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PRINTED: Tuesday, August 03, 2004
 AT: 9:44

CODEWORDS:

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Memorandum for the Record

KEY: C/2004-00729

EVENT: CMTE HEARING-CLOSED DATE: 07/14/2004 TIME: 14:00 STATUS: COMPLETED
 PLACE: H405 CAPITOL
 FOR: HPSCI
 SUBJECT: INTERROGATIONS - PANEL THREE

ATTENDEES:

<u>ASSOCIATION</u>	<u>NAME</u>	<u>ROLE</u>
D/DIA	JACOBY, VADM LOWELL	WITNESS
DC/CTC		WITNESS
DC/NE		BRIEFER
DCI/DWG		BRIEFER
DCI/OCA		SUPPORT
DIA	TURNER, KATHLEEN (KATHY)	SUPPORT
DO/NE		BRIEFER
DOD	CAULFIELD, FNU	SUPPORT
DOD		SUPPORT
DOD		SUPPORT
DOD		SUPPORT
DOD	WILLARD, BUTCH	SUPPORT
DOD	BOYKIN, LTGEN WILLIAM	WITNESS
FBI		SUPPORT
FBI	PISTOLE, JOHN	WITNESS
HPSCI	GOSS, PORTER [R-FL]	CHAIRMAN
HPSCI	BOEHLERT, SHERWOOD L [R-NY]	REP
HPSCI	COLLINS, MAC	REP
HPSCI	ESHOO, ANNA [D-CA]	REP
HPSCI	GIBBONS, JAMES (JIM) A [R-NV]	REP
HPSCI	HARMAN, JANE [D-CA]	REP
HPSCI	HASTINGS, ALCEE L. [D-FL]	REP
HPSCI	HOEKSTRA, PETER [R-MI]	REP
HPSCI	REYES, SILVESTRE [D-TX]	REP
HPSCI	RUPPERSBERGER, DUTCH [D-MD]	REP
HPSCI		STAFF
HPSCI		STAFF
HPSCI		STAFF

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WITNESS

U.S. ARMY G2 ALEXANDER, LTGEN KEITH

Executive Summary:

(C) Panel three of this full HPSCI hearing on interrogations was conducted in line with the Committee's invitation letter dated 6 July (attached). The hearing was structured as three panels comprised of witnesses from CIA, DOD, DOJ and FBI. This MFR reports the results of panel three, whose purpose as defined in the HPSCI invitation letter was to "discuss the value of interrogations to the intelligence community," to include "what information has been collected to date from detainee interrogations, its relevance, timeliness, and accuracy, and what intelligence is currently being sought from detainees in the Global War on Terrorism." The letter further enjoins panel three to "be prepared to provide an estimate of what the loss to the intelligence community would be if the interrogation process were to end completely." Lead witnesses for this panel were Lieutenant General William G. Boykin, Deputy Under Secretary of Defense for Intelligence and War Fighting Support, Vice Admiral Lowell Jacoby, Director, DIA, Lieutenant General Keith Alexander, U.S. Army G2, John Pistole, FBI Executive Assistant Director for Deputy Chief, Directorate of Operations Near East and South Asia Division, and

(U) (Note: See mfr's C/2004-00588 and C/2004-00728 for the reports of results of hearing panels one and two, respectively.)

Summary Text:

(U) (NOTE: Information set forth herein is not a verbatim transcript of statements made at the hearing. Rather, it is a good faith effort to set down for the record information that was conveyed at the hearing.)

(U) Chairman Porter Goss opened panel three with a statement which prominently included the observation that detainee debriefings have led to the capture and thwarting of terrorists.

(S) Ranking Minority Member Jane Harman followed Chairman Goss with a statement which included the following assertions and observations: HPSCI still has not received all of the documents that it has requested; HPSCI has not been getting full and candid testimony on the detainee issue; panel three witnesses and briefers were strongly enjoined by Ms. Harman to provide full, candid answers to members' questions, and to avoid playing "20 questions"; she regretted that there was a significant element of CIA operations that the committee in full would not be able to address due to compartmentation and Gang of Four procedures; no one in the room doubts that interrogation is a tool that we must have; we need better HUMINT to penetrate terrorist cells; it is equally vital to operate within the scope of laws and accepted values; Ms. Harman hoped that reported successes would be put in their proper cost/benefit contexts; she noted that there were over 600 detainees in Baghdad and asked how much good, actionable intelligence was obtained from them; have we studied which tactics with detainees have been the most successful, noting that some say building rapport with detainees is the most successful tactic; Ms. Harman said that the U.S. Government must provide clear guidance to those in the field and claimed that this was not done in the past.

(S) At this point General Boykin read a prepared statement to the Committee in which he asserted that interrogation is a critically valuable tool, and, citing observations made by service personnel at Ft. Bragg, said that the most important factor in the capture of Saddam Hussein was interrogation.

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(TS) DC/NE next read his prepared statement and was followed by DC/CTC, who delivered an oral statement to the Committee that, as he noted, departed significantly from his prepared comments. In substance, DC/CTC made the following points: Information obtained from detainees was an extremely valuable component in our ability to conduct counterterrorist operations; detainee information in this context was as important as HUMINT and SIGINT, and deservedly should be considered to be its own form of "INT"; interrogations account for over half of detainee reporting; detainee reporting gives essential depth and breadth to our understanding of the terrorist target; terrorists behave and operative like seaweed, not well defined nets--

detainee information helps us to understand terrorist operatives and groups that don't operate/ behave in a hierarchical manner; information obtained from Khalid Shaykh Muhammad in detention has been extremely valuable; working detainees is a building block process which involves taking information from one detainee, who often might think what he is providing is of little consequence, comparing/combining it with information obtained from another detainee in a manner that results in more valuable/actionable information; examples of this are the takedowns of Hambali, and Majid Khan; good operations are thus derived from detainee information which are bits and pieces and which may be thought of as grains of sand on the beach--combined they make a recognizable beach; even today long term detainees like Khalid Shayk Muhammad and Zubayda are providing good information because their histories go back along way and often a tidbit they provide, while not initially operationally significant, ends up being the piece that completes the puzzle; DC/CTC closed by noting that he was personally persuaded that detainee reporting has saved lives.

(U) Mr. Pistole next read his statement, followed by General Alexander, who was followed by Admiral Jacoby. Following the delivery of these statements, the hearing was opened up to members' questions.

(U) Burr: On a personal note, I'm thankful for the efforts of so many in the war on terrorism. We do follow the rule law and we can question what happened. At the end of the day we are proud of you and your efforts to the stop the at. Please don't lose faith or the commitment that's behind you. Is Saddam Hussein talking yet?

(S) Pistole: He is dissembling a lot and providing some historical information on the invasion of Kuwait. He refuses to talk about chemical weapons.

(U) Burr: Is there a line with Saddam that we won't cross on techniques?

(U) Pistole: The agents who are working the Saddam case are following standard FBI procedures.

(S) Burr: Have any methods used on Saddam required special approval?

(U) Pistole: No.

(S) After his capture, We looked at the Milosovic example. Basically they were friendly discussions with an eye to future public prosecution.

(U) Burr: Were those indicted that were pointed out by the Attorney General from detainees?

(U) Pistole: Yes. Five of seven.

(U) Burr: If we didn't have the ability to interrogate would we have those five?

(U) Pistole: I can't say specifically. Generally, there would be a huge void.

(S) Harman: What are the costs in terms of the percent of folks who are not useful, wrongly detained, etc.? And

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what do you think of the value of enhanced techniques?

(S) In my view the benefits are huge and the costs are insignificant. Very few detainees don't provide us with good information, in our small part of the universe, the clandestine CT world.

(C) Alexander: We have 530 interrogators and the Chief of Staff is looking at adding 1,500 more. The first thing military commanders in the field want is more 97E's even to the point of trading off some of their combat troops.

(S) Jacoby: CENTCOM and SOUTHCOM define techniques so I can't talk to you on that. At the strategic level, more investment is needed in interrogators. I agree with the information we obtain from detainees is of incalculable value.

(U) Hastings: What techniques were used that led to the capture of Saddam?

(S) Boykin: Battlefield interrogation techniques by our special operations people who immediately interrogate detainees after capture. I can't say what the specific techniques are. SOCOM could comment on that. General Alexander and I went to Ft. Bragg to talk to interrogators. They all say unobtrusive forms of interrogation are the best.

(U) Hastings: Is sodium pentothol used on detainees?

(U) Alexander: No, we do not use it.

(U) Hastings: Do the Geneva Conventions speak to it?

(U) Alexander: I believe it would be considered coercive.

(U) Hastings: What is going on with the Saudi returnee?

(S) I'm not sure but

(S) Jacoby: We would feed questions to feed to the Saudis.

(U) Hastings: I'm tired of the Saudis. We should be on the ground there. If I were President I would call the King and the Crown Prince and tell them so.

(U) Boswell: Do you each think the path we have taken on interrogations is good?

(U) Alexander: The path is good. We need to evolve the FM and make procedures clearer. We are in the process of taking the FM and reviewing it. This will take time but we will do it right.

(U) Jacoby: We're not where we need to be. We need to refine policies to meet new realities.

(U) Boykin: We relied too much on our experiences in the first Gulf War. We have too many detainees and not enough interrogators. We have rapidly made up for the errors at Abu Ghraib.

(U) Ruppertsburger: As a result of Abu Ghraib how has the mission effort been hurt?

(U) Jacoby: We did a paper on the damage done by public revelation of our techniques. The conclusion was that it hasn't been much impact.

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(U) Ruppertsburger: Are there procedures that we have stopped that should be resumed?

(S) Alexander: Yes. Diet and sleep management. Those, plus segregation which is still employed, are key. The guys in the pictures, none of them were of intel value except the guy who was bitten by the dog. None of the pictures were taken in the context of an interrogation.

(U) Ruppertsburger: How much longer will we derive benefit from the 600 detainees at Guantanamo?

(S) Jacoby: There are still some detainees at Guantanamo who we think are al-Qaida who have done nothing but recite the Quran. Continued detention should be decided on a case-by-case basis.

(S) Boykin: We know the detainees are now being told, if you can hold out for 96 hours, you'll be ok.

(U) Reyes: How do you determine who is al-Qaida and who is not?

(S) We look at a lot of people, make connections, and can often determine their roles. Not all are sworn members of al-Qaida. We target people as to how significant they are. During raids we quickly separate out the wheat from the chaff. It is an amorphous movement and we cannot always clearly say who is and who is not.

(S) Jacoby: There is a lot of pressure on individual interrogators to determine who is important and who is not. On detainee who was released was later identified as an al-Qaida trainer. It is not a science.

(U) Alexander: Some we thought were low level actors are now back in the fight.

(U) Reyes: What about the 1500 additional interrogators. Are they going to receive training in the Quran?

(U) Jacoby: One important piece is having Arab speakers teamed up with analysts.

(U) Reyes: Are the KSM and Saddam interviews being videoed?

(U) Pistole: I'm not sure.

(U) Collins: I came prepared to do battle. In the past some on the Committee were here to do damage to the White House. I haven't seen that today. I'm proud of the Committee today. I wish though that every member of the committee had to go through SEER training, as I did when I was in the military. That training is tougher than anything the detainees see. I would also like to point out that the Committee has received all of the documents that it has requested. Some on the Committee are engaging in partisan attacks, like Representative Eshoo, which I greatly resent.

(U) Eshoo: Can you divide up your efforts?

(U) Alexander: We in the Army primarily do Iraq and Afghanistan. There are some reservists at Guantanamo.

(U) Jacoby: I need to check the numbers on that.

(U) Eshoo: What is CIA's involvement in interrogation?

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(U) Eshoo: Was CIA involved in the Abu Ghraib abuses?

(S) We know of none with the exception of what the IG has briefed.

(U) Eshoo: So your investigation centered on what you just said and nothing more?

(S) Right.

(S) That's it. If the IG turns up more we will let you know.

(U) Holt: I have two examples of what the Committee has not received: the SOP for Guantanamo and the Afghanistan interrogation guidelines. What happened as a result of the Miller visit?

(S) Alexander: In early July 2003 the 589th asked what is our SOP, and developed an SOP based on the Guantanamo model, but using Afghanistan procedures. There were 29 versus 24 procedures.

(U) Holt: Are interrogation and field interrogation different?

(S) Jacoby: We have debriefing and interrogation. Debriefing is used with cooperative detainees, interrogation with uncooperative. The two populations are worked differently.

(S) Holt: The guy who gave us Saddam, he was a cooperative source, right?

(S) Jacoby: It was a combination of sources and techniques.

(U) Holt: Is there another set of procedures we haven't asked about?

(U) Jacoby: No.

(U) Holt: Is there an appropriate situation for ghosting detainees?

(U) Boykin: I think there is an appropriate place for delay of registration.

(S) Jacoby: Sometimes, it can be of extreme value if terrorists don't know that someone has been captured.

(U) Gibbons: I will note that the three open items are in process. Finally, I would note that today is HPSCI's 27th birthday.

Liaison Officer
Office of Congressional Affairs

1-DAC (official record copy)

Follow-up Action Items:

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Additional Information:

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21 December 2004

MEMORANDUM FOR THE RECORD

SUBJECT: (U//~~AFUO~~) Testimony of John Helgerson before the Senate Select Committee on Intelligence, 13 September 2004

1. (U//~~AFUO~~) Attached is a Memorandum for the Record (MFR) of testimony before the Senate Select Committee on Intelligence (SSCI) on 13 September 2004. (Liaison Officer, DCI/OCA) provided the MFR on 13 December 2004.

2. (TS///NOFORN) The SSCI heard testimony from Major General George Fay (Army), John Helgerson (CIA Office of Inspector General), and (CIA Office of General Counsel) concerning ghost detainees, the (al-Jamaidi), the and interrogation techniques.

Attachment:
As stated

Distribution:

Original - Subject File (w/att
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DCI Office of Congressional Affairs
Llaison

12/13/04 11:44 AM

To:
cc:
Subject: MFR re Prisoner Abuse

From our files. Tx-

~~(S//)~~ Maj. Gen. George Fay (Army) began his testimony by asserting that "ghost detainees" had been a focus of a military investigation into prisoner abuse at the Abu Ghraib facility. He noted the presence there of what military guards and other officials in Iraq referred to as "OGA" -- "other government agencies." According to Fay, OGA personnel would interrogate detainees. None of the detainees under OGA supervision were registered in the military's prisoner accounting system.

~~(S//)~~ Gen. Fay drew the Committee's attention to two problematic cases. The (al-Jamaidi) involved a detainee who was seriously injured prior to his arrival at Abu Ghraib. This prisoner later died:

~~(S//)~~ Gen. Fay observed that, while in Iraq, he had requested information through the office of Gen. Fast (C-2); he asserted that neither these inquiries, nor those he made upon return to the US, generated any response. He added that CIA/D/OIG Helgerson subsequently informed him that the CIA was making its own investigation.

~~(S//)~~ Invited to respond by Chairman Roberts, Helgerson observed that when the CIA began to look in to the situation, two facts were clear. First, that in May 2004 then-DCI Tenet was keen to know whether CIA was involved in the kinds of abuses commonly associated with Abu Ghraib. Moreover, Helgerson noted that there were certain specific cases involving al-Jamaidi, who died of the injuries he had sustained before arriving at the prison, and an Iraqi major general. These were of paramount importance in that they involved the deaths of detainees.

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~~(S)~~ Fay interjected by acknowledging that his office had been referred to the CID, but that CID could not provide information concerning interrogation techniques used by CIA or the names of CIA interrogators.

~~(S)~~

That it did not reflected a problem in military communications, not an alleged lack of cooperation on CIA's part. Helgerson stated that the bottom line in this instance was that CIA/OIG reported the information as soon as it had obtained it.

~~(S)~~

Gen. Fay reiterated that he needed specific information regarding CIA personnel who were involved or otherwise present.

~~(S)~~ Sen. Rockefeller then asked Gen. Fay how he could assert that a detainee (al-Jamaidi) died from injuries sustained before his arrival at Abu Ghraib; perhaps he died there from injuries due to various interrogation techniques. Fay replied that an investigation determined that the detainee died from the blows inflicted by four Navy personnel before he arrived at the prison.

~~(S)~~ Sen. Durbin asserted that the Army received no response to its questions to CIA as to CIA interrogation techniques. He said that this, and a similar lack of candor in related areas, was fueling senatorial frustration. The investigation had proceeded for months, yet the CIA either could not or would not provide the information requested. As a result, CIA "looks guilty of something." Helgerson replied that

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he understood the Senator's frustration, but that in fact the techniques were the same ones used by the military; CIA Hqs' guidance on this point was clear, and had been sent out in a timely fashion. He volunteered that one question was whether this guidance had been fully digested in the field.

(S//) In response to questions from Sen. Feinstein, Gen. Fay said that he had begun to while in Iraq in April/May 2004, through Gen. Fast's office, then by e-mail. He acknowledged meeting Helgeson on 8 June 2004. Gen. Fay also estimated that some two-dozen unregistered detainees have been accounted for, vice the 100 estimated earlier by Gen. Kern.

Liaison Officer
DCI/OCA

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July 22, 2004

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Memorandum for the Record

KEY: C/2004-00728

EVENT: CMTE HEARING-CLOSED DATE: 07/14/2004 TIME: 11:00 STATUS: COMPLETED
 PLACE: H405 CAPITOL
 FOR: HPSCI
 SUBJECT: INTERROGATIONS - PANEL TWO

ATTENDEES:

<u>ASSOCIATION</u>	<u>NAME</u>	<u>ROLE</u>
ADDO	[REDACTED]	WITNESS
D/OCA	MOSKOWITZ, STAN	SUPPORT
DC/CTC	[REDACTED]	BRIEFER
DC/NE	[REDACTED]	WITNESS
DCI/DWG	[REDACTED]	BRIEFER
DCI/OCA	[REDACTED]	SUPPORT
DO/NE	[REDACTED]	BRIEFER
DOD	DEMPSEY, JACK	SUPPORT
DOD	LONG, TISH	SUPPORT
DOD	CAMBONE, STEPHEN	WITNESS
FBI	[REDACTED]	SUPPORT
FBI	CAPRONI, VALERIE	WITNESS
GC	MULLER, SCOTT	WITNESS
HPSCI	GOSS, PORTER [R-FL]	CHAIRMAN
HPSCI	BURR, RICHARD M. [R-NC]	REP
HPSCI	HARMAN, JANE [D-CA]	REP
HPSCI	HOEKSTRA, PETER [R-MI]	REP
HPSCI	REYES, SILVESTRE [D-TX]	REP
HPSCI	[REDACTED]	STAFF
HPSCI	[REDACTED]	STAFF
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Executive Summary:

(U) Panel two of this full HPSCI hearing on interrogations was conducted in line with the committee's invitation letter dated 6 July 2004 (copy attached). The hearing was structured as three panels comprised of witnesses from CIA, DOD, DOJ and FBI. This mfr reports the results of panel two, whose purpose as defined in the HPSCI invitation letter was to "review the guidelines for interrogations, the training provided to both interrogators and military police in the handling of detainees that possess - or could possess - critical information for the Global War on Terrorism, and resources dedicated to collecting this information." Lead witnesses for this panel were Under Secretary of Defense for Intelligence Dr. Stephen Cambone, FBI General Counsel Valerie Caproni and ADDO [redacted]

(U) (NOTE: See mfr's C/2004-00588 and C/2004-00729 for the reports of results for hearing panels one and three, respectively.)

Summary Text:

(U) (NOTE: Information set forth herein is not a verbatim transcript of statements made at the hearing. Rather, it is a good faith effort to set down for the record information that was conveyed at the hearing.)

(U) Ranking Minority Member Jane Harman opened Panel Two with the complaint that many members of HPSCI had traveled to Baghdad around the time that General Taguba was visiting there, and when the abuses had already come to light, but that in spite of this none of the members were advised back then of what was going on. Members were therefore upset by this.

(U) At this juncture I was called out of the hearing room to take a phone call. Upon returning, Dr. Cambone had begun reading his prepared statement. (A copy of Cambone's statement for the record is attached.)

(U) Following Dr. Cambone, ADDO [redacted] read his prepared statement. (Copies of the ADDO's prepared oral and written statements are attached.) With the consent of Chairman Goss, FBI General Counsel Valerie Caproni offered delivering a prepared oral statement and submitted only a written statement for the record, a copy of which is attached.

(U) Proceedings were next opened up for members' questions.

(C) Goss: Everybody has testified to the value of interrogations, but now, apparently, we are not using it to its full effectiveness. I'm concerned we might be getting knocked off mission.

(S) Cambone: In most cases what works best is direct questions. The fellow who gave up Saddam Hussein responded to direct questions. But, as with the case of Qahtani in Guantanamo, sometimes that doesn't work.

(S) [redacted] Looking to the future; this is a bit of a moral dilemma we find ourselves in. The five or ten percent who do not respond to direct questioning, the question is how far are we as a people and as a country willing to go?

(U) Goss: Do we have the incentives for people to be professional interrogators?

(U) Cambone: The short answer is no, not yet. I recommend you direct this question later to General Alexander. There has been some thought given to making them warrant officers.

(U) Goss: Mr. [redacted] what should the Agency's role and organizational culture be with respect to interrogations?

(U) [redacted] We really don't have such per se, but I believe we should have a fully trained cadre of interrogators.

(U) Harman: How do we integrate our efforts overseas?

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(C) Caproni: For the FBI our rules are the same here as overseas except for advisement of rights. We work separately but share the information. To date that has worked well although in the beginning there were agreements. I don't know if all techniques among the various agencies can be fully integrated.

(S) Cambone: Integration is best demonstrated at the fusion cell level where all present work together closely. In those cases information is flowing quite well and the cells have been an excellent forum for discussing, comparing techniques. But we're still essentially fat fingering it at the local level. Here in Washington FISA and fusion of HUMINT, SIGINT, etc. is getting better day by day. There are cultural issues, too, e.g., SOCOM's reluctance to send information up the chain of command.

(U) Harman: I think Goldwater/Nichols should apply across the intelligence agencies and the FBI. I am worried that separate techniques, especially in a war theater, is dangerous.

(S) Cambone: I stand corrected by [redacted] under CENTCOM guidance.

(U) Reyes: Who drafted interrogation policies for Afghanistan?

(At this point I was asked by the ADDO to make a call for him outside of the hearing room.)

(U) Reyes: When I served in Vietnam there were stories, which I never saw confirmed, that we were throwing prisoners out of helicopters. Even at the age of 19 we all thought it was inappropriate back then. In the case of Abu Ghraib, we've been told that these were the actions of only seven rogue soldiers, and yet the prisoners were kept naked for days. How do we get to the point where some of these category three procedures are allowed? I fear that we are wrestling in the mud with al-Qaida and that we are getting mud on ourselves. What is our policy on ghosting? What is our policy on moving detainees to other countries for interrogation? Have we done it?

(S) Cambone: Regarding your first question on category three techniques, the context is Qahtani, the so-called 20th hijacker. Circumstances were urgent. General Hill's letter said that he was looking for techniques that are lawful.

(U) Reyes: When General Miller went to Abu Ghraib, we got a "Gitmo-ized" situation. I'm not sure if that led to abuses.

(C) Cambone: "Gitmo-ization" of Iraq is an urban legend. Nothing unlawful was injected. From July to August 03 the situation was very confused. We had several thousand people most of whom were of no intel interest. The interrogators didn't have proper facilities. General Miller said to do it right we had to have proper facilities and procedures. The 509th put together a procedures book based on their experiences in Afghanistan. Those procedures were reviewed by JAG. By the time of Miller's arrival they were not yet place, but there resulted eventually the October memo. Also a booklet was issued on how to run interrogations. It says torture does not work. As far as I am aware DOD is not holding any person who is not registered with ICRC. But there was the Triple X case who by the way was never lost. There is in the Geneva Conventions procedures for delaying registration of detainees.

(S) Reyes: Hiwa Abdul Rahman was in solitary confinement for seven months.

(U) Cambone: That's different than saying he was lost.

(U) Reyes: Why was he kept in solitary?

(S) Cambone: I defer to my colleagues here to answer that. We have transferred some detainees to other countries usually to get them entered into legal proceedings.

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(U) Eshoo: In my view this is another case of a lack of post-war planning. I think it points to a larger problem which I think has cost us a lot of credibility. The man with the bag over his head has become the icon and will haunt us. We have a long way to go on this. No one here has acknowledged what went wrong on their watch. There is more resistance than anything. What did we actually get from these detainees?

(U) Cambone: I don't know if we obtained anything of great value.

(U) Eshoo: Were any of them, the 13, of high value?

(U) Cambone: No. They were security detainees. No one in the pictures was of any intelligence interest or value.

(U) Eshoo: Why were they there?

(U) Cambone: It's a good question. I don't know.

(U) Eshoo: Does training for interrogations, is that for staff or contractors, or both?

(S) [Redacted]

(U) Eshoo: How many of each do you have?

(U) [Redacted] I'm not sure. I'll get back to you on that with precise details if you wish.

(U) Holt: Did the FBI Director remove agents who were participating in interrogations?

(S) Caproni: At Guantanamo, there were different approaches. But no, no agents were removed. It was decided that all FBI agents would comply with established FBI procedures. Generally, FBI has its own lead with certain detainees.

(U) Holt: Where else has ICRC complained about detainees?

(U) Cambone: There are 25 or 26 for Iraq, four or five for Guantanamo and a few for Afghanistan. It has been agreed to provide this information to the committees.

(U) Holt: Are there any unanswered objections?

(U) Cambone: There could be. They visited a large number of facilities [Redacted] ICRC [Redacted] ICRC [Redacted]

(U) Holt: Who decided in the military who would conduct the investigation and who decided not to brief Congress?

(U) Cambone: Let's get the timeline straight. In early January a serviceman provided information on alleged abuses. In only a couple of days General Sanchez begins the process of investigation and now reports are coming out.

(U) Holt: Are there videos of interrogations and are there different procedures at Guantanamo and in Iraq?

(S) Cambone: I don't think there are but I'm not sure. We do take some pictures. I will check and get you specific information on that.

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- (U) Goss: NPR reported yesterday that you have declassified the classified annex of the Taguba report. Is that true?
- (U) Cambone: I'm not aware of that. I'll check.
- (U) Boehlert: Is the Karpinski reply to the ICRC available?
- (U) Cambone: It is coming.
- (U) [redacted] We were set yesterday to receive it but then it was determined that the SECDEF had not yet been briefed. We will probably receive it tomorrow.
- (U) Boehlert: Is there a prohibition on visitors?
- (U) Cambone: I'm not sure. There might be inhibitions, not prohibitions.

[redacted]

Liaison Officer
Office of Congressional Affairs

1-DAC (official record copy)

5 attachments (as)

low-up Action Items:

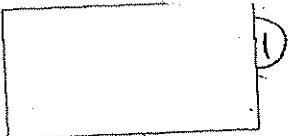
Additional Information:

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C05459116

PRINTED: Friday, August 19, 2005
AT: 10:57

CODEWORDS: MFI



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Memorandum for the Record

KEY: C/2004-00510

EVENT: CMTE HEARING-CLOSED **DATE:** 05/12/2004 **TIME:** 14:30 **STATUS:** COMPLETED
PLACE: S 219 HART
FOR: SSCI
SUBJECT: IRAQ PRISONER ABUSE

ATTENDEES:

<u>ASSOCIATION</u>	<u>NAME</u>	<u>ROLE</u>
ADDO	<input type="checkbox"/>	BRIEFER
C/OGC	MULLER, SCOTT	BRIEFER
C/OIG	<input type="checkbox"/>	BRIEFER
D/DCI/OCA	MOSKOWITZ, STANLEY	SUPPORT
DCI/OCA	<input type="checkbox"/>	SUPPORT
DCI/OPA	MANSFIELD, MARK	BRIEFER
DDCI	MCLAUGHLIN, JOHN	BRIEFER
DDCI/EA	<input type="checkbox"/>	BRIEFER
DO/NE	<input type="checkbox"/>	BRIEFER
DO/NE	<input type="checkbox"/>	BRIEFER
SECDEF	CAMBONE, STEVE	BRIEFER
SSCI	BAYH, EVAN [D-IN]	SEN
SSCI	BOND, CHRISTOPHER (KIT) S [R-MO]	SEN
SSCI	CHAMBLISS, SAXBY [R-GA]	SEN
SSCI	DEWINE, MIKE [R-OH]	SEN
SSCI	DURBIN, RICHARD J [D-IL]	SEN
SSCI	FEINSTEIN, DIANNE [D-CA]	SEN
SSCI	HAGEL, CHUCK [R-NE]	SEN
SSCI	LEVIN, CARL [D-MI]	SEN
SSCI	LOTT, TRENT [R-MS]	SEN
SSCI	MIKULSKI, BARBARA A [D-MD]	SEN
SSCI	ROBERTS, PAT [R-KS]	SEN
SSCI	ROCKEFELLER, JOHN [D-WV]	SEN
SSCI	SNOWE, OLYMPIA J [R-ME]	SEN
SSCI	WARNER, JOHN [R-VA]	SEN
SSCI	WYDEN, RON [D-OR]	SEN
SSCI	<input type="checkbox"/>	STAFF
SSCI	<input type="checkbox"/>	STAFF

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SSCI

SSCI

USA, G-2

USA, JUDGE



ALEXANDER, KEITH (LG)

ROMIG, THOMAS (MG)

STAFF

STAFF

BRIEFER

BRIEFER

Executive Summary:

1. (S/NF) For the second week in a row, the SSCI devoted its intelligence update session to the Iraqi prisoner abuse issue. Covering much the same ground that had been trod previously, witnesses from the US Army, Defense Secretary's office, and CIA reviewed what had been discovered thus far about the mistreatment of Iraqi prisoners and described investigations now underway to find out more information about the scandal. The DDCI described the three tracks currently being pursued by the Agency to determine whether or not CIA personnel or contractors were involved in prisoner abuses in Iraq. The DDCI received numerous questions, including why it took three months to report to Congress about the death of one detainee (al-Jamaidi). The DDCI responded to a number of questions about CIA's role in the interrogation of prisoners in Iraq by stating that investigations are currently underway to determine the full and accurate answers to these questions. Three actions emerged as follow-on taskings from the hearing and are summarized in paragraph 26.

Summary Text:

2. (S/NF) Chairman Roberts began by stating that an examination of the Iraqi prisoner abuse scandal should not lose sight of the fact that interrogations are a particularly important vehicle to obtain valuable information for use in the war in Iraq. No one should seek to impede responsible and lawful interrogation methods used to question prisoners. The key point is to have a proper interrogation process. Military Police (MPs) can play an important role in supporting interrogations and enhancing their value without mistreating detainees.

3. (S/NF) Senator Rockefeller commented that the prisoner abuse scandal should result in more aggressive congressional oversight. There is keen interest on the part of the SSCI in this issue. The role of intelligence officers in abusive practices is an important issue. The ramifications of the scandal go far beyond improper interrogation techniques. It has damaged the US's reputation around the world, especially in Arab countries. How the US responds will affect our image for years to come. No one should be shielded from accountability, and all facts involving prisoner mistreatment should be placed in the open. MPs charged with abusing prisoners have claimed that they were operating under the direction of military intelligence and CIA. It is critical to ascertain, consequently, what role CIA and military intelligence officers played in designing interrogation procedures and encouraging the mistreatment of prisoners.

4. (S/NF) Cambone read his opening statement. He stressed that the Geneva Conventions apply to our activities in Iraq. They are "fully applicable" in Iraq. All members of the US Armed Forces should be aware of that. Proper procedures for interrogations are contained within the Geneva Conventions and US Army regulations. There was a breakdown in following the Geneva Conventions in Abu Ghraib, and some soldiers at the prison did not follow established procedures. General Miller visited Abu Ghraib and other detention facilities in Iraq and made recommendations to General Sanchez that included the use of MPs to set conditions for the favorable interrogation of detainees. MPs can provide background information on detainees, which can enhance the value of interrogations, such as identifying a prisoner's likes and dislikes. Nevertheless, military intelligence officers ask the questions. A wall goes up after MPs escort a detainee to the interrogation room. MPs are not present at, nor do they take part in, prisoner interrogations.

5. (S/NF) MPs at Abu Ghraib during the period when the alleged abuses occurred were under the tactical control of the garrison commander, who was a military intelligence officer. The garrison commander, however, was not empowered to change the operations or procedures approved for MPs and interrogators to carry out their roles at the prison, nor could he issue instructions in contravention of the Geneva Conventions or US Army regulations. A key question remains, according to Cambone, how much involvement there was by military intelligence officers and CIA personnel in influencing the actions of the MPs. Contractors, Cambone added, should not be interrogating prisoners alone or giving directions/orders to staff personnel. Various investigations are underway involving prisoner abuse

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allegations, and another [redacted] on the treatment of detainees at the Guantanamo Bay detention facility is due out in the near future.

6. (S/NF) Alexander read his opening statement. He stated that MPs and interrogators receive extensive training before being sent to Iraq. Instructions include the necessity of adhering to the Geneva Conventions in carrying out their duties. Established interrogation procedures include screening detainees when they arrive. That is the job of both MPs and military intelligence. Abu Ghraib holds thousands of prisoners. The US Army has a template for questioning prisoners--The Interrogation Plan and Methods. It is based on the answers to two questions: "What do you need to know?" and "Can the person provide it?"

7. (S/NF) McLaughlin read his opening statement. (The statement is attached to this MFR.) Echoing comments made the previous week by C/OIG, John Helgeson,

The Agency does not set the conditions for prisoners in DOD custody. In addition, CIA follows the Geneva Conventions in interrogating prisoners, and Agency personnel involved in the process receive guidance on the Conventions and CIA debriefing policies. The Agency has used a Q & A format for interrogating prisoners, offering minor incentives and disincentives to detainees to encourage their cooperation. No evidence has turned up thus far indicating that CIA personnel were involved in the abuses shown in the photos or encouraged the abuses depicted in them.

8. (S/NF) The CIA's investigation into possible Agency involvement in the abuse of Iraqi detainees is proceeding along [redacted] according to McLaughlin. [redacted]

9. (S/NF) [redacted]

[redacted] McLaughlin reiterated that, currently, the Agency is not aware of any evidence to indicate [redacted] personnel at Abu Ghraib participated in the abuse of prisoners.

10. (S/NF) Chairman Roberts asked who is responsible for the situation/conditions at Abu Ghraib, and if anyone higher up in the chain of command was involved in the mistreatment of prisoners there. Alexander replied that General Fay's report on prison conditions and prisoner treatment at Abu Ghraib is due out in 3-4 weeks. Cambone noted that a [redacted] report on Abu Ghraib is expected in 45 days. [redacted]

11. (S/NF) Senator Rockefeller noted that there are written and unwritten policies. Everything involving allegations of Iraqi prisoner abuse seems to be a high priority, according to Rockefeller, yet why did it take the Agency three months to inform Congress of the death of an Iraqi detainee (al-Jamaidi). McLaughlin answered that the circumstances of the death were not clear soon enough. He took the question for the record in order to provide a full and correct response to why the notification was not delivered to Congress in a more rapid fashion. Rockefeller stated that the military appears to be shoving responsibility for detainee abuse down the ranks. He inquired why General Miller was sent to Abu Ghraib. Cambone responded that the US military was contending with a burgeoning prison population in

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Iraq. A flow of intelligence information between the combat command and interrogation units, in addition, was not happening. The combat command was not getting intelligence from prisoner debriefings, and interrogation units were not receiving reporting requirements. Miller was sent to improve the situation, both in terms of improving the flow of information and prisoner conditions.

12. (S/NF) Senator Bond stated that the US military and CIA have "a long way to go to discover what happened at Abu Ghraib." It may take weeks or even months for them to fill in the SSCI completely on what actually took place. Bond asked for a description of the guidelines for conducting interrogations; specifically, what's permissible and what's not. Alexander replied that there are 15 approaches to interrogation that are acceptable. Each is described in the US Army Field Manual. None of the approaches allow beating prisoners and stripping them naked. McLaughlin answered that since the summer of 2003 [redacted] the Geneva Conventions are to be strictly observed in questioning prisoners. CIA personnel also could take guidance from military intelligence in interrogating detainees [redacted]

13. (S/NF) [redacted] Senator Bond asked about the circumstances under which Khalid Sheik Mohammad is being incarcerated and questioned. [redacted] he is being detained [redacted] not authorized to discuss that matter at this session.

14. (S/NF) [redacted] Senator Dewine commented that [redacted] answer to the question about Khalid Sheik Mohammad's confinement "leaves me totally in the dark." He added, "We can get to it later." Dewine referenced a "Washington Post" article (11 May) and a "Newsweek" story on Cambone's "micromanaging" the interrogation of prisoners in Iraq. Cambone responded by offering to give the Committee at a subsequent session a full briefing on the US military's interrogation policies and procedures.

15. (S/NF) Senator Hagel asked how many [redacted] at Abu Ghraib during the period when alleged prisoner abuses occurred. [redacted] None were ever left alone with detainees.

16. (S/NF) Senator Durbin stated that the US military's interpretation of the Geneva Conventions is contrary to his own. He asked how it can be that terrorists do not have any Geneva Conventions' rights. "Do we abandon the Geneva Conventions to deal with terrorists we capture," he asked rhetorically? Durbin acknowledged the moral dilemma of getting information of value from prisoners while not ignoring their rights under the provisions of the Geneva Conventions.

17. (S/NF) Senator Feinstein inquired if any of the witnesses had read the annexes to General Taguba's report. The report shows that detainee abuses were not confined to Abu Ghraib. She also noted the claim that the ICRC had been kept out of Abu Ghraib. Cambone answered that, to the best of his knowledge, the Red Cross had not been kept out of Abu Ghraib. Feinstein observed that there were a variety of people interrogating prisoners in cell block 1A at Abu Ghraib. [redacted]

[Large redacted block]

18. (S/NF) Senator Snowe inquired why the abuse of, and injuries to, Iraqi detainees did not come to light before they fled. [redacted] ICRC [redacted] When did reports of [redacted]

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abuse first surface. Alexander replied that there are six reported cases of abuse involving US military intelligence officers. Snowe commented, "We all listen to the TV. There were no indications of broader, pervasive problems?" Alexander answered that an investigation is being conducted to discover if broader problems exist. Snowe stated that reports of prisoner abuses came out long before any investigations were begun. She inquired why the mistreatment had not surfaced and been investigated much earlier.

ICRC

ICRC

19. (S/NF) Senator Chambliss asked if cell blocks 1A and 1B at Abu Ghraib prison were occupied by military intelligence officers. Alexander responded that both intelligence officers and contractors served in the two cell blocks. Chambliss then inquired what we are learning from HUMINT about the blowback from prisoner abuses. Has it increased terrorist recruiting and heightened the risk of attacks against US forces. McLaughlin answered that there's not a lot of intelligence in on that question. There's no question it is a damaging issue for us, McLaughlin observed. Most of the reporting on repercussions from the scandal has been in the media, he noted, and we've gotten very little from HUMINT.

20. (S/NF) Senator Warner inquired if stories in the media are inciting anti-American rabble-rousing. McLaughlin replied that stories in the media have an incendiary flavor to them. Warner asked McLaughlin if he had seen the films of Iraqi prisoner abuse. McLaughlin answered that he had not.

21. (S/NF) Senator Rockefeller asked Cambone what was his role and the role of Doug Feith in developing policies and procedures governing prisoner interrogations in Iraq. Cambone responded that he did not review the rules of engagement on interrogations in Iraq before they were finalized and promulgated. Rockefeller inquired, "What does policy mean at CIA?" He observed without waiting for a reply that there are different kinds of policies. Some are written and others are unwritten. Rockefeller continued that there was a clear lack of post-war planning involving Iraq. There were no preparations for the confinement and treatment of prisoners. Prisoner mistreatment raises the danger to US forces in Iraq. Rockefeller requested that the US military and CIA submit to the committee documents that provide the legal basis for interrogation techniques used on Iraqi prisoners, the applicability of the Geneva Conventions to detainee interrogations, and interrogation guidelines furnished to both contractors and staff personnel.

22. (S/NF) Senator Levin asked McLaughlin [REDACTED] ICRC McLaughlin replied that he had not. Levin discussed exceptions to the US Army's 15 approved approaches for questioning prisoners. He asked if the Geneva Conventions allowed any exceptions to the 15 approaches, such as imposing sleep management techniques on prisoners in excess of 72 hours or keeping detainees in "stress positions." Levin then discussed the possibility of disconnects between what policies prescribe and what processes/procedures are actually carried out in interrogating prisoners.

23. (S/NF) Levin observed that McLaughlin had stated previously at the hearing that no evidence has been unearthed so far of CIA improprieties in the treatment of prisoners. He asked McLaughlin if he had read the Taguba report, which, according to Levin, contains evidence of involvement. McLaughlin answered that he had read the Taguba report. He continued that the report contains allegations that CIA personnel encouraged the abuse of prisoners, but no evidence that this actually occurred. McLaughlin reiterated that an investigation is underway by OIG to determine if evidence does exist to substantiate the allegations.

24. (S/NF) Senator Levin asked McLaughlin if had seen the photos showing the mistreatment of Iraqi prisoners. McLaughlin responded that he had only seen those that have appeared in the media. [REDACTED]

Page 5 of 6

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[Redacted]

25: (S/NF)

[Redacted]

[Redacted]

DCI/OCA [Redacted]

Liaison Officer

1 - DAC (Official Record)

1 - [Redacted] (Chrono)

Follow-up Action Items:

Additional Information:

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21 December 2004

0000356

MEMORANDUM FOR THE RECORD

SUBJECT: (U//~~FOUO~~) Testimony of John Helgerson before the Senate Select Committee on Intelligence, 13 September 2004

1. (U//~~FOUO~~) Attached is a Memorandum for the Record (MFR) of testimony before the Senate Select Committee on Intelligence (SSCI) on 13 September 2004.

(Liaison Officer, DCI/OCA) provided the MFR on 13 December 2004.

2. (TS//~~NOFORN~~) The SSCI heard testimony from Major General George Fay (Army), John Helgerson (CIA Office of Inspector General), and (CIA Office of General Counsel) concerning ghost detainees, the (al-Jamaidi), the and interrogation techniques.

Attachment:
As stated

Distribution:
Original - Subject File (w/att
1 - Subject File (w/att
1 - Subject File (w/att
1 - Inspector General w/att
1 - MBA Chron

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~~/NOFORN//MR~~

DCI Office of Congressional Affairs
Liaison

12/13/04 11:44 AM

To:
cc:
Subject: MFR.re Prisoner Abuse

From our files. Tx -

~~(TS//~~ Maj. Gen. George Fay (Army) began his testimony by asserting that "ghost detainees" had been a focus of a military investigation into prisoner abuse at the Abu Ghraib facility. He noted the presence there of what military guards and other officials in Iraq referred to as "OGA" -- "other government agencies." According to Fay, OGA personnel would interrogate detainees. None of the detainees under OGA supervision were registered in the military's prisoner accounting system.

~~(TS//~~ Gen. Fay drew the Committee's attention to two problematic cases. The (al-Jamaidi) involved a detainee who was seriously injured prior to his arrival at Abu Ghraib. This prisoner later died:

~~(TS//~~ Gen. Fay observed that, while in Iraq, he had requested information through the office of Gen. Fast (C-2); he asserted that neither these inquiries, nor those he made upon return to the US, generated any response. He added that CIA/D/OIG Helgerson subsequently informed him that the CIA was making its own investigation.

~~(TS//~~ Invited to respond by Chairman Roberts, Helgerson observed that when the CIA began to look in to the situation, two facts were clear. First, that in May 2004 then-DCI Tenet was keen to know whether CIA was involved in the kinds of abuses commonly associated with Abu Ghraib. Moreover, Helgerson noted that there were certain specific cases involving al-Jamaidi, who died of the injuries he had sustained before arriving at the prison, and an Iraqi major general. These were of paramount importance in that they involved the deaths of detainees.

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he understood the Senator's frustration, but that in fact the techniques were the same ones used by the military; CIA Hqs' guidance on this point was clear, and had been sent out in a timely fashion. He volunteered that one question was whether this guidance had been fully digested in the field.

(FS//) In response to questions from Sen. Feinstein, Gen. Fay said that he had begun to while in Iraq in April/May 2004, through Gen. Fast's office, then by e-mail. He acknowledged meeting Helgetson on 8 June 2004. Gen. Fay also estimated that some two-dozen unregistered detainees have been accounted for, vice the 100 estimated earlier by Gen. Kern.

Liaison Officer
DCI/OCA

1-chrono
1-DAC

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~~/NOFORN//MR~~