

1 May 2006

MEMORANDUM FOR THE RECORD

SUBJECT: (U) Additional Comments by Assistant United States Attorney James P. Gillis regarding Draft Report of Investigation

REF: (U) Case [redacted] Death of an Iraqi Detainee

1. (U) On 1 May 2006, James P. Gillis, Assistant United States Attorney (AUSA), Eastern District of Virginia (EDVA), told the undersigned Office of Inspector General (OIG) investigator that he had informed his superiors at EDVA about pertinent facts in OIG's draft Report of Investigation (ROI) concerning this case. (Gillis previously said he had stated in an e-mail within EDVA that, if OIG had referred this case formally to EDVA, he would have recommended it be declined.¹) According to Gillis, if OIG wants some sort of Department of Justice (DoJ) comment containing its prosecutorial position regarding the activities described in the ROI, then OIG's Assistant Inspector General for Investigations should contact US Attorney Chuck Rosenberg or Robert Spencer at EDVA.

2. (U) [redacted]

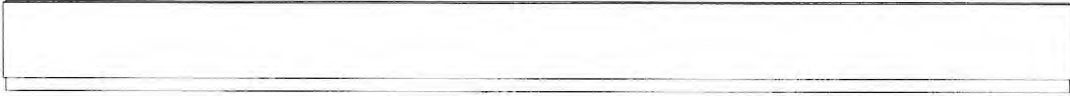
[redacted] the undersigned investigator told Gillis that the current draft of the ROI states the timeframes during which DoJ officials were briefed about this case or reviewed the draft ROI, without providing an indication of DoJ's position or plans. Gillis indicated that such language was appropriate.

[redacted]
Special Agent

¹ (U) See MFR dated 2 March 2006, Comments by Assistant United States Attorney James P. Gillis regarding Draft Report of Investigation.

² [redacted] For example, Gillis made this preference known on 27 January 2006 in a handwritten notation on page [redacted] of the draft ROI.

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