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Special Task Force on Interrogations and Transfer Policies Issues Its Recommendations to the President

Attorney General Eric Holder today announced that the Special Task Force on Interrogations and Transfer Policies, which was created pursuant to Executive Order 13491 on Jan. 22, 2009, has proposed that the Obama Administration establish a specialized interrogation group to bring together officials from law enforcement, the U.S. Intelligence Community and the Department of Defense to conduct interrogations in a manner that will strengthen national security consistent with the rule of law.

The Task Force also made policy recommendations with respect to scenarios in which the United States moves or facilitates the movement of a person from one country to another or from U.S. custody to the custody of another country to ensure that U.S. practices in such transfers comply with U.S. law, policy and international obligations and do not result in the transfer of individuals to face torture.

"The new policies proposed by the Task Force will allow us to draw the best personnel from across the government to conduct interrogations that will yield valuable intelligence and strengthen our national security," said Attorney General Holder. "There is no tension between strengthening our national security and meeting our commitment to the rule of law, and these new policies will accomplish both."

Interrogations

After extensively consulting with representatives of the Armed Forces, the relevant agencies in the Intelligence Community, and some of the nation's most experienced and skilled interrogators, the Task Force concluded that the Army Field Manual provides appropriate guidance on interrogation for military interrogators and that no additional or different guidance was necessary for other agencies. These conclusions rested on the Task Force's unanimous assessment, including that of the Intelligence Community, that the practices and techniques identified by the Army Field Manual or currently used by law enforcement provide adequate and effective means of conducting interrogations.

The Task Force concluded, however, that the United States could improve its ability to interrogate the most dangerous terrorists by forming a specialized interrogation group, or High-Value Detainee Interrogation Group (HIG), that would bring together the most effective and experienced interrogators and support personnel from across the Intelligence Community, the Department of Defense and law enforcement. The creation of the HIG would build upon a proposal developed by the Intelligence Science Board.

To accomplish that goal, the Task Force recommended that the HIG should coordinate the deployment of mobile teams of experienced interrogators, analysts, subject matter experts and linguists to conduct interrogations of high-value terrorists if the United States obtains the ability to interrogate them. The primary goal of this elite interrogation group would be gathering intelligence to prevent terrorist attacks and otherwise to protect national security. Advance planning and interagency coordination prior to interrogations would also allow the United States, where appropriate, to preserve the option of gathering information to be used in potential criminal investigations and prosecutions.

The Task Force recommended that the specialized interrogation group be administratively housed within the Federal Bureau of Investigation, with its principal function being intelligence gathering, rather than law enforcement. Moreover, the Task Force recommended that the group be subject to policy guidance and oversight coordinated by the National Security Council.

The Task Force also recommended that this specialized interrogation group develop a set of best practices and disseminate these for training purposes among agencies that conduct interrogations. In addition, the Task Force recommended that a scientific research program for interrogation be established to study the comparative effectiveness of interrogation approaches and techniques, with the goal of identifying the existing techniques that are most effective and developing new lawful techniques to improve intelligence interrogations.

Transfers

The Task Force also made policy recommendations with respect to scenarios in which the United States moves or facilitates the movement of a person from one country to another or from U.S. custody to the custody of another country to ensure that U.S. practices in such transfers comply with U.S. law, policy and international obligations and do not result in the transfer of individuals to face torture. In keeping with the broad language of the Executive Order, the Task Force considered seven types of transfers conducted by the U.S. government: extradition, transfers pursuant to immigration proceedings, transfers pursuant to the Geneva Conventions, transfers from Guantanamo Bay, military transfers within or from Afghanistan, military transfers within or from Iraq, and transfers pursuant to intelligence authorities.

When the United States transfers individuals to other countries, it may rely on assurances from the receiving country. The Task Force made several recommendations aimed at clarifying and strengthening U.S. procedures for obtaining and evaluating those assurances. These included a recommendation that the State Department be involved in evaluating assurances in all cases and a recommendation that the Inspector Generals of the Departments of State, Defense and Homeland Security prepare annually a coordinated report on transfers conducted by each of their agencies in reliance on assurances.

The Task Force also made several recommendations aimed at improving the United States' ability to monitor the treatment of individuals transferred to other countries. These include a recommendation that agencies obtaining assurances from foreign countries insist on a monitoring mechanism, or otherwise establish a monitoring mechanism, to ensure consistent, private access to the individual who has been transferred, with minimal advance notice to the detaining government.

The Task Force also made a series of recommendations that are specific to immigration proceedings and military transfer scenarios. In addition, the Task Force made classified recommendations that are designed to ensure that, should the Intelligence Community participate in or otherwise support a transfer, any affected individuals are subjected to proper treatment.

Background Information

The Task Force on Interrogations and Transfer Policies is chaired by the Attorney General, with the Director of National Intelligence and the Secretary of Defense serving as Co-Vice-Chairs. Other members of the Task Force are the Secretaries of State and Homeland Security, the Director of the Central Intelligence Agency, the Chairman of the Joint Chiefs of Staff. Each of these officials appointed senior-level representatives to serve on a working-level task force to complete the work of the Executive Order.

The Executive Order directed the Task Force to study and evaluate "whether the interrogation practices and techniques in Army Field Manual 2-22.3, when employed by departments and agencies outside the military, provide an appropriate means of acquiring the intelligence necessary to protect the Nation, and, if warranted, to recommend any additional or different guidance for other departments or agencies."

The Task Force was also directed to study and evaluate "the practices of transferring individuals to other nations in order to ensure that such practices comply with the domestic laws, international obligations, and policies of the United States and do not result in the transfer of individuals to other nations to face torture or otherwise for the purpose, or with the effect, of undermining or circumventing the commitments or obligations of the United States to ensure the humane treatment of individuals in its custody and control."

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