

August 21, 2009

Detainees Said to Be Shown Photos of C.I.A. Agents

By CHARLIE SAVAGE

WASHINGTON — The Justice Department is investigating whether three military defense lawyers for detainees at the Guantánamo prison illegally showed their clients photographs of C.I.A. interrogators, two leaders of civilian legal groups that are working with the defense lawyers said Thursday.

Agents with the Federal Bureau of Investigation approached the three lawyers with the Judge Advocate General's Corps nearly two weeks ago, said Anthony D. Romero, president of the American Civil Liberties Union, which is helping the military lawyers defend the detainees in military commissions.

The agents informed the uniformed lawyers of their right to remain silent, and then questioned them about whether they showed their clients pictures of Central Intelligence Agency officials — possibly including covert agents — that came from an “independent investigation” by the A.C.L.U. and the National Association of Criminal Defense Lawyers, Mr. Romero said.

“This is a misguided effort, a diversion of investigative resources, and blatant effort to shut down the zealous defense of defendants at these sham proceedings at Guantánamo,” he said.

Dean Boyd, a Justice Department national security spokesman, declined to comment.

The Washington Post first reported the existence of the investigation on its Web site on Thursday night.

The A.C.L.U. is working with the defense lawyers' association in a joint effort to provide civilian lawyers and research assistance to the military defense lawyers. The lawyers are representing clients who have been charged with terrorism crimes related to the attacks of Sept. 11, 2001, before a military commission.

As part of that effort, called the John Adams Project, researchers have been trying to identify which C.I.A. officials participated in harsh interrogations of the detainees under the Bush administration's program of secret C.I.A. prisons. President George W. Bush ordered the Qaeda suspects transferred to the prison at the naval base at Guantánamo Bay, Cuba, in 2006.

Defense lawyers contend their clients were illegally tortured and are considering calling the C.I.A. officers to the witness stand if the military commission trials — which President Obama halted shortly after he took office, but has since proposed reviving in a modified form — are resumed. Several of the detainees could be executed if convicted.

Joshua Dratel, a lawyer with the John Adams Project and a former board member of the National Association of Criminal Defense Attorneys, also confirmed that the group had learned about two weeks ago that the F.B.I. had questioned three military defense lawyers about photographs allegedly obtained by John

Adams Project researchers and provided to the lawyers.

It was not clear what law investigators may think had been broken. Both Mr. Romero and Mr. Dratel disputed that there could have been anything illegal about showing photos taken in public to the detainees. “If you get information in the public record, it doesn’t become classified just because the government feels it is embarrassing or that they would prefer you not to show it to anyone,” Mr. Dratel said. “There is no prohibition on gathering public-source information and showing it to your client.”

Mr. Romero said researching what had happened to their clients in the hands of government agents was “a normal part of criminal defense work.”

“Identifying who tortured our clients and what they did to them and when is an essential part of defending their interests in these sham proceedings,” he said.

Eric Schmitt contributed reporting.

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