -1 5. [Redacted]
b6 -1 [Redacted]
b7C -1 [Redacted]

b5 -1 (U) ~~(S)~~ 6. [Redacted] b5 -1
b6 -4 [Redacted] b6 -4
b7C -4 [Redacted] b7C -4

b5 -1 (U) ~~(S)~~ 7. [Redacted]
b6 -2 [Redacted]
b7C -2 [Redacted]

b5 -1 (U) ~~(S)~~ 8. [Redacted] b5 -1
b6 -2 [Redacted] b6 -2
b7C -2 [Redacted] b7C -2

b5 -1 9. [Redacted] b5 -1
[Redacted] b6 -2
[Redacted] b7C -2

b5 -1 10. [Redacted] b5 -1
11. [Redacted] b6 -4
[Redacted] b7C -4

(U) ~~(S)~~ Details: [Redacted] b5 -1
[Redacted] b6 -1
[Redacted] b7C -1

~~SECRET/ORCON/NOFORN~~

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~~SECRET~~

~~SECRET/ORCON/NOFORN~~

To: Counterterrorism From: CIRG
Re: (U) 265A-MM-C99102, 04/10/2003

[Redacted]

b5 -1

(U) ~~(S)~~

[Redacted]

[Redacted]

Referral/Direct Army

~~(S)~~ SSAs

[Redacted]

with the concurrence of

BAU

[Redacted]

(S)

b1
b5 -1
b6 -1
b7C -1

(U)

[Redacted]

[Redacted]

b5 -1
b6 -1
b7C -1

(U) ~~(S)~~ of [Redacted]

[Redacted]

b5 -1
b6 -1,2
b7C -1,2

~~SECRET/ORCON/NOFORN~~

~~SECRET~~

~~SECRET~~

~~SECRET/ORCON/NOFORN~~

To: Counterterrorism From: CIRG
Re: (U) 265A-MM-C99102, 04/10/2003

~~(S)~~

[Redacted]

b1
b5 -1
b6 -1,2
b7C -1,2

(S)

~~(S)~~

[Redacted]

b1
b5 -1
b6 -1,2,4
b7C -1,2,4

(S)

~~(S)~~

[Redacted]

b5 -1
b6 -2,4
b7C -2,4

~~(S)~~

[Redacted]

b5 -1
b6 -1,2,4
b7C -1,2,4

~~SECRET/ORCON/NOFORN~~

~~SECRET~~

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~~SECRET/ORCON/NOFORN~~

To: Counterterrorism From: CIRG
Re: (U) 265A-MM-C99102, 04/10/2003

[Redacted]

b5 -1
b6 -1,2
b7C -1,2

~~(S)~~ (U)

[Redacted]

b5 -1
b6 -2
b7C -2

~~(S)~~ (U)

[Redacted]

b5 -1
b6 -1
b7C -1

(U) ~~(S)~~

[Redacted]

b5 -1
b6 -1,2
b7C -1,2

~~SECRET/ORCON/NOFORN~~

5

DETAINees-3140

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~~SECRET~~

~~SECRET/ORCON/NOFORN~~

To: Counterterrorism From: CIRG
Re: (U) 265A-MM-C99102, 04/10/2003

(U)

[Redacted]

b5 -1
b6 -1,4
b7C -1,4

~~(S)~~

[Redacted]

b5 -1
b6 -1
b7C -1

LEAD(s):

Set Lead 1: (Info)

COUNTERTERRORISM

AT WASHINGTON, D.C.

(U) For information only

Set Lead 2: (Info)

OFFICE OF GENERAL COUNSEL

AT WASHINGTON, D.C.

(U) For information only

Set Lead 3:

~~SECRET/ORCON/NOFORN~~

6

DETAINEES-3141

~~SECRET~~

~~SECRET~~

~~SECRET/ORCON/NOFORN~~

To: Counterterrorism From: CIRG
Re: (U) 265A-MM-C99102, 04/10/2003

MIAMI

AT MIAMI, FLORIDA

(U) For information only.

cc: SSA BAU b6 -1
GTMO Coordinator b7C -1

♦

~~SECRET/ORCON/NOFORN~~

7

DETAINEES-3142

~~SECRET~~

~~SECRET~~

~~SECRET/ORCON/NOFORN~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/26/2003

To: Counterterrorism

Acting UC [redacted]
GTMO Task Force

b6 -1
b7C -1

Miami

SA [redacted]

From: CIRG

NCAVC
Contact: SSA [redacted]

Approved By: Wiley Stephen R
Battle Frankie

b6 -1
b7C -1

DRAFT

Drafted By: [redacted]

Case ID #: (U) 265A-MM-C99102 (Pending)

Title: (U) GTMO-INTEL
GUANTANAMO BAY, CUBA
OO:MIAMI
MAJOR CASE 188

DATE: 11-10-2004
CLASSIFIED BY: 61579 DMH/PDE/JAC (4-0V-4151)
REASON: 1.4 (C)
DECLASSIFY ON: 11-10-2029

Synopsis: (U) To document NCAVC assistance and challenges encountered during TDY assignment in Guantanamo Bay (GTMO).

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

Enclosure(s): (U) [redacted]

b5 -1
b6 -1
b7C -1

1. (U) [redacted]

2. ~~(S)~~ [redacted]

b5 -1

3. [redacted]

b5 -1
b6 -2
b7C -2

4. ~~(S)~~ [redacted]

b5 -1

5. [redacted]

~~SECRET/ORCON/NOFORN~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DETAINEES-3143

~~SECRET~~

~~SECRET~~

~~SECRET/ORCON/NOFORN~~

To: Counterterrorism From: CIRG
Re: (U) 265A-MM-C99102, 02/26/2003

b5 -1
b6 -4
b7C -4

6. ~~(S)~~ [Redacted]

b5 -1
b6 -4
b7C -4

7. [Redacted]

b5 -1
b5 -1
b6 -2

8. ~~(S)~~ [Redacted]

9. [Redacted]

b7C -2

10. [Redacted]

b5 -1

b5 -1
b6 -4
b7C -4

11. [Redacted]

Details: ~~(S)~~ [Redacted]

[Large Redacted Block]

b5 -1
b6 -1
b7C -1

~~(S)~~

[Redacted Block]

Referral/Direct Army

~~(S)~~ SSA's [Redacted] with the concurrence of [Redacted]

b1

NCAVC [Redacted]

b5 -1

[Redacted Block]

b6 -1
b7C -1

~~SECRET/ORCON/NOFORN~~

~~(S)~~

~~SECRET~~

~~SECRET~~

~~SECRET/ORCON/NOFORN~~

To: Counterterrorism From: CIRG
Re: (U) 265A-MM-C99102, 02/26/2003

[Redacted]

b5 -1

(U)

[Redacted]

b5 -1

b6 -1

b7C -1

~~(S)~~

[Redacted]

b5 -1

b6 -1

b7C -1

~~(S)~~

[Redacted]

(S)

b1

b5 -1

b6 -1,2

b7C -1,2

~~(S)~~

[Redacted]

b1

b5 -1

b6 -1,2,4

b7C -1,2,4

(S)

~~SECRET/ORCON/NOFORN~~

~~SECRET~~

~~SECRET~~

~~SECRET/ORCON/NOFORN~~

To: Counterterrorism From: CIRG
Re: (U) 265A-MM-C99102, 02/26/2003

[Redacted]

b5 -1
b6 -2,4
b7C -2,4

~~(S)~~

[Redacted]

[Redacted]

b5 -1
b6 -4
b7C -4

~~(S)~~

[Redacted]

[Redacted]

b5 -1
b6 -1,4
b7C -1,4

~~(S)~~

[Redacted]

[Redacted]

b5 -1
b6 -2
b7C -2

~~(S)~~

[Redacted]

[Redacted]

b5 -1
b6 -1
b7C -1

~~SECRET/ORCON/NOFORN~~

~~SECRET~~

~~SECRET~~

~~SECRET~~/ORCON/NOFORN

To: Counterterrorism From: CIRG
Re: (U) 265A-MM-C99102, 02/26/2003

[Redacted]

b5 -1
b6 -1
b7C -1

~~(S)~~

[Redacted]

b5 -1
b6 -1,2
b7C -1,2

(U)

[Redacted]

b5 -1
b6 -1,4
b7C -1,4

~~(S)~~

[Redacted]

b5 -1
b6 -1
b7C -1

~~SECRET~~/ORCON/NOFORN

5

DETAINees-3147

~~SECRET~~

~~SECRET~~

~~SECRET~~/ORCON/NOFORN

To: Counterterrorism From: CIRG
Re: (U) 265A-MM-C99102, 02/26/2003

cc: SSA , NCAVC, b6 -1
GTMO Coordinator b7C -1

♦

~~SECRET~~/ORCON/NOFORN

6

DETAINEES-3148

~~SECRET~~

b6 -1

(IR) (FBI) b7C -1

From:
Sent:
To:
Cc:
Subject:

[redacted] b6 -1
Thursday May 13 2004 3:53 PM b7C -1
[redacted] Div00) (FBI)
[redacted] (IR) (FBI); [redacted] Div13) (FBI)
Fwd: current events

-----Original Message-----

Date: 05/13/2004 03:42 pm -0400 (Thursday)
From: [redacted] b6 -1
To: [redacted] b7C -1
Subject: current events

for a better understanding of the issue we spoke about, one should read not only the bau ec, but the attachments as well.

[redacted] is here with me and should anyone be interested, he could illuminate a lot about gen miller's views on interrogation. [redacted] was the the miami case agent for 14 months.

b6 -1
b7C -

from what cnn reports, gen karpinsky at abu gharib said that gen miller came to the prison several months ago and told her they wanted to "gimotize" abu gharib. i am not sure what this means. however, if this refers to intell gathering as i suspect, it suggests he has continued to support interrogation strategies we not only advised against, but questioned in terms of effectiveness.

yesterday, however, we were surprised to read an article in stars and stripes, in which gen miller is quoted as saying that he believes in the rapport-building approach: this is not what he was saying at gitmo when i was there. [redacted] and i did cart wheels. the battles fought in gitmo while gen miller he was there are on the record.

b6 -1
b7C -

check out not only the bau ec but one written by miami division. [redacted] should know about this as should [redacted] in san francisco. its a must read. [redacted] knows these issue quite well and has also fought battles. has anyone checked with [redacted]

b6 -1,2
b7C -1,2

[redacted]

b5 -1

[redacted]

b5 -1

[redacted]

b5 -1



talk to you later,



b6 -1

b7C -1

DETAINEES-3150