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Memorandum for the Record

KEY: C/2004-00539

EVENT: STAFF BRIEFING DATE: 05/06/2004 TIME: 9:00 STATUS: COMPLETED
PLACE: 119 DIRKSEN
FOR: SAC/DEF
SUBJECT: IRAQI DETAINEES

ATTENDEES:

ASSOCIATION	NAME	ROLE
		BRIEFER
		BRIEFER
		SUPPORT
		SUPPORT
		BRIEFER
		BRIEFER
		STAFF
		STAFF
		STAFF

Executive Summary:

(S//NF) This 6 May 2004 briefing on CIA involvement in alleged abuses of detainees being held in Iraq was scheduled for SAC/DEF in response to widespread media reporting concerning alleged detainee abuses at Abu Ghraib prison in Baghdad.

Summary Text:

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

(S//NF) OIG representative [redacted] opened the briefing with an overview of [redacted] cases of alleged abuse against detainees in Iraq [redacted] alleged to have had some degree of involvement. [redacted] of the cases, [redacted] noted, had turned into ongoing criminal investigations by the Department of Justice (DOJ).

The first and most serious case was that of Manadal al-Jamaidi, who died while under detention. According to [redacted] al-Jamaidi, a former Iraqi intelligence officer captured on [redacted] while engaging in anti-coalition activity, was first held at Baghdad International Airport (BAI) and then transported the same day to Abu Ghraib Prison. During interrogation, [redacted] stated, al-Jamaidi [redacted] died. [redacted] notified Headquarters of the incident, and OIG sought the assistance of U.S. military [redacted] having an autopsy performed by the Armed Forces Institute of Pathology. The autopsy, according to [redacted] was performed [redacted], and the formal autopsy report was issued [redacted] with a finding of homicide as the cause of death. OIG obtained a copy of the report some time in February 2004. [redacted] noted that [redacted] was not at liberty to go into any further detail on this case due to the ongoing criminal investigation, which led to a round of discussion among assembled SAC/DEF and CIA staffers:

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(S//NF) [redacted] On 19 February 2004 the DCI sent a notification to the Hill on this case.

(S//NF) [redacted] Also, another note concerning the criminal referral was subsequently sent to the Hill.

(C//NF) [redacted] SAC/DEF also should have been informed of the criminal referral, not just the intelligence committees.

(Z//NF) [redacted] We are continuing to diligently work this case with DOJ and the military. More interviews are scheduled, some of which will require additional trips to Iraq.

(U) [redacted] Who is conducting the criminal investigation?

(U) [redacted] The Terrorism and Violent Crimes section at DOJ.

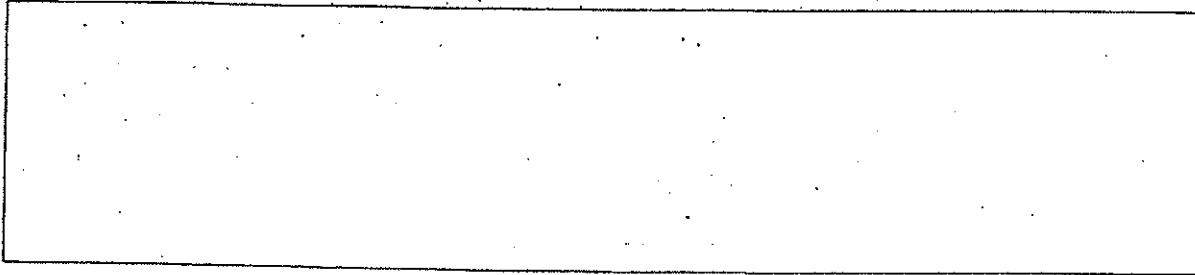
(U) [redacted] Have there been arrests? A grand jury?

(U) [redacted] I can't say.

(S//NF) The [redacted] case outlined by [redacted] was that of former Iraqi General 'Abid Hamad Mahawish al-Mahalawi, who was captured near al-Qa'im in western Iraq by the military. While under military custody al-Mahalawi died, and his death was ruled a homicide. Army CID has the lead on the investigation, and has asked for help. At some point prior to his death, [redacted] stated, [redacted] were in the presence of [redacted] working with Army CID to investigate allegations of mistreatment of him by [redacted] prior to his death. This case was also reported in the 29 January 2004 congressional notification that reported the al-Jamaidi case. A formal crimes report on this case has not yet been submitted.

(S//NF) [redacted] Can you state what was the precise cause of Mahawish's death?

(U) [redacted] No, I cannot comment due to the ongoing investigation.



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[Redacted]

(U) [] What is Army policy on punishment for mistreatment?

(U) [] There's a range of punishments.

(U) [] The ultimate penalty is the death penalty, under federal statutes.

(U) [] Who determines if detainees are under the Geneva Convention?

(U) [] The Department of Justice.

(U) [] Are Agency employees under the Geneva Convention?

(U) [] This is not our area of expertise-

[Redacted]

~~(S/DF)~~ [] In the case of the first death,

~~(S/DF)~~ [] No, he was held by the military. We believe he was involved in killing Americans. The military kicks the doors, they hold the detainees..

(U) [] Whose rules are followed in interrogations?

[Redacted]

(U) [] What accounted for these lapses?

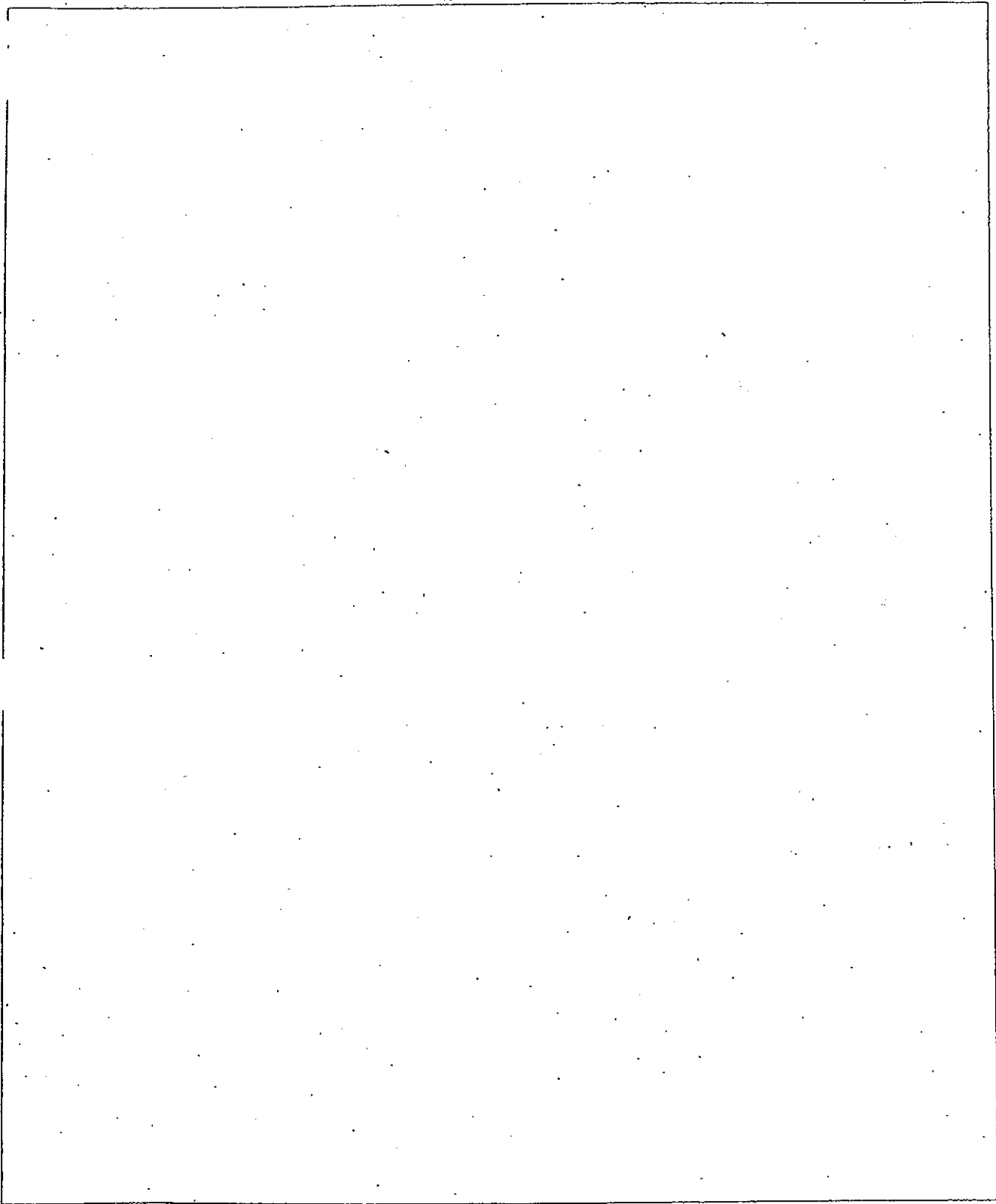
[Redacted]

~~(S/DF)~~ [] How could they not know the rules?

[Redacted]

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[Redacted]

(~~C/NF~~) [Redacted] We are trying to obtain the names of all of those individuals subjected to delayed registration to trace them.

(U) [Redacted] The press says they were "prepping" them for interrogation.

(~~C/NF~~) [Redacted] We had never heard this before, and we are looking in to it.

(~~C/NF~~) [Redacted]: General Ryder said he is looking into it and thus far he cannot substantiate it.

(U) [Redacted] 1

(~~C/NF~~) [Redacted] No. The accountability review board was stood up in January 2004. It's work should be done by the end of this month.

(~~C/NF~~) [Redacted] The Director has decided to expand it's review.

(U) [Redacted] What are the distinctions between Iraqi and al-Qaida prisoners?

(~~C/NF~~) [Redacted]

(~~C/NF~~) [Redacted] The DOJ has ruled that Iraqis fall under the Geneva Convention.

[Redacted]

Liaison Officer
Office of Congressional Affairs

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Follow-up Action Items:

Additional Information:

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