

Torturegate: The FBI Emails

FBI E-Mail Refers to Presidential Order Authorizing Inhumane Interrogation Techniques

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Newly Obtained FBI Records Call Defense Department's Methods "Torture,"

Express Concerns Over "Cover-Up" That May Leave FBI "Holding the Bag" for Abuses

NEW YORK — A document released for the first time today by the American Civil Liberties Union suggests that President Bush issued an Executive Order authorizing the use of inhumane interrogation methods against detainees in Iraq. Also released by the ACLU today are a slew of other records including a December 2003 FBI e-mail that characterizes methods used by the Defense Department as "torture" and a June 2004 "Urgent Report" to the Director of the FBI that raises concerns that abuse of detainees is being covered up.

"These documents raise grave questions about where the blame for widespread detainee abuse ultimately rests," said ACLU Executive Director Anthony D. Romero. "Top government officials can no longer hide from public scrutiny by pointing the finger at a few low-ranking soldiers."

The documents were obtained after the ACLU and other public interest organizations filed a lawsuit against the government for failing to respond to a Freedom of Information Act request.

The two-page e-mail that references an Executive Order states that the President directly authorized interrogation techniques including sleep deprivation, stress positions, the use of military dogs, and "sensory deprivation through the use of hoods, etc." The ACLU is urging the White House to confirm or deny the existence of such an order and immediately to release the order if it exists. The FBI e-mail, which was sent in May 2004 from "On Scene Commander-Baghdad" to a handful of senior FBI officials, notes that the FBI has prohibited its agents from employing the techniques that the President is said to have authorized.

Another e-mail, dated December 2003, describes an incident in which Defense Department interrogators at Guantánamo Bay impersonated FBI agents while using "torture techniques" against a detainee. The e-mail concludes "If this detainee is ever released or his story made public in any way, DOD interrogators will not be held accountable because these torture techniques were done [sic] the 'FBI' interrogators. The FBI will [sic] left holding the bag before the public."

The document also says that no "intelligence of a threat neutralization nature" was garnered by the "FBI" interrogation, and that the FBI's Criminal Investigation Task Force

(CITF) believes that the Defense Department's actions have destroyed any chance of prosecuting the detainee. The e-mail's author writes that he or she is documenting the incident "in order to protect the FBI."

"The methods that the Defense Department has adopted are illegal, immoral, and counterproductive," said ACLU staff attorney Jameel Jaffer. "It is astounding that these methods appear to have been adopted as a matter of policy by the highest levels of government."

The June 2004 "Urgent Report" addressed to the FBI Director is heavily redacted. The legible portions of the document appear to describe an account given to the FBI's Sacramento Field Office by an FBI agent who had "observed numerous physical abuse incidents of Iraqi civilian detainees," including "strangulation, beatings, [and] placement of lit cigarettes into the detainees ear openings." The document states that "[redacted] was providing this account to the FBI based on his knowledge that [redacted] were engaged in a cover-up of these abuses."

The release of these documents follows a federal court order that directed government agencies to comply with a year-old request under the Freedom of Information Act filed by the ACLU, the Center for Constitutional Rights, Physicians for Human Rights, Veterans for Common Sense and Veterans for Peace. The New York Civil Liberties Union is co-counsel in the case.

Other documents released by the ACLU today include:

1.

An FBI email regarding DOD personnel impersonating FBI officials during interrogations. The e-mail refers to a "ruse" and notes that "all of those [techniques] used in these scenarios" were approved by the Deputy Secretary of Defense. (Jan. 21, 2004)

2.

Another FBI agent's account of interrogations at Guantánamo in which detainees were shackled hand and foot in a fetal position on the floor. The agent states that the detainees were kept in that position for 18 to 24 hours at a time and most had "urinated or defacated [sic]" on themselves. On one occasion, the agent reports having seen a detainee left in an unventilated, non-air conditioned room at a temperature "probably well over a hundred degrees." The agent notes: "The detainee was almost unconscious on the floor, with a pile of hair next to him. He had apparently been literally pulling his own hair out throughout the night." (Aug. 2, 2004)

3.

An e-mail stating that an Army lawyer "worked hard to cwrite [sic] a legal justification for the type of interrogations they (the Army) want to conduct" at Guantánamo Bay. (Dec. 9, 2002)

4.

An e-mail noting the initiation of an FBI investigation into the alleged rape of a juvenile male

detainee at Abu Ghraib prison in Iraq. (July 28, 2004)

5.

An FBI agent's account of an interrogation at Guantánamo – an interrogation apparently conducted by Defense Department personnel – in which a detainee was wrapped in an Israeli flag and bombarded with loud music and strobe lights. (July 30, 2004)

The ACLU and its allies are scheduled to go to court again this afternoon, where they will seek an order compelling the CIA to turn over records related to an internal investigation into detainee abuse. Although the ACLU has received more than 9,000 documents from other agencies, the CIA refuses to confirm or deny even the existence of many of the records that the ACLU and other plaintiffs have requested. The CIA is reported to have been involved in abusing detainees in Iraq and at secret CIA detention facilities around the globe.

The lawsuit is being handled by Lawrence Lustberg and Megan Lewis of the New Jersey-based law firm Gibbons, Del Deo, Dolan, Griffinger & Vecchione, P.C. Other attorneys in the case are Jaffer, Amrit Singh and Judy Rabinovitz of the ACLU; Art Eisenberg and Beth Haroules of the NYCLU; and Barbara Olshansky and Jeff Fogel of CCR.

The documents referenced above can be found at: <http://www.aclu.org/torturefoia/released/fbi.html> .

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