U.S. Department of Justice

Office of Legal Counsel

~~TOP SECRET/~~ [redacted] ~~NOFORN/MR~~

Office of the Assistant Attorney General — Washington, D.C. 20530

September 6, 2004

John A. Rizzo, Esq.
Acting General Counsel
Central Intelligence Agency
Washington, D.C. 20505

Dear John:

(~~TS~~ [redacted] ~~NF~~) You have asked our advice regarding whether the use of twelve particular interrogation techniques (attention grasp, walling, facial hold, facial slap (insult slap), cramped confinement, wall standing, stress positions, sleep deprivation, dietary manipulation, nudity, water dousing, and abdominal slap) in the interrogation of [redacted] would violate any United States statute (including 18 U.S.C. § 2340A), the United States Constitution, or any treaty obligation of the United States. We understand that [redacted] is a al-Qa'ida operative who "is believed to be involved in the operational planning of an al-Qa'ida attack or attacks to take place in the United States prior to the November elections." September 5, 2004 letter from [redacted] to Dan Levin. This letter confirms our advice that the use of these techniques on [redacted] outside territory subject to United States jurisdiction would not violate any of these provisions. We will supply, at a later date, an opinion that explains the basis for this conclusion. Our advice is based on, and limited by, the following conditions:

1. The use of these techniques will conform to all representations previously made to us, including those listed in my August 26, 2004 letter to you.

2. The medical and psychological facts and assessments for [redacted] indicate that there are no medical or psychological contraindications to the use of any of these techniques as you plan to employ them.

3. Medical officers will be present to observe [redacted] whenever any enhanced techniques are applied and will closely monitor him while he is subject to sleep deprivation or dietary manipulation, in addition to the normal monitoring of him throughout his detention, to ensure that he does not sustain any physical or mental harm.

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~~(TS~~ [redacted] ~~NF)~~ We express no opinion on any other uses of these techniques, nor do we address any other techniques or any conditions under which [redacted] other detainees are held. Furthermore, this letter does not constitute the Department of Justice's policy approval for use of the techniques in this or any other case.

Sincerely,

Daniel Levin
Acting Assistant Attorney General