

THROWING UMM SAYYAF TO THE KURDS

Today Ali Watkins had a long report on the problems with the High Value Interrogation Group, which Obama instituted in 2009 to try to standardize on scientific alternatives to torture. Among its problems: it has no institutional structure, agencies resist having FBI in charge and therefore withhold their best interrogators, and it's not being checked for results.

But six years on, the Obama administration's elite interrogation force is on shaky ground. U.S. officials and outside critics question the effectiveness of its interrogators, whether they're following their own training, and whether they can continue to rely on psychological research to help break suspects. Congress and the White House, which once saw the group as a key to reinventing the nation's counterterrorism strategy, aren't paying attention. And those struggles illuminate a broader reality: Obama's limited reforms to how American detains, interrogates and prosecutes suspected terrorists are ad-hoc and fragile

Given what I've seen of some of the interrogations conducted by HIG, I also suspect there are differing takes on what constitutes a "successful" interrogation.

Watkins points to the interrogation of Umm Sayyaf, the wife of a top ISIS commander tied to the kidnapping and rape of Kayla Mueller, as an example of how the conflicting agency equities play out.

Certain intelligence shops would prefer to keep their top interrogators to themselves, these sources argue, which means the HIG gets whoever's left. U.S.

intelligence agencies sometimes interrogate the same detainees the HIG questions – and claim better results. Military officials have told reporters that Umm Sayyaf, one of the people the HIG interrogated, provided invaluable information on ISIS before being turned over to Iraqi Kurdish authorities. But “the HIG hardly got anything out of her,” a second U.S. official told HuffPost. “It was all [non-HIG Defense Department interrogators].”

Also today, Daily Beast has an article on the fate of Umm Sayyaf. It emphasizes that the Iraqi woman couldn't be turned over to American authorities because of Iraq's justice system.

Umm Sayyaf, who is an Iraqi citizen, was captured by U.S. forces in Syria. She was interrogated in Iraq by an American unit that operates outside the traditional criminal justice system. But the decision on where to try her was based largely in deference to Iraqi law. And she will now be turned over not to the government of Iraq in Baghdad, but Iraq's Kurdish regional government in Erbil, which is expected to “throw the book” at her, and perhaps do much more than that.

Iraq's own legal system made extraditing Umm Sayyaf difficult if not impossible, said one senior administration official.

“We discussed the idea of her surrender and extradition to the U.S. with senior-level [government of Iraq] officials, but ultimately that option was not available as Iraq has a constitutional prohibition on surrendering Iraqi citizens to foreign authorities,” the official said.

But they also note that not enough of the

evidence from the reportedly more effective interrogation of Umm Sayyaf would be admissible in a US court.

What's more, even if Umm Sayyaf, whose real name is Nasrin As'ad Ibrahim, were brought back to an American courtroom, officials worried that they didn't have enough evidence to build a case against her, at least not one that would persuade 12 jurors beyond a reasonable doubt that Umm Sayyaf was responsible for Mueller's abduction and death, Defense Department officials told The Daily Beast.

Umm Sayyaf was interrogated by a special U.S. team outside the traditional legal protections afforded to people held inside the United States. While much of the information her questioners obtained was exceptionally valuable for intelligence purposes, and, Defense officials said, pointed to Mueller having been raped by the top ISIS leader, Abu Bakr al-Baghdadi, the information might not be admissible as evidence in a U.S. criminal trial.

This was a key point of HIG: to be able to conduct interrogations that would not taint a case for a US criminal court. I'm not convinced all the evidence they submitted in trials should have been, but they've succeeded in working within the US justice system.

The implication is the HIG is in trouble because no one wants to do that.