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Sent: Friday, October 08, 2004 11:17 AM
To: [Redacted]
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Subject: battlefield advice

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I've spoken to Gary Bald about the issue that we've all talked about before which relates to giving agents who are in Afghanistan (and probably Iraq) further advice on interrogations. In particular, we are worried about agents knowingly or not getting pulled in to good cop-bad cop scenarios, where DoD aggressively interviews a detainee, FBI then follows with the soft touch. Are we benefitting from the rough interrogation to the point that we could be considered to be participating in it? I'd like you to talk to the military unit (if you are their attorney these days; if not, please sent this to whomever has that assignment) and try to come up with some categories and advice.

For example: if we interrogate and then DoD takes the prisoner back, one possibility would be to require HQ approval to take the detainee back again. (That actually happened in Iraq. It apparently didn't dawn on the military that the reason we were being successful was we weren't abusing the person.)

One idea might be to say we cannot interrogate on the battlefield (definition of that might be difficult).

See what you can come up with, pls.

VC

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